



NEVADA WORKERS' COMPENSATION CHRONICLE

Department of Business & Industry
A Publication of the Workers' Compensation Section

Division of Industrial Relations Winter Edition
(December 2022 - February 2023)

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.

10th Annual Workers' Compensation Educational Conference

On September 15-16, 2022, at the Tuscan Suites and Casino, members of the Nevada workers' compensation community were, once again, able to come together, as we gathered for the 10th Annual Workers' Compensation Educational Conference. In total, 268 individuals from across all industry disciplines attended the day and a half event. The energy was palpable, as attendees reconnected in-person for the first time in three years.



The conference kicked off with a legislative look at workers' compensation through the eyes of Senator Dallas Harris, representing District 11 in Clark County. From there, the attendees had an opportunity to visit any of the 20 vendor booths set up in the exhibit

hall, grab a cup of coffee, and make their way to the diverse sampling of breakout sessions.

The Conference included speakers and panels from a cross-section of industry professionals, including state regulators, attorneys, and medical professionals, addressing topics such as best practices for audits, long-haul COVID-19, virtual reality therapy, workplace violence, premium fraud, chiropractics, the importance of return to work, and trends in the workers' compensation system post-COVID, among others.

The Workers' Compensation Section hosts the annual conference in cooperation with the International Workers' Compensation Foundation (IWCF). IWCF is a non-profit corporation that specializes in research and education regarding workers' compensation. They co-sponsor numerous state workers' compensation conferences throughout the country each year.

We look forward to next year's conference, to be held September 21st – 22nd, 2023, at the Tuscan Suites and Casino. Hope to see you all there!



Reimbursement Payments for 2021 COLA Expenses

Reimbursement payments from DIR to insurers for approved 2021 COLA expenses will be issued after all insurers have paid the annual COLA Assessment. The COLA Assessment was due July 31, 2022; however, a number of insurers remain delinquent.

If you have received a Notice of Delinquency from the Department of Business and Industry Fiscal Unit for assessment(s) owed, please remit the amount due as soon as possible. Direct inquiries to WCassessment@business.nv.gov.



Inside this issue:

WC Insurance: Who Needs it? Why?	2
2022 Requests for COLA Reimbursement	3
COVID-19 Workers' Comp Claims	4
CARDS Corner/Reporting Reminders	5
SilverFlume Business Portal	6
2023 COLA Increase Reminder	7
Hails, Farewells, and Promotions	8-9

Workers' Compensation Insurance: Who Needs it and Why Should You Have it?

Nevada employers are required to secure and maintain workers' compensation coverage for all employees. There are few exceptions to this requirement. For Nevada Employer Coverage Requirements, click [here](#).

- **Avoiding Worker Misclassification**

Employers must examine their employment relationships before deeming an "employee" as an "independent contractor." Misclassification of workers can have damaging effects especially in workers' compensation. For more information on Worker Misclassification, click [here](#).

- **Avoiding Workers' Compensation Myths**

There are many workers' compensation myths! It is imperative a business is operated based on the law; operating a business based on a misconception can result in administrative sanctions, premium penalties, and criminal prosecution by the Nevada Attorney General's office.

Please direct employer coverage questions to WCSHelp@dir.nv.gov.

The Audit Process: Change of Focus

The 2022 Annual Workers' Compensation (WC) Educational Conference featured a panel of state regulators, along with Jay Goldberg, Audit Executive, and Monique Allen, Risk Manager, to discuss changes to the WC audit process, as well as best practices for compliance with state regulations. Yernia "Yeri" De Luca joined the Workers' Compensation Section in Fall of 2021 as the Audit Compliance Chief, and with that came progressive change to the audit process. Previously, notice of corrections resulting from annual audits focused on updates to policies and procedures to address regulatory violations. Starting in January 2022, the focus has been centered on the cause and conditions that led to the reported violations. Identifying the root cause of a deficiency or irregularity is a best practice to improve the claim administration processes or operating practices and set forth a manner to correct the violation.



Part of the change in focus is to take a proactive approach to audit processes to include complaints and hearing and appeal order compliance verification. Complaints handled by the audit unit require a determination within 30 business days from receipt, which accelerates the need to collect claim information. The audit unit is also experiencing a high volume of hearing and appeal orders for compliance verification. Cooperation from insurance companies and claim administrators is encouraged to take a proactive approach to the compliance verification process. Rather than waiting for an official letter requesting evidence related to hearing and appeal orders, to expedite the process, electronic submittal of compliance evidence is welcomed. With all stakeholders working together, we can improve the regulatory oversight experience for all. Suggestions for improvements can be submitted to: WCSAudit@dir.nv.gov.

2022 Requests for COLA Reimbursement

The DIR/WCS will be accepting Requests for Reimbursement for eligible calendar year 2022 COLA expenses starting January 1, 2023. The deadline for submitting Requests for Reimbursement for costs associated with COLAs paid in calendar year 2022 for eligible claims is March 31, 2023. Requests for reimbursement will only be processed for claims whose AMW/Rate have been verified by WCS. See the “[COLA Info – PTD and Survivors’ Benefits \(Death\) Claims](#)” page on the WCS website for Forms and Instructions for AMW/Rate Verifications and Requests for Reimbursement.

The web page includes information on the 4-step COLA reimbursement process:

- 1) AMW/Rate Verification (One-time)
- 2) Request for Reimbursement (Annual)
- 3) Special COLA Assessment (Annual)
- 4) Reimbursement to Insurers (Annual)

And other resources, including:

- AMW/Rate Verification Instructions and Forms
- Request for Reimbursement Instructions and Form
- FAQs
- AB 370 and SB 377 (2019) and codified statutes
- Examples for COLA Payments and Reimbursement Calculations
- Training material

Direct inquiries to COLAS@dir.nv.gov.



Ruth Ryan, Manager , Research and Analysis Unit, WCS

WCS Staff Participate in the 108th IAIABC Convention



The International Association of Industrial Accident Boards and Commissions (IAIABC) held the 108th Convention from September 12-15, in Scottsdale, Arizona. The IAIABC Convention addresses the current policy, regulatory, and administrative challenges and opportunities affecting workers' compensation systems around the world through a combination of presentations, discussion forums, and roundtables. Ruth Ryan, WCS Research & Analysis Unit Manager, represented Nevada WCS and participated in multiple committee meetings and attended presentations including the Heads of Delegation and Associate Members' Forum, work disability and prevention, regulatory and legislative trends for 2023, health equity and cultural competence, and chiropractic care utilization, to name just a few. The Convention - whose theme was "Tune In" - was attended by more than 290 industry professionals.

Ruth Ryan, Manager , Research and Analysis Unit, WCS

COVID-19 WORKERS' COMP CLAIMS

In response to COVID-19, new codes were added in March 2020 to the acceptable codes for reporting D-38 Claims Indexing data to allow WCS to better track claims relating to the virus. The new codes - Nature of Injury: 83 COVID-19 and Cause of Injury: 83 – Pandemic– may be used for reporting applicable claims December 2019 or later. The codes correspond to those adopted by the Workers' Compensation Insurance Organizations (WCIO) and are used by the International Association of Industrial Accidents Boards and Commissions (IAIABC).

Nevada claims processed in CARDS that include one or both COVID-19 identifiers, through November 30, 2022:

COVID-19/Pandemic Claims	Count	Percent
Filed/Processed in CARDS	2389	
Accepted	913	38.22%
Denied	1476	61.78%

Nevada claims processed in CARDS that include the Nature of Injury Code 38 Adverse Reaction to Vaccination identifier through November 30, 2022:

Adverse Reaction to Vaccination/Inoculation Claims	Count	Percent
Filed/Processed in CARDS	26	
Accepted	13	50%
Denied	13	50%

Jessica Rassier, Educational Outreach Coordinator, WCS

Top 5 Nature of Injury and Cause of Injury Workers' Comp Claims

Nevada Claims Processed in CARDS between August 1, 2022 and November 30, 2022:

TOP 5 ACCEPTED NATURE OF INJURY	Percent of Total Reported
1. Strain or Tear	26.44%
2. Laceration	13.16%
3. Sprain or Tear	11.72%
4. Contusion	10.44%
5. Puncture	6.46%

TOP 5 ACCEPTED CAUSE OF INJURY	Percent of Total Reported
1. Lifting	7.46%
2. Fall, Slip or Trip, NOC	6.19%
3. Strain or Injury By, NOC	5.94%
4. Object Being Lifted or Handled	5.84%
5. Falling or Flying Object	4.55%

Patricia Barchus, Management Analyst I, WCS

CARDS Corner

Three CARDS Data Reports Currently Available for Insurer-Users

There are currently three (3) different kinds of reports available, all of which can be accessed from the “Forms and Tools” tab on the homepage of any Insurer-User whose CARDS Account Administrator has given them the required privileges:

- 1) Claims History Report
- 2) Claim Denial and Injury/Occupational Disease Report
- 3) Claim Closure and Average Cost per Claim Report

Claims History Report. Available to any Insurer-User with Claims Indexing privilege. Allows you to download D-38 claims history by claimant.

Claim Denial and Injury/Occupational Disease Report. Available to any Insurer-User with Insurer Reports privilege. Allows you to compare Nevada claims data by comparing claim counts between your insurer and the broader industry by Claim Type Category. The reporting tool can filter data according to a specified date range and count claims by three (3) different date types (Date Accepted/Denied, Date of Injury, or Date C-4 Received).

Claim Closure and Average Cost per Claim Report. Similar to the Claim Denial Report, this report is also available to any Insurer-User with Insurer Reports privilege and allows you to compare Nevada Claims data, comparing claim closures and costs between your insurer and the broader industry. Data is filtered according to a specified date range and the data type selected (Date Claim Closed, Date of Injury, or Date C-4 Received).

If you wish to obtain access to any of these reports, contact your company’s CARDS Account Administrator. For more detailed information on how to use them, refer to pages 36-41 of the [CARDS External System User Manual](#). As always, you may contact CARDS@dir.nv.gov with additional questions.

Reporting Reminders

FY20 and FY21 Claims Activity Reports/Statements of Inactivity:

The long-awaited request for the **FY20 and FY21 WCS Workers’ Compensation Claims Activity Reports/Statements of Inactivity** was distributed to insurers on October 17, 2022. If you received the email request and you are not the appropriate party to submit reports, please forward to the person(s) within your organization responsible for state reporting.

Forms and instructions are available on the [Insurer-TPA Reporting](#) page on the [WCS website](#). Scroll down to the “FY WCS Workers’ Compensation Claims Activity Report” Section on that page for links to the forms and instructions.

Important: There are separate and distinct forms for the FY20 and FY21 reports. Please ensure you are reporting your data on the correct forms.

[FY20 Activity Report](#) **or** [Statement of Inactivity](#) due date: **November 30, 2022.**

[FY21 Activity Report](#) **or** [FY21 Statement of Inactivity](#) due date: **December 14, 2022.**

General Reporting Information:

[Nevada Reporting Requirements Table](#)

Information on reporting requirements and forms can be found on our website at <http://dir.nv.gov/WCS/Home/> under “Insurer and TPA Reporting” or go directly to our page at http://dir.nv.gov/WCS/Insurer-TPA_Reporting/. Contact the WCS Research and Analysis Unit by phone at (702) 486-9080 or by email at wcsra@dir.nv.gov if we can be of any assistance.

SilverFlume Business Portal: Keeping Nevada Employers Informed

SilverFlume is Nevada's one-stop business portal, providing businesses with a single online location for conducting transactions with state agencies. By creating a SilverFlume profile, businesses can dramatically reduce the time and paperwork associated with licensing, permitting, taxation and other transactions with government.

The Division of Industrial Relations (DIR), Workers' Compensation Section (WCS) is enhancing its regulatory efforts by using SilverFlume, Nevada's business portal, to communicate with employers during their "one-stop shop" business registration process. Businesses that register with SilverFlume have access to acknowledge and electronically sign the eAffirmation of Compliance form (D-25) during the business license registration process. DIR/WCS uses the Affirmation of Compliance with Mandatory Industrial Insurance Requirements form as one of many tools to ensure employer compliance.

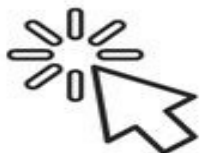
In the past, city and county licensing entities were responsible for providing the Affirmation of Compliance form to business license applicants and collecting completed forms. A defined tracking system for the D-25 forms never originated, making compliance efforts difficult and causing businesses to complete redundant information with multiple agencies. Allowing businesses to acknowledge and sign off on this form through SilverFlume improves employer awareness of the statutory requirements for workers' compensation and increases accountability without having to search for the information.

SilverFlume collects Common Business Registration (CBR) Data, basic information that nearly every governmental agency in Nevada requires. Presently, DIR/WCS uses the employer information collected in CBR for mass emailing of employer notifications for workers' compensation insurance compliance. In addition, the employer has the opportunity to register for classes relating to workers' compensation topics after receiving education registration with the employer notification for workers' compensation. To date, WCS has emailed 76,366 employers informing them of workers' compensation provisions and educational opportunities.

The diversity of SilverFlume allows the DIR/WCS to provide early intervention, which will help decrease the number of employer compliance violations that can lead to uninsured employer claims, fines, penalties, and/or criminal prosecution by the Attorney General. With SilverFlume, compliance efforts are greatly enhanced and streamlined providing an opportunity to establish a proactive relationship with the employer by offering education and promoting accountability. DIR/WCS is looking forward to the evolution of SilverFlume, as future phases look very promising for growing compliant businesses in the State of Nevada.

If you would like more information on how to manage your business more efficiently by using SilverFlume, please visit <https://www.nvsilverflume.gov/>

**NEW BUSINESS IN THE
STATE OF NEVADA?**



**CLICK HERE TO
REGISTER**



**- Start a Business
- License Renewal
- Make a Tax Payment
AND MORE!!**

DIR Holiday Giving 2022 — SafeNest



During the month of December, the Division of Industrial Relations will be collecting items from the SafeNest Amazon Wishlist. SafeNest provides confidential, emergency shelter to victims of domestic violence, including children and pets. More information about SafeNest is available [here](#).

If you wish to join DIR in donating to SafeNest, their Amazon Wishlist can be found [here](#).

Any and all new unwrapped toys, books, art supplies, games, journals, etc. are greatly appreciated, but they ask you to please complete your holiday shopping or holiday donation drive and drop off all items no later than Monday, December 12 by 4 p.m. at SafeNest’s Donation Center at W Cheyenne Ave, Ste 407, North Las Vegas, NV 89032. This date ONLY applies to in-person drop offs—The Amazon Wishlist has no deadline. Items can be sent directly to SafeNest when ordering from Amazon, as well. When holiday shopping please remember our teens;

they like books, journals, earbuds, gift cards, etc.

In past years, DIR has collected non-perishable food items for Veterans’ Village, and collected hoodies to help the students at Myrtle Tate Elementary School with the Robin Hoodie Project. We look forward to continuing our community partnerships in the years to come.

CARDS
Claims and Regulatory Data System

<<Click here to login or register>>

January 2023 COLA Increase Reminder

Insurers and TPAs: Injured employees receiving Permanent Total Disability (PTD) benefits and dependents receiving Survivor’s benefits should receive a 2.3% increase in their monthly benefit rate in January 2023 pursuant to [NRS 616C.473](#) and [NRS 616C.508](#).

WCS will observe the following holidays:

<u>Christmas Day</u> Monday, December 26, 2022	<u>Martin Luther King, Jr. Day</u> Monday, January 16, 2023
<u>New Year’s Day</u> Monday, January 2, 2023	<u>Presidents’ Day</u> Monday, February 20, 2023



Hails, Farewells, and Promotions

Please welcome **Mallory Otto** back to Workers' Compensation Section! She returns to us as the Administrative Assistant III in the Carson City Claims Indexing Unit; a position which she initially held in the Spring of 2021 before briefly exploring another employment opportunity. Mallory has worked with the State of Nevada since August of 2017 with the Department of Taxation as an Administrative Assistant I, then promoted and moved to Division of Public and Behavioral Health as an Administrative Assistant II. When not at work, she enjoys hunting, fishing, finding natural hot springs, and doing outdoor activities with family and friends.



Let's give a huge welcome to **Kelley Pacheco** who joins us as a Compliance/Audit Investigator I, in our Las Vegas Audit unit. She has worked for the state of Nevada for 5 years. She started in 2017 as an Administrative Assistant II for the Division of Mortgage Lending, and was promoted in 2019 to an Administrative Assistant III. Before working for the state, she worked in healthcare from 2008 to 2017. She is originally from Southern California, where she worked for the Los Angeles Police Department as an administrative assistant. She moved to Las Vegas in 2007 seeking new opportunities. She is very excited and grateful to be joining the WCS Audit team and can't wait to learn and grow with us. In her spare time, she enjoys video games, baking, and spending time with her three-year-old daughter, husband, and two cats.

WCS welcomes **Ronald Brugada**, our new Compliance/Audit Investigator II with the Medical Unit. Before joining WCS, Ronald was a Loss Control Manager, overseeing workers' compensation injuries for 5 major hospitals in Las Vegas. He was a human resources professional for 15 years before transitioning to workers' compensation and safety for the last 10 years and he continues to maintain his PHR (Professional in Human Resources) certificate. He considers himself an artist (although no one else does!). He loves writing songs and painting. He is active in his church teaching high school students for Confirmation. He said that he opens his mouth only for 2 reasons; to teach AND to make people laugh. He lives with his wife of 25 years and a 24-year-old son who has no plans of leaving their house anytime soon.



WCS MISSION STATEMENT

The purpose of the Workers' Compensation Section is to impartially serve the interests of Nevada employers and employees by providing assistance, information, and a fair and consistent regulatory structure focused on:

- Ensuring the timely and accurate delivery of workers' compensation benefits.
- Ensuring employer compliance with the mandatory coverage provisions.

Questions about Workers' Compensation?
Click Here!



WCSHelp@dir.nv.gov

Hails, Farewells, and Promotions

(Cont.)



The Claims Indexing Unit in Carson City welcomes our newest Administrative Assistant II, **Suzanna Jones**! Suzanna is a mother of four and has been an awesome wife for the last 15 years! She has been in customer service for over 20 years and now brings that experience to the State of Nevada Division of Industrial Relations. She most recently came from the world of Real Estate, which she left once it started to crash earlier this year. She truly loves to glow and grow, and thrives in work that continues to challenge her with new learning opportunities. Her kids range in age from 11 to 22, so she is still a very busy working mom. She enjoys watching her kids with their dirt bikes and taekwondo sports. She likes to keep moving as much as possible, and feels that is the answer to a long life. She is an open book in life and loves to share knowledge and advise others, if she can. She looks forward to years of growth with the State!

Congratulations to **Blanca Villareal-Rodriguez** who was promoted in September to Subsequent Injury Coordinator (Compliance Audit Investigator III) in the Insurer Compliance Unit. Previously, Blanca was a Compliance Audit Investigator II in the Employer Compliance Unit, as well as an Administrative Assistant IV supporting the Administrator of the Division of Industrial Relations in the Las Vegas office. Blanca has worked with the Nevada DIR since January 2012, where she began in the Workers' Compensation Section and then was promoted to an AA III in the Mechanical Compliance Section. She has lived in Las Vegas for 12 years with her husband and three children.



We would like to congratulate **Eidris Randolph-Jordan** on her promotion to Compliance Audit Investigator III and supervisor of the Employer Compliance Unit in the Las Vegas WCS office! Eidris has been a member of the Employer Compliance Unit since October 2021 as a Compliance Audit Investigator II. Prior to joining WCS, she began her 18+ years of government experience with the City of North Las Vegas in 2003, Clark County in 2014 and later joined the State of Nevada in 2015. Her previous employment includes Community Service Officer, Human Resources Representative and Compliance Investigator. Eidris' education and background in State and Local government, as well as her knowledge and experience in working with the NRS/NAC will greatly contribute to her role in the ECU as she brings much experience to her new position. Outside of work, the Las Vegas native enjoys reading, traveling and most things Pumpkin Spice.

SAFETY CONSULTATION & TRAINING SECTION THE VALUE OF WORKPLACE SAFETY



SCATS Services

- Provide assistance in developing written safety programs
- Answer workplace safety questions
- Safety training for management, supervisors, and employees
- Video lending library
- Perform on-site workplace safety assessments
- Perform industrial hygiene services
- Safety and Health Practitioner Program

2022 Training Sessions

ONLINE VIA **WEBEX**:

COMING SOON

for 2023

To register:

<https://dir.nv.gov/WCS/Training/>

-or-

Email:

WCSedutng@dir.nv.gov



Direct comments or suggestions about this newsletter to:

Workers' Compensation Section
Las Vegas Office
Ruth Ryan, Editor
Jessica Rassier, Assistant Editor

rryan@dir.nv.gov
jrassier@dir.nv.gov



Employment Opportunities with WCS

Compliance Specialist – RN:

There are two of these positions available in the Medical Unit- one is located in the Carson City office and one in the Las Vegas office. The Compliance Specialist—RN in the Carson City office oversees the Medical Unit in the northern region. The positions monitor compliance of medical providers, insurance carriers, TPAs, medical billing vendors, and employers; as well as supervise Compliance/Audit Investigators. These positions investigate complaints and medical bill disputes, document findings and write determinations as needed. These positions also review PPD reports for errors and assist the Medical Unit Chief in other duties as assigned.



For more information, including a full job description and minimum qualifications, see the job announcement [Compliance Specialist - RN \(Req ID 12596\)](#) for the Carson City position and [Compliance Specialist—RN \(Req ID 13770\)](#) for the Las Vegas position.

Medical Unit Email Addresses

- medunit@dir.nv.gov Submit D-35 Forms, C-4 Forms (when requested), questions, complaints, billing appeals
- medpanels@dir.nv.gov Health care provider contact information and/or address changes, applications for WCS Treating Panel
- PPDreports@dir.nv.gov PPD reports

CONTACT WCS

Department of Business and Industry
Division of Industrial Relations
Workers' Compensation Section

SOUTHERN NEVADA
(702) 486-9080 / Fax: (702) 486-8712

NORTHERN NEVADA
(775) 684-7270 / Fax: (775) 687-6305

<http://dir.nv.gov/WCS/Home/>