Workers Compensation Benefit Overview – Nevada

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	Min: No minimum Max: $5,116.24 – changes annually in July 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.
Temporary Partial Benefits	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. TP only due if they made less than their TTD rate.
Permanent Partial Benefits	Min: no minimum Max: no maximum Waiting period: no waiting period Retro period: no retro period Limited or unlimited benefits: If awarded over 25% they are only allowed to accept 25% in a lump sum. The remaining percentage has to be paid on annual installments or monthly installments if the monthly rate is over $100.00 until the age of 70. scheduled v. whole body: Whole body AMA or state specific: AMA 5th edition at this time.
Permanent Total Benefits	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.

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Medical Issues

Fatality Benefits	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 or until the spouse remarries. If the spouse remarries, entitled to a 2 year lump sum. 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.
Vocational Rehabilitation	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: 1%-%5=9 months, 6%-10%=12 months, 11% or greater 18 months of retraining and all include 28 days of job placement.
Settlement Allowed	Injured worker can choose to elect a lump sum buyout in lieu of retraining.
Cap on benefits, exceptions	The lump sum amount can not be less than 40% of the minimum allowed.

Medical Issues

Initial Choice of Provider	The employer can send injured worker to point of entry clinic. The injured worker has 90 days to select a physician.
Change of Provider	If a transfer to a different specialty is requested by physician the injured worker has another 90 days to select doctor of that specialty.
Medical Fee Schedule	Yes
Managed Care	Yes
Utilization Review	Not mandatory
Treatment Guidelines	Does the state mandate the use of evidence based guidelines? No If so, which one?
Medical Mileage Reimbursement Rate	0.55 cents per mile. Have to travel 20 or more miles one way or 40 or miles in one week to qualify for reimbursement.
Ability to Terminate Medical Treatment	Once released from care to a maximum medical improvement status, no further medical treatment is allowed.

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Settlement Allowed	No
Cap on benefits, exceptions	No

Medical Issues

Staff Counsel	Sherman & Associates, 1850 E Flamingo Rd #200, Las Vegas, NV 89119, 702-862-4545
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	i.e. apportionment, contribution, etc. Can take apportionment for prior impairments for the same body part and possible pre-existing conditions. Can take apportionment for any outstanding child support. Can take future credit for subrogation recoveries.

State workers compensation website link:

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

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