



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry

Division of Industrial Relations

A Publication of the Workers' Compensation Section (Winter Edition December 2021 - February 2022)

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.

Attention Insurers — Delinquent Assessments

All Nevada workers' compensation insurers with claims expenditures – including self-insured employers whose Certificate of Authority has been withdrawn – are subject to the Nevada Workers' Compensation Assessment and the COLA Assessment pursuant to NRS 232.680. An invoice for the Estimated Workers' Compensation Assessment is mailed each fall, with payments due in four installments. An invoice for the Final Workers' Compensation Assessment is mailed by May 31st of the following fiscal year and payment is due by June 30th. The Annual COLA Assessment is also due each year by June 30th.

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 balances may be referred to collections.

Insurers that received one or more "Notice of Delinquent Invoice" statements from the Department of Business and Industry Director's Office should remit payment immediately.

The Workers' Compensation 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 bi-fiscalunit@business.nv.gov.

COLA Reimbursement Payments Update

Reimbursement payments to insurers for approved 2020 COLA expenses will be issued by DIR after all insurers have paid the annual COLA Assessment. The COLA Assessment was due June 30, 2021; however, a number of insurers remain delinquent.

If you have received a *Notice of Delinquent Invoice* for assessment(s) owed, please remit the amount due immediately. Direct assessment inquiries to bi-fiscalunit@business.nv.gov.

DIR Offices Open by Appointment Only

DIR offices across the state are 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.

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Considering Applying for a Contractor's License?

Join the **Nevada State Contractors Board's Business Assistance Program (BAP)** meeting via Zoom. Held every 3rd Tuesday of the month from 9 – 11 a.m., the BAP aids potential contractors in determining what license(s) they may want to obtain. You will also get helpful tips about what experience and other qualifications are necessary to obtain each license and start your business off the right way.



What: Nevada State Contractors Board's Business Assistance Program

When: Every 3rd Tuesday of the Month – 9:00 – 11:00 a.m.

How to Join: Via Zoom -

<https://zoom.us/j/96643734770?pwd=YUhBamhXTIF2d05TOXlpb2dqaFRrZz09>

For more information, visit: <http://www.nvcontractorsboard.com/bap.html>

WCS Staff Participate in the 107th IAIABC Convention

Ruth Ryan, Research & Analysis Unit Manager, and Katherine Godwin, RN, Medical Unit Chief, attended the International Association of Industrial Accident Boards and Commissions (IAIABC) 107th Convention. The keynote session was "Lessons on Listening and the Power of Empathy" presented by John Quiñones, a journalist and television host. This presentation encouraged listeners to seek out the quiet and forgotten voices to better understand what is going on around us in workers' compensation and in other areas of life. The "movers and shakers" are often focused on in today's media instead of those who are moved and shaken. Mr. Quiñones shared his personal story, allowing the audience to be drawn into how his values and listening skills are developing and shaping his own life in deeply personal and dramatic ways.

This theme of compassion and kindness was a thread that wove its way through various presentations and discussion sessions. Jurisdictional representatives attending the Convention were asked to address specific areas of concern presented by the Associated Members Council in the public session. Topics included innovation technology, cyber security, legislative changes, presumptions, and long haul COVID-19. Regulators were given two minutes to address two of the five topics. Both the public and private sessions prompted significant discussion and further questions and information sharing.

Katherine Godwin, BSN, RN Medical Unit Chief, WCS

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 Compliance Specialist – RN in the Carson City office oversees the Medical Unit in the northern region. 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 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 \(Req ID 643\)](#) for the Carson City position and [Compliance Specialist—RN \(Req ID 6480\)](#) for the Las Vegas position.

Compliance/Audit Investigator 2: This position is in the Carson City WCS office in the Insurer/TPA Compliance Unit. This position conducts compliance audits of insurer and third-party administrator claim files, conducts complaint investigations, writes comprehensive audit reports and determinations, calculates and assesses administrative fines pursuant to NRS and NAC 616A through D and 617, and conducts employer site visits; interviews injured workers and employer personnel; testifies during administrative and/or criminal hearings when necessary; provides employer outreach or training, which requires public speaking. For more information, including a full job description and minimum qualifications, see the job announcement [Compliance/Audit Investigator 2 \(Req ID 6953\)](#).

The Legal Status of the OSHA Emergency Temporary Standard (ETS)



On November 5, 2021 the Occupational Safety and Health Administration (OSHA) issued an emergency temporary standard (ETS) on COVID-19 Vaccination and Testing (86 Federal Register 61402). On November 12, 2021, The U.S. Court of Appeals for the Fifth Circuit granted a motion to stay OSHA's COVID-19 Vaccination and Testing ETS. The court ordered that OSHA "take no steps to implement or enforce" the ETS "until further court order". During the stay, OSHA remained confident in its authority to protect workers in emergencies, but suspended activities related to the implementation and enforcement of the ETS. Subsequently, the U.S. Court of Appeals for the Sixth Circuit obtained jurisdiction over ETS challenges, and on November 23, 2021, OSHA filed a motion to lift the stay. On December 17, 2021, the Sixth Circuit Court of Appeals granted OSHA's motion to dissolve the stay of the ETS. After the stay was dissolved, several challengers filed emergency applications for a stay to the U.S. Supreme Court. With the new emergency applications for a stay, the Supreme Court gave OSHA until December 30 to respond, and has fast-tracked oral arguments for January 7, 2022.

What does this mean for employers who would otherwise be subject to the ETS? Nevada administers its own OSHA program. Nevada OSHA has a deadline of January 7, 2022 to let Federal OSHA know if it will be implementing the ETS identically or with changes. Adoption of the standard must occur by January 24, 2022. Nevada OSHA will provide timelines for implementation once a standard is adopted in Nevada. Given the pending emergency applications for stay filed with the U.S. Supreme Court, employers should stay up to date on any new developments and work closely with employment counsel as the litigation continues. Employers who have not already begun taking steps to comply may face an abbreviated time for compliance with the ETS if it stands.

Requirements of the ETS

If the COVID-19 ETS is upheld, employers with 100 or more employees will be required to implement the following requirements:

- Determine the vaccination status of each employee, obtain acceptable proof of vaccination status from vaccinated employees and maintain records and a roster of each employee's vaccination status.
- Require employees to provide prompt notice when they test positive for COVID-19 or receive a COVID-19 diagnosis. Employers must then remove the employee from the workplace, regardless of vaccination status; employers must not allow them to return to work until they meet required criteria.
- Ensure each worker who is not fully vaccinated is tested for COVID-19 at least weekly (if the worker is in the workplace at least once a week) or within 7 days before returning to work (if the worker is away from the workplace for a week or longer).
- Ensure that, in most circumstances, each employee who has not been fully vaccinated wears a face covering when indoors or when occupying a vehicle with another person for work purposes.

What help is available to employers?

The Safety Consultation and Training Services (SCATS) section of the Division of Industrial relations is a free service that offers employers professional safety and health advice on a myriad of safety and health topics. If you have questions about OSHA standards or the COVID-19 Vaccination and Testing ETS, you can reach SCATS by calling (702) 486-9140 (Southern Nevada), 702-688-3730 (Northern Nevada) or 1-877-472-3368 statewide. SCATS has a staff of professional safety experts who will answer your questions. SCATS can also review COVID plans, provide guidance in developing COVID plans or any other safety and health topic. SCATS can also perform a walk of your facility to identify safety hazards or to provide advice on how to conform to state COVID requirements.

Michele Vieira, Safety Specialist, SCATS

Attention: Health Care Providers C-4 Form/C-4A Form Keys

Several questions and issues have recently arisen regarding use of the Employee's Claim For Compensation (C-4 Form) and Release of Medical and Other Information For Nevada Workers' Compensation Claims (C-4A Form). It is essential health care providers understand that they are responsible to ensure a C-4 Form is completed and sent to the correct insurer/third-party administrator (TPA) within three business days from the date of service.

The following addresses common concerns:

- ♦ A C-4 Form is required whenever a patient seeks initial medical treatment and indicates the injury/illness is work-related NRS 616C.020)
- ♦ A C-4 Form may be requested after the date of service and the health care provider must provide and, together with the injured employee, complete the C-4 Form and send it to the appropriate insurer/TPA (NRS 616C.040)
- ♦ Health care providers may NOT delay or refuse completion of a C-4 Form. Compensability issues are the sole responsibility of the insurer/TPA NRS 616C.040, NRS 616D.120). **Significant fines and penalties may be assessed against health care providers refusing to complete and send C-4 Forms as required by law.**
- ♦ Completion of the C-4 Form involves both the injured employee and the health care provider completing their portions of the C-4 Form. WCS strongly recommends the health care provider ensure both parties complete their portions on the date of service, whenever possible.
- ♦ A patient may refuse to complete the C-4 Form. This should be noted in the medical record. WCS recommends the health care provider complete the bottom half of the C-4 Form and maintain this C-4 Form in the medical records. Injured employees frequently return to file a workers' compensation claim for the injury/illness later.
- ♦ If the injured employee is unable to sign the C-4 Form, this should be noted on the form. The C-4 Form may be signed electronically.
- ♦ If the C-4 Form is signed electronically, a C-4A Form must be completed, including the injured employee's original signature (NAC 616A.480). If this is not possible, see below.
- ♦ The C-4 Form and the C-4A Form may be signed by: (1) the injured employee; (2) a person acting on behalf of the employee; or (3) if the employee dies, a dependent of the employee (NRS 616C.020, NRS 616C.030, 45 CFR 164.512)

Workers' compensation is specifically excluded in HIPAA (45 CFR164.512). The C-4 Form and C-4A Form include a release of information allowing health care providers to release the C-4 Form and medical records to involved parties including the insurer, DIR/WCS. Medical records are generally requested with the C-4 Form.

Katherine Godwin, BSN, RN Medical Unit Chief, WCS

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 November 30, 2021:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	1,864	
Accepted	733	39.3%
Denied	1,131	60.7%

Nevada claims processed in CARDS that include the Nature of Injury Code 38 Adverse Reaction to Vaccination identifier through November 30, 2021:

Adverse Reaction to Vaccination/Inoculation Claims	Count	Percent
Filed/Processed in CARDS	10	
Accepted	5	50%
Denied	5	50%

Reporting Reminders

The 2021 Annual Insurer Information Form:

The annual request for the **Insurer Information Form** was emailed to insurers on December 15, 2021 ([2021 Annual Insurer Information Form - Due Date Extended to January 10, 2022 \(CARDS web portal\)](#)). Insurers must submit an **Insurer Information Form** in the CARDS web portal **no later than January 10, 2022**. (The original due date was December 31, 2021, but was extended via email notification on January 3, 2022.)



Insurers that have submitted an **Insurer Information Form** in the CARDS web portal **on or after October 1, 2021 do not need to submit a form at this time (unless updates are needed)**.

Note: TPAs are **not** required to submit the **TPA Information Form** at this time.

FY20 and FY21 Claims Activity Reports:

Watch for requests for these reports with forms and instructions in early 2022.

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

CARDS Corner

CARDS LOGIN & SECURITY POINTERS

Trouble Logging in to My CARDS Account:

- ✓ Check for erroneous spaces (especially at the beginning or end) in your username and password
- ✓ Close your internet browser then reopen it before attempting to log back in
- ✓ For a forgotten password, click the "Forgot your password?" link on the CARDS login page to reset a new one
- ✓ For a forgotten email or username, contact your organization's Account Administrator
- ✓ For other login issues, contact State of Nevada Workers' Comp at CARDS@dir.nv.gov

Pointers on Keeping CARDS Secure:

- ✓ Update your password regularly (every 90 days is best practice)
 - 8 characters minimum (10-15 is best practice)
 - One upper case letter and one number are required (including at least one symbol best practice)
- ✓ Keep your password secret
 - Don't share it
 - If you need a reminder, store hints instead
- ✓ Always remember to log out (even though CARDS now times out after 15 minutes of inactivity)

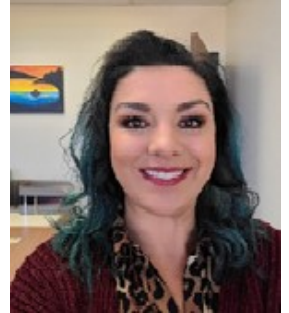
Hayley D. Weedn, Business Process Analyst, WCS

Hails and Farewells and Promotions



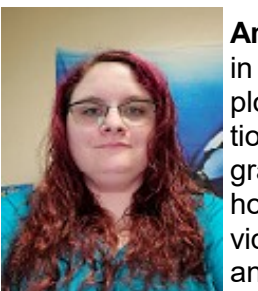
Yerania (Yeri) De Luca is the WCS Audit Chief. Her experience as an audit professional from the military, governmental agencies (including DIR) to private industry. Her service in the state of Nevada amounts to about 16 years most recently as a Nevada Deputy Legislative Auditor. Yeri is a United States Air Force Veteran. She is also a curriculum developer and adjunct faculty member at Truckee Meadows Community College (TMCC) and Western Nevada College (WNC). Her work with the colleges focuses on workforce development and adult education. She received her master's in business administration from the University of Phoenix. She completed her Bachelor of Science in Resource Management from Troy University in Alabama. Yeri enjoys cycling and lives in Carson City with her family including four dogs!

Jodie Tonkin became the Management Analyst IV overseeing the WCS Research, Analysis and Indexing Unit on November 1, 2021. Jodie has worked for the State of Nevada for just under 19 years, most recently with the Department of Taxation where she oversaw the Excise Tax Unit and the administration of approximately 16 tax types and programs as well as all Investigations for Tobacco and Liquor Compliance. Jodie has experience with medical billing, medical coding and establishing reimbursement rates paid to medical providers. Jodie hails originally from Kauai and in her free time enjoys spending time outdoors in the beautiful Lake Tahoe Basin as well as hanging out with her best friend, her Pitbull, Charli Mae.



Welcome **Eidris Randolph-Jordan** to the WCS Employer Compliance Unit! Eidris is a Las Vegas Native with more than 17 years of government service. She began her government career with the City of North Las Vegas in 2003, Clark County in 2014 and later joined the State of Nevada in 2015. Her previous employment includes Community Service Officer, Human Resources Representative and Compliance Investigator. Outside of work, she enjoys reading, traveling and most things Pumpkin Spice. She is excited about learning the role of Compliance/Audit investigator II in the Employer Compliance Unit.

Justin Taruc joins the DIR office as Division Counsel in Las Vegas. Prior to joining the DIR team, Justin worked in the Boards and Open Government Division of the Nevada Attorney General's Office, representing various boards and commissions in administrative matters. Before entering State service, Justin worked in private practice handling insurance defense and commercial litigation matters for over 5 years. In his spare time, he likes to travel, hang out with his 3 dogs, and binge watch reality TV shows.



Amanda White, Compliance/Audit Investigator 2, has joined the Employer Compliance Unit in the Reno office. Amanda has 5 years of state service working at the Department of Employment, Training and Rehabilitation. She is working on her bachelor's degree in Organization and Program Management from Western Nevada College and is looking forward to graduating in May 2022. She is a native Nevadan and her favorite place to be is Lake Tahoe. Amanda enjoys spending time with her dogs and her boyfriend, watching TV, playing video games and bowling. "I am happy to be starting this new adventure with a great team and learning all I can from this new position." Welcome, Amanda!

Welcome back **Jessica Hernandez**! She returned to the Division of Industrial Relations Las Vegas DIR office as Administrative Assistant I. She left in 2018 to care for her family and pursue a Bachelor of Science in Urban Studies. She has almost a decade of customer service experience and previously worked for College of Southern Nevada as an Administrative Assistant II, helping students with Financial Aid. Outside of work, she values family time, enjoys traveling and, as a big foodie, loves discovering new cuisines and restaurants. She is excited to continue learning at DIR.



2022 Training Sessions

2022 classes have not been scheduled yet. Please visit the WCS Training page on our website at <https://dir.nv.gov/WCS/Training/> for updates on future training opportunities.

Direct questions to:

wcsedutng@dir.nv.gov



CONTACT WCS

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Direct comments or suggestions about this newsletter to:

Workers' Compensation
Section
Las Vegas Office
Ruth Ryan, Editor



rryan@dir.nv.gov

WCS will be closed
in observance of

Martin Luther King Day
Monday, January 17, 2022

Hails and Farewells and Promotions



Congratulations to **Annie Wong** who was promoted to Compliance/Audit Investigator 3 in the Benefit Penalty Unit. Annie has been with WCS since August 2016 and was previously an Administrative Assistant 2 in the Employer Compliance Unit and a Compliance/Audit Investigator 2 in the Insurer/TPA Compliance Unit. She holds dual B.A. degrees in Public Administration and Psychology from California State University, Fullerton. Annie is a seasoned auditor and brings much experience to her new position.

Barbara Foster, Compliance/Audit Investigator 3, has transferred from the WCS Benefit Penalty Unit to the position of Subsequent Injury Coordinator. Barbara has more than 25 years of workers' compensation experience in both the public and private sectors and has been with WCS since February 2021. She brings a wealth of knowledge to her new role and is looking forward to a new chapter in her workers' compensation career.



Farewell to **Valerie Hall**, RN, who recently vacated her position as the Compliance Specialist—RN in the WCS Las Vegas Medical Unit. Valerie returned to the Division of Health Care Financing and Policy, where she worked prior to joining the WCS staff in January 2021. We wish Valerie the best of luck and continued success.

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

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