



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Summer Edition
(June 2023 - August 2023)

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.

11th Annual Nevada Workers' Compensation Educational Conference

We are excited to announce that registration will SOON be opening for the Eleventh Annual Nevada Workers' Compensation Educational Conference, which will take place at the Tuscany Suites Hotel on September 7th and 8th. The conference is presented by the State of Nevada Workers' Compensation Section, in association with the International Workers' Compensation Foundation (IWCF).

You spoke and we listened! Panels offer deeper insight into complex issues, so we have sought out experts in their fields to sit together and offer multiperspectivity on topics at the forefront of today's workers' compensation industry. In keeping with our conference theme, *Workers' Compensation: The Human Connection*, there will be a variety of presentations which elevate the human side of workers' compensation. Scheduled topics include:

- Robert Wilson Keynote Address (President, WorkCompCollege.com)
- Legislative Update 2021/2023
- Nevada OSHA Overview
- Worker Misclassification Panel
- Applying a Health Equity and a Cultural Competence Lens to Claim Management
- Back to Basics: The Human Element
- A Panel on Changes in the Workplace
- Mild Traumatic Brain Injury: Silent, Subtle and Treatable
- Neurological Consequences of COVID-19: Practical Treatment Considerations
- Understanding the Issues, Laws, and Policies for Injured Workers who are Individuals with Disabilities and Special Needs
- Driving Audit Value Through Data —A Panel Discussion
- The Patient is the Wildcard!

For more information visit our website at
https://dir.nv.gov/WCS/Nevada_WCS_Conference_2023/.

We look forward to seeing you in September!



COMING
SOON!

Keynote Speaker Spotlight

Our Keynote Speaker for the 11th Annual Nevada Workers' Compensation Educational Conference is a familiar face in the world of workers' compensation.



Robert "Bob" Wilson, a founding partner and former CEO of WorkersCompensation.com, and current President of [WorkCompCollege.com](#), has brought his unique and irreverent sense of humor to not only the blogosphere ([bobscluttereddesk.com](#)), but has also been a noted speaker at many state and national conferences, as well as committing his time as a board member for Kids' Chance America.

We are very excited to bring his passion for our industry and his enthusiastic storytelling to Las Vegas this September!

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WCS Employer Compliance Conducted Sweeps

The WCS Employer Compliance Unit performed Sweeps in outlying areas of Southern Nevada where employer compliance for workers' compensation is an ongoing issue. In one day, Investigators conducted over 188 random site visits for employers in Pahrump, Boulder City and Laughlin educating them on workers' compensation compliance while on site. The employers were given the opportunity to provide proof of coverage for workers' compensation insurance during the site visit, and for those who did not have coverage a 24-hour deadline was given to provide proof of coverage or to obtain workers' compensation coverage if the employer has employees. Stop Work Orders were issued for those who failed to provide proof of coverage. WCS Sweeps are conducted in an effort to educate as well as ensure compliance in the small business community, as many employers are unaware of Nevada requirements or are not in compliance with the provisions for workers' compensation.



In the past year, the WCS Employer Compliance Unit has conducted over 4,000 in-person site-visits and over 2,200 Sweeps in Southern Nevada to educate and ensure safety, health, and compliance for Nevada employers and employees.

Jodi McCollins, Employer Compliance Chief, WCS

2023 NSIA Vendor Appreciation Fair

The Workers' Compensation Section (WCS), once again, participated in the Nevada Self-Insurers Association (NSIA) Vendor Appreciation and Marketing Fair held at the Encore at Wynn on April 28, 2023. The WCS was able to reach out and provide information on various topics to those attendees just starting out in Nevada workers' compensation, as well as those well-versed on the topic. Over 100 attendees stopped by our booth to collect information and ask questions. Our Chief Administrative Officer, Valerie Hall, made it a point to open up conversation with those in our industry, to better improve processes and procedures moving forward, while our Medical Unit Chief, Katherine Godwin, reconnected with the many medical providers in attendance. The WCS booth provided information about our upcoming training opportunities, as well as advancements in how trainings are offered, the 11th Annual Educational Conference, brochures for the medical, insurer, and vocational rehabilitation community, as well as information specific to our CARDS web portal. If you didn't attend or missed our booth, much of this information can also be found on the WCS website <http://dir.nv.gov/WCS/Home/>.



There were many exhibitors representing a diverse array of medical professionals, industry representatives and government officials. The WCS was excited to be among those who participated and it was a great opportunity to reach out to the community and meet face-to-face with our stakeholders.



<<Click here to login or register>>

COVID-19 WORKERS' COMP CLAIMS

In response to COVID-19, new codes were added in March 2020 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 – 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).

Nevada claims processed in CARDS that include one or both COVID-19 identifiers, through May 31, 2023:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	2426	
Accepted	930	38.33%
Denied	1496	61.67%

Nevada claims processed in CARDS that include the Nature of Injury Code 38 Adverse Reaction to Vaccination identifier through May 31, 2023:

Adverse Reaction to Vaccination/Inoculation Claims	Count	Percent
Filed/Processed in CARDS	28	
Accepted	13	46.43%
Denied	15	53.57%

Jessica Rassier, Educational Outreach Coordinator, WCS

Top 5 Nature of Injury and Cause of Injury Workers' Comp Claims

Nevada Claims Processed in CARDS between March 1, 2023 and May 31, 2023:

TOP 5 ACCEPTED NATURE OF INJURY	Percent of Total Reported
1. Strain or Tear	29.82%
2. Laceration	13.46%
3. Sprain or Tear	13.35%
4. Contusion	13.28%
5. Puncture	6.94%

TOP 5 ACCEPTED CAUSE OF INJURY	Percent of Total Reported
1. Lifting	7.79%
2. Fall, Slip or Trip, NOC*	7.59%
3. Object Being Lifted or Handled	6.93%
4. Other– Miscellaneous	6.62%
5. Strain or Injury by, NOC*	5.44%

*Not Otherwise Classified

Jessica Rassier, Educational Outreach Coordinator, WCS

Insurers Required to Pay Assessments

All Nevada workers' compensation insurers with claims expenditures – including self-insured employers whose Certificates of Authority have been withdrawn – are subject to the Nevada Workers' Compensation Safety Fund Assessment and the COLA Assessment pursuant to NRS 232.680.

Insurers who fail to pay required assessments when due are subject to penalties pursuant to NAC 616B.740, 616B.7758(5) and NAC 616B.7767(5). Additionally, delinquent assessment and fine balances may be referred to collections.



The Workers' Compensation Safety Fund Assessment supports the costs associated with the Workers' Compensation and Safety Fund, the Subsequent Injury Accounts and the Uninsured Employers' Claim Account. The annual COLA Assessment funds the eligible reimbursements to insurers for the costs associated with COLAs paid to injured employees pursuant to NRS 616C.473 and 616C.508.

The assessments are facilitated by the Department of Business and Industry Fiscal Unit. Questions may be directed to WCAssessment@business.nv.gov.

Nevada OSHA Honors Nevada's Fallen Workers on Workers' Memorial Day

On Workers' Memorial Day 2023, the Nevada Occupational Safety and Health Administration (OSHA) of the Division of Industrial Relations commemorates the workers who have lost their lives due to work-related injury and illness in Nevada.

Workers' Memorial Day is held annually on April 28, the date Congress passed the Occupational Safety and Health Act of 1970, ensuring that all workers have the right to a workplace free of preventable health and safety hazards.

"On this day of remembrance, we honor and recognize those who have lost their lives on the job," said William Gardner, Chief Administrative Officer of Nevada OSHA. *"These workers are more than a statistic. They are friends, neighbors, and loved ones. Through educational outreach to employers and strategic enforcement of workplace safety standards and regulation, our collective goal must be for every worker to return home safely at the end of their shift."*



There are resources and assistance available for employers, workers, and children of workers who have suffered catastrophic injury or death.

Kids' Chance of Nevada- This organization provides college and technical scholarships to the children of parents who were killed or severely injured in a workplace accident in Nevada, helping them achieve their educational goals. Nationally, Kids' Chance has awarded over 9,300 scholarships, totaling over \$33.2 million. To learn more, visit their website at www.kidschance.org.

Nevada Safety Consultation and Training Section (SCATS)- A section within the Division of Industrial Relations, SCATS' mission is to keep Nevadans safe and healthy on the job. They offer free resources for employers and employees—from training, to consultation, to safety program reviews. SCATS representatives can review and make recommendations on best practices and implementation of employer protocols. To learn more about SCATS services, visit www.4safenv.state.nv.us.

Nevada OSHA Honors Nevada's Fallen Workers on Workers' Memorial Day

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Nevada OSHA- Employees who feel they have been exposed to a hazardous condition in the workplace have the right to raise their concerns with their employer or to file a complaint with Nevada OSHA. An employee who raises concerns with their employer or files an OSHA complaint is protected against retaliation or discrimination by NRS 618.445 and section 11(c) of the federal Occupational Safety and Health Act, Pub. L. 91-596, 84 Stat. 1590. If an employee files a complaint with Nevada OSHA, their name and contact information will be held as confidential information pursuant to NRS 618.341(3)(a). To file a complaint, please visit <https://www.osha.gov/workers/file-complaint> or call Nevada OSHA at (702) 486-9020 (southern Nevada) or (775) 688-3700 (northern Nevada).



Teri Williams, Public Information Officer, Department of Business and Industry

Important Notice: D-35 Submission Update

Effective July 1, 2023, the Nevada Division of Industrial Relations, Workers' Compensation Section (WCS) will no longer accept *Request For A Rotating Physician or Chiropractor*, D-35 Forms via fax. D-35 Forms will only be accepted via email to MedUnit@dir.nv.gov. Any D-35 Forms received via fax after June 30, 2023, will not be processed.



Please see the revised [D-35 Form](#) and [D-35 Instructions](#) available on the WCS website. This D-35 Form supersedes all previous D-35 Forms. Thank you for your cooperation.

COLA Reimbursement Payment Update

Reimbursement payments to insurers for approved 2021 COLA expenses were issued by DIR in April 2023. Insurers with approved reimbursement requests received prorated payments as some insurers remain delinquent in paying the COLA Assessment which funds, in part, the reimbursement payments.



Requests for reimbursement for 2022 COLA expenses have been processed by WCS staff. The Department of Business and Industry Fiscal Unit will issue invoices to all insurers for the annual COLA Assessment later this month which will be due in July 2023. Reimbursement payments to insurers for approved 2022 COLA expenses will be issued by DIR after the annual COLA Assessment has been collected. (Insurers failing to pay the invoice for the COLA Assessment, or any assessment, are subject to penalties - see "Insurers Required to Pay Assessments" on page 4.)

WCS notifies reimbursement requestors by email of the status of their request and the approved amount(s) on a per claim basis. WCS also notifies by email the Assessment Contact in CARDS provided by each insurer that will receive a reimbursement payment of the total amount of the approved payment that will be issued for all eligible claims. **WCS encourages requestors to communicate with the insurers about what has been requested and approved by WCS, including specific claim information, so that insurers can apply reimbursement payments accordingly.**

For more information regarding the COLA Reimbursement Process, please visit our information page on the WCS web site at [COLA Info - PTD and Survivors Benefits Claims](#).

Direct COLA inquiries to COLAS@dir.nv.gov.

Direct assessment inquiries to WCAssessment@business.nv.gov.



CLAIMS INDEXING REMINDERS AND TIPS

Workers' Compensation Claim information to be reported within 30 days. Acceptance or Denial of claims and all updates to claim information should be reported within 30 days. Insurer and TPA staff are responsible for submitting claim information through the CARDS portal or via the FTP process. Information regarding the CARDS portal and the FTP process is available on our website at <https://dir.nv.gov/WCS/cards/>.

All Policy information should be as complete and accurate as possible. Complete and accurate information pertaining to the coverage for a specific claim is very important. Policy information including the effective and expiration dates, employer FEIN and the specific carrier information is maintained by the insurer. If a submitter is having trouble locating a specific employer FEIN related to the policy, they should first contact the insurance carrier for clarification. If additional assistance is required in locating an Employer's FEIN, an email may be sent to indexing@dir.nv.gov. The Indexing Team will be happy to assist whenever possible.

Employer Information and FEIN Must Be for the Nevada Specific Employer. The Indexing Team often sees information listed in a claim submission that is for the main policy holder rather than the **Nevada Specific Employer**. Please ensure the correct information is submitted pertaining to the Nevada Specific Employer. This information will be maintained in the CARDS database and is used by WCS staff to assist injured workers and insurers in locating the responsible party when questions arise about a claim. It is important to have accurate and up to date information.

Type of Loss to Nature of Injury. The Type of Loss to Nature of Injury codes must coincide with one another. The codes and definitions may be found in the Claims Indexing D-38 Manual which can be found at <https://dir.nv.gov/WCS/cards/>.

Closing Costs or Benefits Reported on Denied Claims. A denied claim should not have any closure or benefit type information attached. A medical provider bill on a denied claim may be considered an administrative cost but is not a closing cost associated with the claim and should not be reported as such. If this type of information is reported, staff may reject a claim submission. To avoid this problem, make sure that no information has been entered in the Benefit Type Period and Claim Closed sections on denied claims in CARDS.

Patricia Barchus, Research and Indexing Coordinator, 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.

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

RECENTLY DUE:

- ⇒ **2023 Annual TPA Information Form (CARDS Web Portal), FY22 Statewide Claims Handled Data and List of Accounts:** This annual data call was emailed to licensed TPAs on 4/25/23 and was due 5/19/23. 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.

Reporting Reminders

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- ⇒ The **FY20, FY21 and FY22 WCS Workers' Compensation Claims Activity Reports** pursuant to NRS 616B.009 and NAC 616B.016 were due 11/30/22, 12/15/22 and 4/7/23, respectively. Thank you to insurers and TPAs that survived this aggressive data call schedule and submitted the required reports. If you haven't submitted these reports yet, it's not too late – visit our [Insurer-TPA Reporting](#) page on our website for the forms and instructions. Submit all reports to wcsra@dir.nv.gov.

COMING SOON:

- ⇒ **2023 Annual Insurer Information Form (CARDS Web Portal):** Because of the multiple data calls due over the past few months, we did not require an annual Insurer Information Form submission in 2022. **However, insurers are always required to maintain their Insurer Information Form in CARDS within 30 days of changes.** Private carriers, self-insured employers and associations of self-insured employers currently or previously licensed for workers' compensation in Nevada can watch for the 2023 annual request for the Insurer Information Form later this summer.

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, Manager, Research and Analysis Unit, WCS

Consumer Health Assistance (OCHA)

The State of Nevada's Office for Consumer Health Assistance (OCHA) informs and educates consumers and injured workers of their rights and responsibilities under their health care plans and policies including: group health plans through their employer, managed care, individual health insurance policies, hospital billing, the Employee Retirement Income Security Act (ERISA), workers' compensation, government programs such as Medicare and Medicaid, and discount medical plans. And when necessary, the OCHA Ombudsman will advocate on behalf of consumers to resolve issues including, but not limited to: medical billing issues/inquiries, benefit delays, appeals of claims or medical treatment denials, quality of care issues, external reviews and, available community resources. For additional information, please contact OCHA at 702-486-3587, or toll free at 1-888-333-1597.

You may also visit our website at [https://adsd.nv.gov/Programs/CHA/Office for Consumer Health Assistance \(OCHA\)/](https://adsd.nv.gov/Programs/CHA/Office_for_Consumer_Health_Assistance_(OCHA)/) or email us at cha@govcha.nv.gov.



Charles Quintana, Ombudsman for Injured Workers
Office for Consumer Health Assistance

EARN CONTINUING EDUCATION CREDITS

11TH ANNUAL NEVADA
WORKERS' COMPENSATION
EDUCATIONAL
CONFERENCE

REGISTRATION WILL OPEN SOON!!!

Applications will be submitted
for **10 hours** of CEUs for:

- Claims Adjusters (NV Division of Insurance)
- Attorneys (NV Board of Continuing Legal Education)
- 1 hour of ethics included!
- Human Resources (SHRM)
- Rehabilitation Professionals (CDMS & CCM)



September 7-8, 2023
Tuscany Suites and Casino
255 E Flamingo Rd
Las Vegas, NV 89169

Hails, Farewells, and Promotions



We would like to welcome **Dwayne Harris** to our Las Vegas Workers' Compensation Section office! Dwayne joined the Employer Compliance Unit as a Compliance Audit Investigator II in March, after recently completing 23 years of service in the US Air Force. During his service, he was a member of the Air Force Office of Special Investigations as the Senior Enlisted Leader for the Creech Air Force Base Unit. Throughout his career, he has worked as Criminal/Fraud investigator, as well as a Law Enforcement Instructor, Supervisor, and Dispatcher. In his free time, Dwayne can be found kayaking, fishing, camping, golfing, watching the latest released movie, or traveling.

Please join us in welcoming **Kevin Cook**, our new Management Analyst IV in the Carson City office. Kevin oversees the Research, Analysis and Indexing Unit. He has been with the State of Nevada for 10 years, having spent most of his time with the Division of Welfare, in both Las Vegas and Carson City. Most recently, Kevin was with the Division of Forestry as the Partnerships Coordinator, overseeing Shared Stewardship and the SB508/NVE agreement. In his spare time, Kevin loves spending time with his family, and can be found adventuring through the mountains—skiing, backpacking, and trail running. We look forward to having him on our team!



Let's welcome **Pamela Parizo** to our Carson City office as our new Administrative Assistant II with our Research, Analysis, and Indexing Unit. Before moving to Nevada nearly 7 years ago, she was a Human Resources Specialist with 21 years of cumulative experience in Human Resources administration. She began this tenure with Tacoma Goodwill Industries, and then joined the University of Washington-Seattle, in their Compensation Department. Pamela's experience was concentrated primarily in executive and team support, as well as records management. She also served on an automation project that contributed to the transition to Workday in 2016. Pamela is coming out of semi-retirement to work for WCS and is happy to be a member of this team. She is a mother of two and has one grandson. She is a self-published writer of Christian fiction and motivational books for children, veterans and others. She loves to bake, work with essential oils and is devoted to her church.

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

WELCOME

Hails, Farewells, and Promotions



We would like to welcome **Jennifer Pence** to our Carson City WCS office, as the new Administrative Assistant II in our Research, Analysis, and Indexing Unit. Jennifer was born and raised in Southern California before moving to the Carson City area in 2021. Prior to joining WCS, she worked as an Office Technician with the California State Prison—Los Angeles County. In her off time, she enjoys spending time with her three-year-old son, reading, and binge-watching shows with her family and friends.

Please join us in welcoming **Eva Aurora Ramirez** to WCS as our new Administrative Assistant I/Receptionist in our Las Vegas office. Eva joins us from the Mechanical Compliance Section where she served in the same capacity. She was born and raised in Orange County, California and recently moved to Las Vegas in January, after getting married. In her free time, she likes to take trips back to California to visit her family, most especially her nieces. She is the youngest of three, all girls! A fun fact about Eva; her favorite animal is the cow. She loves cows so much that she had her college graduation pictures taken with them on her grandfather's farm in Jalisco, Mexico! She is looking forward to meeting and getting to know everyone in WCS.



We are pleased to announce **Jesse Stephenson** as the new Business Process Analyst II in the Las Vegas office. He has spent almost 2 years as a Compliance Audit Investigator II with the Employer Compliance Unit. Previously, he spent 18 years 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 and is a devoted Seattle Seahawks fan. He enjoys providing Uber like taxi service to his teenage daughter during his off hours and watching YouTube videos.

SAFETY CONSULTATION & TRAINING SECTION

THE VALUE OF WORKPLACE SAFETY

**YOUR PARTNER FOR
A SAFER NEVADA**

SCATS
Safety Consultation & Training Section

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

2023 TRAINING SESSIONS

ONLINE VIA **WEBEX**:

Check our website for upcoming WebEx training opportunities!

To register for WebEx trainings:

<https://dir.nv.gov/WCS/Training/>

-or-

Email:

WCSedutng@dir.nv.gov



Direct comments or suggestions about this newsletter to:

Workers' Compensation Section
Las Vegas Office
Ruth Ryan, Editor
Jessica Rassier,
Assistant Editor

rryan@dir.nv.gov
jrassier@dir.nv.gov



Employment Opportunities with WCS

Compliance Specialist – RN: There are **two** of these positions available in the Medical Unit- one is located in the Carson City office and one in the Las Vegas office. The positions monitor compliance of medical providers, insurance carriers, TPAs, medical billing vendors, and employers; as well as supervise Compliance/Audit Investigators. These positions investigate complaints and medical bill disputes, document findings and write determinations as needed. These positions also review Permanent Partial Disability (PPD) reports for errors and assist 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 \(Req ID 12596\)](#) for the Carson City position and [Compliance Specialist—RN \(Req ID 13770\)](#) for the Las Vegas position.

Medical Unit Email Addresses

medunit@dir.nv.gov

Submit D-35 Forms, C-4 Forms (when requested), questions, complaints, billing appeals

medpanels@dir.nv.gov

Health care provider contact information and/or address changes, applications for WCS Treating Panel

PPDreports@dir.nv.gov

PPD reports

CONTACT WCS

**Department of Business and Industry
Division of Industrial Relations
Workers' Compensation Section**

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<http://dir.nv.gov/WCS/Home/> | WCSHelp@dir.nv.gov