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
APPEARANCES

For the Board:

Cecilia Meyer
Board Chair, Board Member

Sharolyn Wilson
Board Member

Wendy Lang
Board Member

Michele Washington
Board Member

Leeann Caires
Board Member

Karissa Neff
Senior Deputy Attorney General
Board Counsel

For the Division of Industrial Relations:

Christopher A. Eccles, Esq.
Counsel for DIR

For the Administrator of the DIR:

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

Also Present:

Kim Price, Esq. (phone)
Lewis Brisbois Bisgaard & Smith
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c. 19515F899624  
NV System of Higher Education  
For Possible Action  

8. Additional Items:

a. General Matters of Concern to Board Members  
Regarding Matters Not Appearing on the  
Agenda  

b. Old and New Business  

8. Schedule of Next Meeting. The following  
dates have been scheduled in advance but are  
subject to change at any time: November 17,  
For Possible Action  

8. Public Comment  

9. Adjournment  
For Possible Action
WEDNESDAY, OCTOBER 20, 2021, 10:00 A.M.

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

BOARD CHAIR MEYER: Thank you, Karissa.

All right. Item 3 on the agenda is the election of Chair and Vice Chair of the Board. As many of you remember, one of our Board members, Suhair, who was the Vice Chair, was not reappointed several months ago, which left that position open. And Chris advised us that the Chair position comes up annually as well. So I will open this for nominations for the Chair position first.

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

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

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

(Board members said "aye.")

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

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

BOARD CHAIR MEYER: All right. All in favor, say "aye."
(Board members said "aye.")

BOARD CHAIR MEYER: All right. Very good.
Thank you.

We will move to item 4, which is the approval of the agenda. Did everybody get the agenda? We got a draft to start with, and then we did get the formal agenda. Did everybody get that?

BOARD MEMBER WASHINGTON: Yes.
BOARD MEMBER WILSON: Yes.
BOARD MEMBER LANG: Yes.
BOARD CHAIR MEYER: Okay. And are there any questions, comments about that?
None? Okay. I'll take a motion to approve the agenda.

BOARD MEMBER WASHINGTON: This is Michele. I motion to approve the agenda.

BOARD CHAIR MEYER: Okay.
BOARD MEMBER WASHINGTON: I'll move to approve today's agenda.

BOARD CHAIR MEYER: Thank you.
Is there a second?
BOARD MEMBER WILSON: This is Sharolyn. I'll second that motion.

BOARD CHAIR MEYER: All right. All in favor, say "aye."
(Board members said "aye.")

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

BOARD MEMBER WASHINGTON: No, it was not.

BOARD CHAIR MEYER: Okay.

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

BOARD CHAIR MEYER: Okay. All right.

BOARD MEMBER WASHINGTON: I'm sorry.

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

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

BOARD CHAIR MEYER: All right. Thanks.

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

BOARD MEMBER WILSON: Yes.

BOARD MEMBER WASHINGTON: Yes.

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

BOARD MEMBER CAIRES: This is Leeann, Chair.

Can we correct my name spelling?

MR. ECCLES: Sure.
BOARD CHAIR MEYER: Yes, absolutely.

BOARD MEMBER CAIRES: First name is L-E-E-A-N-N, all one word.

MS. ARANDA: Okay.

BOARD MEMBER CAIRES: Last name, C as in Cat, A-I-R-E-S.

MS. ARANDA: Got it. Thank you.

BOARD MEMBER CAIRES: Thank you.

BOARD CHAIR MEYER: All right. Anything else on this?

Okay. I was not present at this Board meeting, Karissa, so I assume that I will not participate in the motion or approving the motion.

MS. NEFF: Our office has taken the position that if you have read and reviewed the minutes, you're able to vote on them.

BOARD CHAIR MEYER: Okay. Thank you.

All right. I'll take a motion to accept the minutes for the August 18th, 2021 meeting.

BOARD MEMBER WILSON: This is Sharolyn. I will second that motion.

BOARD CHAIR MEYER: Okay. All in favor, say "aye."

(Board members said "aye.")

BOARD CHAIR MEYER: All right. We'll move on
to item 6. This is the action on recommendation of the Administrator for approval of the following requests reimbursement for the Subsequent Injury Account for Self-Insured Employers.
And the first claim is for Las Vegas Metropolitan Police, and it is claim number 16D34C941702.
And, Ana, do you want to read the record on that one?
MS. ARANDA: Okay. Administration recommendation. It is the Administrator's recommendation to accept this request pursuant to NRS 616B.557 for the lumbar spine. The cervical spine was not requested and is specifically excluded.
BOARD CHAIR MEYER: Okay. I'm so sorry to stop you. I forgot to call for the disclaimers. But CCMSI is the third-party administrator for Carson City, but that will not affect my decision today.
BOARD MEMBER WILSON: And this is Sharolyn. CCMSI is also the third-party administrator for Washoe County, but that will not impact my decision today.
BOARD MEMBER LANG: This is Wendy. CCMSI is --
BOARD MEMBER WASHINGTON: This is Michele.
BOARD MEMBER LANG: -- is the third-party administrator for Douglas County, but that will not
affect my decision.

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

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

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

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

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

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

Prior history. This employee was hired on January 13th, 1995 as a police officer. On
February 19th, 2007, he was exiting his vehicle and twisted his body, developing excruciating pain in his low back radiating into his foot. He was seen by Dr. McKenna who diagnosed him with a probable herniated nucleus pulposus, herniated disk. Dr. McKenna noted a prior 1996 injury on the C-4 Form.

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

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

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

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

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

On June 13th, 2007, Dr. Kabins noted mildly positive tension signs on the left with no new motor deficit and no new sensory deficit.
On July 16th, 2007, Dr. Kabins noted electrical diagnostic evidence of L5 and possibly L4 radiculopathy on the left.

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

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

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

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

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

The employee was sent for an IME with
Dr. Daniel Lee. On April 30th, 2012, Dr. Lee opined that the February 2011 surgery was not related to the work injury on February 19th, 2007. Instead, it was due to the employee's preexisting asymptomatic lumbar spondylosis at L5-S1.

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

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

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

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

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

Dr. Erkulvrawat performed a right L5 transformaminal epidural steroid injection on April 21st,
Dr. Erkulvrawatr performed a right piriformis injection on May 24th, 2017.

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

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

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

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

On January 31st, 2019, the employee saw Dr. Lee for an IME. Dr. Lee determined the employee had reached maximum medical improvement for the cervical spine. He was stable and not ratable. For the lumbar spine, he recommended decompression and fusion.
The employee saw Dr. Forage on April 2nd, 2019 for a surgery consult. By October 3rd, 2019, the employee decided he did not want to undergo surgery.

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

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

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

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

Section B, NRS 616B.557(3). The employee received a prior 10 percent WPI for his February 19th,
2007 lumbar claim.

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

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

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

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

Additionally, the January 9th, 2013 Decision and Order explicitly informed the employer that the employee received a 10 percent PPD for his lumbar spine. Therefore, NRS 616B.557(4) has been satisfied.

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

BOARD CHAIR MEYER: Thank you, Ana.

Does anybody have questions about this claim?

All right. I'll take a motion.

No?

BOARD MEMBER LANG: This is Wendy. I'll move
to accept the Administrator's recommendation to accept
this request on -- sorry, I was just scrolling -- on
claim number 16D34G941702 in the amount of $15,146.98.

BOARD MEMBER WILSON: And this is Sharolyn.

I'll second that motion.

BOARD CHAIR MEYER: All in favor?

(Board members said "aye.")

BOARD CHAIR MEYER: All right. Very good.

Thank you, ladies.

We will move on to b., which is also for
Las Vegas Metropolitan Police Department, claim number
18D34F895559.

I'll turn that over to you, Ana.

MR. ECCLES: The --

MS. NEFF: Any disclosures --

MR. ECCLES: Yeah.

MS. NEFF: -- before we proceed?

BOARD CHAIR MEYER: Yes. Thank you so much. I
have the very same disclosure as I did last time.
BOARD MEMBER LANG: This is Wendy. I'd like to make the same disclosure as I did on the previous item.

BOARD MEMBER WILSON: This is Sharolyn with Washoe County.

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

BOARD MEMBER WILSON: I have the same disclosures that —

BOARD MEMBER WASHINGTON: This is Michele.

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

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

BOARD CHAIR MEYER: Okay.

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

BOARD CHAIR MEYER: Got it. Thank you.

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

Amount of reimbursement. The total amount requested for reimbursement is $59,372.43. The amount
of verified costs is $59,006.04. An explanation of the
disallowance is attached to this letter.

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

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

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

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

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

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

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

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

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

Dr. Reed was going to contact the third-party administrator to find out if the low back was an accepted body part.

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

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

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

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

In his August 8th, 2006 report, Dr. Reed recommended
follow-up with Dr. Broeske regarding recurring headaches. Dr. Reed recommended an FCE but it does not appear this was done. The patient wanted to continue with a full-duty release and this was accommodated.

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

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

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

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

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

On January 9th, 2007, 2008, a Stipulation and Order Regarding Settlement and Dismissal was filed by
the Appeals Officer concerning the percentage of the impairment for the PPD. The parties agreed to 13 percent WPI.

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

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

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

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

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

Present claim. On November 3rd, 2018, the
employee was lifting a large man into a wheelchair when he strained his back.

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

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

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

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

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

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

On July 11th, 2019, Dr. Perry determined the employee had reached maximum medical improvement and was stable and ratable.
On October 14th, Dr. Rod Perry performed a PPD evaluation in which he determined the employee had 20 percent WPI. He apportioned the prior 13 percent WPI, leaving a net 7 percent WPI. The employee took this in a lump sum.

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

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

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

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

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

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

Stipulation and Order regarding settlement and dismissal dated January 9th, 2007, 2008, which
contains a certificate of mailing to LVMPD, Risk Management, Moreen Lasiter, 400 East Stewart Avenue, Las Vegas, Nevada 89101" and which notes "That the parties stipulate and agree that the insured employer, Las Vegas Metropolitan Police Department, award the claimant, employee, a permanent partial disability, PPD, award based on a 13 percent whole person impairment."

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

Therefore, NRS 616B.557(4) has been satisfied. NRS 616B.557(5). Subsection 5 does not need to be satisfied in order for this claim to be considered for reimbursement since the date of the injury is after the October 1st, 2007 change in the requirement of the statute.

Thank you.

BOARD CHAIR MEYER: Thank you, Ana. Does anybody have questions regarding this claim? None? Okay. I will take a motion for this claim.

BOARD MEMBER WILSON: This is Sharolyn. I move
that the Board accept the Administrator's recommendation regarding Las Vegas Metropolitan Police Department, claim number 18D34F895559 in the amount of verified costs of $59,006.04.

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

BOARD CHAIR MEYER: All in favor?

(Board members said "aye.")

BOARD CHAIR MEYER: Is that everybody?

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

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

BOARD CHAIR MEYER: Okay. Thank you.

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

BOARD CHAIR MEYER: Thank you.

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

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

Go ahead, Ana.

MS. ARANDA: Are there any disclosures?

BOARD CHAIR MEYER: Yes. Thank you.
Does anybody have disclosures for this one?

Appears to be none.

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

Amount of reimbursement. The total amount requested for reimbursement is $264.41. The amount of verified costs is $264.41.

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

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

And that is it.

BOARD CHAIR MEYER: Thank you.

Any questions, Board members?

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

BOARD MEMBER WASHINGTON: This is Michele.

BOARD CHAIR MEYER: Go ahead.

BOARD MEMBER WASHINGTON: I make a motion that
we accept the Administrator's recommendation for the second supplemental request of previously disallowed amounts, verified costs, $264.41, for Clark, University Medical Center. I'm sorry. For Clark County.

BOARD CHAIR MEYER: Thank you.

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

BOARD CHAIR MEYER: All right. All in favor?

(Board members said "aye.")

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

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

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

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

BOARD MEMBER WASHINGTON: This is Michele. CCMSI is also our third-party administrator, but this
will not affect my decision.

BOARD CHAIR MEYER: Thank you.

Go ahead, Ana.

MS. ARANDA: Administrator's recommendation.

It is the Administrator's recommendation to accept this first supplemental pursuant to NRS 616B.557 for the cervical spine, right shoulder and left knee only. The left shoulder, right knee and lumbar spine, reopened under the February 9th, 2009 claim, are excluded.

Additionally, the conditions of mild traumatic brain injury, postconcussion syndrome, PTSD, posttraumatic headaches and hypersomnolence, which were ordered accepted by January 29th, 2018 Appeals Officer Decision, are specifically excluded.

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

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

This request contained reporting and payment for the following expenses:

Office visits with Dr. Thekkakara for treatment of PTSD from January 25th, 2019 through July 22nd, 2019;
Office visits with Dr. Singh for treatment of PTSD from February 26th, 2020 through March 2nd, 2021;

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

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

ASC for May 8th, 2019 left knee arthroplasty;

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

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

EKG and labs on April 17th, 2019;

Ferritin levels on April 17th, 2019;

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

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

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

Labs on January 15th, 2021;
Mileage from April 1st, 2019 through July 31st, 2019;

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

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

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

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

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

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

The employee continued to treat with Dr. Berman for the cervical spine, 2014 claim, and the lumbar spine, under the 2009 claim. On June 3rd, 2020, Dr. Berman assigned permanent sedentary work restrictions. The employee continued to treat with Dr. Stanfield for psychotherapy related to pain disorder. He also continued to treat with Dr. Singh, a
psychiatrist, for his PTSD. The employee also continued
to treat with Dr. Andrews for his narcolepsy,
hypersomnolence.

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

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

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

As noticed in the last submission, there is
possible subrogation recovery in this matter. On
August 17th, 2015, the employee filed a civil action in the Second Judicial District Court, Case Number CV15-01664, against the driver of the vehicle who rear-ended him. Also, the employee has a second civil action in the Second Judicial District Court, Case Number CV16-01571, filed on July 28th, 2016, related to this claim.

Thank you.

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

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

All right. I will take a motion.

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

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

BOARD CHAIR MEYER: Thank you. All in favor?

(Board members said "aye.")

BOARD CHAIR MEYER: Okay. And our final claim
is for Nevada System of Higher Education, claim number 19515F899624.

MS. NEFF: Any disclosures?

BOARD MEMBER WASHINGTON: This is Michele.

Yes. This is Michele. I will recuse from this as I'm employed by Nevada System of Higher Education.

BOARD CHAIR MEYER: Thank you.

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

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

BOARD CHAIR MEYER: Thank you.

Go ahead, Ana.

BOARD MEMBER CAIRES: Leeann Caires.

BOARD CHAIR MEYER: Okay.

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

BOARD CHAIR MEYER: Thank you.

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

BOARD CHAIR MEYER: Okay. Go ahead, Ana.

MS. ARANDA: Administrator's recommendation.

It is the Administrator's recommendation to accept this
first supplemental request pursuant to NRS 616B.557 for
the left shoulder.

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

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

This request contained reporting and payment
for the following expenses:

Office visit with Dr. Uppal on May 7th, 2020;
Office visit with Dr. Hall on May 11th, 2020;
Prescription dated September 24th, 2019;
2021 PPD annual installment in the amount of
$792.96;
Vocational rehabilitation school in the amount
of $17,550.00;
Vocational rehabilitation maintenance from
August 8th, 2020 through August 6th, 2021;
Vocational rehabilitation services from
June 25th, 2020 through July 8th, 2021.

At the last submission it was noted that the
employee had received his initial PPD payment. On
July 7th, 2020, he signed his election of method for
annual installment payments.
The employee's formal vocational rehabilitation training program was approved by the TPA. The program was for the employee to be a customer service clerk. The 12-month program was to run from July 13th, 2020 to July 12th, 2021 at New Horizons Computer Learning Center. Job placement was to run from July 13th, 2021 to August 8th, 2021. Unfortunately, due to COVID-19 and various issues with the employee's learning disabilities, he struggled in the program. On May 11th, 2021, a three-month program extension was granted to October 12th, 2021 with a 28-day job placement program through November 9th, 2021.

Thank you.

BOARD CHAIR MEYER: Thank you, Ana.

Any questions, Board?

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

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

BOARD CHAIR MEYER: Thank you, Wendy.

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

BOARD CHAIR MEYER: Thank you, Sharolyn.
All in favor?

(Board members said "aye.")

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

We will move on to item 8, additional items.

General matters of concern to Board members regarding matters not appearing on the agenda. Does anybody have any general matters of concern?

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

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

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

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

Still no public, I'm gathering?

MS. ARANDA: No public.
MS. NEFF: No members in Las Vegas.

BOARD CHAIR MEYER: I'm sorry?

MS. NEFF: I said there are no members of the public in Las Vegas.

BOARD CHAIR MEYER: Thank you.

Number 10 is adjournment. Does somebody want to make a motion to adjourn this meeting?

BOARD MEMBER WILSON: This is Sharolyn. I make a motion that we adjourn today's meeting.

BOARD MEMBER LANG: This is Wendy. I second.

BOARD CHAIR MEYER: All in favor?

(Board members said "aye.")

BOARD CHAIR MEYER: All right. Thank you so much, Board. I appreciate your time.

BOARD MEMBER LANG: Thank you.

BOARD MEMBER CAIRES: Thank you.

BOARD MEMBER WASHINGTON: Thank you.

BOARD MEMBER WILSON: Thank you, everyone.

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