



# NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Spring Edition  
(Spring Edition March 2021 - May 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.

## Understanding Current COVID-19 Capacity Restrictions

On February 14, Governor Sisolak issued Declaration of Emergency Directive 037 in response to the observed downward trend of confirmed COVID positivity and hospitalization since mid-January. This newest Directive increased the allowable capacity on many industries throughout the state in a two-step process with the first step occurring on February 15 and the second on March 15, 2021. It is important to note that any restrictions not specifically addressed in Directive 037 stand as they have been previously stated.

Beginning February 15<sup>th</sup>, body art and piercing businesses may reopen to the public with a few limitations and restrictions in place. It is recommended that workstations be separated with partitions or walls but in lieu of a partition, clients must be separated by at least 6 feet with only one client per workstation allowed. Clients awaiting appointments must remain outside of the facility and maintain social distancing.

Limited self-service food and drinks inside retail or grocery stores may resume with disposable utensils being used when possible and limited persons at the self-serve stations. It is recommended that hand sanitizer be provided for customers with signage reminding customers to utilize sanitizer frequently.

Nevadans may now enjoy public gatherings at community recreation events, fitness facilities, and gaming properties up to 35% of occupancy. This increase includes recreation activities, gyms, and similar activities. Bars, restaurants, and similar establishments may allow 35% occupancy for indoor seating as long as booths or tables are separated by 6 feet, parties are no larger than 6 persons, and all food and drink is served at the tableside. There are no capacity restrictions on outdoor dining as long as all other restrictions are maintained. Public gatherings at parks, sporting fields or courts, movie theaters, convention centers, libraries, and private clubs is limited to 35% or 100 people whichever is less. Community libraries, museums, art galleries, aquariums, and zoos may increase to 50% occupancy although any hands-on or interactive exhibits must remain closed. Houses of worship may increase their in-person services to 50% occupancy with social distancing and face covering requirements. The Governor recommends staggered, online, or drive-up services where possible.

(continued on page 2)



## Mileage Reimbursement Rate Effective January 1, 2021



Effective **January 1, 2021**, the standard mileage reimbursement rate for transportation costs incurred while using a private vehicle while traveling on official State business has decreased from **57.5 cents per mile** to **56 cents per mile**.

Per [NAC 616C.150](#), reimbursement for the cost of transportation for an injured employee, under appropriate conditions, must be computed at a rate equal to the mileage allowance for State employees.

Please advise all adjusters as soon as possible to minimize any payment errors.

Please see the [2021 Mileage Reimbursement Change Memorandum](#) announcing the rate change on the WCS website.

## Inside this issue:

Understanding Current COVID-19 Capacity Restrictions	1-2
Deadline to Request COLA Reimbursement	3
2021 Medical Unit Updates/ Med Fee Schedule	4
CARDS Corner	5
2020 Occupational Disease Report	5
Reporting Reminders	6
2021 Training Sessions	7

## Understanding Current COVID-19 Capacity Restrictions

(continued from page 1)

Families and friends can plan and enjoy private gatherings, as long as the number of people gathered not of the same household does not to exceed 10 people for indoor gatherings and 25 people for outdoor gatherings. This number does not include people of the same household, persons experiencing homelessness, or organizations providing shelter. Social distancing and face coverings should be observed even during private gatherings.

On March 15<sup>th</sup>, the occupancy limits for gaming properties, community limits recreation events, fitness facilities, and bar and restaurant services will increase to 50%. Public gathering limits will also increase to 50% with a cap of 250 people in total.

Directive 037 allows for persons to host or attend large public gatherings upon approval of a “Large Gathering Plan” by local and state authorities. Beginning March 15<sup>th</sup>, venues with fixed seating capacity of 2,500 or more may be allowed public attendance at live events provided no more than 20% of seating capacity is filled, and general admission or “standing room only” is prohibited. Social distancing must be followed for persons of different parties and maximum of 6 persons may be seated together in one party. Staff members must provide services to only one section throughout the event with each section meeting the public gathering requirement of 250 persons. Large public gatherings without fixed seating are restricted to 250 persons or 50% of occupancy. Live performances require a minimum of 6 to 12 feet (per Directive 040) between the artist and the audience. Events other than live entertainment are not required to provide seating but must maintain social distancing.

*Jana Morales, Safety Specialist, SCATS*

### SAFETY CONSULTATION & TRAINING SECTION THE VALUE OF WORKPLACE SAFETY



#### SCATS Services

- Provide assistance in developing written safety programs
- Answer workplace safety questions
- Safety training for management, supervisors, and employees
- Video lending library
- Perform on-site workplace safety assessments
- Perform industrial hygiene services
- Safety and Health Practitioner Program

### 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.

## Deadline to Request COLA Reimbursement Drawing Near

The deadline for submitting Requests for Reimbursement for costs associated with COLAs paid in calendar year 2020 for eligible claims is **March 31, 2021**. Requests for reimbursement will only be processed for claims whose AMW/Rate have been verified by WCS. See the "[COLA Info – PTD and Survivors' Benefits \(Death\) Claims](#)" page on the WCS website for Forms and Instructions for *AMW/Rate Verifications* and *Requests for Reimbursement*.

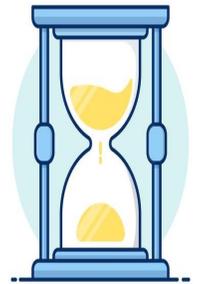
The web page includes information on the 4-step COLA reimbursement process:

- 1) AMW/Rate Verification (One-time)
- 2) Request for Reimbursement (Annual)
- 3) Special COLA Assessment (Annual)
- 4) Reimbursement to Insurers (Annual)

And other resources, including:

- ◇ AMW/Rate Verification Instructions and Forms
- ◇ Request for Reimbursement Instructions and Form
- ◇ FAQs
- ◇ AB 370 and SB 377 (2019) and codified statutes
- ◇ Training material

Direct inquiries to [COLAS@dir.nv.gov](mailto:COLAS@dir.nv.gov).



## Attention Insurer & TPA D-38 Claim Indexing Submitters

Do you submit a high volume of D-38s? Would you like to avoid manually entering D-38s into the CARDS web portal? Maybe the Flat File Process is right for you!!

All Workers' Compensation claims are required to be reported to Workers' Compensation Section pursuant to NRS 616B.018. Once a D-38 Form (Injured Worker Index System Claims Registration Document) is submitted and WCS staff processes it, the information is placed in a data warehouse for access by CARDS. Required updates for stakeholders are accomplished by retrieving the claim in the system and entering new/updated information. Currently, the vast majority of initial submissions of D-38s by insurers and TPAs are completed via D-38 form in the CARDS web portal. A flat file submission option is also available, but not widely used.

A flat file consists of a single file of data records, stored in plain text format that can be imported into a database or data warehouse. It allows required claim information to be submitted timely and efficiently. It is safe and secure and helps to eliminate manual data entry. How does it work? Your IT department creates a process to download information from your internal computer system and format it according to our requirements. Then the file is submitted to DIR's secure FTP site. WCS Indexing staff will then upload the file into the CARDS system. The files may be submitted daily, weekly or monthly.

Insurers/TPAs are welcome to develop and use the flat file format at any time. Once your Flat File development is complete, WCS will test the file to ensure it is working correctly. Then you will be provided with login information and instructions for Flat File submission. Although we have stressed the benefits of Flat File input, industry response has been slow and mainly associated with large entities which have the IT and system resources to participate. The flat file process automates submission and eliminates the manpower requirements of CARDS D-38 input.

Questions regarding submitting claims data using the Flat File format should be directed to CARDS Claims Indexing Coordinator, Patricia Barchus, at [indexing@dir.nv.gov](mailto:indexing@dir.nv.gov) or by calling 702-486-9091.

## 2021 Medical Unit Updates: Nevada Medical Fee Schedule and *Relative Values for Physicians*

The 2021 Nevada Medical Fee Schedule (NMFS) is posted on the Division of Industrial Relations (DIR) Workers’ Compensation Section (WCS) website at [https://dir.nv.gov/WCS/Medical\\_Providers/](https://dir.nv.gov/WCS/Medical_Providers/). There are no significant changes to this year’s NMFS due to the pandemic. As usual, reimbursement levels have been revised according to the Consumer Price Index for 2020 as required in NRS 616C.260(2).



There is another significant change that stakeholders should be made aware of, although not to the NMFS itself. The most recent edition of the *Relative Values for Physicians* (RVP) is a required resource for medical billing and reimbursement concerning Nevada workers’ compensation according to NAC 616C.145(1). Previously, the RVP has been published by Optum 360<sup>0</sup>. However, the 2021 edition is available online only via subscription. Unfortunately, the narratives included in previous editions of the RVP were excluded from the 2021 edition. The narratives included in the 2020 edition of the RVP will continue to be in effect in 2021 until further notice. For further information, including subscription questions, stakeholders must contact Optum 360<sup>0</sup> at [optum360coding.com](http://optum360coding.com).

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

## COVID-19 WORKERS’ COMP CLAIMS

In response to COVID-19, new codes were added to the acceptable codes for reporting D-38 Claims Indexing data to allow WCS to better track claims relating to the virus. The new codes - Nature of Injury: 83 COVID-19 and Cause of Injury: 83 – Pandemic – were added in March 2020 and may be used for reporting applicable claims December 2019 or later. The codes correspond to those adopted by the Workers’ Compensation Insurance Organizations (WCIO) and are used by the International Association of Industrial Accidents Boards and Commissions (IAIABC). By adopting these codes for D-38 Claims Indexing reporting, Nevada may be able to, over time, compare COVID-19 claim data with other states that use the IAIABC standard.

Nevada claims processed in CARDS that include one or both COVID-19 identifiers, through February 28, 2021:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	1447	
Accepted	515	36%
Denied	932	64%

*Ruth Ryan, Research & Analysis Unit Manager, WCS*

## January COLA Increase Reminder

Insurers and TPAs: Injured employees receiving Permanent Total Disability (PTD) benefits and dependents receiving Survivor’s benefits should have received a 2.3% increase in their monthly benefit rate in January 2021 pursuant to NRS 616C.473 and NRS 616C.508.

# CARDS Corner

## BASIC TIPS ON TPA ACCESS: INSURER CONTROL

This issue of CARDS Corner covers some of the basics of TPA access in CARDS, based on some of the most frequently asked questions we receive from TPA and insurer users. The main point to remember is that *insurers solely control the access that TPAs have in CARDS on their behalf (neither WCS nor TPAs have the ability to give TPAs access to insurer claims).*

**Insurers Must Link Their TPAs.** For an insurer and TPA to be associated in CARDS, the insurer must list the TPA in the “Related TPAs” section on its Insurer Information Form, and then submit the Form to be processed by WCS. Once WCS staff processes the Form, the relationship will show up on the homepage of both the insurer’s and the TPA’s CARDS accounts. *Note: Linking a TPA and insurer does not automatically give the TPA access to the insurer’s claims, but it is the first step.*

**Insurer Controls TPA Access to D-38 Claim Submissions.** TPAs are only able to create and administer claims on an insurer’s behalf if the insurer has given the TPA “Global Access” in CARDS. Without Global Access, a TPA cannot view or perform any claims related functions for the insurer in CARDS. To give a TPA Global Access:

Remember – Global Access permissions can only be given to TPAs that are linked to the insurer, as described above.

Only insurer-users with CARDS Admin privileges can assign Global Access.

An insurer Admin user must log in to their CARDS account and click the “User Access” tab in the “Forms and Tools” drop-down on their homepage, then locate the TPA to be given Global Access and click the “Edit” button at the end of the row; when the “Update Global TPA Access” pop-up appears, click to check the box labeled “D-38 Claims Indexing Form”.

**Insurer Must Keep Effective and Expiration Dates Updated.** Effective and Expiration Dates for insurer/TPA relationships can be viewed in the “Associated Insurers” or “Associated TPAs” section on your CARDS account homepage. Entering an Effective Date for the relationship is required; however the Expiration Date may be entered or left blank. If an insurer has set the Expiration Dates for any of its linked TPAs, the insurer must be diligent in updating them any time an insurer/TPA relationship continues beyond the set Expiration Date, because *the TPA loses access to all insurer claims administration and data once expired (even if the TPA has Global Access).* Update Effective and Expiration Dates in the “Related TPAs” section of the Insurer Information Form. The changes will be reflected on the insurer’s and TPA’s CARDS accounts once the Form is submitted and processed by WCS staff.

Hayley D. Weedn, Business Process Analyst, WCS

## 2020 Occupational Disease Claims Report

The calendar year [2020 Occupational Disease Claim Report](#) is now available on the WCS website. The report compiles data reported by insurers to WCS as required by NRS 617.357 relating to claims for heart, lung, cancer, and certain contagious diseases filed by policeman, fireman, emergency medical attendants and arson investigators.

DIR/WCS has been collecting data reported by insurers pursuant to NRS 617.357 since 2001. Reports for calendar years 2014 through 2019 can be found on the [Insurer-TPA Reporting](#) page on the WCS web site. Reports for years prior to 2014 are available upon request to [wcsra@dir.nv.gov](mailto:wcsra@dir.nv.gov).

Ruth Ryan, Research & Analysis Unit Manager, WCS

# 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. Be sure to visit our [Insurer-TPA Reporting](#) page on the WCS website for more information on these and other reporting topics.

## REPORTING IN CARDS:

- ✓ **Insurer Information Form:** One of the most important functions of the *Insurer Information Form* is for insurers to notify WCS of the insurer's contracted TPA(s) by "linking" them in CARDS using this web form. Linking not only satisfies the requirement for insurers to notify DIR of their TPA relationships, it also allows insurers to grant permission to their linked TPA(s) to submit required claims data (D-38s) on their behalf. Insurers must also use this form to notify WCS of any changes in insurer regulatory contact information (name, address, email, phone and fax numbers, etc.) for corporate, compliance, state reporting and other functions. In July 2020, the WC Safety Fund Assessment contact information was added as a newly required block on the *Insurer Information Form*.

*Insurer Information Forms* are required to be submitted via our CARDS web portal annually and within 30 days of any changes. For information on how to submit the *Insurer Information Form*, see the [Quick Steps](#) guide on our website on the [Insurer-TPA Reporting](#) page.

- ✓ **TPA Information Form:** TPAs must also notify WCS of any changes in contact information within 30 days by submitting the *TPA Information Form* via the CARDS web portal.
- ✓ **D-38 Injured Worker Index System Claims Registration Document:** Required for all claims, accepted and denied, within 30 days of determination and updated during the life of the claim.
- ✓ For information on CARDS, please visit the [CARDS Information Page](#) on our website.

## NON-CARDS REPORTING:

- ✓ **Coming Soon:** The *FY20 WCS Workers' Compensation Claims Activity Report* pursuant to NRS 616B.009 and NAC 616B.016. WCS has not requested this report yet and the forms and instructions are not yet available. Links to the blank form and instructions will be updated on our website at [Insurer-TPA Reporting](#) and an email notifying insurers and TPAs of the request and due date will be coming soon.
- ✓ A **D-35 Request for a Rotating Physician or Chiropractor** must be submitted to WCS prior to any PPD impairment evaluation being scheduled with a rater. Before WCS can process a D-35, the claim must be reported to the Claims Index System. If the claim has not been reported, the insurer or TPA must submit the **D-38 Injured Worker Index System Claims Registration Document** via the CARDS web portal or by submitting the fillable form found on our website.
- ✓ **(OD-8) Occupational Disease Claim Report(s) (NRS 617.357)** is an ongoing reporting requirement. Claims filed relating to heart, lung, cancer, and certain contagious diseases filed by policeman, fireman, emergency medical attendants and arson investigators are required to be reported within 30 days of acceptance or denial and updated throughout the life of the claim. **Please remember to report updates to reportable claims such as appeals and decision information, estimated claim costs, claim closure and reopening information. Claims for COVID-19 are not reportable under NRS 617.357.**
- ✓ **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. Private carriers are reminded that nonrenewal transactions are required to be reported, even though Nevada is not a continuous coverage state. See NCCI Circular [FYI-POC-NV-2019-01](#) on our website for more information.

Information on reporting requirements and forms can be found on the [WCS website](#) under "Insurer and TPA Reporting" or go directly to our page at [Insurer-TPA Reporting](#). Contact the WCS Research and Analysis Unit by phone at (702) 486-9080 or by email at [wcsra@dir.nv.gov](mailto:wcsra@dir.nv.gov) if we can be of any assistance.

# 2021 Training Sessions

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

**C-4 Forms: Health Care Provider (HCP) Responsibilities and Coverage Verification**  
April 7, 2021 at 9:00 am

**Medical Billing**  
April 7, 2021 at 1:30 pm

**Basic Orientation**  
April 13, 2021 at 9:00 am

**Basic Orientation**  
April 13, 2021 at 1:00 pm

To register for classes click on the session above

Or email  
[klowry@dir.nv.gov](mailto:klowry@dir.nv.gov)



## **CONTACT WCS**

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<http://dir.nv.gov/WCS/Home/>

[WCSHelp@dir.nv.gov](mailto:WCSHelp@dir.nv.gov)

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about this newsletter to:

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Workers' Compensation is pleased to welcome **Valerie Hall**, RN to the WCS Medical Unit. Valerie will be based in the Las Vegas office where she recently transferred from the Division of Health Care Financing and Policy, Care Coordination Unit. She is a Registered Nurse who also holds a BS in Business Administration/Accounting from California State Polytechnic University and an MBA with an emphasis in Healthcare Management from Western Governors University. Valerie is a welcome addition to the Medical Unit in LV. In her spare time, she enjoys gardening. Welcome, Valerie!



Please welcome **Mallory Otto** to Workers' Compensation Section as the new Administrative Assistant III in the Carson City Claims Indexing Unit. Mallory has worked with the State of Nevada since August of 2017 with the Department of Taxation as an Administrative Assistant I, then promoted and moved to Division of Public and Behavioral Health as an Administrative Assistant II. When not at work, she enjoys hunting, fishing, finding natural hot springs, and doing outdoor activities with family and friends.

Welcome **Barbara Foster** to Workers' Compensation Section as the new Compliance/Audit Investigator III in the Benefit Penalty unit. She is a dedicated Workers' Compensation professional, who has been working for insurance companies, third party administrators, insurance agents and employers for over 25 years. She comes to the Division of Industrial Relations, Workers' Compensation Unit most recently from the Department of Transportation, where she managed the workers' compensation program.

Barbara has also worked with facilitation of Drug and Alcohol programs and is certified in Office Ergonomics.



**WCS remains closed to the public and will observe this holiday**

**Memorial Day**  
Monday, May 31, 2021

Questions about Workers' Compensation?  
Click Here!



[WCSHelp@dir.nv.gov](mailto:WCSHelp@dir.nv.gov)

**CARDS**  
Claims and Regulatory Data System

<<Click here to login or register>>