



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Summer Edition
(June 2019-August 2019)

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.

REGISTRATION IS NOW OPEN FOR THE 9th ANNUAL WORKERS' COMPENSATION EDUCATION CONFERENCE

We are excited to announce online registration is now open for the Ninth Annual Nevada Workers' Compensation Educational Conference, which will take place at the Tuscany Suites Hotel on August 22nd and 23rd. The conference is presented by the State of Nevada Workers' Compensation Section in association with the International Workers' Compensation Foundation.

This year's conference promises to be a highly informative and an enjoyable experience. There will be a variety of presentations which will include the following topics:

- Why Do Claims Get Stuck & What To Do About It?
- The Importance of AB492- First Responders & Workers' Compensation
- Subsequent Injury-The Do's & Don'ts
- Valued Based Risk Management: A Case Study of Performance Based Risk Management
- Industrial Insurance in Nevada- The Worker's Perspective
- Compliance and You: A Success Story
- Return to Productivity (Highly-Effective Return To Work Practices)
- Claimant Fraud
- Ethical Administration & Litigation of Claims in Changing Workers' Compensation Environment
- How State Agency Collaborations Support Public Safety
- Workers' Compensation Section- Legislative Update

Individual registration is \$350 on or before July 1, 2019 and \$400 after July 1, 2019. The fee for exhibitors is \$800 and includes two (2) complimentary registrations for exhibitor representatives. Sponsorship opportunities are also available.

To register or for more information visit the IWCF website at www.iwcf.us/iwcfevents.html.

We look forward to seeing you in August!



State of Nevada Division of Industrial Relations

Register Now!

WORKERS' COMPENSATION EDUCATIONAL CONFERENCE



Thursday, August 22, 2019 and Friday, August 23, 2019

Tuscany Suites Hotel Las Vegas, Nevada

Sponsorship and Exhibitor Opportunities Email: iwcf@bellsouth.net

Reopening A Nevada Workers' Compensation Claim

Nevada is one of the few states that allows lifetime reopening of a workers' compensation claim accepted for benefits and subsequently closed. A Nevada workers' compensation claim may be reopened if it meets certain requirements pursuant to NRS 616C.390.



If the request for claim reopening is made after the claim has been closed for 1 year, the claim shall be reopened if:

1. A change in circumstances warrants an increase or rearrangement of compensation during the life of the claimant;
2. The primary cause of the change of circumstances is the injury for which the claim was originally made; and,
3. The application is accompanied by the certificate of a physician or chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation.

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Annual Service Provider Appreciation Fair

For the 4th consecutive year, The Workers' Compensation Section (WCS) participated in the annual Nevada Self-Insurers Association (NSIA) Vendor Appreciation and Marketing Fair held at Westgate Resort on March 15, 2019. The WCS was able to reach out and provide information on various topics to those attendees just starting out in Nevada workers' compensation. Over 140 attendees stopped at our booth to collect information and ask questions. The WCS booth provided information about our upcoming training opportunities, brochures for the medical, insurer and vocational rehabilitation community, as well information specific to our CARDS web portal.

There were 64 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. 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/>.



Krissi Garcia and Lupe Manzo, WCS Las Vegas, ready to handout goodies and answer attendees questions.



WCS booth all set for the NSAIA attendees.



Attendees getting information and goodies from the WCS booth.

Reopening A Nevada Workers' Compensation Claim

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An injured employee must request claim reopening within 1 year of the date of claim closure if the medical expenses of the workers' compensation claim exceeded \$800, but the injured employee lost no time from work nor received a permanent partial disability award. A workers' compensation claim may not be reopened if the medical expenses of the workers' compensation claim are under \$800 and if the injured employee was properly informed of claim closure pursuant to NRS 616C.235.

A request for claim reopening must be in writing and accompanied by medical reporting by a physician or chiropractor showing a worsening of the condition of the industrial injury or occupational disease. The medical reporting should clearly establish that the reason additional medical care is needed (*or for claim reopening*) is primarily due to the industrial injury or occupational disease. The injured employee is responsible for the costs of the medical reporting, but may seek reimbursement from the insurer or third-party administrator if the claim is approved for reopening.

The insurer or TPA has 30 days from the date of receipt of the request and required medical reporting to render a determination concerning the reopening of the claim. Appropriate appeal rights must be provided. The insurer or TPA is responsible for issuing a written determination responding to the reopening request even if the request fails to include the required medical reporting. [NAC 616C.094].

If claim reopening is approved, the claim will be opened retroactive to the date of the reopening request unless good cause is shown. The cost of emergency treatment may be allowed prior to the date of the reopening request if there is sufficient evidence to substantiate that the treatment was necessary, (*industrially related*) and done on an emergency basis.

The insurer may authorize claim reopening for medical investigation only. Once the investigation is completed, a new determination must be issued. The insurer may also authorize claim reopening for a permanent partial disability evaluation if the injured employee was entitled to, but not scheduled for the evaluation prior to claim closure.

If the Insurer or TPA denies claim reopening and the injured employee fails to appeal the denial or the denial is affirmed by a judicial order, an injured employee may not request reopening again for another year after the date of the final determination.



CARDS

Claims and Regulatory Data System

LOGIN TO CARDS at <https://cards.nv.gov>

NEWS AND UPDATES:

- **CARDS Information Web Page:** Visitors to the WCS web site will find an updated informational page for CARDS users: <http://dir.nv.gov/WCS/cards/>. Look for the [CARDS User Manual](#) and [D-38 Manual Version 3.1](#), important announcements and updates, brochures, and general information about CARDS functionality on this page.
- **CARDS is mandatory!** It's been over 2 years since CARDS was launched and there are still insurers that have not registered. Insurers and TPAs licensed for workers' compensation in Nevada - **including former self-insured employers that no longer have an active certificate of authority**- must have at least one active registered user in CARDS. Certain required reporting, including the *Insurer and TPA Information Forms*, can only be submitted via the CARDS web portal. Failure to submit the reports may result in administrative fines.
- **CARDS Account Administrators:** Every insurer and TPA must have up to 2 **Account Administrators** registered in CARDS. **Account Administrators** are responsible for adding users and granting user permissions- critical functions for using CARDS successfully. It is important to keep the Account Administrators current in CARDS. WCS recommends each insurer and TPA have 2 active **Account Administrators** at all times, so that if one leaves the company, the other can update and replace the former **Account Administrator** with a new one.
- **D-38s (Claims Indexing):** Effective January 1, 2019, WCS discontinued the paper D-38 forms and no longer accepts paper forms for processing. Insurers and TPAs should submit D-38s via the CARDS web portal or by flat file (FTP). **WCS strongly encourages insurers and TPAs to explore and pursue the flat file D-38 submission option, especially submitters with a high volume of claims to report.** Flat file is the most efficient submission process and allows submitters to update their claims faster. For more information on D-38 submission via flat file, visit the CARDS Information Web Page at <http://dir.nv.gov/WCS/cards/> or email indexing@business.nv.gov.
- **CARDS is popular!** CARDS currently has 926 registered active users and more are being added every week. While we know no system is perfect, WCS receives a lot of positive feedback from insurers and TPAs, and many have asked us when we will add more functionality to CARDS. We are considering expanding CARDS in the future, but right now we are focused on making sure everyone who is required to use CARDS is registered and comfortable using the portal regularly.
- **Questions about CARDS?**

CARDS@business.nv.gov

For general questions, issues with login, registration, account activation and permissions.

indexing@business.nv.gov

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

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

**WCS WILL BE CLOSED
THURSDAY, JULY 4, 2019
IN OBSERVANCE OF
INDEPENDENCE DAY
ENJOY THE HOLIDAY**

REPORTING REMINDERS

- The **FY18 WCS Workers' Compensation Claims Activity Report** pursuant to NRS 616B.009 and NAC 616B.016 was requested via email to insurers and TPAs on March 22, 2019 and was due no later than May 6, 2019. **Insurers that have not submitted either the FY18 WCS Claims Activity Report or Statement of Inactivity should do so immediately.** Forms and instructions can be found on our website at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. NOTE: The **Insurer Information Form** is no longer part of this data call. See "**Insurer Information Form**" below. 
- **Insurer Information Forms** - Insurers must notify WCS of any changes such as name, address, phone and fax numbers, **as well as changes or updates of their TPAs**, by submitting an **Insurer Information Form** via our CARDS web portal within 30 days of any changes, and at least annually upon request of WCS. For information on how to submit the **Insurer Information Form**, see **Insurer Information Form-Quick Steps** found on our website. For information on CARDS, please visit the CARDS Information web page at <http://dir.nv.gov/WCS/cards/>.
- **(OD-8) Occupational Disease Claim Report(s) (NRS 617.357):** Ongoing **OD-8** reporting requirements can be found on our website at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. Don't forget to submit all required updates to reportable claims including appeals, closures and reopening s. Make sure you are using the most current **OD-8 Form**, updated in July 2018.
- 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, submit the **D-38** via the CARDS web portal or by flat file (FTP).
- **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. **Effective July 1, 2018, private carriers writing large deductible policies in Nevada are required to submit 3 additional data elements relating to the policy.** See [NCCI Circular POC-NV-2018-01](#) on our website for more information.

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 email at wcsra@business.nv.gov or by phone at (702) 486-9080 if we can be of any assistance.



Angelia Yllas often jokes about being "born" at the Division of Industrial Relations (DIR), as she has been with the Workers' Compensation Section (WCS) since December of 1998. She started her public service career at the Division of Welfare in the Investigations and Recovery Unit. After transitioning to the WCS she served as the Program Assistant III in the Medical Unit. Later, she promoted to the Enforcement Unit as a Compliance Audit Investigator II and eventually became the unit supervisor. Angelia also has a background in education, so she is passionate about volunteering at and giving back to at-risk schools in the district. In her new position as the statewide Chief of Enforcement she will grow in her experience in both workers' compensation and leadership. When she is not at work, Angelia enjoys spending time with her family and friends. An impromptu weekend beach trip is her recipe for relaxation and finding balance after a long week at work.

Training Sessions

Classes taught live in
SOUTHERN NEVADA
3360 West Sahara Avenue, Suite 250
Las Vegas, Nevada 89102
krissi.garcia@business.nv.gov
(702) 486-9105

Classes taught via video conference in
NORTHERN NEVADA
400 West King Street, Suite 400
Carson City, Nevada 89703
(775) 684-7265

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



Medical Fee Schedule
6/19/19 at 9:30 am

C-4 Process & Using CVS
7/17/2019 at 9:30 am

Medical Billing
7/17/2019 at 1:30 pm

Direct comments or suggestions about
this newsletter to:

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Krissi Garcia, Assistant Editor
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<http://dir.nv.gov/WCS/Home/>

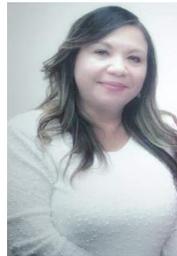
WCSHelp@business.nv.gov



Congratulations to **Jana Hermann** who was promoted to Chief Compliance Audit Investigator in April. Jana has more than 30 years of experience in the field of workers' compensation in Nevada. She has been with the Division of Industrial Relations for eight years as the Uninsured Claims Coordinator. Jana's career in the workers' compensation industry began in 1979 when she was first employed by the Nevada Industrial Commission. She has worked for both insurers and TPAs, therefore, she brings along with her a diverse perspective to Workers' Compensation Section. She has extensive knowledge of the applicable NRSs and NACs, which is

highly valuable to our agency. Outside of work, she enjoys being with her family. She is an avid art enthusiast and enjoys Broadway plays and musicals.

In March of 2019, **Vanessa Skrinjaric** moved into the position of Subsequent Injury Coordinator, which was formerly held by Jacque Everhart. 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 in WCS for two years as well as a benefit penalty investigator for 2 years. Vanessa graduated from UNLV with a degree in Political Science.



Welcome **Claudia Moorer** our newest Compliance Audit Investigator II. Claudia brings 28 years of Workers' Compensation experience. Claudia is originally from Columbia, South America. She has lived in Nevada for over 30 years. When she's not working, she enjoys spending time with her friends, family and two dogs. She also enjoys watching movies, listening to music, hiking and reading.

Congratulations to **Amanda Guimont** who was promoted in March to Administrative Assistance IV which will support the Administrator of the Division of Industrial Relations (DIR) in the Las Vegas office. Amanda has been with DIR since the beginning of 2016. In OSHA, her first position was processing complaints and referrals, then citations, until she was promoted to Administrative Assistant III responsible for Photovoltaic and Asbestos licenses and notifications. During her time off, Amanda enjoys dancing, traveling, and hosting holiday parties or game nights with friends and family. Amanda was recently married in November, and is enjoying the newlywed life dancing with her husband at Gilley's and Stoney's Rockin' Country.



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 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.