



# NEVADA WORKERS' COMPENSATION CHRONICLE

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

Division of Industrial Relations  
Summer Edition (June 2017 - August 2017)

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 2017 WORKERS' COMPENSATION EDUCATIONAL CONFERENCE

Registration is now open for the Seventh Annual Nevada Workers' Compensation Educational Conference, which will take place at the Tuscany Suites Hotel on August 24-25, 2017. The conference is presented by the State of Nevada Workers' Compensation Section in association with the International Workers' Compensation Foundation. It's an exciting time for the State of Nevada as we prepare for this year's conference. Workers' compensation in Nevada is confronting a time of many challenges and we're meeting these challenges during a time of larger nation wide change. The world of workers' compensation is a fundamental and essential area in business and industry, and we'll continue to meet and bring inspired people together annually, to ensure that Nevada remain at the cutting edge.

The program provides valuable information of importance to employers, insurance adjusters, self-insurers, third-party administrators, safety and human resource managers, plaintiff and defense attorneys, health care providers, mediators, medical and rehabilitation providers, and everyone with interest in the Nevada workers compensation system. Participants may be eligible for continuing education credits for conference attendance.

There will be 14 Conference presentations that will include the following topics:

- Legislative and Regulatory Updates
- Understanding Addiction
- Preventing Death and Injuries in the Workplace
- Workers' Comp for Medical Providers
- Leave Policy Compliance: FMLA, Workers' Compensation, ADA
- Inherent Risks of Toxic Chemical Exposures to Firefighters
- General Overview of the Workers' Compensation Fraud Unit
- Peripheral Nerve Disorders of the Wrist and Hand
- New Developments in Workers' Compensation Subrogation
- Civilian Response to Active Shooter
- Introduction to CARDS
- Opioid Use in Workers' Compensation Claims
- Insurance Trends
- ABC's of Workers' Compensation for Medical Providers
- Closing Keynote speaker Supreme Court Justice Lidia Stiglich will speak on the Standard Appellate Review under the Nevada Administrative Procedure Act.

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## SILVERFLUME BUSINESS PORTAL: KEEPING NEVADA EMPLOYERS INFORMED

SilverFlume is Nevada's one-stop business portal, providing businesses with a single online location for conducting transactions with state agencies. By creating a SilverFlume profile, businesses can dramatically reduce the time and paperwork associated with licensing, permitting, taxation and other transactions with government.

The Division of Industrial Relations (DIR) Workers' Compensation Section (WCS) is enhancing its regulatory efforts by using SilverFlume to communicate with employers during their "one-stop shop" business registration process. Businesses that register with SilverFlume have access to acknowledge and electronically sign the eAffirmation of Compliance form (D-25) during the business license registration process. DIR/WCS uses the Affirmation of Compliance with Mandatory Industrial Insurance Requirements

(Continued on page 5)

### The State of Nevada

## WORKERS' COMPENSATION EDUCATIONAL CONFERENCE

Tuscany Suites Hotel Las Vegas, Nevada

Thursday, August 24, 2017 and  
Friday, August 25, 2017

Sponsorship and Exhibitor Opportunities Email: [iwcf@bellsouth.net](mailto:iwcf@bellsouth.net)

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**STRAIGHT TALK:****Observations and Advice from DIR Regulators****Insurer and TPA Reporting: What's New/What's Not**

**With the launch of our new Claims and Regulatory Data System (CARDS) in April 2017, there are some changes to the way Insurers and TPAs will report data to the WCS.**

**What's New:** The following reports are now part of our new system, CARDS.

- ✓ **Insurer Information Form:** This form is now required to be completed through our CARDS Web Portal. The paper form previously used will no longer be accepted as of July 11, 2017. The contact information you provide on this form via the CARDS portal provides DIR with crucial business function contacts, provides your claims office and your Nevada TPA information and allows WCS to communicate with you by the most efficient means. This form, in conjunction with the User Access Management function on the Web Portal, also allows you to give TPAs and other individuals access to certain reporting functions on your behalf.
- ✓ **TPA Information Form:** This form is now required to be completed through our CARDS Web Portal. The paper form previously used will no longer be accepted as of July 11, 2017. This form provides WCS important contact information and the public information about where to mail and/or fax a C-4 Claim for Compensation.
- ✓ **D-38 Claims Indexing:** The new D-38 has expanded to include new data elements required by CARDS and can be found on our web site. The old D-38 will no longer be accepted. As of July 11, 2017 all claims – accepted and denied – are required to be reported on the D-38. Reporting for accepted claims has also been enhanced to include information relating to benefit types and periods, nature and type of injuries and disability information. CARDS includes a D-38 Web Form and Flat File reporting capabilities. The new D-38 paper form will be accepted for a limited time, after which only the Web Form and Flat File reporting options will remain.
- ✓ **D-35 Request for Rating Physician:** The new D-35 form can be found on our web site. **Important! Before we can process a D-35, Request For A Rotating Rating Physician OR Chiropractor, the claim must have already been indexed. If the claim has not been indexed the insurer or TPA must submit the new D-38 Claims Indexing form prior to submitting a D-35.**



**What's Not:** The following reports are not part of our new CARDS system and reporting remains the same.

**Permanent Total (PT) Disability Claims** - This annual data call goes out every July and is due the first week of August. Report eligible PT claimants pursuant to NRS 616C.453 on the form provided on our web site. Submit one form per eligible claimant via email to [WCSRA@business.nv.gov](mailto:WCSRA@business.nv.gov).

**Occupational Disease Claim (OD-8)** – This reporting requirement is ongoing pursuant to NRS 617.357. The reporting form and instructions are available on our web site and reporting is due within 30 days of each reporting trigger. Submit OD-8 forms via email to [WCSRA@business.nv.gov](mailto:WCSRA@business.nv.gov).

**FY WCS Claims Activity Report** - This report is due annually upon request (generally late fall/winter). The reporting form and instructions are updated each fiscal year and are available on our web site. With the expansion of the D-38 Claims Indexing requirements, we hope to be able to amend the Claims Activity Report form over the next year or two and eliminate redundant claim reporting. The decision to change the report format will depend heavily on D-38 reporting compliance levels.

**Special Data Calls** – These data calls occur when WCS is tasked with special inquiries or projects that require data not regularly collected. Special data calls are communicated via Listserv email with detailed information posted to our web site.

**Dos and Don'ts on how to submit required reports to WCS timely and accurately.**

**DO:** Submit these reports via the CARDS Web Portal

Index of Claims (D-38) Forms (also via flat file, email to [indexing@business.nv.gov](mailto:indexing@business.nv.gov), or mail to the Carson City WCS office)

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(Straight Talk Continued from page 2)

Insurer Information Form

TPA Information Form

Visit the CARDS web site for more information (<http://dir.nv.gov/WCS/cards>)

**DO: Submit these reports to the Research & Analysis Unit** located in the Henderson WCS office:

FY WCS Claims Activity Report

PT Claims

Occupational Disease Claim (OD-8)

Special Data Calls

**Report electronically.** Attach completed forms above to an email and send to [WCSRA@business.nv.gov](mailto:WCSRA@business.nv.gov).

**Visit our website.** The *Insurer and TPA Reporting* page can be found at [http://dir.nv.gov/WCS/Insurer-TPA\\_Reporting/](http://dir.nv.gov/WCS/Insurer-TPA_Reporting/).

You'll find blank forms, due dates, instructions, reporting education PowerPoint presentations, and compiled reports.

You can also sign up to receive data call email notifications from WCS.



**DO: Submit reports to the right office.** WCS and the Division of Insurance (DOI) jointly regulate workers' compensation insurers and TPAs but have separate reporting requirements, forms and deadlines. Additionally, insurers are required to report to the Dept of Business & Industry for the purposes of assessment calculation and collection. Be mindful of where and when to file all required reports.

**DO: Correctly identify the insurer by name and number.** All WCS insurer reporting requires the proper identification: Insurer Name and Nevada Certificate of Authority (C of A) number. The C of A is issued to every insurer by the DOI. Insurers are defined by statute as private carriers, self-insured employers and associations of self-insured employers. Reports not identified properly will not be deemed received.

**DO: Submit one report for each insurer.** Except for the *TPA Information Form*, all reporting is done on an insurer basis, meaning one report for every insurer. We will not accept a report that includes more than one insurer, such as a private carrier group; and we will not accept more than one report for a single insurer, such as reports from multiple TPAs each reporting claims information for their portion of the same insurer. Insurers using multiple TPAs must combine the data from each TPA into one report before submitting.

**DO: Contact the Research & Analysis Unit.** While it may not be widely known, WCS has the authority to issue fines for failure to report, late or incorrect reporting. Contact WCS with questions before the due date. We'd rather you ask for clarification or assistance than have to issue a fine. We can be reached at [wcsra@business.nv.gov](mailto:wcsra@business.nv.gov) or (702) 486-9080.

**DON'T: Assume you're exempt from reporting because you are no longer self-insured.** This is important. NAC 616B.493 gives the DIR and DOI jurisdiction over the claims incurred during an employer's self-insured period after the withdrawal of a C of A. Because Nevada has lifetime reopening rights for certain claims, a former self-insured employer may have claims activity and reportable data long after the period of self-insurance ends. Inactive self-insured employers must still report even if all claims are closed.

**DON'T: Assume you're exempt from reporting because you have no policies or open claims.** Every insurer including former self-insured employers and private carriers that are licensed but not writing policies – are required to respond to WCS data calls. Every data call provides an easy way to reflect a negative report – either with a separate Statement of Inactivity Form or by answering "NO" to a single question and submitting the form. Our intent is not to burden insurers, but to collect accurate information from our regulated community.

**DON'T: Leave fields blank.** Answer all questions. If there is nothing to report for a particular field, enter "0". If you don't track that information, enter "UNK". Be advised, that excessive use of UNK is a red flag.

**DON'T: Block our emails.**

Data calls are issued through Listserv. Make sure your email will accept mail from [@listserv.state.nv.us](mailto:@listserv.state.nv.us) and [@business.nv.gov](mailto:@business.nv.gov).

**DON'T: Be a stranger!**

Contact the Research and Analysis Unit at [wcsra@business.nv.gov](mailto:wcsra@business.nv.gov) or (702) 486-9080 if you have questions or have trouble meeting a deadline. We might be able to grant an extension. 📖



# CARDS

## Claims and Regulatory Data Processing

The NEW Claims and Regulatory Data System (CARDS) is LIVE! Over the last year, the Division of Industrial Relations Worker's Compensation Section - with the help of CapTech Consulting - has created a built-from-the ground-up system for use by staff and external stakeholders. CARDS launched in early April to both internal staff and external stakeholders. The implementation was done in phases starting on April 7, 2017 with the Employer Compliance Unit. Investigators began using the system right away to manage their work and issue determinations regarding employer compliance. On April 10 the rest of the WCS team including the Audit and Medical Units began doing their work in the system. The new system allows the WCS to maintain all cases within the same system. This will help with tracking information and maintaining an accurate history.

On April 11, 2017 the CARDS Web Portal was launched to our external stakeholders. Many insurers and third-party administrators (TPA's) began using the system immediately and were excited about the system's ease and intuitive design. The WCS Research & Analysis team has been working with stakeholders to get their accounts set up and linked to their respective TPA, allowing the TPA to begin indexing all claims through the system.

**All Insurers and TPA's are required to have an account in the system and submit the Insurer and TPA Information Forms using the CARDS Web Portal.**

The system was designed to allow the WCS to add functionality. As time progresses we hope to have more information and reporting done through CARDS.

Overall, the CARDS launch has been very successful. As with all new systems there are some logistics that must be worked out as things are discovered but these have been few. We are confident that after the initial learning curve the system will streamline operations for all the units and provide an excellent resource for investigations, audits, complaints and other work products. Our stakeholders will be able to easily meet reporting requirements and will be able to obtain industry reports from the information provided. Thank you to everyone that assisted with working groups and testing over the past year. We would not have had the early success without your help! 📖



From left to right:

WCS IT Lead David Tackitt, WCS Assistant Project Manager Jim Estrada, WCS Project Manager Stephanie Canter, CapTech Business Analyst Jeff Peed, CapTech Database Architect Cameron Snapp, CapTech Developer Marina Kiseleva, CapTech Project Manager Paul Wren, CapTech Business Analyst Brian Yauss, CapTech System Architect Jonathan Brown, CapTech Developer Tyler Wayne

# FRAUD WATCH

The Workers' Compensation Fraud Unit in the Office of the Nevada Attorney General is responsible for investigating and prosecuting workers' compensation fraud, whether it be by claimants, employers or health care providers. Below are tips for detecting employer fraud:

- Underreporting the number of employees and payroll.
- Failing to obtain and or maintain insurance coverage.
- Deducting insurance coverage from employee's pay.
- Asking employees not to go to the doctor.
- Concealing information about an employee receiving benefits.
- Misclassification of employees, such as classifying construction workers as office workers.
- Employers referring employees to medical facility and receiving compensation in return for referral.
- Delays in reporting an employee injury claim or failing to report an employee injury claim.

This information and more can be found at the Office of Attorney General website.

[ag.nv.gov/About/Criminal\\_Justice/Workers\\_Comp/](http://ag.nv.gov/About/Criminal_Justice/Workers_Comp/)

If you suspect fraud, you should contact the Workers' Compensation Fraud Unit at

Carson City Office:  
775-684-1100

Las Vegas Office:  
702-486-3420


Reno Office:  
775-687-2100



## Ask the Advisors "Basic Training Workshop" hosted by the Department of Taxation

The Department of Taxation hosts a basic training workshop for new and existing businesses in Nevada. This training workshop has been instrumental in providing information taxpayers need to know about how their account is handled within the Department of Taxation. The monthly workshop is a great place to learn about taxpayers' responsibilities, get answers to tax questions and learn about what to expect in the event of an audit.

In addition to the Taxation presentations, workshops include guest presentations by the Internal Revenue Service (IRS) on forms and reporting requirements; the State of Nevada Workers' Compensation Section Employer Compliance Unit on workers' compensation requirements; the Office of the State on information regarding unclaimed property; and SCORE, a non-profit organization sponsored by the Small Business Administration, who will provide information on the free services and counseling they offer to businesses.

Anyone interested in attending a basic training workshop should contact the office of the Department of Taxation at (702) 486-2354 to make a reservation. 

[https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/Meetings/2017\\_Schedule.pdf](https://tax.nv.gov/uploadedFiles/taxnv.gov/Content/Meetings/2017_Schedule.pdf)

Questions about Workers' Compensation?  
Click Here!



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


(SilverFlume Continued from page 1)  
form to ensure employer compliance.

In the past, city and county licensing entities were responsible for providing a copy of the Affirmation of Compliance form to business license applicants and subsequent collection. A defined tracking system for the D-25 forms never implemented and distributed, making compliance efforts difficult and causing businesses to complete redundant information with multiple agencies. Allowing businesses to acknowledge and sign off on this form through SilverFlume improves employer awareness of the statutory requirements for workers' compensation and increases accountability without having to shop around for the information.

SilverFlume collects Common Business Registration (CBR) Data, basic information that nearly every governmental agency in Nevada requires. Presently, DIR/WCS uses the employer information collected in CBR for mass emailing of employer notifications for workers' compensation insurance compliance. In addition, the employer has the opportunity to register for classes relating to workers' compensation topics after receiving education registration with the employer notification for workers' compensation. To date, WCS has emailed 13,098 employers informing them of workers' compensation provisions and educational opportunities.

The diversity of SilverFlume allows the DIR/WCS to provide early intervention, which will help decrease the number of employer compliance violations that can lead to uninsured employer claims, fines, penalties, and/or criminal prosecution by the Attorney General.

With SilverFlume, compliance efforts are greatly enhanced and streamlined providing an opportunity to establish a proactive relationship with the employer by offering education and promoting accountability. DIR/WCS is looking forward to the evolution of SilverFlume, as future phases are very promising for growing compliant businesses in the State of Nevada.

If you would like more information on how to manage your business more efficiently by using SilverFlume, please visit <https://www.nvsilverflume.gov/> 



## Training Sessions

### SOUTHERN NEVADA

1301 North Green Valley Parkway  
Suite 200, Henderson, Nevada 89074

✉ [aljohnson@business.nv.gov](mailto:aljohnson@business.nv.gov)

☎ (702) 486-9019

### NORTHERN NEVADA

400 West King Street  
Suite 400, Carson City, Nevada 89703

✉ [kawilliams@business.nv.gov](mailto:kawilliams@business.nv.gov)

☎ (775) 684-7265



### Basic Orientation

6/15/17 at 1:30 pm

### D-38

6/15/17 at 9:30 am

### C-4 Processing & Coverage Verification

7/12/2017 at 9:30 am

### Medical Billing

7/12/2017 at 1:30 pm

## CONTACT WCS

Department of Business and Industry  
Division of Industrial Relations  
Workers' Compensation [Section](#)

### SOUTHERN NEVADA

☎ (702) 486-9080 / Fax: (702) 990-0364

### NORTHERN NEVADA


☎ (775) 684-7270 / Fax: (775) 687-6305

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

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



(Conference Continued from page 1)

Our employees and field professionals have continued to meet the challenges brought by workers' compensation with excellence and we should all be very proud of where we are today and excited about where we are headed. Those organization leaders who have attended our conferences in the past and brought expertise to our gatherings have the vision, the knowledge, and the experience to help us pave our way into the future. Past conference attendance has kept the Nevada workers' compensation community engaged and proactive. Help shape the future of workers' compensation in Nevada and join us for this year's conference. See you August 24th and 25<sup>th</sup>! 



### 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:

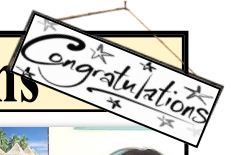
**Ensuring the timely and accurate delivery of workers' compensation benefits.**

**Ensuring employer compliance with the mandatory coverage provisions.**

Direct comments or suggestions about this newsletter to:  
Workers' Compensation Section Henderson Office  
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Alma Johnson, Assistant Editor  
(702) 486-9019  
[rryan@business.nv.gov](mailto:rryan@business.nv.gov)  
[aljohnson@business.nv.gov](mailto:aljohnson@business.nv.gov)



# Hails and Farewells and Promotions



**Angelia Yllas** often jokes about being “born” at the DIR, as she has been with the Workers' Compensation Section (WCS) since December 1998. She started her public service career at the Division of Welfare in the Investigations and Recovery Unit. After transitioning to WCS she served as a Program Assistant III in the Medical Unit. Later, she promoted into the Enforcement Unit as a Compliance Audit Investigator II and eventually became the Unit Supervisor. She also has a background in Elementary Education, so she is passionate about volunteering and giving back to at-risk schools in the District. Her recent promotion to Southern District Manager will give her the opportunity to grow her experience in workers' compensation and leadership. When she is not at work, Angelia enjoys spending quality time with her two kids, husband and friends. An impromptu weekend beach trip with Santana tunes playing in the background mixed with a steamy cup of chamomile tea, is her recipe for relaxation and finding balance after a long week. Congratulations Angelia!

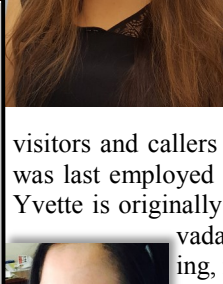


Congratulations to **Cynthia Hernandez**, who has recently been promoted to the position of Administrative Assistant III in the Workers' Compensation Section. She will be the administrative support for the Southern District Manager and the Chief Administrative Officer of the Workers' Compensation Section. Previously she worked in the WCS Medical Unit where she helped train medical providers and TPA's in how to use multiple resources, including the online Coverage Verification Service to locate workers' compensation coverage for injured workers. She is looking forward to great experiences in her new position.

Congratulations to **Blanca Villareal-Rodriguez** who has accepted and recently begun her new position of Administrative Assistant IV. She will be supporting the Administrator of the Division of Industrial Relations in the Henderson office. Blanca has worked with the State of Nevada DIR since January 2012, where she worked in the Workers' Compensation Section and most recently as an AA III in the Mechanical Compliance Section. She has lived in Las Vegas for 7 years with her husband and three children.



A warm farewell to **Pamela Santizo** who left WCS to accept a promotional position in OSHA. Pam was the office reception area administrative assistant that supported the Legal Department, the Mechanical Compliance Section, SCATS and OSHA as well as the Workers' Compensation Section in the Division of Industrial Relations. Though everyone will miss her, we wish her the best in her new position.



A big welcome to **Alicia Yvette Gonzales** who recently accepted the position of Administrative Assistant to WCS. Yvette has replaced Pamela Santizo as the office receptionist and will be the first person visitors and callers to the Henderson office will have contact with. She was last employed at Cashman Middle School as the Dean's Secretary. Yvette is originally from Santa Monica, California and has lived in Nevada 10 years. She enjoys dinner with her family, cooking, reading and gardening.



Welcome to **Kristine Garcia** our new Medical Unit Administrative Assistant replacing Cynthia Hernandez. Kristine comes to us from the Labor Commissioner's Office. She is a native of New Mexico but has lived in Nevada for over 16 years. Her favorite pastimes include traveling, sports, baseball being her all time favorite. She also enjoys riding her RZR during her free time. 