

Workers Compensation Claim State Environmental Guide - Nevada

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

Indemnity issues

<p>Temporary Total Benefits</p>	<p>Min: No minimum Max: \$4,618.55 – changes annually in July. Maximum disability compensation in Nevada is 66-2/3 percent of the capped Average Monthly wage of \$6,927.83. Maximum compensation for the max average monthly wage is \$4,618.55 or \$151.73 daily rate. Waiting period: 4 day waiting period, benefits begin on the 5th consecutive day off or due if off for 5 or more days in a 20 day period. Retro period: no retro period Limited or unlimited benefits: benefits are not limited or unlimited.</p>
<p>Temporary Partial Benefits</p>	<p>Min: no minimum Max: Same as TTD rate Waiting period: no waiting period Retro period: no retro period Limited or unlimited benefits: benefits are not limited or unlimited. The injured worker must submit their check stubs to calculate TP. The calculation is required on a State form D-46. TP only due if they made less than their TTD rate.</p>
<p>Permanent Partial Benefits</p>	<p>Min: no minimum Max: no maximum Waiting period: no waiting period Retro period: no retro period Limited or unlimited benefits: If awarded over 30% they are allowed to accept only 30% in a lump sum. The remaining percentage has to be paid on annual installments if monthly rate is less than \$100.00 or monthly installments if the monthly rate is over \$100.00 until the age of 70. Scheduled vs. whole body: Whole body AMA or state specific: AMA 5th edition at this time.</p>
<p>Permanent Total Benefits</p>	<p>Min: no minimum Max: same as TTD rate Waiting period: no waiting period Retro period: no retro period Limited or unlimited benefits: The injured worker has to be deemed to be permanently and totally disabled by a physician and the benefit is for lifetime.</p>

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Fatality Benefits	<p>Min: no minimum Max: same at the TTD rate Waiting period: no waiting period Retro period: no retro period Limited or unlimited benefits: Only paid to the spouse if legally married. Paid for the rest of life. If not married and have dependents, the dependents have to be under the age of 18 or a full time student up until the age of 22 then all benefits stop. If dependent children and are not child of widow the benefit is split.</p>
Vocational Rehabilitation	<p>Is it required? Yes, if the injured worker is unable to return to their pre-injury job due to permanent work restrictions. What are the benefits? Same as the TTD rate. Duration depends on the permanent partial disability award: 0% - plan length up to 9 months. 1%-5%=12 months, 6% or higher=24 months of retraining and all include 60 days to develop the plan as well as 28 days of job placement. We have to provide names of three vocational rehabilitation counselors from three different vendors and the injured worker has the right to choose the counselor.</p>
Settlement Allowed	<p>Injured worker can choose to elect a lump sum buyout in lieu of retraining for vocational rehabilitation only. Cannot settle out claims in Nevada.</p>
Cap on benefits, exceptions	<p>The lump sum amount of the Vocational rehabilitation settlement cannot be less than 55% of the maintenance benefits for what would have to pay for the period of the program. Once retrained if they are not making at least 80% of their pre injury wages once obtaining a job we have to pay Temporary Partial benefits for a maximum of 24 months.</p>

Medical issues

Initial Choice of Provider	<p>The employer can send injured worker to point of entry clinic. The injured worker has 90 days to select a physician.</p>
Change of Provider	<p>If a transfer to a different specialty is requested by a physician, the injured worker has another 90 days to select doctor of that specialty.</p>
Medical Fee Schedule	<p>Yes</p>
Managed Care	<p>Yes</p>
Utilization Review	<p>Not mandatory</p>
Treatment Guidelines	<p>Does the state mandate the use of evidence based guidelines? No. If so, which one?</p>
Generic Drug Substitution	<p>The state mandates generic substitution.</p>
Medical Mileage Reimbursement Rate	<p>\$0.56 cents per mile. Have to travel 20 or more miles one way or 40 or miles in one week to qualify for reimbursement. Mileage rates change annually.</p>
Network Information	<p>Have to be part of the First Health Network or Coventry</p>
Ability to Terminate Medical Treatment	<p>Once released from care to a maximum medical improvement status, no further medical treatment is allowed. We have been seeing a lot more physicians ordering continued medications with quarterly follow up visits, and we are losing in litigation because it is something the doctor ordered and was ordered prior to the closure of the claim.</p>
Settlement Allowed	<p>No</p>
Cap on benefits, exceptions	<p>No</p>

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Other Issues

WC Hearing Docket Speed	Do not have control
Staff Counsel	Lego & Associates, 7450 Arroyo Crossing Parkway Suite #250, Las Vegas, NV 89113, 702-479-4350
Hearings require attorney or claim handler participation	Hearings can use either an attorney or a licensed hearing representative (Case Manager), Appeals and above require an attorney.
Occupational Diseases	Yes
Second Injury Fund availability	Yes
Other Offset Opportunities	Apportionment, contribution, etc. Can take apportionment for any outstanding child support. Can take future credit for subrogation recoveries. Can take apportionment for the permanent partial disability rating but absent a prior PPD, there is no apportionment unless the insurer proves by a preponderance of the evidence that there was a pre-existing impairment. Proof must include medical evidence that existed prior to the date of the industrial injury or onset of the occupational disease, with at least one or more of the following: diagnosis, imaging, measurements, laboratory testing, or physical evidence of surgery to that body part if medical records cannot be obtained
EDI	Release version, FROI, SROI, etc. Not an EDI state
In-State Adjusting Required	Yes
License or Certification Required	Starting 7/1/18 must have adjusters license to handle any type of TPA claim, I.E CSS business.