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TRANSCRIPT MINUTES

MEETING OF THE  
STATE OF NEVADA  
BOARD FOR THE ADMINISTRATION OF THE  
SUBSEQUENT INJURY ACCOUNT FOR  
SELF-INSURED EMPLOYERS

Wednesday, October 20, 2021  
10:00 a.m.

3360 West Sahara Avenue, Suite 250  
Las Vegas, Nevada, 89102  
in the Executive Video Conference Room,  
with telephone participation available

1 A P P E A R A N C E S

2  
3 For the Board:

4 Cecilia Meyer  
Board Chair, Board Member

5 Sharolyn Wilson  
6 Board Member

7 Wendy Lang  
8 Board Member

9 Michele Washington  
Board Member

10 Leeann Caires  
Board Member

11 Karissa Neff  
12 Senior Deputy Attorney General  
13 Board Counsel

14 For the Division of Industrial Relations:

15 Christopher A. Eccles, Esq.  
16 Counsel for DIR

17 For the Administrator of the DIR:

18 Ana Aranda  
19 Compliance Audit Investigator  
20 Division of Industrial Relations  
Workers' Compensation Section

21 Also Present:

22 Kim Price, Esq. (phone)  
23 Lewis Brisbois Bisgaard & Smith  
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WEDNESDAY, OCTOBER 20, 2021, 10:00 A.M.

-oOo-

(Following agenda item 1, roll call, the meeting continued as follows.)

BOARD CHAIR MEYER: The matter has been noticed as an action item. Comment from the public is limited to three minutes per person.

Do we have anybody from the public present?

MR. ECCLES: There's no one here in Las Vegas.

BOARD CHAIR MEYER: Okay. Thank you.

BOARD MEMBER WILSON: Oh, Cecilia?

BOARD CHAIR MEYER: Yes.

BOARD MEMBER WILSON: Excuse me. This is Sharolyn. I just need to make a disclosure. My appointment expired on September 30th. And my reappointment application has been with the Governor's Office for a couple of months now. I checked on it at the end of September, and they said it was still on his desk. So I just needed to disclose that.

BOARD CHAIR MEYER: Thank you, Sharolyn. We do know that it does take them some time, doesn't it?

BOARD MEMBER WILSON: It does, yeah. But I don't know if that means that I should participate today or not.

MS. NEFF: You can go ahead and participate.

1 BOARD MEMBER WILSON: Okay. Thank you so much.

2 BOARD CHAIR MEYER: Thank you, Karissa.

3 All right. Item 3 on the agenda is the  
4 election of Chair and Vice Chair of the Board. As many  
5 of you remember, one of our Board members, Suhair, who  
6 was the Vice Chair, was not reappointed several months  
7 ago, which left that position open. And Chris advised  
8 us that the Chair position comes up annually as well.

9 So I will open this for nominations for the  
10 Chair position first.

11 BOARD MEMBER LANG: This is Wendy. I nominate  
12 Cecilia.

13 BOARD MEMBER WILSON: And this is Sharolyn. I  
14 second that nomination.

15 BOARD CHAIR MEYER: All right. All in favor,  
16 vote "aye."

17 (Board members said "aye.")

18 BOARD CHAIR MEYER: All right. Now we will  
19 move on to nominations for the Vice Chair of the Board.  
20 And I'll start with that. I'd like to nominate  
21 Sharolyn.

22 BOARD MEMBER LANG: This is Wendy. I second  
23 that.

24 BOARD CHAIR MEYER: All right. All in favor,  
25 say "aye."

1 (Board members said "aye.")  
2 BOARD CHAIR MEYER: All right. Very good.  
3 Thank you.  
4 We will move to item 4, which is the approval  
5 of the agenda. Did everybody get the agenda? We got a  
6 draft to start with, and then we did get the formal  
7 agenda. Did everybody get that?  
8 BOARD MEMBER WASHINGTON: Yes.  
9 BOARD MEMBER WILSON: Yes.  
10 BOARD MEMBER LANG: Yes.  
11 BOARD CHAIR MEYER: Okay. And are there any  
12 questions, comments about that?  
13 None? Okay. I'll take a motion to approve the  
14 agenda.  
15 BOARD MEMBER WASHINGTON: This is Michele. I  
16 motion to approve the agenda.  
17 BOARD CHAIR MEYER: Okay.  
18 BOARD MEMBER WASHINGTON: I'll move to approve  
19 today's agenda.  
20 BOARD CHAIR MEYER: Thank you.  
21 Is there a second?  
22 BOARD MEMBER WILSON: This is Sharolyn. I'll  
23 second that motion.  
24 BOARD CHAIR MEYER: All right. All in favor,  
25 say "aye."

1 (Board members said "aye.")

2 BOARD CHAIR MEYER: And the person who made the  
3 agenda, was that you, Michele?

4 BOARD MEMBER WASHINGTON: No, it was not.

5 BOARD CHAIR MEYER: Okay.

6 BOARD MEMBER WASHINGTON: Yes, it was. I'm  
7 sorry. Yes, it was.

8 BOARD CHAIR MEYER: Okay. All right.

9 BOARD MEMBER WASHINGTON: I'm sorry.

10 BOARD CHAIR MEYER: I just wanted to make sure  
11 so that, for the record, that Ana has that information.

12 BOARD MEMBER WASHINGTON: Yes, it was me.  
13 Thank you.

14 BOARD CHAIR MEYER: All right. Thanks.

15 Item 5 is the approval of the minutes for the  
16 August 18th, 2021 meeting. Did everybody get a copy of  
17 those minutes, also?

18 BOARD MEMBER WILSON: Yes.

19 BOARD MEMBER WASHINGTON: Yes.

20 BOARD CHAIR MEYER: I did as well. Is there  
21 any changes or anything that anybody found in those  
22 minutes that needed to be discussed or corrected?

23 BOARD MEMBER CAIRES: This is Leeann, Chair.  
24 Can we correct my name spelling?

25 MR. ECCLES: Sure.



1 BOARD CHAIR MEYER: Yes, absolutely.  
2 BOARD MEMBER CAIRES: First name is  
3 L-E-E-A-N-N, all one word.  
4 MS. ARANDA: Okay.  
5 BOARD MEMBER CAIRES: Last name, C as in Cat,  
6 A-I-R-E-S.  
7 MS. ARANDA: Got it. Thank you.  
8 BOARD MEMBER CAIRES: Thank you.  
9 BOARD CHAIR MEYER: All right. Anything else  
10 on this?  
11 Okay. I was not present at this Board meeting,  
12 Karissa, so I assume that I will not participate in the  
13 motion or approving the motion.  
14 MS. NEFF: Our office has taken the position  
15 that if you have read and reviewed the minutes, you're  
16 able to vote on them.  
17 BOARD CHAIR MEYER: Okay. Thank you.  
18 All right. I'll take a motion to accept the  
19 minutes for the August 18th, 2021 meeting.  
20 BOARD MEMBER WILSON: This is Sharolyn. I will  
21 second that motion.  
22 BOARD CHAIR MEYER: Okay. All in favor, say  
23 "aye."  
24 (Board members said "aye.")  
25 BOARD CHAIR MEYER: All right. We'll move on

1 to item 6. This is the action on recommendation of the  
2 Administrator for approval of the following requests  
3 reimbursement for the Subsequent Injury Account for  
4 Self-Insured Employers.

5 And the first claim is for Las Vegas  
6 Metropolitan Police, and it is claim number  
7 16D34C941702.

8 And, Ana, do you want to read the record on  
9 that one?

10 MS. ARANDA: Okay. Administration  
11 recommendation. It is the Administrator's  
12 recommendation to accept this request pursuant to NRS  
13 616B.557 for the lumbar spine. The cervical spine was  
14 not requested and is specifically excluded.

15 BOARD CHAIR MEYER: Okay. I'm so sorry to stop  
16 you. I forgot to call for the disclaimers. But CCMSI  
17 is the third-party administrator for Carson City, but  
18 that will not affect my decision today.

19 BOARD MEMBER WILSON: And this is Sharolyn.  
20 CCMSI is also the third-party administrator for Washoe  
21 County, but that will not impact my decision today.

22 BOARD MEMBER LANG: This is Wendy. CCMSI is --

23 BOARD MEMBER WASHINGTON: This is Michele.

24 BOARD MEMBER LANG: -- is the third-party  
25 administrator for Douglas County, but that will not

1 affect my decision.

2 BOARD MEMBER WASHINGTON: This is Michele.  
3 CCMSI is the TPA for the Nevada System of Higher  
4 Education, but that will not affect my decision today.

5 BOARD CHAIR MEYER: All right. Thank you.  
6 I'm so sorry, Ana. Please continue.

7 BOARD MEMBER CAIRES: Wait. This is Leeann  
8 Caires. We have CCMSI as also our third-party  
9 administrator as well, and it will not affect my  
10 decision.

11 BOARD CHAIR MEYER: Thank you, Leeann.  
12 Yes, go ahead, Ana.

13 MS. ARANDA: Okay. Continue. Amount of  
14 reimbursement. The total amount requested for  
15 reimbursement is \$36,752.43. The amount that should  
16 have been requested is \$38,502.97 due to a \$3.00  
17 typographical error on the calculator tapes and two  
18 medical bills which were not on the calculator tapes.  
19 The amount of verified costs is \$15,146.98. An  
20 explanation of the disallowance is attached to this  
21 letter.

22 Background. This request was received from Kim  
23 Price, Attorney, on June 8th, 2021.

24 Prior history. This employee was hired on  
25 January 13th, 1995 as a police officer. On

1 February 19th, 2007, he was exiting his vehicle and  
2 twisted his body, developing excruciating pain in his  
3 low back radiating into his foot. He was seen by  
4 Dr. McKenna who diagnosed him with a probable herniated  
5 nucleus pulposus, herniated disk. Dr. McKenna noted a  
6 prior 1996 injury on the C-4 Form.

7 The prior history will be taken from the  
8 permanent partial disability, PPD, report penned by  
9 Dr. Caszatt on December 17th, 2007.

10 An MRI on February 22nd, 2007 revealed left  
11 dorsolateral disc herniation with extrusion at the L5-S1  
12 level.

13 On February 26, 2007, Dr. McKenna noted left L5  
14 radiculopathy. He recommended left L5 epidural steroid  
15 injections. The employee had three injections. The  
16 first two did not help. However, the last one seemed to  
17 give the employee some relief.

18 On April 30th, 2007, Dr. McKenna noted mild  
19 paresthesia in the left lower extremity.

20 On May 23rd, 2007, the employee saw Dr. Kabins  
21 who recommended EMG and nerve conduction studies of the  
22 bilateral lower extremities.

23 On June 13th, 2007, Dr. Kabins noted mildly  
24 positive tension signs on the left with no new motor  
25 deficit and no new sensory deficit.

1           On July 16th, 2007, Dr. Kabins noted electrical  
2 diagnostic evidence of L5 and possibly L4 radiculopathy  
3 on the left.

4           On September 25th, 2007, Dr. Nagy was  
5 consulted. Dr. Nagy determined the employee was not  
6 operable and released him back to work. He recommended  
7 avoidance of free weight lifting or any activity that  
8 placed significant axial load on the spine.

9           On October 19th, 2007, Dr. Kabins determined  
10 the employee had reached maximum medical improvement and  
11 was stable and ratable.

12           On December 5th, 2007, Dr. Caszatt performed a  
13 PPD evaluation in which he placed the employee into DRE  
14 Category III due to the herniated disc with objective  
15 clinical findings of associated radiculopathy. He  
16 recommended a 10 percent WPI. The employee took this in  
17 a lump sum.

18           On February 28th, 2011, the employee underwent  
19 a right L5-S1 microlumbar discectomy. On March 22nd,  
20 2011, the employee requested reopening of his 2007  
21 claim. This was denied and the employee appealed.

22           On September 28th, 2011, the employee had nerve  
23 conduction studies which showed no evidence of  
24 radiculopathy.

25           The employee was sent for an IME with

1 Dr. Daniel Lee. On April 30th, 2012, Dr. Lee opined  
2 that the February 2011 surgery was not related to the  
3 work injury on February 19th, 2007. Instead, it was due  
4 to the employee's preexisting asymptomatic lumbar  
5 spondylosis at L5-S1.

6 On January 9th, 2013, the Appeals Officer  
7 denied the employee's request to reopen his claim for  
8 the February 2011 surgery.

9 Present claim. On November 20th, 2016, the  
10 employee was attempting to place a suspect under arrest  
11 when the suspect landed on top of the employee. He  
12 sought treatment the next day and was diagnosed with  
13 cervicothoracic strain and lumbar strain.

14 Subsequent injury history will be taken from  
15 Dr. Glick's November 18th, 2019 PPD report.

16 An MRI of the lumbar spine taken on  
17 December 5th, 2016 revealed degenerative changes at  
18 L5-S1. There was no evidence of central canal stenosis  
19 or neural foraminal narrowing.

20 The employee saw Dr. Peoples on January 11th,  
21 2017 who noted an HNP at L5-S1, right. He stated it  
22 would resolve on its own or the employee could have  
23 epidural steroid injections.

24 Dr. Erkulvrawatr performed a right L5  
25 transforaminal epidural steroid injection on April 21st,

1 2017.

2 Dr. Erkulvrawatr performed a right piriformis  
3 injection on May 24th, 2017.

4 On June 2nd, 2017, Dr. Peoples recommended a  
5 transfer of care to a physiatrist due to piriformis  
6 syndrome. The employee also began physical therapy on  
7 June 26th, 2017.

8 The employee began treatment with Dr. Muir on  
9 July 12th, 2017. Dr. Muir performed a right L4-S1  
10 lumbar zygapophyseal injection on August 8th, 2017. On  
11 October 10th, 2017, Dr. Muir a second injection. On  
12 November 14th, 2017, Dr. Muir performed right L3, L4, L5  
13 right medial branch blocks. On January 2nd, 2018,  
14 Dr. Muir performed right L3, L4, and L5 medial branch  
15 radiofrequency ablations.

16 On July 25th, 2018, Dr. Campbell performed  
17 bilateral L5-S1 epidural steroid injections.

18 On October 3rd, 2018, Dr. Campbell performed  
19 bilateral C3-4, C5-6 epidural steroid injections. This  
20 was repeated on October 31st, 2018.

21 On January 31st, 2019, the employee saw Dr. Lee  
22 for an IME. Dr. Lee determined the employee had reached  
23 maximum medical improvement for the cervical spine. He  
24 was stable and not ratable. For the lumbar spine, he  
25 recommended decompression and fusion.

1           The employee saw Dr. Forage on April 2nd, 2019  
2 for a surgery consult. By October 3rd, 2019, the  
3 employee decided he did not want to undergo surgery.

4           On November 7th, 2019, Dr. Glick determined the  
5 employee had a 21 percent WPI, less the prior 10 percent  
6 WPI, left a net 11 percent WPI. The employee took this  
7 in a lump sum.

8           It is noted that the employee had a concurrent  
9 2012 claim for his heart. On April 24th, 2018, he was  
10 deemed permanently totally disabled. Therefore, he was  
11 not entitled to the PPD award of 11 percent WPI for his  
12 lumbar spine. CCMSI reimbursed the employer for this  
13 overpayment through its E&O policy. Once the  
14 Coordinator made the applicant aware of this, the  
15 applicant removed its request for the reimbursement of  
16 the PPD lump sum.

17           Findings. A, NRS 616B.557(1). This claim  
18 involves multiple additional lumbar procedures, such as  
19 injections, medial branch blocks and radiofrequency  
20 ablations. The documents presented support additional  
21 compensation as a result of the combined effects of the  
22 preexisting impairment and the subsequent injury.

23           Therefore, NRS 616B.557(1) has been satisfied.

24           Section B, NRS 616B.557(3). The employee  
25 received a prior 10 percent WPI for his February 19th,



1 2007 lumbar claim.

2 Therefore, NRS 616B.557(3) has been satisfied.

3 Section C, NRS 616B.557(4). The employer  
4 provided numerous documents to show employer knowledge.  
5 The Administrator finds the following two to be most  
6 persuasive:

7 C-4 Form with a received/entered cc: TPA  
8 February 22nd, 2007 stamp. It notes "pinched  
9 sciatic nerve" and "probable HNP" and "previous  
10 injury 1996, different surgery."

11 Decision and Order dated January 9th, 2013  
12 which contains a certificate of mailing to LVMPD,  
13 Health Detail, 400 Martin Luther King Jr., Building  
14 B, Las Vegas, Nevada 89106, and which notes "On  
15 January 25th, 2008, the claimant was advised that  
16 his claim was closed with a 10 percent PPD."

17 Additionally, the January 9th, 2013 Decision  
18 and Order explicitly informed the employer that the  
19 employee received a 10 percent PPD for his lumbar spine.

20 Therefore, NRS 616B.557(4) has been satisfied.

21 Section D, NRS 616B.557(5). Subsection 5 does  
22 not need to be satisfied in order for this claim to be  
23 considered for reimbursement since the date of the  
24 injury is after the October 1st, 2007 change in the  
25 requirements of the statute.

1           And that is all.

2           BOARD CHAIR MEYER: Thank you, Ana.

3           Does anybody have questions about this claim?

4           All right. I'll take a motion.

5           No?

6           BOARD MEMBER LANG: This is Wendy. I'll move

7 to accept the Administrator's recommendation to accept

8 this request on -- sorry, I was just scrolling -- on

9 claim number 16D34G941702 in the amount of \$15,146.98.

10          BOARD MEMBER WILSON: And this is Sharolyn.

11 I'll second that motion.

12          BOARD CHAIR MEYER: All in favor?

13          (Board members said "aye.")

14          BOARD CHAIR MEYER: All right. Very good.

15 Thank you, ladies.

16          We will move on to b., which is also for

17 Las Vegas Metropolitan Police Department, claim number

18 18D34F895559.

19          I'll turn that over to you, Ana.

20          MR. ECCLES: The --

21          MS. NEFF: Any disclosures --

22          MR. ECCLES: Yeah.

23          MS. NEFF: -- before we proceed?

24          BOARD CHAIR MEYER: Yes. Thank you so much. I

25 have the very same disclosure as I did last time.

1 BOARD MEMBER LANG: This is Wendy. I'd like to  
2 make the same disclosure as I did on the previous item.

3 BOARD MEMBER WILSON: This is Sharolyn with  
4 Washoe County.

5 BOARD MEMBER WASHINGTON: This is Michele. I  
6 have the same.

7 BOARD MEMBER WILSON: I have the same  
8 disclosures that --

9 BOARD MEMBER WASHINGTON: This is Michele.

10 BOARD MEMBER WILSON: This is Sharolyn. The  
11 same disclosure applies regarding CCMSI as the last  
12 claim.

13 BOARD MEMBER CAIRES: This is Leeann Caires.  
14 We have the same disclosure.

15 BOARD CHAIR MEYER: Okay.

16 BOARD MEMBER WASHINGTON: This is Michele.  
17 Just making sure you heard me. I have the same  
18 disclosure.

19 BOARD CHAIR MEYER: Got it. Thank you.

20 MS. ARANDA: Okay. So Administrator's  
21 recommendation. It is the Administrator's  
22 recommendation to accept this request pursuant to NRS  
23 616B.557 for the lumbar spine.

24 Amount of reimbursement. The total amount  
25 requested for reimbursement is \$59,372.43. The amount

1 of verified costs is \$59,006.04. An explanation of the  
2 disallowance is attached to this letter.

3 This request was received from Kim Price,  
4 Attorney, on July 1st, 2021.

5 Prior history. This employee was hired by the  
6 Las Vegas Metropolitan Police Department, LVMPD, on  
7 July 2nd, 1998 as a police officer. On May 29th, 2006,  
8 he was involved in a motor vehicle accident and injured  
9 multiple body parts. The C-4 Form indicated abrasions  
10 and myalgias. The emergency room diagnosis was forehead  
11 and forearm abrasions and myalgias. He was released to  
12 full duty.

13 The prior history will be taken from  
14 Dr. Villanueva's May 16th, 2007 PPD report.

15 The patient was evaluated by Dr. Miao for left  
16 forearm, left knee and right foot pain. The patient had  
17 no complaints of neck or back pain. The patient  
18 indicated he felt fine and was released to full duty.  
19 He did have complaints of headache and dizziness, and  
20 referral to a neurologist was recommended. He had  
21 reached MMI with respect to his orthopedic issues.

22 On May 31st, 2006, the patient was seen by  
23 Dr. Broeske for neurological consult. Testing was  
24 requested for postconcussion syndrome and he was kept  
25 off work. Testing showed mild left-sided peripheral

1 vestibulopathy and had improvement with medication.  
2 Dr. Broeske recommended proceeding with Epley on the  
3 left with a referral to an ophthalmologist for the  
4 patient's eye pain. The patient was released to full  
5 duty effective June 15th, 2006.

6 On June 14th, 2006, the claim was accepted for  
7 left knee, right foot, left arm and concussion.

8 On June 19th, 2006, Dr. Patti evaluated the  
9 patient for complaints of low back pain. Diagnosis was  
10 probable right sciatica. X-rays and MRI were requested.  
11 Results from the lumbar MRI showed annular tear with  
12 central disc protrusion and annular bulging at the L4-5  
13 level and annular bulging with concentric annular tear  
14 at the L5-S1 level. Dr. Patti referred the patient to a  
15 physiatrist and ordered physical therapy. He was taken  
16 off work.

17 On July 3rd, 2006, Dr. Reed evaluated the  
18 patient for the head, left arm, left knee and right  
19 foot. In the report he was addressed the lumbar spine.  
20 The patient said that physical therapy had been helpful.  
21 The patient's return to work status was discussed and  
22 Dr. Reed felt he should return to work at light duty.  
23 The patient wanted to be released to full duty.  
24 Continued physical therapy was recommended along with  
25 EMG nerve conduction studies of the right lower

1 extremity. Neuropsychic evaluation was also recommended.  
2 Dr. Reed was going to contact the third-party  
3 administrator to find out if the low back was an  
4 accepted body part.

5 Dr. Mortillaro saw the patient on July 10th,  
6 2006 for psychological evaluation. He did not recommend  
7 any testing but did feel the patient would benefit from  
8 a short course of cognitive behavioral therapy to help  
9 him further address his headache management.

10 Dr. Mortillaro felt the patient would return to work  
11 full duty.

12 EMG nerve conduction studies, done on  
13 July 17th, 2006, were normal in the right lower  
14 extremity but showed evidence of annular tear and  
15 central disc protrusion with prior radicular right leg  
16 symptoms now resolved. The patient wanted to try  
17 full-duty work. Follow-up with the ortho was  
18 recommended along with two more weeks of physical  
19 therapy.

20 On July 28th, 2006, the physical therapist  
21 reported 90 percent improvement with only slight low  
22 back pain. The patient reported he was back to work  
23 full duty and didn't seem to have any limitation. He  
24 was discharged with a home program.

25 In his August 8th, 2006 report, Dr. Reed recommended

1 follow-up with Dr. Broeske regarding recurring  
2 headaches. Dr. Reed recommended an FCE but it does not  
3 appear this was done. The patient wanted to continue  
4 with a full-duty release and this was accommodated.

5 In December 2006, the patient continued to  
6 complain of occasional headaches. He was prescribed  
7 medication and would be reevaluated in two to three  
8 months by Dr. Broeske. In January 2007, Dr. Perry  
9 consulted with the patient regarding his low back  
10 complaints from a chiropractic standpoint. Chiropractic  
11 treatment was recommended.

12 On February 27th, 2007, claim acceptance was  
13 amended to include the lumbar spine.

14 The last report in the file is dated  
15 March 27th, 2007 from Dr. Broeske. The patient had  
16 reached MMI and was stable and ratable.

17 On May 9th, 2007, Dr. Villanueva penned a PPD  
18 evaluation. He noted an April 27th, 2007 report from  
19 Dr. Perry that also deemed the patient MMI.

20 Dr. Villanueva found 18 percent WPI for the lumbar  
21 spine, 0 percent WPI for the head, closed head injury,  
22 0 percent WPI for the left forearm, 0 percent WPI for  
23 the left and 0 percent WPI for the right foot.

24 On January 9th, 2007, 2008, a Stipulation and  
25 Order Regarding Settlement and Dismissal was filed by

1 the Appeals Officer concerning the percentage of the  
2 impairment for the PPD. The parties agreed to  
3 13 percent WPI.

4 On April 17th, 2013, this employee sustained a  
5 strain injury to his thoracic, lumbar, and sacroiliac  
6 spine and bilateral hips.

7 Reporting for this injury will be taken from  
8 Dr. Quaglieri's August 28th, 2013 report.

9 Initial reporting indicated the employee would  
10 attend chiropractic treatment twice a week for four  
11 weeks. The patient worked full duty during his  
12 treatment and attended a total of 13 chiropractic visits  
13 with no diagnostic testing or referrals to any  
14 specialists.

15 The last report is dated June 26th, 2013, ten  
16 weeks after the date of injury. Dr. Hogan noted the  
17 patient had reached MMI and was stable and ratable  
18 concerning the thoracic and lumbar and both hips.

19 Dr. Quaglieri performed a PPD evaluation on  
20 August 28th, 2013. He found 2 percent WPI for the left  
21 hip, 2 percent WPI for the right hip, 0 percent WPI for  
22 the lumbar spine and 6 percent WPI for the thoracic  
23 spine. Total impairment for the subsequent injury was  
24 10 percent.

25 Present claim. On November 3rd, 2018, the



1 employee was lifting a large man into a wheelchair when  
2 he strained his back.

3 Subsequent injury history will be taken from  
4 Dr. Perry's October 14th, 2019 PPD report.

5 The employee first sought treatment on  
6 December 27th, 2018 with Dr. Hogan. He treated with  
7 Dr. Hogan for a few months into 2019. An MRI was  
8 recommended.

9 The employee began treatment with Dr. Archie  
10 Perry on April 11th, 2019.

11 An MRI performed on May 3rd, 2019 revealed an  
12 L4-5 asymmetrical 2 millimeter bulge, facet arthropathy,  
13 thickening of the ligamentum flavum effacing the AP  
14 diameter to 8 millimeters of the central canal stenosis,  
15 mild central canal stenosis, partial effacement left  
16 greater than right of recess. There was mild bilateral  
17 neuroforaminal narrowing. There was L5-S1 disc bulging,  
18 AP diameter was 10 millimeters.

19 The employee underwent physical therapy from  
20 May 9th, 2019 to June 28th, 2019.

21 On May 29th, 2019, Dr. Kucera performed  
22 bilateral L4-5 and L5-S1 facet injections.

23 On July 11th, 2019, Dr. Perry determined the  
24 employee had reached maximum medical improvement and was  
25 stable and ratable.

1           On October 14th, Dr. Rod Perry performed a PPD  
2 evaluation in which he determined the employee had  
3 20 percent WPI. He apportioned the prior 13 percent  
4 WPI, leaving a net 7 percent WPI. The employee took  
5 this in a lump sum.

6           Findings. NRS 616B.557(1). This claim  
7 involves an additional injection and additional  
8 permanent impairment. The documents presented support  
9 additional compensation as a result of the combined  
10 effects of the preexisting impairment and subsequent  
11 injury.

12           Therefore, NRS 616B.557(1) has been satisfied.

13           NRS 616B.557(3). The employee received a prior  
14 13 percent WPI for his May 29th, 2006 lumbar claim.

15           Therefore, NRS 616B.557(3) has been satisfied.

16           NRS 616B.557(4). The employer provided  
17 numerous documents to show employer knowledge. The  
18 Administrator finds the following two to be most  
19 persuasive:

20           LVMPD Medical Evaluation Form dated June 22nd,  
21 2006 faxed to Metro. It notes, "Physician's  
22 objection findings, L-spine, disk, Transfer to  
23 physiatrist, EMG/NCV."

24           Stipulation and Order regarding settlement and  
25 dismissal dated January 9th, 2007, 2008, which

1 contains a certificate of mailing to LVMPD, Risk  
2 Management, Moreen Lasiter, 400 East Stewart Avenue,  
3 Las Vegas, Nevada 89101" and which notes "That the  
4 parties stipulate and agree that the insured  
5 employer, Las Vegas Metropolitan Police Department,  
6 award the claimant, employee, a permanent partial  
7 disability, PPD, award based on a 13 percent whole  
8 person impairment."

9 In this case, the employer was aware the  
10 employee had a lumbar spine injury to his disc which  
11 likely caused radicular symptoms and ultimately amounted  
12 to a 13 percent WPI.

13 Therefore, NRS 616B.557(4) has been satisfied.

14 NRS 616B.557(5). Subsection 5 does not need to  
15 be satisfied in order for this claim to be considered  
16 for reimbursement since the date of the injury is after  
17 the October 1st, 2007 change in the requirement of the  
18 statute.

19 Thank you.

20 BOARD CHAIR MEYER: Thank you, Ana.

21 Does anybody have questions regarding this  
22 claim?

23 None? Okay. I will take a motion for this  
24 claim.

25 BOARD MEMBER WILSON: This is Sharolyn. I move

1 that the Board accept the Administrator's recommendation  
2 regarding Las Vegas Metropolitan Police Department,  
3 claim number 18D34F895559 in the amount of verified  
4 costs of \$59,006.04.

5 BOARD MEMBER WASHINGTON: This is Michele. I  
6 second that motion.

7 BOARD CHAIR MEYER: All in favor?

8 (Board members said "aye.")

9 BOARD CHAIR MEYER: Is that everybody?

10 All right. We'll move on to item 7, and  
11 this --

12 MR. PRICE: Thank you all for your time. I'm  
13 going to leave you at this time. This is Kim.

14 BOARD CHAIR MEYER: Okay. Thank you.

15 MR. PRICE: Thank you so much. Welcome aboard,  
16 new members. And I'll talk to you soon. Good day.

17 BOARD CHAIR MEYER: Thank you.

18 All right. We'll move on to item 7, which is  
19 the Administrator's recommendation regarding  
20 supplemental requests.

21 And we will start with Clark County, claim  
22 number 0583-WC-18-0000200.

23 Go ahead, Ana.

24 MS. ARANDA: Are there any disclosures?

25 BOARD CHAIR MEYER: Yes. Thank you.

1 Does anybody have disclosures for this one?

2 Appears to be none.

3 MS. ARANDA: Okay. Administrator's  
4 recommendation. It is the Administrator's  
5 recommendation to accept this second supplemental  
6 request for previously disallowed amounts pursuant to  
7 NRS 616B.557 for the lumbar spine.

8 Amount of reimbursement. The total amount  
9 requested for reimbursement is \$264.41. The amount of  
10 verified costs is \$264.41.

11 This request was received from Dalton L. Hooks,  
12 Jr., Attorney, of Hooks, Meng & Clement on August 4th,  
13 2021.

14 This request contained documentation that  
15 supports reimbursement of the previously disallowed  
16 amounts from the May 6th, 2021 Explanation of  
17 Disallowance at lines 1-2.

18 And that is it.

19 BOARD CHAIR MEYER: Thank you.

20 Any questions, Board members?

21 I have none, either. Would someone like to  
22 make a motion on this supplemental.

23 BOARD MEMBER WASHINGTON: This is Michele.

24 BOARD CHAIR MEYER: Go ahead.

25 BOARD MEMBER WASHINGTON: I make a motion that

1 we accept the Administrator's recommendation for the  
2 second supplemental request of previously disallowed  
3 amounts, verified costs, \$264.41, for Clark, University  
4 Medical Center. I'm sorry. For Clark County.

5 BOARD CHAIR MEYER: Thank you.

6 BOARD MEMBER WILSON: This is Sharolyn. I'll  
7 second that motion.

8 BOARD CHAIR MEYER: All right. All in favor?

9 (Board members said "aye.")

10 BOARD CHAIR MEYER: All right. Next is claim  
11 number 14G28Y02217 for Nevada Energy. And I'll remember  
12 the disclaimer this time. CCMSI is the third-party  
13 administrator for Carson City, but that will not affect  
14 my decision today.

15 BOARD MEMBER WILSON: This is Sharolyn. CCMSI  
16 is also the third-party administrator for Washoe County,  
17 but that will not affect my decision.

18 BOARD MEMBER LANG: This is Wendy. CCMSI is  
19 the third-party administrator for Douglas County, but  
20 that will have no impact on my decision today.

21 BOARD MEMBER CAIRES: This is Leeann Caires.  
22 CCMSI is also our third-party administrator, which will  
23 not affect my decision.

24 BOARD MEMBER WASHINGTON: This is Michele.  
25 CCMSI is also our third-party administrator, but this

1 will not affect my decision.

2 BOARD CHAIR MEYER: Thank you.

3 Go ahead, Ana.

4 MS. ARANDA: Administrator's recommendation.

5 It is the Administrator's recommendation to accept this  
6 first supplemental pursuant to NRS 616B.557 for the  
7 cervical spine, right shoulder and left knee only. The  
8 left shoulder, right knee and lumbar spine, reopened  
9 under the February 9th, 2009 claim, are excluded.  
10 Additionally, the conditions of mild traumatic brain  
11 injury, postconcussion syndrome, PTSD, posttraumatic  
12 headaches and hypersomnolence, which were ordered  
13 accepted by January 29th, 2018 Appeals Officer Decision,  
14 are specifically excluded.

15 The total amount requested for reimbursement is  
16 \$156,641.47. The amount of verified costs is  
17 \$121,250.11. An explanation of the disallowance is  
18 attached to this letter.

19 Background. This request was received from  
20 CCMSI on July 20th, 2021.

21 This request contained reporting and payment  
22 for the following expenses:

23 Office visits with Dr. Thekkakara for treatment  
24 of PTSD from January 25th, 2019 through July 22nd,  
25 2019;

1 Office visits with Dr. Singh for treatment of  
2 PTSD from a February 26th, 2020 through March 2nd,  
3 2021;

4 Office visits with Dr. Stanfield for treatment  
5 of pain disorder from March 8th, 2019 through  
6 December 8th, 2020;

7 Office visits with Dr. Jones from May 8th, 2019  
8 through May 4th, 2020, to include left knee  
9 arthroplasty on May 8th, 2020;

10 ASC for May 8th, 2019 left knee arthroplasty;

11 Office visits with Dr. Andrews for treatment of  
12 narcolepsy, hypersomnolence, from April 3rd, 2019  
13 through October 19th, 2020;

14 Office visits with Dr. Berman for pain, to  
15 include trigger point injections and cervical facet  
16 RFA at C4-5, from April 1st, 2019 through  
17 January 4th, 2021;

18 EKG and labs on April 17th, 2019;

19 Ferritin levels on April 17th, 2019;

20 Ultrasound of the left lower leg on May 13th,  
21 2019;

22 Physical therapy from May 15th, 2019 through  
23 September 10th, 2019;

24 UDS on July 2nd, 2020 and August 3rd, 2020;

25 Labs on January 15th, 2021;



1 Mileage from April 1st, 2019 through July 31st,  
2 2019;

3 Prescription from April 4th, 2019 through  
4 March 24th, 2021;

5 Temporary total disability, TTD, from  
6 April 13th, 2019 through June 5th, 2020;

7 Vocational rehabilitation maintenance from  
8 June 6th, 2020 through March 26th, 2021;

9 Permanent total disability from March 27, 2021  
10 through March 31st, 2021;

11 Vocational rehabilitation services from  
12 July 9th, 2020 through March 22nd, 2021.

13 This employee underwent a left total knee  
14 replacement on May 8th, 2019. He underwent post-op  
15 physical therapy. On September 25th, 2019, Dr. Jones  
16 determined he had reached maximum medical improvement  
17 for the left knee and released him to full duty for that  
18 body part.

19 The employee continued to treat with Dr. Berman  
20 for the cervical spine, 2014 claim, and the lumbar  
21 spine, under the 2009 claim. On June 3rd, 2020,  
22 Dr. Berman assigned permanent sedentary work  
23 restrictions. The employee continued to treat with  
24 Dr. Stanfield for psychotherapy related to pain  
25 disorder. He also continued to treat with Dr. Singh, a

1 psychiatrist, for his PTSD. The employee also continued  
2 to treat with Dr. Andrews for his narcolepsy,  
3 hypersomnolence.

4 On July 9th, 2020, the employee was referred  
5 for vocational rehabilitation services. His employment  
6 was officially terminated on October 2nd, 2020. The  
7 vocational rehabilitation counselor recommended  
8 permanent total disability under the odd lot doctrine.  
9 This became effective March 27, 2021. The employee's  
10 average monthly wage for 2021 is \$3,570.82 less a  
11 10 percent recovery for prior paid PPDs equals  
12 \$3,213.74. He will be eligible for a cost-of-living  
13 increase in 2022.

14 The employee takes large amounts of  
15 medications, mostly for his PTSD. The table below shows  
16 which medications are eligible/not eligible for  
17 reimbursement from the subsequent injury account.

18 The table lists 20 medications of which only  
19 three are eligible for reimbursement from Subsequent  
20 Injury Account: one, Gabapentin 300 milligrams  
21 prescribed by Dr. Berman for pain; Oxycodone prescribed  
22 business Dr. Berman for pain; and Pramipexole prescribed  
23 by Dr. Berman for restless leg syndrome.

24 As noticed in the last submission, there is  
25 possible subrogation recovery in this matter. On

1 August 17th, 2015, the employee filed a civil action in  
2 the Second Judicial District Court, Case Number  
3 CV15-01664, against the driver of the vehicle who  
4 rear-ended him. Also, the employee has a second civil  
5 action in the Second Judicial District Court, Case  
6 Number CV16-01571, filed on July 28th, 2016, related to  
7 this claim.

8 Thank you.

9 BOARD CHAIR MEYER: Thank you. And I  
10 appreciate you putting that chart of medications in  
11 there, because I was jotting down questions about that  
12 when we came upon this chart. That was very, very  
13 helpful. So thank you for that.

14 All right. Does anybody else have questions or  
15 comments regarding this claim?

16 All right. I will take a motion.

17 BOARD MEMBER WILSON: This is Sharolyn. I move  
18 that the Board accept the Administrator's recommendation  
19 regarding NV Energy, claim number 14G28Y02217, in the  
20 amount of verified costs of \$121,250.11.

21 BOARD MEMBER LANG: This is Wendy. I'll second  
22 that.

23 BOARD CHAIR MEYER: Thank you. All in favor?

24 (Board members said "aye.")

25 BOARD CHAIR MEYER: Okay. And our final claim

1 is for Nevada System of Higher Education, claim number  
2 19515F899624.

3 MS. NEFF: Any disclosures?

4 BOARD MEMBER WASHINGTON: This is Michele.  
5 Yes. This is Michele. I will recuse from this as I'm  
6 employed by Nevada System of Higher Education.

7 BOARD CHAIR MEYER: Thank you.

8 Carson City's third-party administrator is  
9 CCMSI, so I have the same disclaimer as before.

10 BOARD MEMBER WILSON: This is Sharolyn. Washoe  
11 County's TPA is CCMSI as well. So I declare the same  
12 disclaimer as previously.

13 BOARD CHAIR MEYER: Thank you.

14 Go ahead, Ana.

15 BOARD MEMBER CAIRES: Leeann Caires.

16 BOARD CHAIR MEYER: Okay.

17 BOARD MEMBER CAIRES: CCMSI is also our  
18 third-party administrator. I have the same disclaimer.

19 BOARD CHAIR MEYER: Thank you.

20 BOARD MEMBER LANG: This is Wendy. CCMSI is  
21 the third-party administrator for Douglas County. So my  
22 disclaimer stays in place.

23 BOARD CHAIR MEYER: Okay. Go ahead, Ana.

24 MS. ARANDA: Administrator's recommendation.

25 It is the Administrator's recommendation to accept this

1 first supplemental request pursuant to NRS 616B.557 for  
2 the left shoulder.

3 Amount of reimbursement. The total amount  
4 requested for reimbursement is \$53,106.85. The amount  
5 of verified costs is \$53,101.31. An explanation of the  
6 disallowance is attached to this letter.

7 Background. This request was received from  
8 CCMSI on August 20th, 2021.

9 This request contained reporting and payment  
10 for the following expenses:

11 Office visit with Dr. Uppal on May 7th, 2020;

12 Office visit with Dr. Hall on May 11th, 2020;

13 Prescription dated September 24th, 2019;

14 2021 PPD annual installment in the amount of  
15 \$792.96;

16 Vocational rehabilitation school in the amount  
17 of \$17, 550.00;

18 Vocational rehabilitation maintenance from  
19 August 8th, 2020 through August 6th, 2021;

20 Vocational rehabilitation services from  
21 June 25th, 2020 through July 8th, 2021.

22 At the last submission it was noted that the  
23 employee had received his initial PPD payment. On  
24 July 7th, 2020, he signed his election of method for  
25 annual installment payments.

1           The employee's formal vocational rehabilitation  
2 training program was approved by the TPA. The program  
3 was for the employee to be a customer service clerk.  
4 The 12-month program was to run from July 13th, 2020 to  
5 July 12th, 2021 at New Horizons Computer Learning  
6 Center. Job placement was to run from July 13th, 2021  
7 to August 8th, 2021. Unfortunately, due to COVID-19 and  
8 various issues with the employee's learning  
9 disabilities, he struggled in the program. On May 11th,  
10 2021, a three-month program extension was granted to  
11 October 12th, 2021 with a 28-day job placement program  
12 through November 9th, 2021.

13           Thank you.

14           BOARD CHAIR MEYER: Thank you, Ana.

15           Any questions, Board?

16           All right. I'll take a motion for this claim.

17           BOARD MEMBER LANG: This is Wendy. I move to  
18 accept the Administrator's recommendation for this first  
19 supplemental request for Nevada System of Higher  
20 Education, claim number 19515F899624 in the verified  
21 costs of \$53,101.31.

22           BOARD CHAIR MEYER: Thank you, Wendy.

23           BOARD MEMBER WILSON: This is Sharolyn. I'll  
24 second that motion.

25           BOARD CHAIR MEYER: Thank you, Sharolyn.

1 All in favor?

2 (Board members said "aye.")

3 BOARD CHAIR MEYER: All right. I think, we got  
4 everybody. Thank you.

5 We will move on to item 8, additional items.  
6 General matters of concern to Board members regarding  
7 matters not appearing on the agenda. Does anybody have  
8 any general matters of concern?

9 Okay, b. is old and new business. Do we have  
10 any old and new business?

11 All right. We will look at c., which is the  
12 schedule of the next meeting. If everybody can  
13 double-check their calendars to see if there is any  
14 conflicts with the next meeting on November 17th and  
15 December 15th.

16 All right. Sounds like everybody's good with  
17 that.

18 Number 9 is public comment. The opportunity  
19 for public comment is reserved for any matter within the  
20 jurisdiction of the Board. No action on such an item  
21 can be taken by the Board unless and until the matter  
22 has been agendized as an action item. Comment from the  
23 public is limited to three minutes per person.

24 Still no public, I'm gathering?

25 MS. ARANDA: No public.

1 MS. NEFF: No members in Las Vegas.  
2 BOARD CHAIR MEYER: I'm sorry?  
3 MS. NEFF: I said there are no members of the  
4 public in Las Vegas.  
5 BOARD CHAIR MEYER: Thank you.  
6 Number 10 is adjournment. Does somebody want  
7 to make a motion to adjourn this meeting?  
8 BOARD MEMBER WILSON: This is Sharolyn. I make  
9 a motion that we adjourn today's meeting.  
10 BOARD MEMBER LANG: This is Wendy. I second.  
11 BOARD CHAIR MEYER: All in favor?  
12 (Board members said "aye.")  
13 BOARD CHAIR MEYER: All right. Thank you so  
14 much, Board. I appreciate your time.  
15 BOARD MEMBER LANG: Thank you.  
16 BOARD MEMBER CAIRES: Thank you.  
17 BOARD MEMBER WASHINGTON: Thank you.  
18 BOARD MEMBER WILSON: Thank you, everyone.  
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