



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry
A Publication of the Workers' Compensation Section

Division of Industrial Relations
Fall Edition (September 2017 - November 2017)

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.

7th Annual WORKERS' COMPENSATION EDUCATIONAL CONFERENCE

The Seventh Annual Nevada Workers' Compensation Educational Conference, was a great success. The Tuscan Inn and Suites in Las Vegas was filled with industry specialists who were enthusiastic to share and learn about all of the various aspects of workers' compensation. The organizers, State of Nevada Workers' Compensation Section and the International Workers' Compensation Foundation are very satisfied with the conference which has become the leading annual State event for the workers' compensation community and are proud to announce that the conference will be held again next summer for its 8th time in a row. A huge thanks to all of those who contributed to make the conference a wonderful event; presenters, sponsors, exhibitors, staff and attendees.

This year the conference presenters included a diverse array of medical professionals, legal experts, industrial representatives, government officials, leaders and concerned citizens. There were presentations to engage everyone and proved to be of considerable interest to the more than 280 conference attendees, many of who said they enjoyed the variety of topics and the enthusiasm of the speakers.

During the conference there was lively participation, conversations and exchanging of ideas on all aspects of workers' compensation and industrial relations. There was a great feeling of community during the event and the session speakers left everyone inspired and informed. 📖



Nevada Supreme Court Justice Lidia Stiglich during her outstanding presentation on the Standard Appellate Review Under the Nevada Administrative Procedure Act.
Photo by Lupe Manzo of WCS

What Happened to the C-2 Form?



One of the big questions floating around during this year's Education Conference was, "What ever happened to the C2 form?" If you've been in the workers compensation world in the State of the Nevada you know about the claim forms, which have been around forever. The C-1, C-3 and C-4 forms are all required forms in the claim file but what ever happened to the C-2? There was a lot of buzz around the possibilities surrounding the rogue C-2 form during the conference. Many of the answers even got some laughs. If you think you know, let us know, as we look for the answer. And make sure you check out our next edition when we reveal the rest of the story. 📖



Angelia Yllas, WCS Southern District Manager, and Ruth Ryan, Research and Analysis Supervisor, at the Workers' Compensation Section booth During the 2017 WCS Educational Conference.
Photo by Lupe Manzo of WCS

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HOLIDAY OFFICE CLOSURES

Labor Day
Monday
September 4, 2017

Nevada Day
Friday
October 27, 2017

Veterans Day
Friday
November 10, 2017

Thanksgiving Day
Thursday
November 23, 2017

Family Day
Friday
November 24, 2017

Mandatory 10/30 Hour Safety and Health Course for the Entertainment Industry

Starting January 1, 2018 the State of Nevada will require specific workers in the entertainment industry to complete an OSHA 10 hour (non-supervisory employee) or an OSHA 30 hour (supervisory employee) safety and health general industry course and receive a completion card within 15 days of hire.

The specific workers are ones whose primary occupation on site falls into one of these categories:

- Theatrical scenery, rigging or props
- Wardrobe, hair or makeup
- Audio, camera, projection, video or lighting equipment
- Any other employees or trades which are related to or components of the items described in 1, 2 or 3 and which are used for on in conjunction with the presentation or production of:
 - ♦ Live entertainment
 - ♦ Filmmaking or photography, including without limitation, motion pictures
 - ♦ Television programs, including, without limitation, live broadcasts, closed-circuit broadcasts or videotape recordings and playback
 - ♦ Sporting Events
 - ♦ Theatrical performances

This requirement will not apply to volunteers or any other persons who are not paid to perform work on a site.

“Site” is defined as a theater where live entertainment is performed, a sound stage, a showroom, a lounge, an arena or a remote site which has been designated as a location for the production of a motion picture or television program.

“OSHA 10 or 30-hour course” is a course of general industry safety and health hazard recognition and prevention developed by the Occupational Safety and Health Administration of the United States Department of Labor.

“Trainer” of the OSHA 10 or 30 hour course means a person who is currently authorized by OSHA as a trainer, including, without limitation, a person who has completed the OSHA 501, the trainer course in OSHA Standards for General Industry and has been issued an OSHA trainer card.

The Safety Consultation and Training Section (SCATS) provides free 10 and 30 hour General Industry and Construction classes free of charge. For a schedule of classes or to sign-up for one of the classes go to www.4safenv.state.nv.us or call 877.472.3368.

Training Sessions

SOUTHERN NEVADA
1301 North Green Valley Parkway
Suite 200, Henderson, Nevada 89074
✉ aljohnson@business.nv.gov
☎ (702) 486-9019

NORTHERN NEVADA
400 West King Street
Suite 400, Carson City, Nevada 89703
✉ kawilliams@business.nv.gov
☎ (775) 684-7265



Basic Orientation

10/25/17 at 9:30 am & 1:30 pm

C-4 Processing & CSV

10/18/2017 at 9:30 am

Medical Billing

10/18/2017 at 1:30 pm



SCATS employees at their exhibit booth during the 2017 WCS Educational Conference. They provided lots of informational material and gifts to those who visited their booth. (Left to Right, Ardyce Brundage, Kym Heckman, Bob Harris, and Kelly Baetz) Photo By Lupe Manzo of WCS

2017 LEGISLATIVE UPDATE

The 2017 or 79th Session of the Legislature has concluded and, as usual, there are changes to the Nevada workers' compensation landscape. A summary of the most notable bills follows:

AB 135, Section 17 amends the reference in [NRS 616C.230](#) to [NRS 484C.110](#), which now requires testing for marijuana by blood only of marijuana (delta 9) at 2 nanograms per milliliter or marijuana metabolite (11 OH) at 5 nanograms per milliliter. Effective July 1, 2017.

AB 458, effective July 1, 2017, adds new provisions:

Section 2 adds a new provision to [Chapter 616C](#) making, "Directly connect this injury or occupational disease as job incurred" (Form C-4 language) and "A reasonable medical probability that the condition in question was caused by the industrial injury" ([United Expo. Serv. Co. v. SIIS](#), 109 Nev. 421, 831 P.2d 423 (1993)) equivalent and interchangeable.

Section 3 adds a new provision to [Chapter 616C](#) authorizing an injured employee to schedule their own IME, once a year, paid for by the insurer, when the claim is open, claim closure is in dispute or a hearing or appeal is pending.

Section 4 adds a new provision to [Chapter 616C](#) requiring the selection of vocational rehabilitation counselors by agreement or if no agreement, the insurer providing a list of 3 from which the injured employee makes a selection within 7 days.

Section 7.3 amends [NRS 616C.235](#) increasing the amount from \$300 to \$800 in medical expenses in the first 12 months for claim closure without reopening.

Section 7.7 amends [NRS 616C.390](#) by adding a new subsection 11 defining "retired", "wages" and "governmental program." "Retired" is used in existing subsection 6 discussing reopening and disqualification from receiving voc rehab

or TTD benefits.

Section 8 amends [NRS 616C.490](#) by adding a new subsection 10 which overturns the Supreme Court decision in [PACT v. Blake](#), 127 Nev. 863, 265 P.3d 694 (2011), and authorizes PPD apportionment by simple subtraction of prior awards, rather than recalculating the prior disability under the AMA 5th Ed. of the Guides and then subtracting.

Section 9 amends [NRS 616C.495](#) in two ways:

FIRST, it amends subsection 1 (d) by clarifying lump sum PPDs for injuries incurred between 1/1/95 to 1/1/16 a 25% or 30% maximum, at the option to the insurer, and creates a new subsection 1(e) confirming the 1/1/16 to 7/1/17 30% LS PPD maximum; and in new subsection 1(f) for injuries incurred on or after 7/1/17 of 30% LS PPD maximum.

SECOND, it amends subsection 5 to require that the present value table for LS PPDs (set forth in [NAC 616C.502](#)) be adjusted on July 1 of each year using: (5)(a) "The most recent unisex 'Static Mortality Tables for Defined Benefit Pension Plans' published by the Internal Revenue System"; and (5)(b) "The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System."

AB 267 amends provisions in [Chapters 616C](#) and 617 for police officers' and fire fighters' heart and lung claims incurred on or after October 1, 2017.

Section 1 amends [NRS 616C.400](#) by adding a new subsection 1(c) excluding [NRS 617.453](#), [617.455](#) or [617.457](#) from the 5 days of disability before qualifying for TTD.

Section 2 amends [NRS 617.420\(2\)](#) clarifying that medical benefits must be paid for claims under [NRS 617.453](#),

[617.455](#) or [617.457](#).

Section 3 amends [NRS 617.454](#) by adding a new subsection 3 limiting the release of an employee's physical examination results.

Section 4 amends [617.455](#) by adding a new subsection 10 requiring the DIR Administrator to review police officers' and fire fighters' lung claims which have been in the appeals process for longer than 6 months. Adds a new subsection 11 which authorizes the DIR Administrator to award a benefit penalty of up to \$200 per day for a denied claim which is ultimately reversed.

Section 5 amends [NRS 617.457](#) by adding a new subsection 15 requiring the DIR Administrator to review police officers' and fire fighters' heart claims which have been in the appeals process for longer than 6 months. Adds a new subsection 16 which authorizes the DIR Administrator to award a benefit penalty of up to \$200 per day for a denied claim which is ultimately reversed.

AB 12 requires TPA employees who adjust WC claims to be licensed (Sec. 0.5); sets forth requirements for adjusters' behavior (Sec. 8); creates two (2) new types of adjusters- a "company adjuster" (an employee of an insurer) and a "staff adjuster" (an employee of a TPA) (Sec. 14); and a salaried employee of an insurer is not required to obtain a company license (Sec. 15(4)). Effective July 1, 2018 (Sec. 26).

Remember this is a cursory overview of the legislation passed this Session and is not intended to include every statutory change affecting every WCS stakeholder. Full and complete copies of bills can be obtained at the Nevada Legislature website, under Session Info, 79th (2017) Session. Please consult your attorney if you have any questions about these or any other bills. ☐

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@business.nv.gov

REPORTING REMINDERS

Insurers and TPAs must notify WCS of any changes such as name, address, phone and fax numbers, as well as changes in TPAs. Submit the **Insurer Information Form** via our new




CARDS Web portal to report these changes. For information on CARDS, please visit the CARDS Web page at <http://dir.nv.gov/WCS/cards/>.

The 2017 **Permanent Total (PT) Disability Claim Reports (NRS 616C.453)** Form and Instructions were distributed via e-mail in July and were due to WCS on **AUGUST 4, 2017**.

(OD-8) Occupational Disease Claim Report(s) (NRS 617.357) is an ongoing reporting requirement. NRS 617.357 was amended in the 2013 Legislative Session, approved by the Governor, and became effective May 24, 2013. WCS revised the form for use effective January 1, 2014.

Proof of Coverage (POC): Private carriers must also report information to NCCI within 15 days of the effective date of the issuance, renewal, cancellation, nonrenewal, reinstatement or reissuance of a policy of workers' compensation insurance.

Information on reporting requirements and forms can be found on our Web site at <http://dir.nv.gov/WCS/Home/> under "Insurer and TPA Reporting" or go directly to our page at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. Contact the WCS Research and Analysis Unit by phone at (702) 486-9080 or by email at wcsra@business.nv.gov if we can be of any assistance. 

CONTACT WCS

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<http://dir.nv.gov/WCS/Home/>
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Little Known PT Checks are in the Mail

Readers of the Chronicle and those signed up to receive WCS e-mail announcements recognize that certain WCS activities and notices fall into a regular annual pattern. For example, the fall newsletter reiterates the maximum compensation rate for the new fiscal year that begins in July; the WCS staff reviews evaluations from the summer's annual education conference and begins planning next year's; and the WCS Claims Activity Report data call goes out every fall. However, an ongoing WCS statutory function that is probably not well known involves certain PT claimants. WCS is required to identify a group of permanently and totally disabled injured employees who are eligible for a benefit payment per [NRS 616C.453](#) and to ensure that these annual payments are disbursed by October 1.

In keeping with [NRS 616C.453](#), this eligible pool of injured workers receives an annual payment disbursement from the Uninsured Employers' Claim Account based on the accrued interest amount subject to the statutory requirement that total payments may not exceed \$500,000 in any given year.

Research and Analysis Unit Supervisor Ruth Ryan notes that while the regulatory process detailed in [NAC 616C.526](#) for determining check disbursements has not changed since the law was enacted in 2005, the number of eligible claimants and check disbursement amounts have changed.

What have been the total disbursement amounts since 2005?

2005: \$285,146.92	2009: \$307,993.95	2013: \$ 28,356.91
2006: \$500,000.00	2010: \$122,330.72	2014: \$ 27,894.86
2007: \$496,131.50	2011: \$ 37,638.31	2015: \$ 43,350.12
2008: \$495,431.46	2012: \$ 20,506.28	2016: \$ 61,287.79

What have been the number of claimants since 2005?

2005: 1425	2009: 1283	2013: 1083
2006: 1423	2010: 1254	2014: 1026
2007: 1383	2011: 1205	2015: 975
2008: 1330	2012: 1151	2016: 921

Range of check amounts since 2005? \$7.12 - \$634.72




What should claimants keep in mind as they wait for their checks?

There are 3 factors that are used in the formula to calculate annual payment amounts:

- ♦ the number of eligible claimants each year
- ♦ the monthly PT rate of the claimant, and
- ♦ the total dollar amount available to disburse among the eligible claimants

We saw the total amount available to disburse decline significantly with the struggling economy from 2007 through 2014; however, the tide appears to have turned as 2017 is on track to be the third consecutive year that the amount has increased.

Eligible PT claimants should immediately notify their claims administrators and WCS of any address changes. Maintaining current contact information will expedite the process and ensure that all payments arrive timely. 



Stephanie Canter Project Manager of the Workers' Compensation Section's new Claims and Regulatory Data System (CARDS) that launched in April 2017. Inspired attendees were left wanting more and openly expressed enthusiasm about the future of CARDS and its benefits for insurers and third-party administrators. Stay tuned for future enhancements and functionality updates. *Photo by Lupe Manzo*