



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry

A Publication of the Workers' Compensation Section

Division of Industrial Relations

(Fall Edition September 2021 - December 2021)

This newsletter is not intended to provide legal advice to the reader. Legal opinions or interpretations of statutes and regulations referenced should be sought from legal professionals.

2021 Legislative Update

The 2021 or 81st Session of the Legislature has concluded and, once again, there are changes affecting the workers' compensation community. This article will provide an overview of the most notable bills.

The bill which most directly affects workers' compensation claims is Senate Bill 289 ([SB 289](#)). This bill, which became effective on May 31, 2021, amends the Nevada Revised Statutes (NRS) chapters 616A through 616D, inclusive, in numerous ways. First, it adds statutory provisions to the documentation necessary to apportion permanent partial disability (PPD) ratings. Second, it authorizes physician assistants and advanced practice registered nurses to provide the initial treatment for an industrial injury or disease and electronically sign the initial report of injury. It also authorizes electronic signatures by injured employees on the initial report of injury. Third, an insurer is now required to serve written determinations by facsimile or electronic transmission on the claimant or person acting on behalf of the claimant, if requested. The insurer is required to retain proof of the successful transmission and receipt of the facsimile or other electronic transmission. Absent proof, the time limitation within which a claimant may appeal is tolled. Fourth, in addition to interest under NRS 616C.335, an award of litigation costs may be entered against the opposing party on issues decided in favor of a claimant. Fifth, an insurer is required to pay PPD installment payments if no lump sum election is made or the disputed portion of the PPD award. Sixth, if the injured employee elects to receive a lump sum PPD, the employee may continue to litigate any pending contested issue except issues on scope of claim, claimant's stable and ratable status and the claimant's average monthly wage. Seventh, the list of 3 vocational rehabilitation counselors provided by the insurer under NRS 616C.550(2) must list counselors from 3 different organizations or entities.

Chapter 617 of the NRS was also amended. Senate Bill 34 ([SB 34](#)), sec. 16, amends NRS 617.135, the definition of "police officer," to include an agricultural police officer as a category I peace officer in the Department of Agriculture. This bill was effective on June 3, 2021.

(continued on pg. 2)

FY22 Actuarial Annuity Table

Victoria Carreon, Administrator of the Division of Industrial Relations, adopted the Actuarial Annuity Table for fiscal year 2022, effective July 1, 2021.

The table has been posted on the WCS web site and can be found under "What's Hot!" on the WCS home page.

[NEW** Actuarial Annuity Table Adopted — Effective on 7/1/2021](#)**

Pursuant to NRS 616C.495(5), the table must be reviewed annually by a consulting actuary.

WCS will be closed in observance of

Nevada Day
Friday, October 29, 2021

Veterans Day
Thursday, November 11, 2021

Thanksgiving
Thursday, November 25, 2021

Family Day
Friday, November 26, 2021

Inside this issue:

2021 Legislative Update	1-2
FY22 Maximum Compensation	2
COVID-19 Workers' Comp Claims	2
State of Nevada COVID-19 Guidelines	3
C-4 and C-4A Forms	3
CARDS Corner	4
Reporting Reminders	5

2021 Legislative Update

(continued from pg. 1)

The rules controlling workers' compensation issues for the Insurance Commissioner and Labor Commissioner were also amended. An Insurance Commissioner's bill, Assembly Bill 45 ([AB 45](#)), secs. 78 and 79, amend NRS 616B.306 and 616B.440, respectively, authorizing the Insurance Commissioner to draw down on posted security when the self-insured employer (SIE) or an association of self-insured employers (SIA) becomes insolvent. NRS 616B.398, as amended, makes the Insurance Commissioner an attorney-in-fact for the initial service of process on a SIE or SIA. Section 85.5 of the bill notes that a SIA is in compliance with NRS 616B.353 if the combined tangible net worth of the SIA members is at least \$2,500,000. This bill becomes effective on October 1, 2021.

A Division of Industrial Relations bill, Senate Bill 55 ([SB 55](#)), transfers licensing of employee leasing companies from WCS to the Labor Commissioner on July 1, 2021. The bill changes the term "employee leasing company" to "professional employee organization." It also changes "registration" or "certificate of registration" to "license."

Finally, a new provision was added to chapter 624 of the NRS. Assembly Bill 227 ([AB 227](#)), effective October 1, 2021, provides that a contractor may perform work requiring a contractor's license by himself, herself or itself; the contractor's employees; or employees of another contractor.

Donald C. Smith, Esq., Senior Division Counsel (ret), Division of Industrial Relations

FY22 Maximum Compensation Guidelines Posted



The state's maximum average monthly wage memo for fiscal year 2022, (FY22) effective July 1, 2021, has been posted on

the WCS web site. The FY22 maximum monthly disability compensation is \$4,618.55, an increase from last year's figure.

The FY22 Maximum Compensation Guidelines memo is located on the "Important Changes" page which is accessed via the link under "What's Hot!" on the WCS home page. The link provides a chart with Maximum Compensation rates going back to FY 1975.

COVID-19 Workers' Comp Claims

Nevada Claims Processed in CARDS through August 31, 2021

Including one or both COVID-19 identifiers (Nature of Injury Code 83: COVID-19 or Cause of Injury Code 83: Pandemic:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	1,713	
Accepted	652	38%
Denied	1,061	62%

Including the Nature of Injury Code 38: Adverse Reaction to Vaccination* identifier:

Adverse Reaction to Vaccination/Inoculation Claims	Count	Percent
Filed/Processed in CARDS	5	
Accepted	3	60%
Denied	2	40%

* Includes all vaccination types

WCS MISSION STATEMENT

The purpose of the Workers' Compensation Section is to impartially serve the interests of Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

- Ensuring the timely and accurate delivery of workers' compensation benefits.
- Ensuring employer compliance with the mandatory coverage provisions.

Questions about Workers' Compensation?
Click Here!



WCSHelp@dir.nv.gov

State of Nevada COVID-19 Guidelines

As COVID-19 and the Delta variant spread throughout the country, the state of Nevada has updated their guidelines and procedures to align with the Center for Disease Control (CDC). COVID-19 data is assessed on a county-by-county basis every Tuesday and guidance is updated for each county. For counties with low transmission levels masks are mandated in indoor settings for unvaccinated people whereas counties with high transmission masks are mandated regardless of vaccination status.

In regard to schools, counties with a population of 100 thousand or more all persons, including students and staff, must wear a mask while in school buildings and buses. Counties with less than 100 thousand may determine whether masks will be required. Generally, masks are not required outdoors but unvaccinated people are encouraged to wear a mask outdoors if there is high transmission in the area and are in close sustained contact with other unvaccinated people. The Nevada Department of Health recommends weekly testing for unvaccinated students and staff. If testing of all unvaccinated people is not possible schools may try a variety of strategies including random testing of at least 10% of unvaccinated people.

Other mitigation strategies can also be used such as physical distance, ventilation, hand washing, disinfecting, and contact tracing. Students should be seated at least 3 feet apart when wearing masks, 6 feet is recommended for unmasked students. Opening windows in a classroom or bus can increase ventilation and prevent COVID-19 particles from concentrating in one area. Students and staff should also wash their hands for at least 20 seconds or use hand sanitizer if frequent hand washing is not possible. Disinfecting shared items and limiting the number of shared items between people is essential. Finally, if you feel sick or test positive for COVID-19 stay home and report the instance to the proper health authorities.

Ruby Rosano, Safety Specialist, SCATS

SB289 Implementation: Revised C-4 Form and New C-4A Form

The Administrator of the Division of Industrial Relations has revised the following forms for use effective August 16, 2021:

- [C-4 Employee's Claim for Compensation - Report of Initial Treatment \(8/21\)](#)
- [C-4 Fillable Form \(8/21\)](#)

The use of the previous versions of the forms should be discontinued:

- C-4 Employee's Claim for Compensation - Report of Initial Treatment (10/07)
- C-4 Fillable Form (10/07)

Additionally, the Administrator has approved a **new** form, effective August 16, 2021:

- [C-4A Release of Medical and Other Information For Nevada Workers' Compensation Claims \(8/21\)](#)

The new C-4A Form is to be used in conjunction with the C-4 Form under certain conditions. Health care providers must require the C-4A Form to be completed by the injured employee when an injured employee electronically signs a C-4 Form, Claim for Compensation/Report of Initial Treatment. The C-4A Form must include the injured employee's original (wet) signature. An electronic signature is not acceptable on the C-4A Form. Both the C-4 Form and C-4A Form must be sent to the employer's workers' compensation insurer/third-party administrator, employer and a copy provided to the injured employee.

The C-4A Form is not required when the injured employee provides an original or "wet" signature on the C-4 Form. Questions regarding Form C-4A may be submitted to medunit@dir.nv.gov.

Katherine Godwin, BSN,RN, Medical Unit Chief, WCS

CARDS Corner

EXTERNAL ACCOUNT ADMINISTRATORS AS “GATEKEEPERS”

The role of CARDS External Account Administrators is extremely important but often overlooked. In this CARDS Corner, we briefly cover what External Account Administrators do that makes their role so important, as well as a few tips and best practices to help you avoid some of the most common CARDS administration issues.

Why are External Account Administrators so vital?

Simply put, External Account Administrators are responsible for managing access and permissions of other Registered CARDS Users. They alone can add and delete Registered Users, as well as add and remove User permissions on behalf of the Insurer or TPA with whom they are affiliated. Registered Users can only access CARDS if an Insurer or TPA’s External Account Administrator has granted them access and permissions individually as a Registered User or Globally as a TPA.

New insurers and TPAs are required to designate up to 2 Account Administrators when first getting set up in CARDS. Insurers and TPAs are required to use the “CARDS Account Administrator Designation Form” to add, update or remove Account Administrators. The form is provided to new Insurers and TPAs when registering in CARDS and is available upon request for updates by emailing CARDS@dir.nv.gov. Once Account Administrators are in place, only they can request to remove and replace Account Administrators.

Workers’ Compensation Section staff only designate and remove Admin Access for External Account Administrators. We do not manage User access and permissions for Insurers and TPAs.

Tips and Best Practices to Avoid Common Account Administration Issues:

Keep all Insurer and TPA associations, User accounts and permissions current, so that only authorized users have access to data in CARDS.

Always have two (2) Registered Users designated as External Account Administrators for each Insurer and TPA, in order to mitigate the risk of not being able to carry out account administration needs when one of them leaves or is unavailable.

Know who-does-what to reduce confusion and delay:

Insurer External Account Admins – TPA Global Access; adding and removing individual Registered Users and access to Insurer Information Form, D-38 claims indexing and Reports

TPA External Account Admins – adding and removing individual Registered Users and providing access to the TPA Information Form

State of Nevada, Workers’ Compensation Section staff – Processing External Account Administrator designation

Refer to the [CARDS External System User Manual](#) for detailed information on how to perform External Account Administrator functions, and contact CARDS@dir.nv.gov with additional questions.

Hayley D. Weedn, Business Process Analyst, WCS

CARDS
Claims and Regulatory Data System

<<Click here to login or register>>

Reporting Reminders



Insurers and TPAs are required to submit certain reports in the *Claims and Regulatory Data System (CARDS)* web portal and other reports outside of the portal, via email or to NCCI, our proof of coverage data collection vendor.

For a comprehensive list of reporting requirements for workers' compensation insurers, see the [Nevada Reporting Requirements Table](#).

RECENTLY DUE:

2021 Annual TPA Information Form (CARDS Web Portal), FY20 Statewide Claims Handled Data and List of Accounts: This annual data call was emailed to licensed TPAs on 4/30/21 and was due 5/21/21. If you are a licensed TPA and have not responded to this data call, including submitting an updated **TPA Information Form** in the CARDS portal, please do so as soon as possible.

COMING SOON:

The **FY20 WCS Workers' Compensation Claims Activity Report** and the **FY21 WCS Workers' Compensation Claims Activity Report** pursuant to NRS 616B.009 and NAC 616B.016. WCS has not requested these reports yet and the forms and instructions are not yet available.

Due to resource limitations while the WCS office was not open to the public during the COVID-19 pandemic, we were unable to keep on schedule with the FY20 Annual Claims Activity Report/Statement of Inactivity data call last year. Now that FY21 has come to a close, we will be moving forward in an efficient (and hopefully not too confusing) way. The current plan is to issue one data call for both FY20 and FY21 reports (2 separate reports) with staggered due dates. The request for the reports and their due dates will be sent to insurers and TPAs via email. Links to the blank forms and instructions will be updated on our website at [Insurer-TPA Reporting](#).

We appreciate your patience while we work out the logistics of these data calls. Please feel free to contact the Research & Analysis Unit at wcsra@dir.nv.gov if you have any questions or concerns and visit the [WCS website](#) or [Insurer-TPA Reporting](#) page for more information.

Ruth Ryan, Research & Analysis Unit Manager, WCS

EMPLOYMENT OPPORTUNITIES WITH WCS

The Workers' Compensation Section currently has job openings in northern Nevada.

Compliance/Audit Investigator 2: This position is located in the Reno, NV office in the Employer Compliance Unit. This position conducts employer investigations for mandatory workers' compensation coverage provisions, conducts payroll audits, calculates and assesses fines and penalties, conducts site visits and drafts investigation reports as well as other duties. For more information, including a full job description and minimum qualifications, see the job announcement [Compliance/Audit Investigator 2 \(Req ID 3322\)](#).

Compliance Specialist – RN: This position is located in the Carson City, NV office in the Medical Unit. This position monitors compliance of medical providers, insurance carriers, TPAs, medical billing vendors, and employers; supervises Compliance/Audit Investigators and oversees the Medical Unit in the northern region. This position investigates complaints and medical bill disputes, documents findings and writes determinations as needed. The position also reviews PPD reports for errors and assists the Medical Unit Chief in other duties as assigned. For more information, including a full job description and minimum qualifications, see the job announcement [Compliance Specialist - RN \(Req ID 643\)](#).

Hails and Farewells and Promotions



Congratulations to **Perry Faigin** who officially became the Deputy Administrator of the Division of Industrial Relations (DIR) on July 1, 2021. Perry had been the Interim Deputy Administrator since June 1, 2020. He is based in our Reno and Carson City Offices. Prior to coming to DIR, Perry was the Deputy Administrator at the Nevada Real Estate Division in the Department of Business and Industry. Perry has worked closely with Directors, Administrators, and Agency HR on many projects and programs throughout Business and Industry since 2016. With specific experience in human resources, administration, development of policy and procedure, NRS/NAC review and development, contracts, solicitations, and operations. Perry also worked as the Chief of Administration with the Nevada Housing Division before joining the Real Estate Division in 2019. Perry currently serves as the Vice-President, Board of Directors, for Home Means Nevada, Inc. The Foreclosure Mediation Program, a sponsored nonprofit of the State of Nevada Department of Business and Industry, and completed his Certified Public Manager (CPM) certification in March of 2020. He also served for 8 years in the Naval Reserves as a Supply Storekeeper with Naval Mobile Construction Battalion (NMCB) 18 and was activated during Operation Allied Force in support of flight operations at NAS Sigonella, Sicily. Perry lives in the Reno/Sparks area with his wife of 28 years, Ruth, and their three children.

Congratulations to **Christopher Eccles** who became Senior Division Counsel on September 7, 2021. Chris had been Division Counsel since April of 2018. He enjoys representing DIR, which is good, because he is quite busy handling a wide range of legal issues presented each day. Prior to joining DIR, Chris worked in private practice and focused primarily on insurance defense and commercial litigation. Before that he worked for the Nevada Attorney General and prosecuted cases before numerous administrative boards and commissions, including the Financial Institutions Division, the Athletic Commission, the Real Estate Commission, and the Transportation Authority. He has been practicing law in Nevada since 2006.



We are pleased to welcome **Jesse Stephenson** the new Compliance/Audit Investigator II in Las Vegas Employer Compliance Enforcement Unit's Las Vegas office. He has almost 18 years of experience with the Division of Welfare and Supportive Services Investigations and Recovery where he worked as a Compliance Investigator, Supervisory Compliance Investigator and Program Specialist. Jesse has a bachelor's degree in Criminal Justice from the University of Nevada at Las Vegas. He is married with 6 beautiful children. He enjoys spending time taking it easy and keeping up on current events in the news. He is excited to learn something new while working with the Employer Compliance Unit going forward.

A big welcome to **Michael Covington** the new Compliance/Audit Investigator II in the WCS Audit Unit in the Las Vegas office. Prior to taking the position, Michael worked 3 years for the Department of Taxation as a Revenue Officer II. He has lived in the Las Vegas valley since 2001. Outside of work he enjoys family time and riding his bicycle. On the weekends, he likes to explore Nevada and enjoy its beautiful scenery. He holds a bachelor's degree in Business Administration from the University of Phoenix.



Welcome **Tiffany Courts**, the new Administrative Assistant II to the Las Vegas WCS Research and Analysis (R&A) Unit. Tiffany began her career with the State of Nevada with the Division of Welfare. She graduated from the College of Southern Nevada with an associate's degree in Business Administration. She is looking forward to working in WCS and learning new skills. When not working, she loves traveling, trying new restaurants, and shopping.

Another warm welcome to **Anthony Hines**, Administrative Assistant II in the WCS Medical Unit. Originally from Portland, Oregon, Anthony worked for the Department of Human Services and Multnomah County in various positions. After moving to Las Vegas in August of 2018, he worked for an Early Head Start program. In his spare time, Anthony likes to read, play music, and travel. He is looking forward to working with WCS and becoming a valued employee.



Dock Williams, WCS Programs Manager and Northern District Manager, retired August 27, 2021. Dock entered State service in August 1997 after retiring from the U.S. Navy as a meteorologist and oceanographer. He has also worked as a training officer for State Industrial Insurance System (SIIS) and Employers' Insurance Company of Nevada. Dock came to WCS as a Training Officer for the northern Nevada WCS office and in 1999 was promoted to Programs Manager and Northern District Manager. Dock has been the contact point for WCS Help since its inception and provides a wide range of knowledge for this

Alena Duggan, the Administrative Assistant II in the Carson City Claims Indexing Unit, moved on to other opportunities in July 2021. She came to WCS in March of 2020 from DMV and had previously worked as an office manager of a registered agent firm. Alena is a very hard worker whose kind heart and fun sense of humor will be missed. We wish her the best in her new adventure.



2021 Training Sessions

The following classes will be offered online via **Webex**

Basic Orientation

September 23, 2021 at 9:00 am

Basic Orientation

September 23, 2021 at 1:00 pm

To register for classes click on the session above or email

wcsedutng@dir.nv.gov



Direct comments or suggestions about this newsletter to:

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Hails and Farewells and Promotions



Donald C. Smith, Esq., the Senior Division Counsel with the State of Nevada Department of Business & Industry, Division of Industrial Relations (DIR), based in the Las Vegas office retired on September 3, 2021. He has been a licensed attorney in Nevada for more than 40 years with extensive experience in workers' compensation from the regulator's, insurer's and claimant's perspectives. Don was DIR's legal counsel in the 1990's and returned in 2012. Prior to returning to DIR, he worked 17 years as in-house counsel for the State Industrial Insurance System and later Employers Insurance Company of Nevada. When he left the corporate world, he was General Counsel and corporate secretary for four workers' compensation insurance companies that wrote coverage throughout the United States. His experience also includes representing workers' compensation claimants in private practice and as a deputy with the Nevada Attorney for Injured Workers. Mr. Smith received his B.A. from the University of Southern California in Los Angeles and his J.D. from the University of San Diego, School of Law.



Vanessa Skrinjaric, the Subsequent Injury Coordinator for the Division of Industrial Relations, Workers' Compensation Section (WCS) retired from the State of Nevada after 26 years. Vanessa has 20 years of experience as a legal research assistant in workers' compensation for both DIR and the Nevada Attorney for Injured Workers. Additionally, she was an auditor for two years as well as a benefit penalty investigator for 2 years in WCS. Vanessa graduated from UNLV with a degree in Political Science. She plans on spending her retirement travelling with her husband, Don Smith, and spending time with their many animals.



Kristine "Krissi" Lowry of the Las Vegas WCS office has left state service for a new endeavor in the private sector. Krissi began her career with the State of Nevada in 2015 at the Office of the Labor Commissioner and then joined us here at WCS in May of 2017 as the C-4 Coordinator in the WCS Medical Unit where she oversaw the C-4 Verification Team. Krissi was promoted in October 2017 to her position as the Educational Outreach Coordinator for WCS. Many of you have had the opportunity to interact with Krissi when registering or attending our training presentations and the Annual Workers' Compensation Educational Conferences or know her as the Assistant Editor of the *Workers' Compensation Chronicle*. Krissi maintained our website, assisted with creating educational materials, sent thousands of informational emails to constituents, and played a key role in our successful transition to online training via WebEx since the start of the COVID-19 pandemic. Krissi is truly a team player and assisted in nearly every WCS unit whenever and wherever she was needed. Her dedication to customer service and educating our workers' compensation community will be missed, but we wish her the best of luck in her new adventure!



We are sad to see the departure of **Joshua Swartzbaugh** of Workers' Compensation Section for the Employment Compliance Enforcement Unit (ECU). Joshua joined ECU in Sept 2019 where he played a key role as an AAI and later as a Compliance Audit Investigator. Josh brought a wealth of knowledge and professional experience to WCS, including a combination of investigative and security experience gained during his career serving in the United States Army. Josh played a key role in the implementation of ECU going paperless and assisted in the daily work load for fellow Investigators during the COVID shutdown. Joshua will be taking his expertise and career to North Carolina where he plans to work for the State of North Carolina OSHA section as a Safety Inspector.