



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry

A Publication of the Workers' Compensation Section

Division of Industrial Relations

Winter Edition (December 2016 - February 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.

A Message from the Chief Administrative Officer

New IT System and Web Portal Will Affect All Insurers and TPAs in 2017

The WCS is currently undertaking modernization and transformation of its internal and external systems. The WCS has been working with CapTech Consulting to retire its current legacy systems with a new, built-from-the-ground-up system that will help achieve increased efficiencies, improved accuracy, and faster processing times. In addition to developing a custom case management system for WCS employees and an enhanced claims indexing repository, the project includes a robust web portal. The new web portal will be accessible to all workers' compensation insurers and TPAs and will include the following features upon launch.

- Registration and user log in
- D-38 Claims Indexing web submission (individual claims)
- D-38 Request for Prior Claims History web submission
- TPA & Insurer Information Forms web submission
- Comparative industry data reports

The launch date is currently planned for April 2017.

What we need from you:

Beginning in January 2017, the WCS and CapTech Consulting will be holding various training sessions and demos to familiarize our regulated community with the new system. Additional communications will be sent out with specific dates and times. Your attendance will expedite the transition and enhance your user experience so please plan on attending. We look forward to introducing you to the new and improved WCS.

Questions may be directed to the WCS Project Manager, Stephanie Canter, at scanter@business.nv.gov or (702) 486-9091.

Charles J. Verre CAO
Workers' Compensation Section

THE COMPLAINT PROCESS WORKS FOR YOU

Many of the hundreds of WCSHelp e-mail questions sent to WCS annually are more than queries, but also contain grounds for a complaint investigation. To ensure optimum service for all stakeholders, the workers' compensation system has many avenues for those in the system - injured employees, employers, health care providers and insurers/TPAs - to make complaints to Nevada's Workers' Compensation Section.

In fact, the WCS website has easy-to-use complaint report forms for Northern region and Southern region complaints. Complainants need to remember that using the proper complaint form is based on the physical location of the insurer or TPA - not where the injury took place, the complainant's residence or the employer's address. Most insurers and TPA's are located in the Reno area in Northern Nevada and the Las Vegas area in Southern Nevada.



WCS receives a variety of complaints every month ranging from issues in determining an injured worker's correct average monthly wage to employers' failure to follow legal guidelines or late payments or responses by an insurer or TPA. The auditors who follow up these complaints strongly advise complainants to use the complaint forms provided to document

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STRAIGHT TALK:

Observations and Advice from DIR Regulators

Straight Talk: Education Potpourri Edition

Originally, this Straight Talk column was designed to be a no-holds-barred and helpful look at Nevada's workers' comp world from the regulator's point of view. After closing out almost 12 years in the education unit, here are some helpful hints and honest observations as I depart, again, for the last time. (Note: How much of this column makes it to final print is out of my control. These words do NOT represent an official position of the Division of Industrial Relations)

Here is a short and mercifully brief "To-Do" list for both newcomers to Nevada and "old hands" alike:

Use [WCSHelp](#) when you have a question about workers' compensation laws, regulations or enforcement. Last winter, our WCS Programs Manager, [Dock Williams](#) had a [Straight Talk](#) column devoted to this helpful email feature that's one mouse-click away. As Dock noted, we receive a wide range of questions and will provide an answer within 24 hours, if possible, and for more complex answers, coordinate a response as soon as possible. But also as Dock noted, some may not receive a definitive answer to a specific, legally ambiguous query given that we are unable to independently verify all aspects of the situation. There are some queries that try to bait WCSHelp to get the desired answer on paper to use later at a hearing. DIR studiously avoids these kinds of Advisory Opinion entanglements. (Nice try – no hard feelings.)

Bookmark the [WCS Legal Page](#) for links to NRS/NAC 616 and 617 which are the bedrock of Nevada's workers' compensation. A good way to track workers' comp-related bills is by signing up for [free personalized legislative tracking](#). In addition, keep an eye out for the free legislative update training offered by DIR Division Counsel, Don C. Smith. The 2015 post-legislative session was offered in September 2015, look for the next one in September 2017. If you're on the [WCS email list](#), you'll receive a training notice. Do not procrastinate. Both the morning and afternoon sessions fill up fast.

Speaking of training, while we've experienced a training slowdown lately while working on the development of the new data/regulatory system, the [Basic Orientation slides](#) are still online for download. Have new employees take a look and give us a call or email if there are any questions. However, while we are more than happy to provide training in many areas of Nevada workers' comp regulation, day-to-day claims handling and other best business practices are up to individual stakeholders. In fact, at this year's WCS Educational Conference, the Division of Insurance Commissioner Barbara Richardson mentioned that licensing of workers' compensation claims adjusters could very well surface yet again at the next legislative session and possibly pass this time. Already, workers' comp licensing is required in many other states, and Nevada already requires licensing to handle health, life, property and casualty claims.

Finally, if possible, try to get a sense of the bigger picture of workers' compensation to better understand Nevada's role in an ever-shifting puzzle. Helpful sites and services to visit or subscribe to (No State Endorsement implied)--include:

- The [Workers' Compensation Research Institute](#), a non-profit that does in-depth research on dozens of individual states and then provides comprehensive reports and across-the-board comparisons.
- [ProPublica](#), an independent, non-profit organization of investigative journalists who have studied the effects of workers' compensation issues and legislation in many states.
- [Governing Magazine](#), online, examines public policy issues, including workers' compensation, from a variety of perspectives.
- Plus, there are commercial workers' comp news sites such as [Workcompcentral](#) and [WorkersCompensation.com](#) that provide daily workers' comp news, state legislative summaries and other industry resources.



Well, "brief" means stop writing, so that's enough Straight Talk for this edition. This is also my last column as I head back to retirementland and split my time between Nevada and the DC-Baltimore area. So if you happen to be in the nation's capital taking photos on the Mall, and see a guy who looks like me, please come on over and say "hi." It would be great to see someone from back home, and if it's not me, then as you try to explain you can do your best to introduce a new friend to Nevada's workers' comp. 📖

[Michael J. Brooks](#), Manager, Education, Research and Analysis Unit

The Workers' Compensation Section wishes Mike the best in his future endeavors. He will be missed!

(Complaint Process continued from page 1)

the basic information needed for their complaint.

Complaints should be specific, concise, legible and include supporting documentation. For example, if the complaint concerns a specific letter or decision, include a copy of that letter or decision. WCS determinations are made based on the "file of record" (i.e., the claim file).

If the complaint concerns a possible benefit penalty, a specific process is required by NRS 616D.120 and ensures that the WCS investigation will be completed within 90 days. Though not required by law, WCS strives to resolve other complaints within 90 days as well.

WCS's Medical Unit also processes a steady stream of complaints from injured workers and their attorneys; insurers/TPAs; and medical providers. Complaints range from billing issues to medical care to improper or incomplete Form C-4s (Employee's Claim for Compensation/Report of Initial Treatment).

While the Medical Unit also encourages complaints on the "Complaint Report Form," they will act on any complaint received in writing if complainants include the nature of the complaint, substantiating copies of documentation, the complainant's name and address, the name and address information for whom the complaint is against, as well as the name or names of whom they've been working with to resolve the problem. The name of the workers' compensation insurer and the claim number are also required.

The Medical Unit begins an investigation after receiving a complaint, and it can take up to 90 days for a determination - much of that investigative time depends on the response from the company or individual the complaint is lodged against. The type of complaint influences the expected time frame for completion. For instance, most complaints are completed within 30 days. However, billing determinations often involve working within the constraints of insurers' and TPA's billing and payment cycles and therefore may take longer to resolve. The Medical Unit normally completes these determinations within 90 days. 📖



Holiday Office Closures:

Christmas Day
Monday, December 26, 2016

New Year's Day
Monday, January 2, 2017

Martin Luther King Jr. Day
Monday, January 16, 2017

Presidents Day
Monday, February 20, 2017

Training Sessions

SOUTHERN NEVADA
1301 North Green Valley Parkway
Suite 200, Henderson, Nevada 89074
✉ aljohnson@business.nv.gov
☎ (702) 486-9019

NORTHERN NEVADA
400 West King Street
Suite 400, Carson City, Nevada 89703
✉ kawilliams@business.nv.gov
☎ (775) 684-7265



C-4 Processing & Coverage Verification
1/18/2017 at 9:30 am

2016 Medical Billing
1/18/2017 at 1:30 pm

WC Basic Orientation
1/26/2017 at 9:30am and 1:30pm

Med Fee Schedule
2/15/2017 at 9:30am
2/21/2017 at 9:30am

Reporting Reminders



FY16 TPA Information Form was due by all third party administrators licensed for workers' compensation claims administration on November 11, 2016. If you haven't submitted the completed form yet please do so immediately. The form can be found on our website at <http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/InsurerReportingDocs/TPAInformationForm.docx>.

OD-8 Occupational Disease Claim Report (NRS 617.357) forms for reportable claims in calendar year 2016 are due by December 31, 2016. The **Occupational Disease Claim Report Statement of Inactivity** form is due by January 6, 2017. This form can be found on our Web site at <http://dir.nv.gov/uploadedFiles/dirnv.gov/content/WCS/InsurerReportingDocs/OccupationalDiseaseStatementOfInactivity.doc>. All insurers that submitted zero OD-8 forms in calendar year 2016 must file a **Statement of Inactivity** for calendar year 2016.

Coming soon! The **FY16 WCS Workers' Compensation Claims Activity Report** and **Insurer Information Form** pursuant to NRS 616B.009 and NAC 616B.016. Projected due date for this report will be late January 2017. Links to the blank forms will be updated soon on our Web site at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/ and an email notification will go out to all workers' compensation insurers and TPAs.

Failure to submit the required reports may result in administrative fines.

Questions may be directed to WCS Research and Analysis at (702) 486-9080 or to wcsra@business.nv.gov.

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




THE FIVE-YEAR AUDIT CYCLE EXPLAINED

"It can't be five years already." Those words often greet Workers' Compensation Section (WCS) auditors when arriving to conduct periodic audits required by law (NRS 616B.003). However, what many workers' compensation insurers do not realize is that the five-year window is a maximum time between audits—therefore, many insurers will receive visits from WCS auditors two, three or four years from the previous audit. In addition, the statute requires that each year WCS randomly conduct partial audits of those insurers with a history of violations.



So, many insurers may ask, "What are my odds of being audited? How random is random?" Each year WCS determines how many workers' compensation insurers are approved by the Nevada Division of Insurance. As of January 1, 2016, there were exactly 500. This total includes private carriers, self-insureds, and associations. WCS then divides that number by 5 to yield the total number of audits to be completed each year. Then WCS reviews the list and determines which company has never been audited, and this insurer is given a high priority. Also, WCS looks at the last audit completion dates; insurers with the oldest dates are given a high priority.

Follow-up audits are done after a regular audit or complaint has uncovered specific problems. The auditor will make a recommendation to the appropriate regional manager of employee/insurer/TPA oversight. Once approved, the follow-up audit will typically focus on the problem areas and is usually done within a year after the original audit was completed. 

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.

Hails and Farewells and Promotions

A big welcome to **Kathy Stoner**, the new Medical Unit supervisor for WCS in Carson City. Kathy completed her degree in Nursing at Western Nevada Community College in 1988 and comes from a long line of nurses beginning with her great-grandmother. During the weekends and holidays she enjoys camping, traveling, attending wine tasting events, and loves to spend time with her family, especially her grand-children. After 23 years of service with the State of Nevada, seven years with State Industrial Insurance System (SIIS) and 16 years with Medicaid, Kathy is very excited to join the Industrial Relations team!



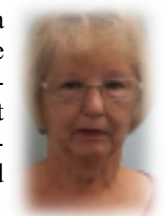
Welcome to **Annie Wong** a new addition to DIR/WCS Employer Compliance Unit as Administrative Assistant II. She is newcomer to the public service industry, her background ranges from medical malpractice insurance claims to personal injury law. She earned dual B.A. degrees in Public Administration and Psychology from California State University, Fullerton. She previously worked as intern for the U.S. Department of Agriculture in Washington, D.C. and County of Orange Procurement Office in Southern California. She has always aspired for a career in the public sector and is very excited to be part of the DIR/WCS team!"

We are happy to welcome **Alyssa Borrego** as the most recent addition to the Research & Analysis Unit! Alyssa was promoted from her position at the Welfare Division to an Administrative Assistant II and brings her customer service and call center experience to WCS and the R&A team. A Las Vegas native, Alyssa is the youngest of 5 children. She enjoys traveling, attending music festivals with her boyfriend and hanging out with her wide circle of family and friends.



Welcome **Holly Gillman**! In 1999, Holly and her family moved to Douglas County where she worked as a full time Realtor. In September of 2009, Holly accepted a position with DETR where she worked for the past seven years as a UI Rep II. Holly is very excited to be a new member of the WCS Audit Investigator team at DIR. She is looking forward to the 2017 ski season and is hoping for heaps of snow! Holly earned a Bachelor of Science degree in Education with a minor in Psychology at Southern Connecticut State University.

Welcome to **Aurora Gray** who first moved to the USA in 1987 from Canada then to Sparks NV in 2004. Since 2005 she worked as an licensed insurance agent selling and maintaining commercial insurance for the many businesses in and outside of Nevada. Aurora made a career path change in August 2016 to the Division of Industrial Relations as a Compliance Audit Investigator II. She looks forward to sharing her insurance experience and knowledge with the DIR team and the businesses in Nevada.



Welcome to **Roxanna Escamilla** who recently began working at WCS in the position of Administrative Assistant II. She is proud Texan from El Paso, though she has lived in Las Vegas for 30 years and considers it home. She managed a physical therapy office for 8 years prior to joining DIR. Her passion for low riding & classic cars has driven her to the hobby of restoring her own 1968 Convertible Impala with the help of her husband and son. She has 4 sons and has just become a grandma to her first grandson.

Welcome to **Karen Taylor** who is a new Audit Investigator II in the Carson City office of WCS. She is a native Nevadan who grew up in Lake Tahoe and moved to Carson City in 1991. She has worked for the State of Nevada for the past 10 years, and comes to us from DETR where she worked as a Contributions Examiner II in the Collections Unit for over three years. Karen enjoys spending her free time with her family and is a true animal lover, whether they have fur, feathers or scales.

