



NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations Summer Edition
(Summer Edition June 2021 - August 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.

Uninsured Employers' Account Protects Nevada Workers

One of the core missions of the Workers' Compensation Section (WCS) is to ensure that employers who are required to provide workers' compensation coverage for their employees obtain and maintain proper coverage. To motivate employer compliance, WCS may issue hefty fines and penalties or even close a business. But what happens to those injured workers whose employer doesn't have the required coverage?

[NRS 616C.220](#) details how an injured employee may receive compensation from the Uninsured Employers' Claim Account (UECA). WCS is responsible for investigating and determining whether a claim should be assigned to the UECA. As with a any claim, there are various criteria to satisfy compensability, but if a claim is assigned to the UECA and is ultimately accepted, the injured worker is entitled to the same compensation and benefits as if they had worked for a fully insured employer.

There are a variety of ways possible uninsured claims come to WCS's attention, including referrals from whistleblowers or attorneys for injured workers. One of the most common ways a potentially uninsured claim comes to light is when an injured worker seeks medical treatment and the healthcare provider cannot identify the correct workers' compensation insurer. In this situation, the worker is treated, but instead of sending the C-4 claim form to the insurer, the healthcare provider will send that C-4 to WCS for further investigation. If the C-4 investigation staff cannot identify the correct insurer, they route the C-4 to the Employer Compliance Unit (ECU) for investigation as a possible uninsured claim.

ECU then assigns an investigator who visits the alleged non-compliant employer and collects information from the injured employee. If the employer is found to be uninsured, ECU will assess a premium penalty and, in some cases, an administrative fine against that employer. If the injured employee is able to substantiate an employer-employee relationship, they may elect compensation from the UECA or seek direct redress from the employer, which often takes the form of a civil lawsuit.

If the injured worker chooses to file a claim through the UECA, that claim will ultimately be processed by the State's UECA third-party administrator, which has 30 days to accept or deny the claim. If the claim is accepted, the DIR Counsel and Department of Business and Industry Fiscal Unit will pursue reimbursement collection against the employer for all UECA expenses relating to the uninsured claim.

Most Nevada employers are required by law to provide workers' compensation coverage for their employees. However, even if an employer fails to secure and maintain coverage, injured workers are protected and may receive the same benefits from the UECA as covered employees would receive from an insurer.

Beginning June 1, 2021, DIR offices across the state will be open to the public by appointment only.

Visitors with appointments will be required to wear face coverings, follow social-distancing rules and sign in with their name and phone number for purposes of contact tracing, in accordance with state protocols. Visitors will also be asked a series of screening questions relating to COVID-19 symptoms and exposure see [Health and Safety Measures](#). Visitors without an appointment, not wearing a face covering, or answering yes to any of the screening questions will not be permitted to enter DIR offices.

SCATS

The Safety Consultation and Training Section (SCATS) started transitioning its COVID-19 response role when local jurisdictions took responsibility for their own COVID-19 mitigation and management response on May 1, 2021. During the COVID-19 pandemic, SCATS reviewed over 800 submitted plans by sports groups, large gathering events, and miscellaneous plans for other functions. SCATS also answered thousands of COVID-19 technical assistance calls and e-mails from State of Nevada businesses and the public. SCATS performed on-site surveys at the request of public and private businesses to ensure that the physical location was following the current

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COVID-19 WORKERS' COMP CLAIMS

Nevada claims processed in CARDS that include one or both COVID-19 identifiers (Nature of Injury Code 83: COVID-19 or Cause of Injury Code 83: Pandemic), through May 31, 2021:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	1599	
Accepted	589	36.8%
Denied	1010	63.2%

Nevada claims processed in CARDS that include the Nature of Injury Code 38 Adverse Reaction to Vaccination identifier through May 31, 2021:

Adverse Reaction to Vaccination/ Inoculation Claims	Count	Percent
Filed/Processed in CARDS	1	
Accepted	0	0%
Denied	1	100%

For more information on these Nature and Cause of Injury Codes see "CARDS Corner" on page 4 of this newsletter.

SCATS

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State of Nevada COVID-19 guidelines. SCATS is still answering calls related to the statewide mask mandate and assisting local jurisdictions with COVID-19 related questions.

The latest COVID-19 guidance from Nevada OSHA was issued on May 14, 2021 to reflect updated guidance for face coverings from the Centers for Disease Control and Prevention (CDC): <https://dir.nv.gov/uploadedFiles/dirnv.gov/content/home/features/COVID-19%20Guidance%20update%202005-14-2021.pdf>

Many questions about local COVID-19 mitigation requirements can be answered by contacting your local jurisdiction or by reviewing the reopening plans at the links below.

County reopening plan link: <https://nvhealthresponse.nv.gov/current-status-mitigation-measures/>

County School District reopening plan link: <https://nvhealthresponse.nv.gov/education/>

Governor Sisolak set a goal for each county to work towards reopening 100% by June 1, 2021. Effective June 1, all remaining State mitigation measures, with the exception of the mask mandate, terminated leaving no State restrictions in place that would prevent 100 percent reopening of businesses and activities.

Andy Giddings, Safety Supervisor, Consultation, SCATS



SAVE THE DATE
10th Annual
**WORKERS' COMPENSATION
EDUCATIONAL CONFERENCE**
Thursday, September 15
and
Friday, September 16, 2022
Las Vegas, Nevada
More details about workshops, speakers and how to register will be coming soon.

IAIABC Forum 2021

The International Association of Industrial Accident Boards and Commissions (IAIABC) held its 2021 Forum virtually the last two weeks of April. The focus of this year's Forum was collaboration. One of the most impactful presentations was entitled, "Diversity, Equity, and Inclusion" which was followed by discussion groups allowing attendees to openly share experiences, concerns, mistakes, responses and plans to address these issues more transparently and effectively. 2020 was not just defined by the COVID-19 pandemic; it also was a significant year of unrest, demonstrations, even violence. Admitting our individual biases, learning to have uncomfortable conversations, and truly listening to one another were important take-aways for all who attended.

For those not familiar with this organization, IAIABC members include jurisdictional regulators and administrators, medical directors and providers, insurers, claims administrators, attorneys, service providers, administrative law judges and others. IAIABC members may also participate in various committees. WCS staff are active in two committees: Ruth Ryan, WCS Research and Analysis Manager, sits on the Research and Standards Committee (RSC) and Katherine Godwin, Medical Unit Chief, sits on the Medical Issues Committee (MIC). Both committees meet multiple times per year, including during the Forum. Katherine and Ruth also attended the Heads of Delegation Forum, in which all jurisdictional members provide a summary of recent and current legislation and rule changes in their jurisdictions.

The MIC enjoyed a presentation from Optimized Outcome Solutions discussing injury recovery and return to work experiences from a patient's perspective. Although long-time workers' compensation professionals may believe they understand these processes, this belief alone can become a barrier to truly listening to the injured worker's experience. The presentation focused on how to help injured workers "get better faster and stay better longer." The speakers shared powerful stories from their own recovery experiences and how these experiences led them to develop a new program to help injured workers through their own recoveries.

The RSC discussed its two data collection projects, the Claims Measures Survey and a COVID-19 claims data call. The Claims Measure Survey is an annual data call sent to all jurisdictional members of the IAIABC whose purpose is to collect meaningful claims statistics to assist jurisdictions with internal benchmarking and provide another resource for understanding workers' compensation claims characteristics across jurisdictions. This is both particularly important and challenging given the many differences in the way jurisdictions' laws and rules address claims administration. While nearly all jurisdictions are tracking certain statistical information relating to these claims independently, the COVID-19 claims data call will try to address the most important commonalities in the data, making it easier to benchmark and compare data across jurisdictions.

The RSC also heard a presentation by Steve Wurzelbacher from the Center for Workers' Compensation Studies at the National Institute for Occupational Safety and Health, and members had an opportunity to share research updates from their respective organizations.

Other committees meeting and offering presentations during the Forum include the Regulation Committee, the Dispute Resolution and Return to Work Committee, and various Electronic Data Interchange Committees. The Forum also offered attendees virtual panel discussions such as "Extending Coverage through Innovation," "Spotlight on Compliance," "Work Disability Prevention," and "Curating Business Intelligence – Gaining Insight from Data," to name a few.

The IAIABC will host its 107th Convention October 26 – 28, 2021 in Louisville, Kentucky. This "hybrid" conference will provide the opportunity for those who are comfortable traveling and attending in-person to do so, while giving a virtual option for those who elect not to travel.

Katherine Godwin, BSN, RN, Chief Medical Unit, WCS
Ruth Ryan, Research & Analysis Unit Manager, WCS



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.

CARDS Corner

NEW NATURE & CAUSE OF INJURY CODES: COVID-19 & VACCINE REACTIONS

REMINDER! Over the last year, new Nature and Cause of Injury Codes have been added to account for claim submissions related to COVID-19 and adverse reaction to vaccination. These new codes correspond with those adopted by the Workers Compensation Insurance Organizations (WCIO) and International Association of Industrial Accidents Boards and Commissions (IAIABC):

Adverse Reaction to a Vaccination or Inoculation. Use these codes to report claims for a reaction to *any* vaccine or inoculation as of March 8, 2021, or later. New Nature Code (“38”) is not specific to COVID-19 vaccines, and the description of pre-existing Cause Code (“82”) was updated to expressly include “injury resulted from... vaccines” in general. Applicable claim submissions should be coded as follows:

Nature of Injury Code: “38 – Adverse Reaction to a Vaccination or Inoculation”

In CARDS, code “38” is the last option listed in the Specific Injury category on the Nature of Injury field drop down.

Cause of Injury Code: “82 – Absorption, Ingestion or Inhalation, NOC”

In CARDS, code “82” is the very first option listed in the Miscellaneous Causes category on the Cause of Injury drop-down.

Type of Loss: “Traumatic Injury”

COVID-19. New coding specifically in response to COVID-19 illness was added early last year, and these codes may be used for claims reportable as of December 2019 or later. Applicable claim submissions should be coded as follows:

Nature of Injury Code: “83 – COVID-19”

In CARDS, this is the last option listed in the Occupational Disease or Cumulative Injury category on the Nature of Injury drop-down.

Cause of Injury Code: “83 – Pandemic”

In CARDS, this one is the very last option listed in the Miscellaneous Causes category on the Cause of Injury drop-down.

Type of Loss: “Occupational Disease” or “Cumulative Injury” is most fitting, but WCS is not currently rejecting COVID-19 submissions based on Type of Loss.

Note: Claims using these codes can be submitted via either the CARDS portal or flat file (FTP). If using the CARDS portal, be aware that the newly added codes (“38” and “83”) are not currently shown in numerical order, but we hope to resolve the issue soon.

Please direct any related questions to indexing@dir.nv.gov.

Hayley D. Weedn, Business Process Analyst, WCS

The State of Nevada’s Office for Consumer Health Assistance (OCHA)

The State of Nevada’s Office for Consumer Health Assistance (OCHA) helps Nevadans access information on their rights and responsibilities as patients and injured workers. We also educate and advocate for consumers and injured workers concerning 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. Access to healthcare and prescription medication assistance resources are also provided for the uninsured and under insured.

Our Ombudsman for injured workers answers questions about the workers’ compensation claim process and when necessary will advocate on their behalf to resolve issues including: Total Temporary Disability (TTD) benefit delays or miscalculations, treatment plan inquiries, and preparation and filing of hearings/appeals requests. OCHA may also assist injured workers with filing formal complaints with the Division of Industrial Relations. 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: <http://dhhs.nv.gov/Programs/CHA/> or email us at cha@govcha.state.nv.us.

Charles Quintana, Consumer Health Advocacy Specialist, Office for Consumer Health Assistance

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.



CURRENTLY DUE:

- ✓ **2021 Annual TPA Information Form (CARDS Web Portal), FY20 Statewide Claims Handled Data and List of Accounts:** This annual data call is for licensed TPAs only and was emailed to each one on 4/30/21. The due date was 5/21/21. If you are a licensed TPA and have not responded to this data call, please do so as soon as possible.

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.

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 if we can be of any assistance.

Ruth Ryan, Research & Analysis Unit Manager, WCS

COLA Update: Reimbursement Requests and the Special Assessment

Senate Bill 377 and Assembly Bill 370 from the 2019 Legislature provided for annual 2.3% increases for PTD and Survivors' (Death) benefit claims, and the opportunity for insurers to be reimbursed for the increased costs associated with the COLAs for certain claims. The DIR implemented a 4-step process to carry out the provisions set forth in the legislation for reimbursing eligible costs to insurers:

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

Step 1: Insurers only need to submit a qualifying claim to DIR once for verification of AMW/rate and may do so at any time. Requests for Reimbursement will not be processed unless the claim's AMW/Rate has gone through the DIR verification process.

Step 2: Insurers must submit Requests for Reimbursement every year by March 31 for the prior calendar year. DIR/WCS has completed processing Requests for Reimbursement for 2020 COLAs. The WCS Audit Unit processed 1,180 Requests for Reimbursements totaling \$527,375.82.

Step 3: The Special COLA Assessment has been implemented by the Department of Business and Industry Fiscal Unit in conjunction with DIR. All insurers subject to the regular assessment are subject to the special annual COLA assessment. Insurers were sent their 2020 annual COLA assessment on June 1, 2021 with their FY 2020 Final Assessment. Payment will be due by June 30, 2021.

Step 4: The State of Nevada Controller's Office will issue reimbursement checks to insurers who submitted requests that were approved for reimbursement by August 1, 2021. Reimbursement checks will be sent to the Assessment Contact on file with DIR for eligible insurers.

For more information regarding the COLA legislation and the DIR 4-Step COLA Process, visit the “[COLA Info – PTD and Survivors' Benefits \(Death\) Claims](#)” page on our website. You may direct inquiries to COLAS@dir.nv.gov.

Ruth Ryan, Research & Analysis Unit Manager, WCS

2021 Training Sessions

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

C-4 Forms: Health Care Provider (HCP) Responsibilities and Coverage Verification
July 28, 2021 at 9:00 am

Medical Billing
July 28, 2021 at 1:30 pm

To register for classes click on the session above
Or email
klowrv@dir.nv.gov



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

WCSHelp@dir.nv.gov

Direct comments
or
suggestions about this
newsletter to:

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Questions about Workers' Compensation?
Click Here!



WCSHelp@dir.nv.gov

Hails and Farewells and Promotions

Congratulations!

Sherry Crance, Medical Unit Supervisor in Carson City, retired in April 2021. She worked for the State of Nevada for nearly 15 years. Her retirement plans include spending time with family and furry friends, hiking, reading, and gardening. Although we miss her, we wish her joy in the next chapter of her life.



Congratulations to **Norma Ramirez**, the new Compliance/Audit Investigator for the Las Vegas WCS Medical Unit. Prior to her current position, she was an Employer Compliance Investigator for the WCS Enforcement Unit since 2009. She also worked for the Nevada Consumer Affairs Division for 9 years. She is a proud mother of 3 children, a people person and a team player who enjoys working with people from all walks of life. Whether it be interacting with business or the public she feels it is very rewarding to be of service. She is grateful for the opportunity to continue working for WCS in a different section where she will continue learning and assisting the agency in every way she can.

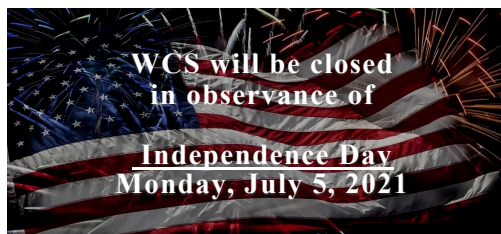
Congratulations to **Stacey Sanders**, who has recently been promoted from Administrative Assistant II in the Las Vegas Medical Unit to Administrative Assistant III where she will provide administrative support to the Chief Administrative Officer. Stacey has lived in Las Vegas over 40 years and, prior to coming to WCS, had always worked in the medical field. Outside of work she enjoys family time, reading, crafting, watching baseball, and cheering on her favorite football team, the Pittsburgh Steelers. She also enjoys ATV off road racing. She is looking forward to great experiences in her new position.



Melissa Knight is the new addition to the Workers' Compensation Unit who has joined as an Administrative Assistant III. Melissa joins us from the Division of Health and Human Services, where she worked for the Medical Marijuana program and the Office of Vital Records. She has been with the state for 5 years. When she is not working with the state she is working for the Children's Museum of Northern Nevada. She comes from a long history of volunteer and non-profit work in serving her community. When she is not at work, her hobbies are painting, writing, historical research, and movies. Melissa holds a BA in History and Communication from the University of Nevada, Reno.



Linda Jones, Compliance Audit Investigator II with the WCS Enforcement Unit, retired in June 2021 after almost 10 years of State service. Linda has been an Employer Compliance Investigator for over 7 years and began as an Administrative Assistant in the WCS Medical Unit for 2 years. Linda, originally from La Junta, Colorado, lived in Las Vegas for 20 years. She brought an impressive background in insurance to WCS as well as bachelor's and master's degrees in English and Creative Writing, respectively, from California State University in Fresno. She has two grown children and upon retiring will spend time visiting her son and his wife in California, traveling to Colorado to visit family, and then on to Florida to live near her daughter and son-in-law. Linda enjoyed her time throughout her years of employment with WCS. Linda will be missed, and we wish her a very happy retirement!



CARDS
Claims and Regulatory Data System

<<Click here to login or register>>