



# Workers Compensation Claim State Environmental Guide - Nevada

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

## Indemnity issues

Temporary Total Benefits	Min: No minimum Max: \$3,802.17 – changes annually in July. Maximum disability compensation in Nevada is 66-2/3 percent of the capped Average Monthly wage of \$5,703.26. Maximum compensation for the max average monthly wage is \$3,802.17. Waiting period: 4 day waiting period, benefits begin on the 5 <sup>th</sup> 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 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 5 <sup>th</sup> 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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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: 1%-5%=9 months, 6%-10%=12 months, 11% or greater 18 months of retraining and all include 28 days of job placement.</p>
Settlement Allowed	Injured worker can choose to elect a lump sum buyout in lieu of retraining for vocational rehabilitation. Cannot settle out claims in Nevada.
Cap on benefits, exceptions	The lump sum amount of the Vocational rehabilitation settlement cannot be less than 40% of the minimum allowed. 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.

### 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?
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$0.53.5 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.
Network Information	Have to be part of the First Health Network or Coventry
Ability to Terminate Medical Treatment	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.
Settlement Allowed	No
Cap on benefits, exceptions	No

### 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

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### Other Issues

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 prior impairments for the same body part and possible pre-existing conditions as long as we have the prior medical records supporting the prior impairment or pre-existing condition. If the prior impairment is not based on the 5th Edition AMA Guides, then will have to convert the impairment to the 5th edition before determining the apportionment rate. Can take apportionment for any outstanding child support. Can take future credit for subrogation recoveries.
EDI	Release version, FROI, SROI, etc. Not an EDI state
In-State Adjusting Required	Yes
License or Certification Required	Not required