



# Workers' Compensation

## EMPLOYERS FREQUENTLY ASKED QUESTIONS

### **What is workers' compensation?**

Workers' compensation is a no-fault insurance program in the State of Nevada, which provides benefits to employees who are injured on the job and protection to employers who have provided coverage at the time of injury.

### **Which employers are required to provide workers' compensation insurance?**

Unless excluded by statute, it is mandatory for an employer who has one or more employees to provide workers' compensation insurance coverage. Some employees are excluded by [NRS 616A.110](#) due to unique criteria.

### **Is there a waiting period for workers' compensation coverage?**

No. From the moment they are hired, employees are covered by the applicable statutes and regulations of Nevada Revised Statutes and Nevada Administrative Code 616A through 616D and 617 and must be insured by their employers.

### **Do employees who are family members have to be insured?**

The short answer is yes. A short recap of information found in the [Nevada Employer's Guide to Workers' Compensation](#) provides the answer: <http://dir.nv.gov/WCS/Employers/>

### **Does an out-of-state company have to provide Nevada workers' compensation insurance?**

It depends on many conditions. [NRS 616B.600](#) describes in detail the exemptions and requirements of out-of-state employers with workers in Nevada.

### **Are sole proprietors required to have workers' compensation insurance?**

Although a sole proprietor having no employees is not required to maintain workers' compensation insurance on himself/herself, the sole proprietor may elect to secure coverage for himself/herself. However, if there are any employees working for the sole proprietor, then the sole proprietor must maintain workers' compensation insurance on them. In addition, sole proprietors who are contractors as defined in [NRS 624.020](#), operating within the scope of their license, must secure coverage.

### **What type of workers' compensation benefits are employees entitled to?**

These benefits may include (among others):

- Medical treatment
- Lost time compensation (Temporary Total Disability/Temporary Partial Disability)
- Permanent Partial Disability (PPD)
- Permanent Total Disability (PTD)
- Vocational Rehabilitation
- Dependent's benefits in the event of death
- Other claims-related benefits or expenses (e.g., mileage)

## **What can happen to an employer who fails to obtain or maintain workers' compensation insurance?**

- An administrative fine up to \$15,000
- Appropriate premium penalties (forced to pay missed premium payments)
- Ordered to close business until insurance has been obtained
- Held financially responsible for all costs arising from a work-related injury
- In addition, may be subject to a criminal penalty for claims resulting in substantial bodily harm or death ([NRS 616D.200](#) & [NAC 616D.345](#)).

## **How do I report workers' comp fraud?**

The Attorney General's Workers' Compensation Fraud Unit investigates allegations related to claimant, employer, and provider fraud on behalf of the state and self-insured employers. This unit is also generally responsible for the investigation of any fraud related to the administration of workers' compensation. Report suspected fraud to the AG Fraud Hotline: 1-800-266-8688. More information for detecting possible fraud is available on their website at: [http://ag.nv.gov/About/Criminal\\_Justice/Workers\\_comp/](http://ag.nv.gov/About/Criminal_Justice/Workers_comp/)

## **How do I verify an employer's worker's comp coverage?**

DIR/WCS's [Coverage Verification Service \(CVS\)](#) can help users verify workers' compensation coverage of employers who have policies with private carriers. CVS searches can indicate policy coverage status on current and past dates. <http://dir.nv.gov/WCS/Home/>

Note: CVS will not display self-insured employers. A listing of self-insured employers is available on the Division of Insurance website: <http://doi.nv.gov>

## **Do I have the right to reopen my claim in the future?**

[NRS 616C.390](#) details the requirements, procedure and limitations of claim reopening. Also, the Nevada Attorney for Injured Workers has compiled helpful suggestions for claim reopening. <http://naiw.nv.gov/>

## **Must an injured worker accept the offer of a light duty job?**

An injured worker who rejects a light duty offer made in accordance with [NRS 616C.475](#) and [NAC 616C.583](#) risks the discontinuation of temporary total disability compensation.

## **How is an injured employee's average monthly wage determined?**

[NAC 616C.420 – 616C.447](#), inclusive, provides details on all aspects of average monthly wage definition and calculation.

## **Are undocumented alien workers covered under Nevada's workers' comp statutes?**

Yes. According to [NRS 616A.105](#), "employee and worker are used interchangeably ... and mean every person in the service of an employer ... whether lawfully or unlawfully employed" including "aliens." However, undocumented alien workers are not eligible for vocational rehabilitation.

## **What will happen to an employer who fails to obtain or maintain workers' compensation insurance?**

The Division of Industrial Relations, Workers' Compensation Section (WCS) is responsible for ensuring that all employers are in compliance with the law. Employers who do not provide workers' compensation will be charged with an administrative fine up to \$15,000; appropriate premium penalties; may be ordered to close business until insurance has been obtained; and will be held financially responsible for all costs arising from a work-related injury. In addition, the uninsured employer may be subject to a criminal penalty for claims resulting in substantial bodily harm or death. ([NRS 616D.200](#) & [NAC 616D.345](#))

## **What protection is provided for the employer?**

Because Nevada has "exclusive remedy," the injured workers' benefits are set forth in the statutes. Employers who provide coverage for their employees at the time of injury are protected from any additional damages claimed by their employees as a result of an injury on the job. This protection is established when the injured employee opts to receive workers' compensation benefits.

## **How do the Subsequent Injury Accounts benefit employers?**

The Subsequent Injury Accounts encourage employers to hire workers with a permanent physical impairment. The costs of any qualified subsequent injury are paid from the appropriate subsequent injury account. ([NRS 616B.545 – 590](#)) Contact Blanca Villarreal-Rodriguez at (702) 486-9181 or [brodriguez@dir.nv.gov](mailto:brodriguez@dir.nv.gov) for more information.

## **What do I do if I get hurt on the job?**

Tell your supervisor. Fill out the paperwork your employer provides (Form C-1/Notice of Injury or Occupational Disease (Incident Report)). Get medical care if you need it and fill out that paperwork, as well (Form C-4/Employee's Claim for Compensation/Report of Initial Treatment).

## **Will I be allowed to go to any doctor, chiropractic physician, or therapist that I choose?**

No, you must go to an authorized medical provider who is a member of the [Panel of Treating Physicians and Chiropractic Physician](#). Insurers may use a managed care organization (MCO), preferred provider organization (PPO), health maintenance organization (HMO) or the insurance company's internal managed care unit. **In the event of a serious injury, go to your nearest emergency room and follow staff directions.**

## **What should I do if my question isn't listed here?**

Use the following link to email your questions to WCS: [WCSHelp@dir.nv.gov](mailto:WCSHelp@dir.nv.gov)

## **Where can I obtain more information on workers' compensation?**

Website Address: <http://dir.nv.gov/WCS/home/>

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