



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Summer Edition
(June 2020 - August 2020)

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.

SCATS- COVID-19 Reopening Plans

On May 28, 2020, Governor Sisolak announced Phase 2 of the Nevada Roadmap to Recovery. As part of Phase 2 and the eventual reopening of all businesses, employers need to develop a plan to protect both employees and customers from exposure to COVID-19. The Safety Consultation and Training Section (SCATS), which is a part of the Division of Industrial Relations, is your partner in helping understand the requirements and develop your reopening plan. SCATS has safety professionals and industrial hygienists in Las Vegas, Reno and Elko. They are highly trained in a variety of methods to help you assess your company's exposure and determine suitable methods to control the hazard.



For those businesses that have 10 or more employees, Nevada Revised Statutes require a written workplace safety program (WWSP). One of the elements of the WWSP is that employers provide an explanation of the methods used to identify, analyze and control new and existing hazardous conditions. As part of their WWSP, employers need to establish procedures to control exposure to COVID-19.

For those business that do not have at least 10 employees, it is highly encouraged that you develop written procedures for your workplace to control your employees and customers exposure to COVID-19.

The plans that SCATS will assist you in putting together will focus on the following areas:

- Screening and policies for employees exhibiting signs and symptoms of COVID-19
- Handwashing
- Respiratory etiquette: Cover your cough or sneeze
- Social Distancing
- Housekeeping – Sanitizing and disinfecting
- Communications and Training

If your workplace involves certain tasks that make it infeasible or impossible to maintain social distancing, NVOSHA requires that employer conduct a job hazard analysis (JHA). SCATS can assist employers in the development of a JHA and help determine appropriate protective measures that can be taken.

The ultimate goal is to not only get Nevada back to work, but to get back to work safely! Let SCATS be your partner in accomplishing this.

WCS Information Sources and Access

Like so many of you reading this, I am currently designated as a telecommuter and have the time to reflect on ideas concerning the best ways to access the information resources provided by the Workers' Compensation Section. As the developer of both WCS Mass Email Distribution System and our WCSHelp provision link, I am very familiar with WCS efforts to effectively reach out to our stakeholders and can attest to how far WCS has come over the years.

The initial mass email distribution system would most likely be considered 'mini' compared to our current capabilities. The original effort consisted of an Excel spreadsheet with 54 contacts and software developed by a programmer in London, England. The distribution program cost \$13.75 and I mailed a personal check which finally cleared months after we received the instructions and password key.

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Department of Administration, Hearings Division Updates

The Hearings Division is operating at this time pursuant to Phase 1 of our June 4, 2020 written reopening plan. The offices remain closed to the public until we can complete necessary additions for everyone's health and safety. All Hearing Officer and Appeals Officer hearings are currently being conducted by telephone. We are currently experimenting with GoToMeeting on a few test cases. A decision will be made in late June or early July regarding using this platform (and possibly others) for Appeals Officer hearings. All documents for Las Vegas matters must be mailed to the Las Vegas Hearings Division, except requests for hearings, which may be emailed to HearingsAndAppeals@admin.nv.gov.

On June 4, 2020, the Division's 5-phase reopening plan was emailed to counsel and administrators who appear before us. It is posted on our website at <http://hearings.nv.gov>. We are currently in Phase 1 and assuming no setbacks, will move into Phase 2 on June 22, 2020. This includes opening Suite 210A (the former Victims of Crime lobby) as a dedicated document filing location. We will accept all documents for filings, as well as for service on other counsel/agencies. If we can successfully utilize GoToMeeting or another platform, Appeals Officer hearings for certain cases may be conducted by video.

Hearings before the Hearing Officers will continue to be done exclusively by telephone until further notice as the configuration of the hearing rooms makes it impossible to observe social distancing. The lobby will also be closed until such time as in-person hearings resume. In-person hearings before the Appeals Officers will be slowly phased in. The details are still being developed but initially we expect hearings to be a mix of telephone, video conference and in-person hearings as we continue to maintain social distancing requirements and install protective barriers.

We have developed the 5-Phase reopening plan with hopes that we phase in full operations, having made sure that each phase is in accordance with state-wide statistics and directives. The Hearings Division is grateful for the patience demonstrated by counsel and affected parties and appreciates the input we have received. If you have specific questions, please feel free to email me at morgando@admin.nv.gov and I will do my best to answer them.

Michelle L. Morgando, Senior Appeals Officer

WCS Information Sources and Access

(continued from page 1)

Nevada Enterprise IT Services provides the ListServ capabilities we now use for our distribution. Thanks to the efforts of numerous people, there are currently 3,892 contacts in our listings. This email notification service provides notice of quarterly WCS Newsletter releases, upcoming training events, statute and regulation revisions changes, along with hearing and workshop notices and other important change notifications. In addition, the program allows subscribers to update contact information or request removal from the listings.

Electronic submission of an enrollment request is available at <https://hal.nv.gov/form/DIRnv.gov/> [EMAIL_ENROLLMENT_REQUEST](mailto:EMAIL_ENROLLMENT_REQUEST@dir.nv.gov) Perhaps the most expedient way to find needed information is on our website <http://dir.nv.gov/WCS/home/>. The website is arranged by sections which are organized for stakeholder groups. For example, we have pages designated for Employers, Injured Workers, Insurers and TPAs, Medical Providers and other audiences. If you cannot locate the information you require, use the [Questions? - Please Use WCSHelp](#) link in the right hand column on the WCS page. It opens an email addressed to WCS where you may direct your question. Questions are routed to WCS personnel best-suited to reply. We may need to contact you to facilitate answering your question(s) so please provide contact information including phone number and address with your request.

We've come a long way since those Excel spreadsheet days and are always looking for new ways to provide great customer service. Enrolling in the Email Service and checking the website regularly are the best ways to keep abreast of workers' compensation issues and WCS staff are always available to assist.

Dock D. Williams Jr., WCS Northern Regional Manager

Questions about Workers' Compensation?
Click Here!



WCSHelp@dir.nv.gov

Nevada Division of Insurance Guidance for Workers' Compensation Insurers Regarding the Effects of the COVID-19 Emergency

The Nevada Division of Insurance (“Division”) issues this guidance to workers’ compensation insurance carriers who have issued policies to employers in Nevada. This guidance is intended to address the effects of the COVID-19 emergency on workers’ compensation in Nevada.

Restrictions pertaining to social distancing have had the effect of limiting the operations of many businesses. In response, some business owners have decided to close but continue to pay employees. That decision may, in turn, minimize or eliminate risks covered by workers' compensation insurance. The Nevada Division of Insurance has approved filing B-1441 (Nevada State tracking number 91496) by the National Council on Compensation Insurance (“NCCI”), which developed a new rule and a corresponding statistical code for reporting such payroll and that excludes such payroll from the calculation of workers’ compensation premium. Furthermore, Nevada law does not prohibit workers' compensation carriers from suspending premium payments by the closed-but-paying employers. However, all reporting requirements of the NCCI will remain in effect.

Workers’ compensation insurers are encouraged to consider the impact on rates of any idling of workers by insured employers, and insurers should, if requested by the insured employer, conduct an audit in order to determine whether the insured is entitled to any adjustment in premium due to the idling, furloughing, laying off, or other dismissal of workers. Insurers are encouraged to allow self-auditing, self-reporting, and/or virtual audits in lieu of physical audits to the extent that physical audits are impracticable. Likewise, if an insured employer has remained open but has shifted workers to a telecommuting basis, insurers are requested to reflect the appropriate classification of those workers under NCCI Classification Code 8871: Clerical Telecommuter Employees, or other appropriate classifications based on the duties of the employees while normal business operations are interrupted or suspended. Once normal business operations resume, appropriate classifications should be applied.

Reasonable and consistently applied premium adjustments or audit accommodations as described in this guidance are consistent with the approach outlined by NCCI in its COVID-19 FAQ document, found on the NCCI website at <https://www.ncci.com/Articles/Pages/Insights-coronavirus-faqs.aspx>. Such approaches by insurers are also understood by the Division to be consistent with currently approved rating plans, rules, and policy language, and with all applicable Nevada statutes and regulations.

Nevada Division of Insurance

WORKERS' COMPENSATION EDUCATIONAL CONFERENCE

POSTPONED UNTIL SEPTEMBER 23– 24, 2021

Workers' Compensation Section
 Host the 10TH annual
 COMPENSATION EDUCATIONAL CONFERENCE
 Thursday, September 24, 2020 and
 Friday, September 25, 2020
 Las Vegas, Nevada

More details about workshops, speakers and how to register will be coming soon.

**WCS WILL BE CLOSED
 FRIDAY, JULY 3, 2020
 IN OBSERVANCE OF
 INDEPENDENCE DAY
 ENJOY THE HOLIDAY**

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.

REPORTING REMINDERS

The 2020 quarterly editions of the *Reporting Reminders* column will feature detailed information on one reporting requirement and the ins and outs of that requirement.

Occupational Disease Claim Reports (OD-8 Form)

[\(OD-8\) Occupational Disease Claim Report\(s\)](#) (*NRS 617.357*) is an ongoing reporting requirement, meaning insurers and TPA will NOT receive an email data call for this information. The [OD-8 form](#) has been updated multiple times, most recently in July 2018 to include the claimant's first and last name and appeal number fields to assist the DIR in implementing and enforcing the requirements set forth in NRS 617.455(10) and (11) and 617.457(15) and (16).

Requirement:

- Statutory Requirement: NRS 617.357
- Effective: July 1, 2001 (amended in 2013 and 2019)
- Who Must Report: All insurers (private carriers, self-insured employers, and associations of self-insured employers)
- Failure to Report: May result in administrative fines pursuant to NAC 616D.415(1)(d) and (2)

Method of Reporting:

- NOT reported in the CARDS portal
- Email forms to wcsra@dir.nv.gov as attachments
- [OD-8 Form \(7/18\)](#) - for reporting and updating qualifying claims, OR
- [Calendar Year \(CY\) Statement of Inactivity](#) – submitted only if no qualifying claims reported during calendar year

Reporting Frequency:

- [OD-8](#):
 - Initial Report: Within 30 days of acceptance or denial of claim
 - Updates: Within 30 days of reporting triggers below
 - ♦ Appeals filed relating to claim acceptance/denial ONLY (do not report appeals relating to specific benefits on an accepted claim)
 - ♦ Decisions rendered by HO, AO, DC, SC relating to claim acceptance/denial ONLY
 - ♦ Changes to Estimated Claim Costs
 - ♦ Changes to Diagnosis (confirmed/not confirmed)
 - ♦ Claim Closure
 - ♦ Claim Reopening
- [CY Statement of Inactivity](#):
Within 5 working days of end of calendar year-end for reporting year.

Common Mistakes:

- Not reporting updates - submitting initial report, but not required updates.
- Reporting late – not reporting within 30 days of acceptance or denial or update triggers.
- Submitting incomplete reports – make sure all necessary fields are filled in and boxes are checked. Submitters should include accurate contact information in case WCS has follow up questions.
- Reporting claims that are not “reportable” – reportable claims are defined in NRS 617.357.
- Claimant must be a firefighter, police officer, arson investigator or emergency medical attendant.
- Claim must be filed for Cancer, Heart, Lung, Certain Contagious Diseases, or Hepatitis pursuant to [NRS 617.453](#), [617.455](#), [617.457](#), [617.481](#), [617.485](#) or [617.487](#).
- Reporting appeals information that is not related to acceptance or denial of claim.
- Once a claim is accepted and benefits are being paid, do not report appeals relating to the administration of the claim such as benefits or treatment.
- Dropping the reporting “ball”: Insurers must ensure that reporting is done timely and accurately. If an insurer changes TPAs and the TPAs is responsible for reporting, the new TPA must report new claims and updates to claims reported by the previous TPA.

General Reporting Information:

Information 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@dir.nv.gov if we can be of any assistance.

CARDS

Claims and Regulatory Data System

CARDS News

- **D-38 Claims Indexing:** In response to COVID-19, a new Nature of Injury Code and a new Cause of Injury Code have been added to the acceptable codes for these fields when reporting D-38 Claims Indexing data. The codes may be used for reporting applicable claims December 2019 or later.
 - ♦ Nature of Injury: 83 - COVID-19
 - ♦ Cause of Injury: 83 – Pandemic
- **CARDS Portal Design Changes:** WCS is working on some design upgrades to the CARDS portal. Some changes to watch for in the coming months:
 - ♦ Home page improvements – more information about your affiliated insurers/TPAs at your fingertips, like Certificate of Authority and License numbers, FEIN, etc.
 - ♦ D-38 Submissions – more information displayed in the submission table to make it easier to identify specific claims and more easily manage submissions
 - ♦ New “Session Timeout” warning
 - ♦ Insurer Information Form - more user instructional text and a new Assessment contact type for communications relating to the Workers’ Compensation Safety Fund Assessment.
- **Insurer and TPA Information Forms:**
 - ♦ Remember to keep your contact information current using the Insurer Information Form and TPA Information Form found in the Forms and Tools menu on your home page. Changes are required to be reported as soon as possible and within 30 days of any changes.

Questions about CARDS?

CARDS@dir.nv.gov For general questions, issues with login, registration, account activation and permissions.

indexing@dir.nv.gov For questions and issues relating to Claims Indexing (D-38) processing, including web portal and flat file submissions, and Claim History Reports.

OUR EMAIL ADDRESSES HAVE CHANGED!

Effective April 1, 2020, all WCS email address extensions changed from

@business.nv.gov

TO

@dir.nv.gov

All WCS Staff Email and

CARDS@dir.nv.gov
COLAS@dir.nv.gov
wcsedutng@dir.nv.gov
wshelp@dir.nv.gov
wcsra@dir.nv.gov
medunit@dir.nv.gov
medpanels@dir.nv.gov
PPDreports@dir.nv.gov

Emails sent to the @business.nv.gov addresses are currently being forwarded, but please update your contacts.



2020 Training Sessions

The following classes taught online
via

Webex

Medical Fee Schedule
POSTPONED TBD

PPD
POSTPONED TBD

C-4 Process & Using CVS
July 15, 2020 at 9:00 am

Medical Billing
July 15, 2020 at 1:30 pm

Delving into the D-35
August 19, 2020 at 9:00 am

To view or register for classes
<http://dir.nv.gov/WCS/Training/>

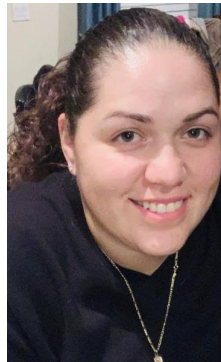
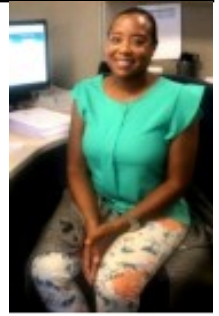
Or email
krissi.garcia@dir.nv.gov



W e l c o m e Hails, Farewells and Promotions

Congratulations!

Congratulations to **Rosalyn Jackson**, who was promoted to Compliance Audit Investigator III in the Las Vegas Workers' Compensation Section Audit Unit. She previously worked in our agency for over 6 years. Rosalyn has been working in the workers' compensation industry since 1993. She worked as a claims examiner, and in the county sector. Rosalyn is a Las Vegas native who graduated from UNLV with a Bachelors degree in Criminal Justice. She loves spending time with her daughter, family and friends, going to new restaurants, the movies and watching reality TV shows.



Congratulations to **Lupe Manzo** on her promotion to Management Analyst I with the Workers' Compensation Section Research and Analysis Unit (R&A). Lupe has been a key team member in R&A and has demonstrated her many talents and work ethic since coming to the Workers' Compensation Section in 2017. Her new position will give her greater exposure and responsibilities relating to the many projects and functions handled by the R&A Unit.

A big welcome to **Alena Duggan**, the Administrative Assistant II in the Carson City Claims Indexing Unit. Alena has worked for the State of Nevada since May of 2019 where she began with the Nevada DMV. Prior to that she worked for a registered agent firm for 7 years as an office manager. Alena has been married to her wonderful husband for 12 years and have three amazing children. Outside of work she enjoys working on art projects and doing outdoor activities with her family.



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WCSHelp@dir.nv.gov