

NEVADA WORKERS' COMPENSATION CHRONICAL

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

Division of Industrial Relations
Fall Edition 2014

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.

4th Annual Nevada Workers' Compensation Educational Conference

The Nevada Workers' Compensation Section held its 4th Annual Nevada Workers' Compensation Educational Conference in Las Vegas on August 14th & 15th, 2014. We are excited to announce a record breaking attendance of 237 people representing a very diverse background of constituents. Attendees included insurance adjusters, agents, self-insurers, third-party administrators, safety and human resource managers, injured workers, attorneys, medical providers, vocational rehabilitation counselors, and representatives from health care and managed care organizations. This year's trending topics included: *Workplace Violence* presented by our keynote speaker from the U.S. Department of Justice, Mr. Christopher Hoye III; *Marijuana and the Employer* presented by Mr. Anthony B. Golden, Esq. from Fisher & Phillips LLP, which drew the audience in and sparked more questions than time allowed; and two topics specifically requested by our constituents, *(Continued on page 4)*



HOT TOPIC Workplace Violence

At this year's WCS Educational Conference, U.S. Marshal Christopher Hoye, provided the attendees with an informative topic when he discussed "Violence in the Workplace" from a law enforcement perspective. Unfortunately, in today's world, we often hear about violence in schools, movie theaters and various places of business, which is one of the reasons why U.S. Marshal Hoye's presentation was very interesting. One of the most important roles and responsibilities for an employer is to ensure safety in the workplace for their employees. This includes training of managers, supervisors and employees on how to be aware of potential violent



situations and how to respond should there be a threat or act of physical violence, harassment, intimidation or threatening disruptive behavior that occurs at the workplace. In some cases of workplace violence, in which an employee has been physically injured, these cases can be *(Hot Topic continued on page 3)*

ACOEM GUIDELINES

Their Use and Availability

Nevada Revised Statute ([NRS 616C.250](#)) mandates the Division of Industrial Relations (DIR) establish standards of care to provide accident benefits to Nevada's injured employees and those who have suffered occupational diseases. In 1992, the State of Nevada adopted the American College of Occupational and Environmental Medicine's (ACOEM) Occupational Medicine's Practice Guidelines for use in treating both Nevada's injured employees and those with occupational diseases. Nevada Administrative Code ([NAC 616C.123](#)) indicates Nevada uses the most recently published edition or update to the ACOEM Guidelines, unless notification is given otherwise. The last guidelines published in hard copy were published in 2010. However, current updates are only available online through Reed Group, who now markets and publishes the ACOEM Guidelines.

The ACOEM Guidelines are evidenced based and are actively reviewed and updated online. For example, ACOEM has an entire chapter discussing the history of opioids, the benefits and harm associated with their use, financial costs, comorbidities, diagnostics and monitoring, screening tools, drug interactions, guidelines for using opioids and more. The information presented is extensive and allows the reader a more comprehensive understanding of the recommended use of opioids today. As evidenced based guidelines, various treatment strategies are listed according to the strength of the available evidence. The ACOEM Guidelines focuses on the first ninety days following an injury as most *(continued on page 4)*

Inside this issue:

2014 Educational Conference	1
Hot Topic	1
ACOEM Guidelines	1
Where Do I Start With OSHA	2
Fraud Watch	2
Reporting Reminders	3
State Holiday Office Closures	4

Where Do I Start With OSHA

Starting a new business can be a huge challenge. Who wants what information, licenses and what type of insurance is needed are all aspects of a new business that can leave one perplexed and frustrated. Among all the challenges of starting a business there is the shadow regulatory control and what regulations do I have to understand and incorporate into the day to day operations of the business. As I said before, this can be a huge challenge.

If your business has employees you will undoubtedly learn to know the Occupational Safety and Health Administration ([OSHA](#)). Formed in 1970, OSHA is tasked with producing either standards or regulations that protect employees from personal injury or illness. During the forty plus years of the existence of the agency it has made a huge impact on the injury and illness rates of employed Americans. In Nevada, we have a state run OSHA program that is tasked with the same responsibilities as the Federal program, which is protection of employed Nevadans.

So where does one start when striving to be in line with what OSHA expects from an employer? The first step is usually to understand the recordkeeping requirements that are required in the State of Nevada. An employer, who has employed ten or more employees over the course of a year, is required to keep an OSHA 300 log or an equivalent document. This log, which can be found through a link on the State of Nevada OSHA website, enables an employer to track injuries and illnesses and identify trends in these realms. The employer can learn from this tracking and develop safety programs that protect employees from injury or illness and keep them productive. Tracking and responding to injury and illness trends are major steps in complying with the Occupational Safety and Health Act (OSH Act) of 1970. The OSH Act holds the Federal laws under which all regulations and statutes were developed to support OSHA's efforts.

The most formidable of the laws from the OSH Act is the "General Duty Clause" or paragraph 5 (a)(1). It basically states that all employers are to provide a place of (*continued on page 3*)

FRAUD WATCH

Department of Business & Industry Fight Fraud Taskforce



Every day citizens of Nevada and others throughout the country run the risk of being victimized by fraud one way or another; hence, there is a great need to be able to assist the community. Our mission is to provide information to the public concerning activities occurring within the State of Nevada, and improving the quality of services to consumers and making Nevada a better place to do business.

The Fight Fraud Taskforce consists of a Chair, Cris Carmona, Miriam Hickerson, Co-Chair and 88 members. The members involve people from various entities and government agencies. To name a few:

Nevada Attorney General's office
Business & Industry (15) Divisions
State Treasurer
Internal Revenue Service
Nevada Department of Motor Vehicles
Las Vegas Metropolitan Police Dept.
Clark County Public Guardian

Freddie Mac
Nevada Secretary of State
City of North Las Vegas
FDIC
Dept. of Health & Human Services
U.S. Dept. of Labor
Federal Bureau of Investigations

Meetings are held quarterly and topics vary addressing new laws passed, fraud alerts and educating the public.

Preceding topics presented:

- DMV Driver Authorization Cards
- Nevada Secretary of State passage of Assembly Bill 74 protecting consumers from fraud by regulating document preparation services.
- Wage and Hour Division – USDOL Compliance with the Fair Labor Standards Act of 1938 as it relates to Minimum Wage, Overtime, Record Keeping and employment of minors.

Next Meeting

Date: October 22, 2014 at 8:30 a.m. – 9:30 a.m.

Location: 555 E Washington Ave. 4th Floor, Suite 4500 with videoconference to their mock courtroom in Carson City at 100 N. Carson St., Carson City.

Speaker: Office of State Treasurer, Sheila Salehian, Senior Deputy Treasurer (South)

Subject: Protecting and safeguarding unclaimed property for the State, and other programs as they relate to this topic. (Prepaid Tuition/Financial Literacy outreach)

Fight Fraud also receives complaints via email at www.fightfraud.nv.gov and must be in a written correspondence form which means the consumer will have an opportunity to have their complaint reviewed by an investigator to determine a resolution. We identify the issues from both the business and constituent and negotiate an agreement in an attempt to resolve any disputes.

Contact Info:

Cris Carmona, Chair
(702) 486-5326
ccarmona@business.nv.gov

Miriam Hickerson, Co-Chair
(702) 486-4575
mhickerson@business.nv.gov

*By working together and being aware,
you can help protect yourself and your loved ones!*



(OSHA continued from page 2) employment that is free of recognized hazards that are likely to or have caused serious injury or illness. As you can see, that statement can go a long way when considering the protections of employees. How do I know what a recognized hazard is? The best place to start is the table of contents in either the General Industry Standards ([CFR 1910](#)) or in the Construction Standards ([CFR 1926](#)). If something is listed in the table of contents, then it is recognized by OSHA as potentially hazardous.

As you can see there are a number of things to consider if starting a business. One aspect is the safety of employees and which OSHA statutes or regulations apply to the employee's activities. The Federal OSHA website, <https://www.osha.gov/>, provides good information about starting a business and how to determine if a standard applies to your operations. The State of Nevada provides an agency which an employer can contact and ask questions about this topic. The agency is called the Safety Consultation and Training Section ([SCATS](#)). The contact information for SCATS can be found on the State of Nevada website in the Department of Business and Industry, <http://4safenv.state.nv.us/>.

-Jess Lankford OSHA CAO

Reporting Reminders

➡ Insurers and TPAs must notify WCS of any changes such as name, address, phone and fax numbers, as well as changes in TPAs. Submit the *Insurer Information Form* to report these changes.

➡ The 2014 *Permanent Total (PT) Disability Claim Reports (NRS 616C.453)* Form and Instructions were distributed via e-mail in July and were due to WCS on AUGUST 8, 2014.

➡ **REVISED FORM! (OD-8) Occupational Disease Claim Report(s) (NRS 617.357)** is an ongoing reporting requirement. NRS 617.357 was amended in the 2013 Legislative Session, approved by the Governor, and became effective May 24, 2013. WCS revised the form for use effective January 1, 2014.

➡ **Proof of Coverage (POC):** Private carriers must also report information to NCCI within 15 days of the effective date of the issuance, renewal, cancellation, nonrenewal, reinstatement or reissuance of a policy of workers' compensation insurance.

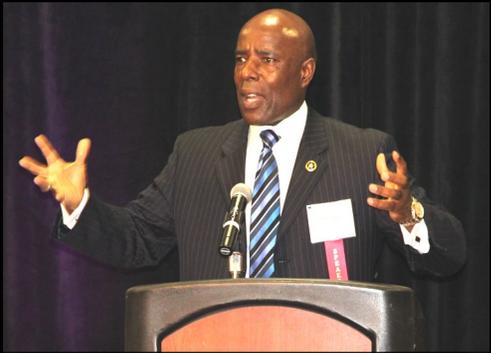
Information on reporting requirements and forms can be found on our Web site at <http://dirweb.state.nv.us/wcs/wcs.htm> under "Insurer Information" or you can contact the WCS Research and Analysis unit at (702) 486-9080.

-Ruth Ryan WCS
Research & Analysis, Unit Supervisor



(Hot Topic continued from page 1) deemed as compensable worker compensation claims. Pursuant to [NRS 616C.230](#), in cases where it is the employee that willfully intends to injure him or herself or others, those claims may be deemed not compensable and denied. Of course there are appeal rights that are afforded to the employee whose claim was denied pursuant to the same statute. Workplace violence may not always result in physical harm, however, it can result in mental injury. [NRS 616C.180](#) (3,a) states in part that a claim may be compensable if "the employee has a mental injury caused by extreme stress in time of danger." Therefore, violence in the workplace, can greatly impact Nevada businesses and should be viewed by employers as an important part of risk management.

-Suhair Sayegh
WCS Southern District Manager



U.S. Marshal Christopher Hoye during his engaging speech at the 4th Annual Workers' Compensation Education Conference.

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.

(Education continued from page 1)
 Differentiating Workplace Injuries from Degenerative & Pre-Existing Diseases, and Ergonomics in the Workplace – How to prevent Injuries. Overall, we are pleased by the positive reception received by all the speakers, whose combined presentations covered 14 carefully chosen topics. During the conference we received lots of helpful tips as well as compliments on memorable presentations that were deemed educational and beneficial to the industry as a whole. As in previous years, the Tuscany Suites Hotel offered our attendees a versatile venue with comfortable accommodations and a thoughtful selection of dishes for breakfast, lunch, and snacks. After reviewing the conference evaluations, we can say that



many of the attendees were very pleased with the topics, speakers and the overall organization of the conference. The overall success can be attributed to the many hours, and much hard work of the DIR/WCS management and support staff. Congratulations! For those of you who did not get an opportunity to join us, we will be holding our 5th Annual Nevada Workers' Compensation Educational Conference in August of 2015. More details to come in future newsletters and correspondence.

-Kevin Jackson
 WCS Education Manager

Hails, Farewells, Awards, and Promotions

Connie Patatua, originally from Monterey Bay, California, joined the DIR-WCS in June 2014. She recently graduated in May 2014, from UNLV with a degree in Sociology. Connie regularly demonstrates the importance of being part of a team



at work and in the community. She is involved in many activities including the role of Youth Leader for her church where she holds the position of Treasurer. In her spare time she likes to read, BBQ with her family and attend her son's football games. "Go Gaels!"



Alma Johnson has accepted a promotional transfer from OSHA where she worked for the past year. She is very enthusiastic about her new position in the Education Research and Analysis Unit of the WCS and is looking forward to the challenges that this new position will bring. She is from San Diego, California and has lived in Las Vegas for 12 years. When Alma is not at the office you will find her painting and building sculptures, but her all-time favorite thing to do is spend time with her family.



We would like to congratulate Cynthia Hernandez, who was recently promoted to Administrative Assistant II. Cynthia is a valued employee of the Medical Unit in the Workers Compensation Section, dedicated to making a difference. "I enjoy the challenge and being able to help others. I look forward to all the new experiences to come here in the Medical Unit".



Direct comments or suggestions about this newsletter to: *Kevin Jackson, Editor* or *Alma Johnson, Assistant Editor*, (702) 486-9019 or: email aljohnson@business.nv.gov



(ACOEM continued from page 1) workers can be expected to return to work in this timeframe. However, extended treatment options are also presented to assist the user in continuing to review appropriate treatment strategies. It is important to note that the ACOEM Guidelines, as applied to Nevada workers' compensation, provide a minimum standard of care. They should not be understood as a maximum level of care to be provided to injured workers.

The DIR anticipates including a class addressing detailed use of the ACOEM Guidelines at the 5th Annual Workers' Compensation Education Conference scheduled August 20-21, 2015 at the Tuscany Suites and Casino in Las Vegas. This tentatively scheduled topic is applicable for health care providers, claims personnel and others interested in applicability of the ACOEM Guidelines.



Further information regarding the use and availability of the ACOEM Guidelines may be obtained by contacting Reed Group directly. Carlos Luna, Senior Sales Executive for the Western Region, may be reached at (303) 407-0682 or cluna@reedgroup.com.

-Katherine Godwin
 WCS Medical Supervisor

Holiday Office Closures:

Nevada Day
 Friday, October 31, 2014

Veterans Day
 Tuesday, November 11, 2014

Thanksgiving Day
 Thursday, November 27, 2014

Family Day

CONTACT US

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 Division of Industrial Relations
 Workers' Compensation Section

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<http://dirweb.state.nv.us/WCS/wcs.htm>
WCSHelp@business.nv.gov



FALL 2014

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

SOUTHERN NEVADA

Division of Industrial Relations
 1301 North Green Valley Parkway
 Suite 200, Henderson, Nevada 89074

Orientation

Thursday, October 9, 2014

For scheduling information, contact:

✉ aljohnson@business.nv.gov

NORTHERN NEVADA

Division of Industrial Relations
 400 West King Street, #400
 Carson City, Nevada 89703

Orientation

Thursday, October 23, 2014

For scheduling information in the Carson City/Reno area, contact:

✉ tmills@business.nv.gov