

# NEVADA WORKERS' COMPENSATION CHRONICLE



Department of Business & Industry (B&I)

Division of Industrial Relations (DIR)

A Publication of the Workers' Compensation Section (WCS)

Summer Edition (June – August 2011)

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.

## 2011 Legislative Changes

The 76<sup>th</sup> regular session of the Nevada Legislature yielded new legislation pertaining to workers' compensation. What follows is a condensed recap of all pertinent bills. This summary is not guaranteed to be all inclusive, and interested readers are strongly encouraged to read the Legislative Counsel Digests compiled as a "[Chronicle](#)" supplement, or better yet, read the bills in their entirety via the Web links provided.

Some bills require the DIR Administrator to adopt regulations. New information about the regulation process and Gov. Sandoval's Executive Orders is included in this newsletter (see "Regulations on Hold in 2011," page 5 ) When regulation adoption resumes, specific dates and times of upcoming regulation workshops and hearings will be posted on the WCS website with e-mail notices sent to those signed up in the WCS database <http://dirweb.state.nv.us/WCS/handouts/electronicenroll.htm>

### Assembly Bill 74

An act relating to insurance; requiring the Commissioner of Insurance to adopt regulations relating to electronic signatures, records and payments; revising provisions relating to the external review of adverse determinations of health carriers; clarifying the circumstances under which an actuary is not for damages with respect to the actuary's opinion; authorizing the electronic transmission of fingerprints with an application for a license; revising provisions relating to the licensing of adjusters; revising provisions relating to surplus lines insurance; revising provisions relating to the use of credit information; requiring that certain policies of group insurance be filed with and approved by the Commissioner; revising provisions relating to annuities, pure endowment contracts and policies of life insurance; revising provisions relating to evidence of insurance for motor vehicles; revising provisions relating to disciplinary action by the Commissioner; revising and clarifying provisions relating to employee leasing companies; providing for coverage by the Nevada Life and Health Insurance Guarantee Association for certain unallocated annuity contracts owned by certain governmental retirement plans; providing a penalty; and providing other matters properly relating thereto. See AB74, pages 104-05 for various effective dates.

### Assembly Bill 141

An act relating to occupational diseases; expanding the frequency with which certain volunteer firefighters must submit to physical examinations to receive workers' compensation coverage for certain occupational diseases; revising provisions relating to the procedure for scheduling such physical examinations under certain circumstances; and providing other matters properly relating thereto.. This act becomes effective on **Oct. 1, 2011**.

### Senate Bill 21

An act relating to industrial insurance; revising certain provisions concerning catastrophic injuries; specifying additional injuries

## Vocational Rehabilitation Added To WCS Orientation



Cindi Rivera, WCS Education Committee member and vocational rehabilitation counselor with Certified Vocational Services, trains a WCS Orientation class in May. This year, extensive vocational rehabilitation information has been added to the orientation class, [both online](#) and face-to-face, and to the employer training module. Ms. Rivera said later, "It was important to add voc rehab to the orientation to provide claim adjusters new to Nevada with an overview, and provide a refresher to veteran claim adjusters." Plus, she noted that most employers know very little about the vocational rehabilitation process. She enjoys being available at the trainings to answer questions directly, clarify areas of confusion and, hopefully, eliminate incorrect determinations. \*

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- ① Voc Rehab Added to Orientation
  - ① 2011 Legislative Changes
  - ② Confusion Corner: '1099' Employees
  - ② NAIW: Representation Agreements
  - ③ Med Unit Resolves Disputes
  - ③ No New Regs Until 2012
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  - ③ Summer Training: Jun - Aug 2011
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  - ⑤ Coverage Verification is Easy
  - ⑥ WCS Educational Conference in August
  - ⑥ Form Focus: D-22 & D-23, Tip Income
  - ⑥ State Maximum Monthly Wage FY12
  - ⑥ SI Decisions Added to Website
  - ⑥ WCS Contact Information

(Continued on page 4)

# CONFUSION CORNER



# Nevada Attorney for Injured Workers



## I Don't Need Workers' Comp All My Workers are '1099'

In this edition, we'll continue to look at common questions and answers. A recurrent WCS help question requests coverage requirements for so-called 1099 workers:

**If a business sub-contracts approximately \$800.00 per year to an individual who is paid by 1099 compensation does the business need to carry workman's compensation on this individual?**

There are really two underlying questions here: 1) Is the subcontracted business considered an independent enterprise under workers compensation law? And 2) Does paying someone using 1099 IRS provisions have any bearing on their "employee" status?

[NRS 616A.210](#) covers the issue of subcontractors and employees, while [NRS 616B.603](#) provides a detailed definition of "Independent Enterprises." In addition, information from the Attorney General's Workers' Compensation Fraud Unit "Workers' Compensation Myth: I Don't Need Coverage Because I Use Independent Contractors" sheds some light on this complex subject. <http://dirweb.state.nv.us/wcs/handouts/myth.pdf>

As for "1099 workers," the Internal Revenue Service allows employers to report compensation made to non-employees using Form 1099-Misc. Typically federal tax, Social Security and Medicare deductions are not made for these workers. There are certain IRS criteria that allow an employer to use this reporting and payment option in declaring these workers as "non-employees." However, this federal criteria has no bearing on Nevada's definition of a bona-fide employee who must be covered under workers' compensation statutes (NRS 616A.105 – 616A.225). \*

### FRAUD WATCH

Anyone suspecting any type of fraud associated with workers' compensation should contact the Attorney General's fraud hotline at 1-800-266-8688. More information is available at: <http://ag.state.nv.us/org/bcj/wcfu/wcfu.htm>



## NAIW Representation Agreement

The office of the Nevada Attorney for Injured Workers receives its clients by appointment from the Appeals Officers in the Administrative Hearings Division. Upon receipt of the order appointing NAIW, the client is sent a letter of introduction; a form medical release allowing NAIW access to the new client's medical records; a form to list contact information for the client's health care providers; and, the representation agreement. Let me elaborate here about this agreement.

NAIW believes the relationship between the attorney and the client does not start when the order of appointment is first filed. The attorney/client relationship starts when the new client signs and returns the Representation Agreement. That document contains key elements of the relationship which the client must acknowledge. The attorney has responsibilities toward the client and it is important for the client to acknowledge his or her responsibilities to the attorney at the onset of the relationship.

The Representation Agreement starts by declaring that NAIW has statutory authority to represent injured workers in the workers' compensation system only. All other matters, even those that may relate to the employee/employer relationship or problems related to medical bills stemming from the industrial injury, are outside the scope of the representation. The focus is narrow. NAIW only represents the client on the very issues ruled upon by the Hearing Officer. It is that decision that the client seeks to appeal and only the issues in that decision are within the scope of representation. The attorney can, however, counsel the client on other claims issues, but the client has to tell the attorney about these other determinations promptly to protect rights particular to those other determinations.

NAIW clients generally need medical treatment or disability payments (or both), and delays in proceeding to hearing rarely serve the client. The Representation Agreement points out that sometimes, however, it is necessary to delay the proceedings to build a good case. Most of the evidence presented in the cases is medical evidence, and sometimes gathering that evidence is delayed by doctor's appointments and securing lab results. Even if the attorney and client are successful in obtaining benefits, additional delays must sometimes be endured in actually receiving the treatment or the payment. The Representation Agreement encourages the client to be patient.

While NAIW strives to represent every client appointed by the Appeals Officers, it is not the case that NAIW takes every case up on appeal if we lose at the Appeals Officer level. By statute a party can petition the state district court for judicial review of an administrative decision. The statutes also strongly favor the Appeals Officer's findings of fact. It is difficult to compel a district judge to overturn an Appeals Officer on a factual decision. An appeal is likely to be more successful if the decision is founded on an incorrect ruling of law. If the issue of law is important to the field of workers' compensation law, NAIW has and will continue to take such cases to the district courts and, if necessary all the way to the Nevada Supreme Court.

The last paragraph of the Representation Agreement reminds the client to keep the lawyer informed of the client's contact information. These are difficult times. Many people are on the move due to layoffs and "belt tightening." Cases in the Hearing Division can proceed quickly and the attorney must have input and permission from the client to be effective. Without the ability to communicate promptly, the attorney/client relationship is doomed. Failure to maintain contact can form the basis for the attorney to formally withdraw from that relationship.

**Evan Beavers,**  
Nevada Attorney for Injured Workers



### WCS EDUCATION COMMITTEE

- Mike Brooks, Chair, WCS
- Suhair (Susan) Sayegh, WCS
- Dock Williams, WCS
- Christi Mosher, Genex
- Kelly Spina, Employers
- Gary Watson, NAIW
- Cindi Rivera, Certified Vocational Srvc.
- Yvette Bouldin, York Claims Service



**Med Unit Resolves Disputes**

The Division of Industrial Relations, Workers' Compensation Medical Unit is often asked to assist in resolving billing disputes. Lately, we have been receiving many requests to issue determinations in situations where there is a contractual agreement for reimbursement.



We are unable to issue determinations regarding contractual disagreements. If a provider has contracted with an insurer or third-party administrator for a rate reduction, the disputing party should reexamine the contract and, perhaps, have it reviewed by legal counsel to determine the validity of the reductions taken. In any situation, if the DIR/WCS has made or is unable to make a determination, a party is able to request a hearing through the Appeals Office at the Department of Administration. The notice of appeal should be addressed to the Department of Administration, Appeals Office, 2200 South Rancho Drive, Suite 220, Las Vegas, Nevada 89102 or the Department of Administration, Appeals Office, 1050 East Williams Street, Suite 450, Carson City, Nevada 89701.

Many times, when the Medical Unit receives a request to investigate a reimbursement complaint, we need to make a follow up communication with the complainant because all of the documentation has not been included with the complaint. The following documentation is generally required to begin researching a complaint: corresponding medical bill(s), explanation of benefits, correspondence received regarding the issue, correspondence sent regarding the issue, record of attempts to resolve the issue and a brief, written explanation (Continued on page 4)

**Regulations on Hold in 2011, with Some Exceptions**

Normally, there's a flurry of regulation writing following a Nevada State Legislative session. However, this year, Gov. Brian Sandoval has issued two Executive Orders that impact the regulation process. Gov. Sandoval signed Executive Order 2011-1 on Jan. 3, 2011 which establishes a freeze on proposed regulations until Jan. 1, 2012.

Some excerpts from Executive Order 2011-1 follow:

"The people and businesses of the state of Nevada are entitled to a regulatory environment that protects the public health and welfare without discouraging economic growth; ... stable consistent and predictable common sense regulation is vital to maintaining a regulatory environment that both secures the people and businesses of the state of Nevada and fosters economic growth; ... in its current state the regulatory process is sometimes unfocused and inefficient resulting in unnecessary and obsolete regulations

"All proposed administrative regulations propounded by an Executive Branch agency, department, board or commission within the purview of the Governor (individually 'regulatory body') shall be frozen until January 1, 2012. During the freeze no new regulations may be proposed or acted on unless accepted from the application of this order

(Note: this paragraph contains the exception list amended by the Governor's Executive Order, 2011-4, signed Jan. 18, 2011)

The following regulations are not subject to the freeze: (Continued on page 5)

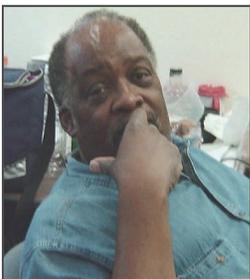
**Hails, Farewells & Promotions**

**Farewells**

**Andres R. "Sonny" Garcia Jr.**, chief of the Employer Compliance Unit, Henderson, retired from DIR/WCS in May after 33 years of service. Sonny began his State career with the State Industrial Insurance System (SIIS) as a Workers' Compensation Specialist III in 1977 and transferred to the Division of Industrial Relations in 1990. Two years later, he earned promotion to a Compliance/Audit Investigator II, followed in 2002 by a promotion to C/A Investigator III. In an official proclamation, Nevada Gov. Brian Sandoval recognized Sonny for "his dedication and leadership [which] provided an advocate for employees statewide with diligent efforts to ensure all possible employers in southern Nevada were providing the appropriate workers' compensation insurance for their employees."



George Ward, chief of the Insurance/TPA Compliance Audit Unit, Henderson, retired from DIR/WCS after 17 years of service. Before coming to DIR he served in the US Air Force and worked for the US Government, the State of California and a local bank. In addition, for many years, he's been a part-time pastor. George is now looking forward to spending more time directing his ministry's outreach activities.



**Jacque Steele** retired from DIR/WCS, Carson City, in May after 28 years of State service. Jacque began her State service in 1976 with the Bureau of Disability Adjudication before later moving to the State Fire Marshal's office. In 1981 she left State service and moved to Washington, D.C. to work for the federal government's Bureau of Indian Affairs. Then towards the end of the decade, in 1988, she resumed her State service, this time with SIIS. In 1995 she transferred to DIR as a Management Analyst I. In a proclamation signed on May 6, 2011, Nevada Gov. Brian Sandoval (Continued on page 4)

**SUMMER 2011 TRAINING SESSIONS**  
 The **WCS Orientation** is a comprehensive overview of workers' compensation in Nevada. **Specified Forums** offer specified advanced topics. All training sessions are free and open to the public.

<p><b>SOUTHERN NEVADA</b>          Division of Industrial Relations          1301 North Green Valley Pkwy.,          Ste. 200, Henderson, NV 89074  <b>WCS Orientation</b>          Thursday, July 21, 2011  <b>WCS Specified Forum</b>          Insurer Reporting          Thursday, June 16, 2011          For reservations, please contact:          ✉ <a href="mailto:tsimi@business.nv.gov">tsimi@business.nv.gov</a>          ☎ (702) 486-9019</p>	<p>★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★ ★</p>	<p><b>NORTHERN NEVADA</b>          The Carson City / Reno sessions are tentatively scheduled at Western Nevada Community College in Carson City.  <b>WCS Orientation</b>          Thursday, July 14, 2011  <b>WCS Specified Forum</b>          Legislative Overview          Date: to be determined          For reservations, please contact:          ✉ <a href="mailto:tmills@business.nv.gov">tmills@business.nv.gov</a>          ☎ (775) 684-7261</p>
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**(Legislative Changes, cont. from page 1)** that constitute a catastrophic injury; revising the qualifications of a certified vocational rehabilitation counselor; revising provisions governing claims for catastrophic injuries; revising the requirements of a life care plan developed by an insurer for an injured employee; revising the qualifications of an adjuster who administers a claim for a catastrophic injury; and providing other matters properly relating thereto. This act became effective upon passage and approval [May 30, 2011].

**Senate Bill 58**

An act relating to industrial insurance; providing for the punishment of an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits; granting certain immunities to persons who disclose information relating to such an employer; directing the Administrator of the Division of Industrial Relations of the Department of Business and Industry and the Fraud Control Unit for Industrial Insurance of the Office of the Attorney General to establish procedures concerning the reporting, notification of prosecution and sharing of information regarding such an employer; authorizing the Attorney General to prosecute criminal and civil actions relating to such an employer; providing that certain books, records and payrolls must be open to inspection under certain circumstances; providing that such an employer is liable for certain costs of investigation and prosecution; requiring a provider of health care to make certain health care records available for inspection during the investigation of such an employer; making various other changes relating to an employer who knowingly makes a false statement or representation or concealment of a material fact regarding the eligibility of a person claiming industrial insurance benefits; providing penalties; and providing other matters properly relating thereto. This act becomes effective on Oct. 1, 2011.

**Senate Bill 63**

An act relating to industrial insurance; establishing provisions for the collection of certain amounts owed to the Division of Industrial Relations of the Department of Business and Industry for payments from the Uninsured Employers' Claim Account; revising provisions governing the penalty for failure to provide mandatory industrial (Continued on page 5)

**(Medical Unit, cont. from page 3)** describing the specific concern. More specific information may also be requested depending on the nature of the complaint.

As a reminder, billings for health care services must be submitted within 90 days after the date on which the services were rendered unless good cause is shown for a later billing. In no event may an initial billing for health care services be submitted later than 12 months after the date on which the services were rendered, unless good cause is shown. The insurer or a person authorized by the insurer must receive a bill that is submitted for reconsideration not later than 12 months after the date on which the services were rendered, unless good cause is shown. We sometimes get requests to research reimbursement on bills with a service date older than a year or longer, where no follow through has occurred. The insurer/TPA cannot be held liable for the cost of service if the bill has not been submitted according to the Nevada Medical Fee Schedule and the health care provider is unable to provide a legitimate reason for the untimely filing or lack of follow through.

After the appeals process has been completed with the TPA/Insurer/MCO, please contact the WCS in a timely manner should you require assistance with a billing issue.

**Sherry Crance, WCS, R.N.**

**Subsequent Injury Account Saves Employers Money**

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.557-590](#)) For more information contact Jacque Everhart at: 702-486-9089 or [everhart@business.nv.gov](mailto:everhart@business.nv.gov)



**WCS Mission Statement**

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

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

**(Hails & Farewells, cont. from page 3)** noted that Jacque was "instrumental in the development of the Nevada Injured Worker Indexing System, assisting in both the software development and formulating procedures for submission of claims data from insurers throughout the state." Gov. Sandoval also lauded Jacque for her tenure as Chairwoman on the Stewart Indian Community Council and her work as a commissioner with the Washoe Housing Authority.

**George Dorsa** is a new Workers' Compensation Investigator II in the Carson City, DIR/WCS office. He comes from a law enforcement background and is still active in the law enforcement community. When he's not on duty, George enjoys hunting, camping, his horses, cattle, competitive team roping, and spending time with his wife.



**Promotions**

**Angelia Yllas** now heads ECU Henderson in the wake of Sonny Garcia's retirement. Angelia joined DIR/WCS in 1998, after a two-year stint in the State's Welfare Division. She was an Administrative Assistant III in the Medical Unit when she first moved to DIR and later earned promotion to a Compliance Investigator II.



**Jodi McCollins**, formerly an AA III, moved up to fill Angelia's Compliance Investigator II slot. This means employers will be seeing a lot more of her. Jodi came to DIR in 2009 from what was the Consumer Affairs Division. She's been a State employee for five years. \*



**Holiday Office Closures:**  
**Independence Day**  
Monday, July 4, 2011

**Coverage Verification Made Easy**

The workers' compensation process in Nevada begins with the Form C-4, Claim for Compensation. This form is provided to the injured worker at the time that he seeks medical treatment. The top portion should be filled out completely and accurately, and then signed by the injured worker. The **correct** name of the employer, phone number and address, and the date of injury are crucial to determining workers' compensation coverage at the time of injury. The second portion of the C-4 is to be filled out by the medical provider and signed by a doctor. The provider then has **three working days** to forward a copy of the C-4 to the employer and the **correct** insurer/claims administrator.

Missing, incomplete or inaccurate information may cause delays in locating coverage, affecting treatment and benefits for the injured worker and timely payments and possible fine assessments for the medical provider. Forwarding the C-4 to multiple TPAs in the hope that one of them is correct is ineffective and time consuming.

Once it has been determined that the information is unavailable from the injured worker or the employer, go to the Division of Industrial Relations, Workers' Compensation Section website: <http://dirweb.state.nv.us/WCS/wcs.htm> and locate the link to the Coverage Verification Service. The WCS website also contains a link to a helpful handout sheet with the steps for locating coverage and numerous useful websites.

When using CVS, always insert the date of injury in the calendar tab. An employer may have changed their insurer on any given date. If that is the case, no coverage will be located. Try using an unusual word or phrase in the employer's name under the "Contains" tab or the first few words in the name under the "Starts With" tab.

Clicking on the policy link will lead to the carrier information. The link directly under the carrier information will bring up another page with claims processing information. The names, addresses and phone/fax numbers of the TPA(s) will be listed for that specific carrier. Scroll down on this page; (Continued on page 6)



The Nevada Legislative Building is located in Carson City, Nevada.

**(Legislative Changes, cont. from page 4)** insurance; prohibiting certain conduct by persons who fail to pay certain amounts owed to the Division; and providing other matters properly relating thereto.. This act becomes effective **July 1, 2011.**

**Senate Bill 152**

An act relating to insurance; revising provisions governing insurance adjusters; exempting certain persons from provisions of the Nevada Insurance Adjusters Law governing the licensing and regulation of adjusters; and providing other matters properly relating thereto.. This act becomes effective on **Oct. 1, 2011.**

**Senate Bill 164**

An act relating to persons involved in the administration of insurance; authorizing the Administrator of the Division of Industrial Relations of the Department of Business and Industry to conduct certain investigations and examinations of third-party administrators; and providing other matters properly relating thereto. This act becomes effective upon passage and approval for the purpose of adopting regulations and on **January 1, 2012**, for all other purposes.

**Senate Bill 213**

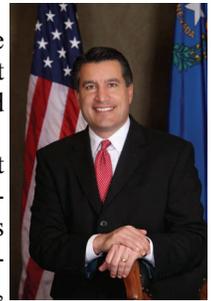
An act relating to employee leasing companies; revising the requirements for the issuance or renewal of a certificate of registration to operate an employee leasing company in this State; and providing other matters properly relating thereto. This act becomes effective on **Oct. 1, 2011.**



**Safety Consultation & Training Section**  
 Website: [www.4safenv.state.nv.us](http://www.4safenv.state.nv.us)  
 Toll Free: 877-4SAFENV  
**OSHA 10 & 30 Hour Construction Class**  
 must register on-line:  
[www.nv1030.org](http://www.nv1030.org)

**(Regulations, cont. from page 3)**

- regulations that affect public health; regulations that affect public safety and security;
- regulations that are necessary in the pursuit of federal funds and certifications;
- regulations that affect the application of powers, functions and duties essential to the operation of the state agency, department, board or commission at issue;
- regulations that affect pending judicial deadlines;
- regulations necessary to comply with federal law; and
- regulations that will have a positive economic impact for the people of the state of Nevada.



"It is further ordered that each regulatory body complete a comprehensive review of the regulation subject to its enforcement, including those regulations the regulatory body wishes to become effective following the freeze. The review shall include an assessment of how each regulation or set of regulations is consistent with my regulatory priorities -- that is to protect the health and welfare of the people of the state of Nevada without discouraging economic growth. Each regulatory body shall further assess the following:

- The problem the regulation was established to address or, if the regulation does not address a specific problem, the value to the public of the regulation;
- The impact of the regulation of the problem with the benefits provided by;
- The adverse impact, if any, the regulation has had on various groups -- including, but not limited to, businesses of various sizes, small communities and government entities;
- The cost of regulation, including, but not limited to, the cost of enactment and enforcement;
- Whether of the regulation remains necessary;
- Whether alternative forms of regulation adequately address the problem;
- Whether the regulation is written clearly and concisely so as to achieve easy understanding and application; and
- Whether other regulations address the same problem."

**E-mail Notification**

Stay connected to what's new in Nevada's workers' compensation by registering to receive e-mail notifications. <http://dirweb.state.nv.us/WCS/wcs.htm>



**(Coverage Verification, cont. from page 5)**  
 many carriers will use multiple TPAs and they will all be listed. It may be necessary to call several before locating the correct one. If no TPA is listed, call the WCS for additional information or instructions to forward it to the WCS for further research.

If no coverage is located after checking CVS, go to the Division of Insurance website, <http://www.doi.state.nv.us/>, click on the Self Insured tab. Locate the Association List link. A PDF file containing employers covered by one of several associations will come up. Search by the employer's name then scroll up until the claims processing information comes up in the right-hand column. If coverage is still not found, go back to the DOI website and check under the Self-insured company list. These files should not be printed out as they are updated constantly.

After all of the prior steps have been taken to locate coverage and none has been located, call the WCS, northern office 775-684-7270 or southern office 702-486-9080, and ask for coverage verification. If coverage is not located at this time it may be necessary to forward the C-4 to the WCS for investigation.

Always call the TPA for confirmation that coverage existed for the employer at the time of injury **before** forwarding the C-4 to them. \*



**First-ever WCS Educational Conference August 11-12, 2011**

The Nevada Division of Industrial Relations in cooperation with the International Workers' Compensation Federation (IWCF) presents the first-ever Nevada Workers' Compensation Educational Conference, Aug. 11 – 12 at the Rio Hotel in Las Vegas. Sessions will cover a wide array of workers' comp-related topics including: Nevada Supreme Court cases; inside DIR audits; hearings and appeals, workers' comp fraud in Nevada; and more. Details and the registration form are at this link:

<http://dirweb.state.nv.us/WCS/NevadaBrochure2011.pdf>

**Maximum Monthly Wage Changes for FY 2012**

The maximum considered wage for computing disability compensation for fiscal year 2012 has been certified by the Nevada Department of Employment, Training and Rehabilitation, Employment Security Division to be \$793.16 per week. The Nevada Revised Statute (NRS) 616A.065 defines the average monthly wage as 150 percent of the state average weekly wage multiplied by 4.33. \$793.16 X 150% X 4.33 = \$5,151.57

Maximum Average Monthly Wage Maximum disability compensation in Nevada is 66-2/3 percent of the average monthly wage (NRS 616A.065 and 616C.475). If earned wage on the date of injury was less than \$5,151.57 per month, compensation is 66-2/3 percent of the actual earned wage.

The Maximum Compensation Chart is located on the DIR website on the "Important Changes" tab: <http://dirweb.state.nv.us/WCS/wcs.htm> \*

**WCS Website Adds Subsequent Injury Decisions**

The Division of Industrial Relations, Workers' Compensation Section website now has Subsequent Injury Board Decisions. A menu item on the left side, "[SI Board Decisions](#)" links to the page where both the SI Account for Association of Public and Private Employers as well as the SI Account for Self-Insured Employers have complete, unabridged decisions posted in PDF format. These decisions are listed by claim number and employer and are provided by the law offices of Charles R. Zeh, Esq. (775) 323-5700. \*



**HOW TO CONTACT WCS**

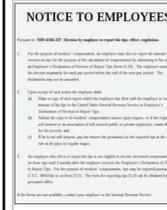
Department of Business and Industry  
 Division of Industrial Relations  
 Workers' Compensation Section  
**SOUTHERN NEVADA**  
 (702) 486-9080 / Fax: (702) 990-0364  
**NORTHERN NEVADA**  
 (775) 684-7270 / Fax: (775) 687-6305  
<http://dirweb.state.nv.us/WCS/wcs.htm>  
[mbrooks@business.nv.gov](mailto:mbrooks@business.nv.gov)

Direct comments or suggestions about this newsletter to: *Mike Brooks, Editor*, or *Terry Simi, Assistant Editor*, (702) 486-9019 or : [mbrooks@business.nv.gov](mailto:mbrooks@business.nv.gov) 

**FORM FOCUS: D-22 & D-23**  
**Tip Income: The D-22 & D-23 Work Together**

The [Form D-22: Notice to Employees](#) alerts employees who receive tips of their

responsibility, for workers' compensation purposes, to report such income per [26 US Code 6053\(a\)](#) or use the [Form D-23: Employee's Declaration of Election to Report Tips](#). The employee must make his or her election to report tip income separately for each pay period before the end of the next pay period. For example, the D-23 for pay period 9 must be completed, signed and dated before the end of pay period 10. More details are spelled out on the forms and the controlling statute: [NRS 616B.227](#). \*



**REPORTING REMINDERS**



Thank you to those who attended the 6<sup>th</sup> annual Insurer Reporting Forum held at the Henderson WCS office on June 16 this year. We hope you found it informative and useful. This annual Forum explains the who, what, where, when and how of workers' compensation insurer reporting to WCS. Topics covered include Annual Claims Activity Reports, Insurer Information Forms, Occupational Disease Claim Reports, Permanent Total (PT) Disability Claim Reports, Proof of Coverage and Claims Indexing, to name a few. Additionally, new reporting requirements specific to TPAs - Claims Handled and Records Storage Locations Reports - were also included in this year's Forum. If you missed it or just want to review the material presented, you can view the PowerPoint presentation on our website under "Insurer Information."

<http://dirweb.state.nv.us/WCS/wcs.htm>

Next reporting due: PT Claims Report. Watch for the annual PT Claims Report form to be distributed via e-mail in early July and due in early August.

If you have any questions about these or other reporting issues, please contact the Research and Analysis unit of the Workers' Compensation Section at (702) 486-9080 or e-mail [WCSRA@business.nv.gov](mailto:WCSRA@business.nv.gov) \*