

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JEFF MOHLENKAMP
*Director, Department of
Administration*

BRYAN NIX, Esq.
Senior Appeals Officer



DEPARTMENT OF ADMINISTRATION
Hearings Division

<http://hearings.state.nv.us/>

Hearings Division FY 2011 Report

Agency Description:

The Hearings Division is statutorily responsible for conducting all hearings in disputed workers compensation cases, Victims of Crime Program appeals, State Bid Award disputes, and Department of Education disciplinary disputes. In addition, the Division conducts hearings via inter-agency agreements with the Department of Employment, Training, and Rehabilitation, Nevada Medicaid, the Department of Public Safety's Division of Emergency Management, the Department of Business and Industry, Division of Financial Institutions, and Mortgage Lending Division. The Division has offices in Carson City at 1050 E Williams Street, and in Las Vegas at 2200 South Rancho Drive.

Division Mission Statement:

The mission of the Hearings Division is to provide fair and independent dispute resolution hearings in a timely and efficient manner while providing due process to all parties.

Two-tiered Administrative Hearing Process:

The Hearings Division consists of two levels of administrative hearings. The first level Hearing Officer proceeding is an informal hearing intended to resolve disputed cases quickly, without significant legal formalities. Virtually every hearing is held in 30 days, or less, from the date a request for hearing is filed.

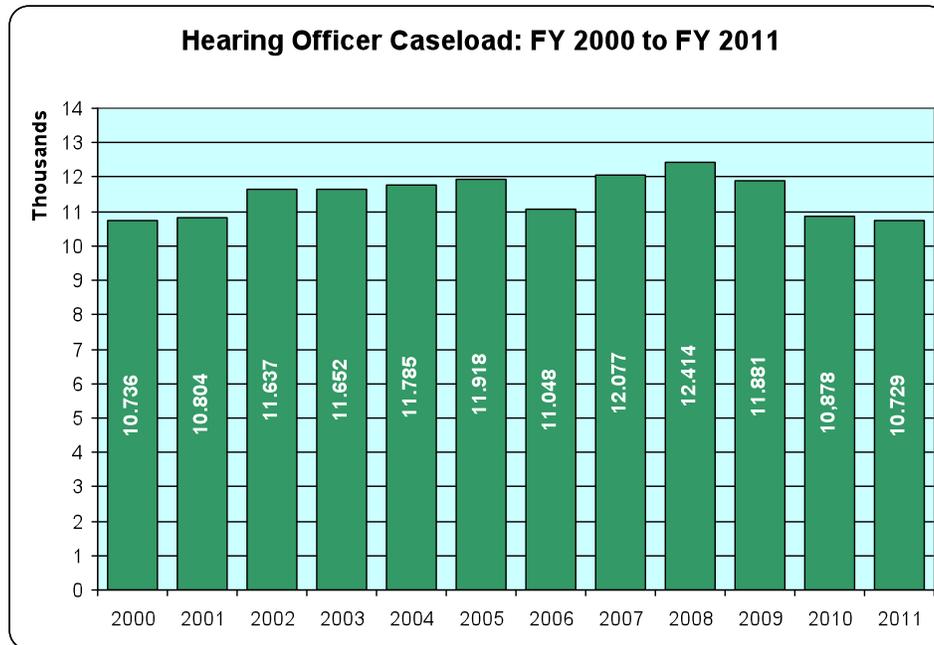
The second level of appeal before the Appeals Officer is conducted "on the record" and is the final evidentiary proceeding. Appeals from the Appeals Officer are to the District Court, and then to the state Supreme Court.

Workers compensation appeals and Victim of Crime Program appeals begin with the Hearing Officer, and may be appealed to the Appeals Officer. All other matters are initiated at the Appeals Officer level.

This report is based on data from July 1, 2010 to June 30, 2011. During this period the Hearings Division scheduled **15,381** hearings statewide. Hearings Officers scheduled **10,729** hearings and Appeals Officers scheduled **4,652** cases. The first series of charts relate to the Hearing Officers. Appeals Officers statistics follow.

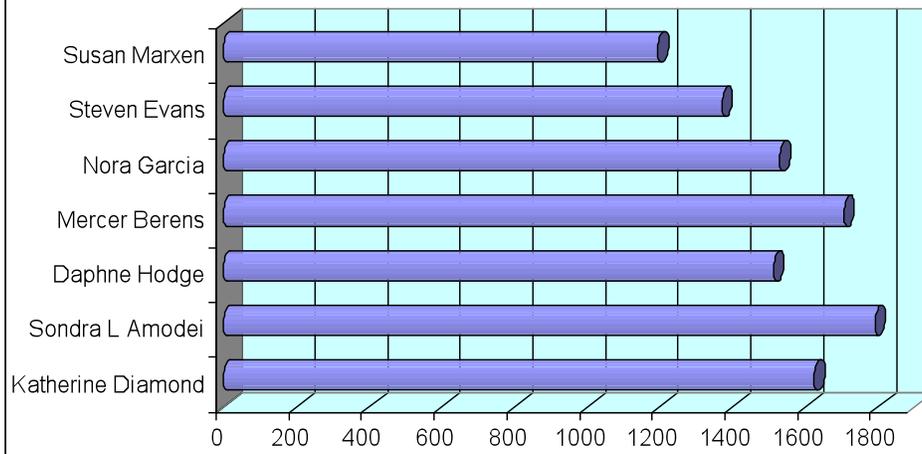
HEARING OFFICERS STATISTICS

As the following chart shows the Hearings Officers' caseload has averaged 11,463 cases annually for the last ten years.



This chart shows the number of cases assigned per Hearings Officer in fiscal year 2011. The first five bars in the chart are the Hearing Officers in the Las Vegas Office, and the last two bars represent the Carson City Hearing Officer caseload.

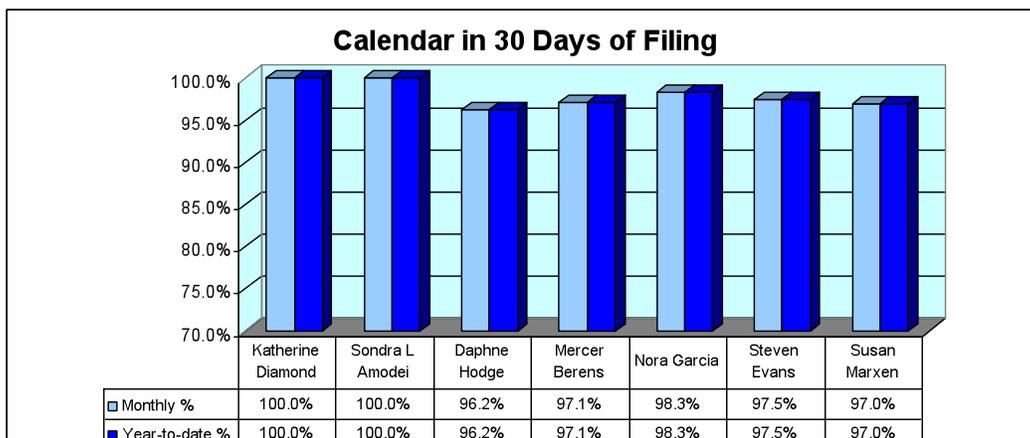
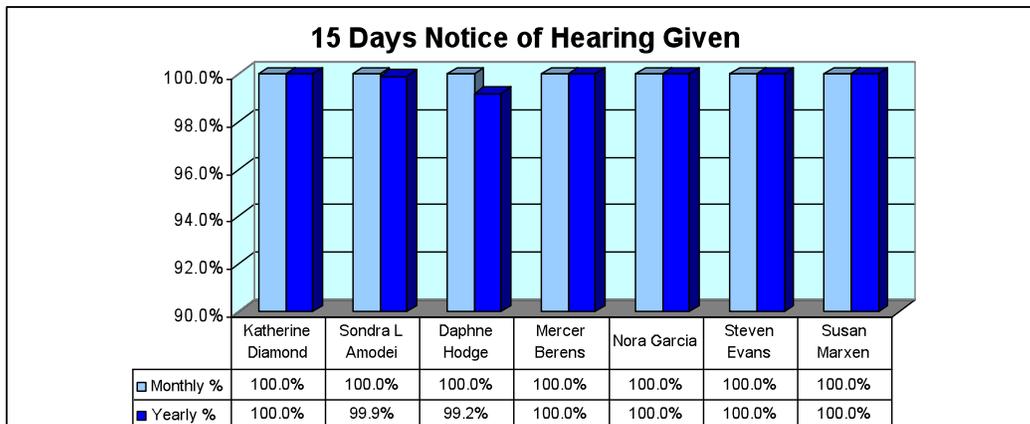
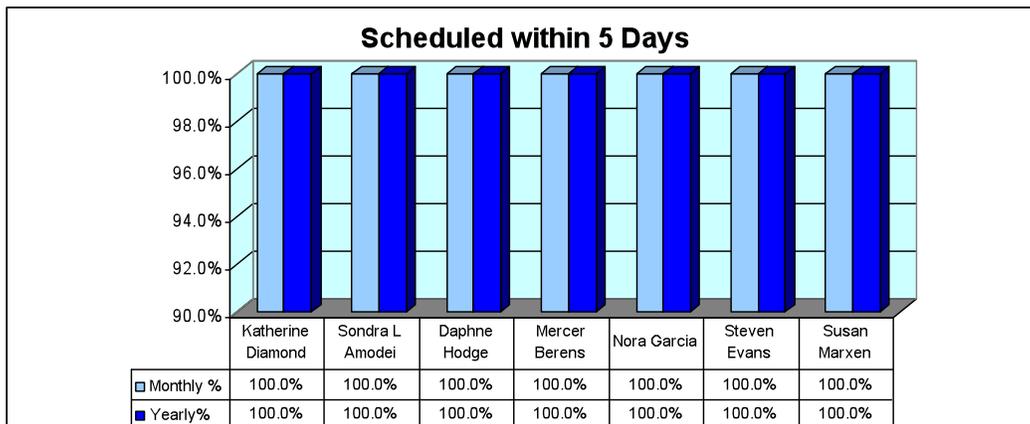
Cases Assigned By Hearing Officer FY 2011

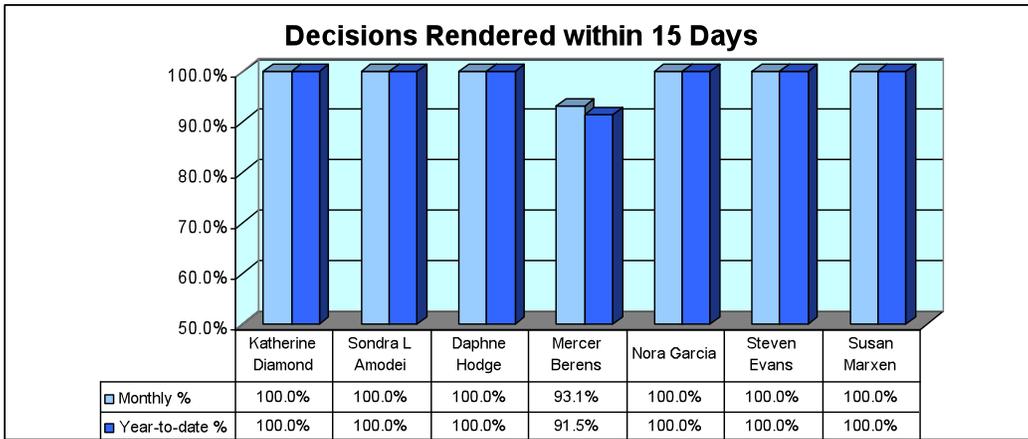


Statutory Requirements for Timeliness

Nevada law sets forth several timeframes for scheduling and deciding cases. In workers compensation appeals, which comprise 97% of the Divisions caseload, deadlines for scheduling cases, providing notice, and deciding cases are all set forth in statute. For instance NRS 616C.330 requires the Hearings Officer to schedule a hearing within 5 days of receiving an appeal, for a hearing date within 30 days, while providing at least 15 days notice to the parties. Hearings Officers are required to render decisions within 15 days of the hearing. These timeframes are directory, not mandatory.

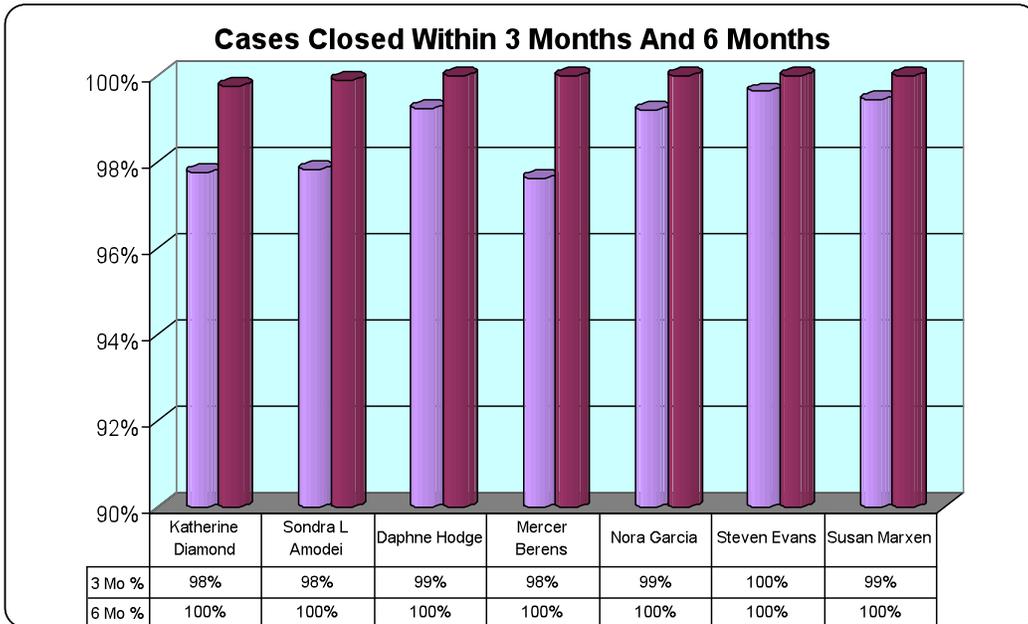
The next four charts show the individual Hearings Officers compliance with these deadlines:





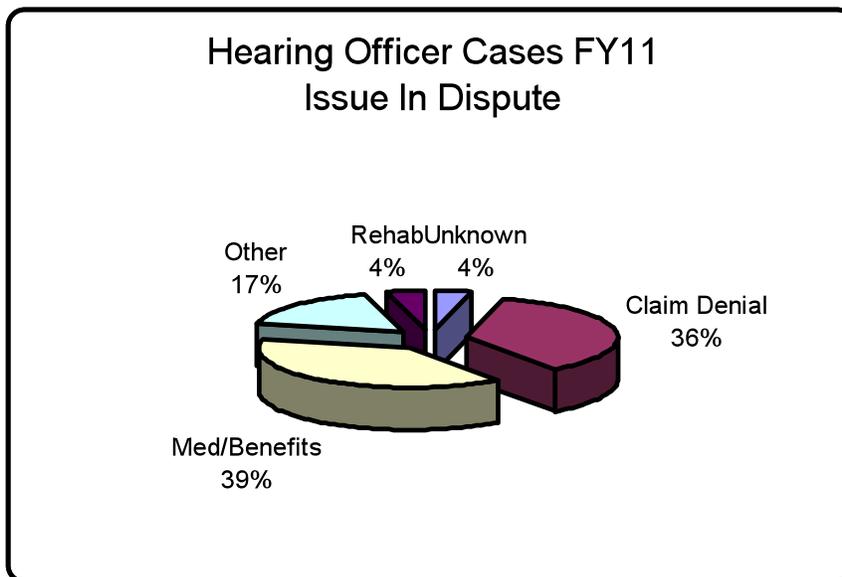
Performance Goals

Hearing Officers strive to decide cases in a timely manner and are encouraged to keep cases on track to insure they are timely decided. The following chart shows the time cases are closed at the Hearing Officer level. As this chart shows over 99% of all cases are resolved at the Hearing Officer level in less than 90 days.



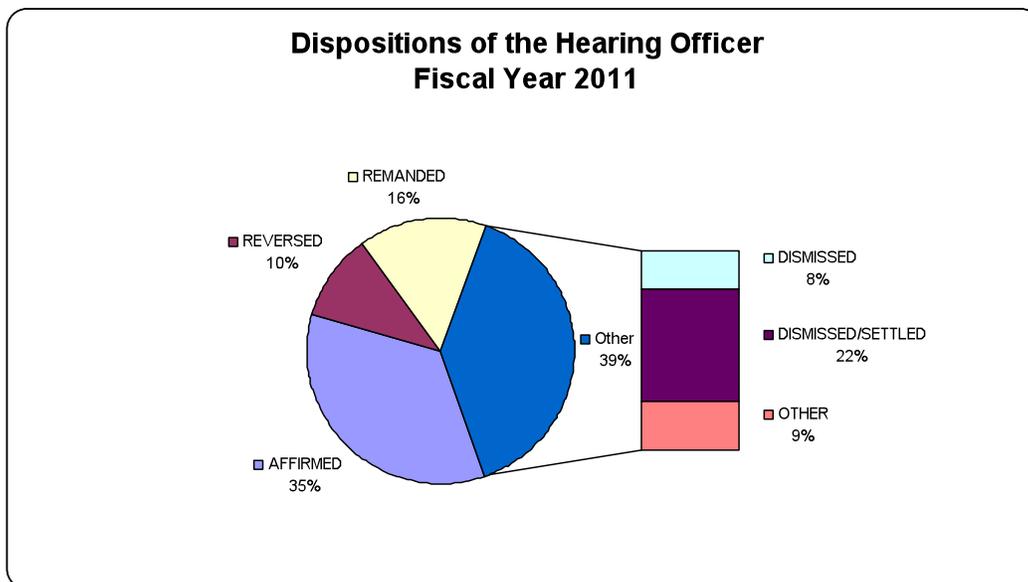
Issues before the Hearings Officer

This chart shows the issues that are appealed to the Hearings Officers during the fiscal year. Claim denial and medical benefit issues make up 75% of the issues appealed to the Hearings Officers from insurer determinations.



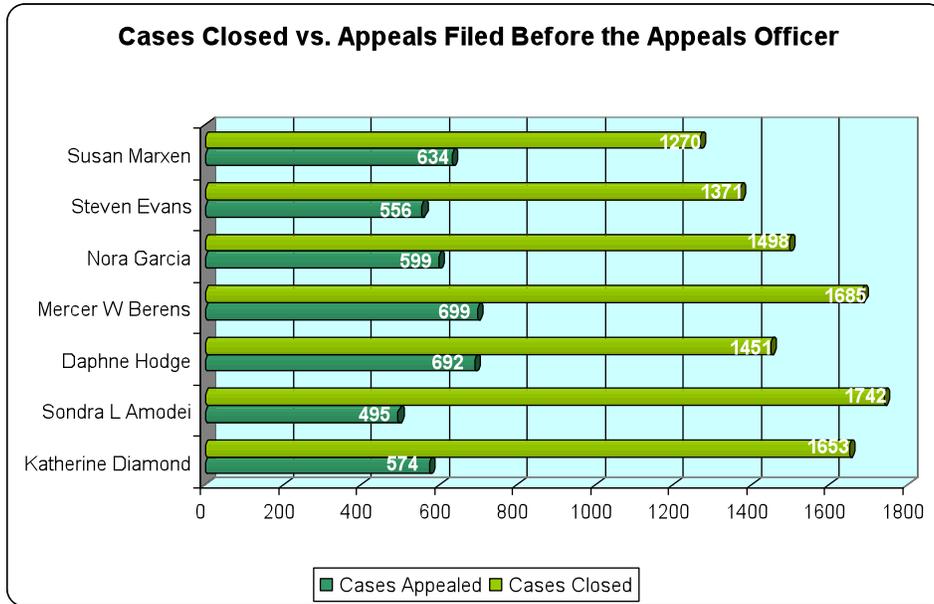
Disposition of Cases before the Hearings Officer

This chart shows the disposition of cases at the Hearing Officer level of the Hearings Division Appeals process.



Hearing Decisions Appealed to the Appeals Officer

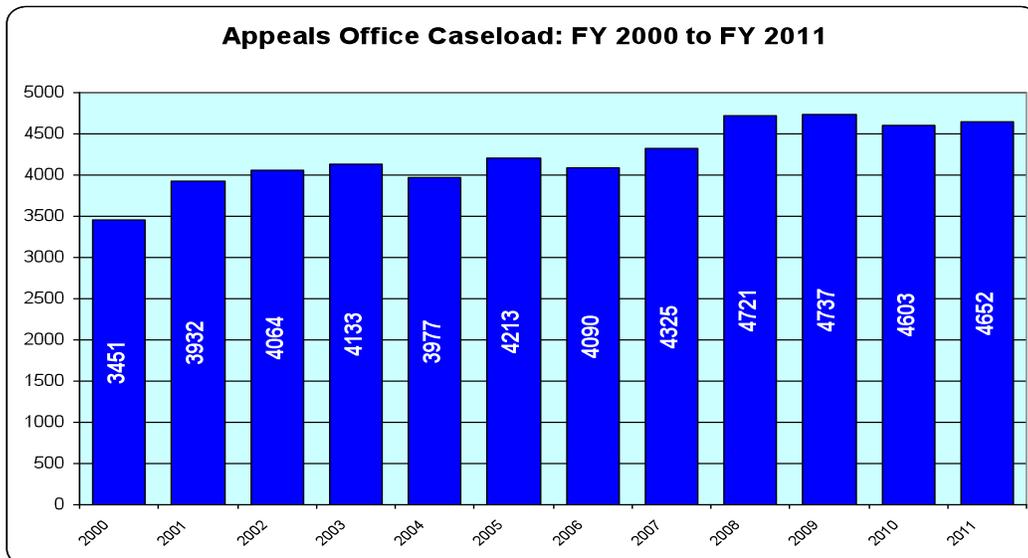
This chart shows the number of hearings held by each Hearing Officer and the number of cases that were appealed to the Appeals Officer.



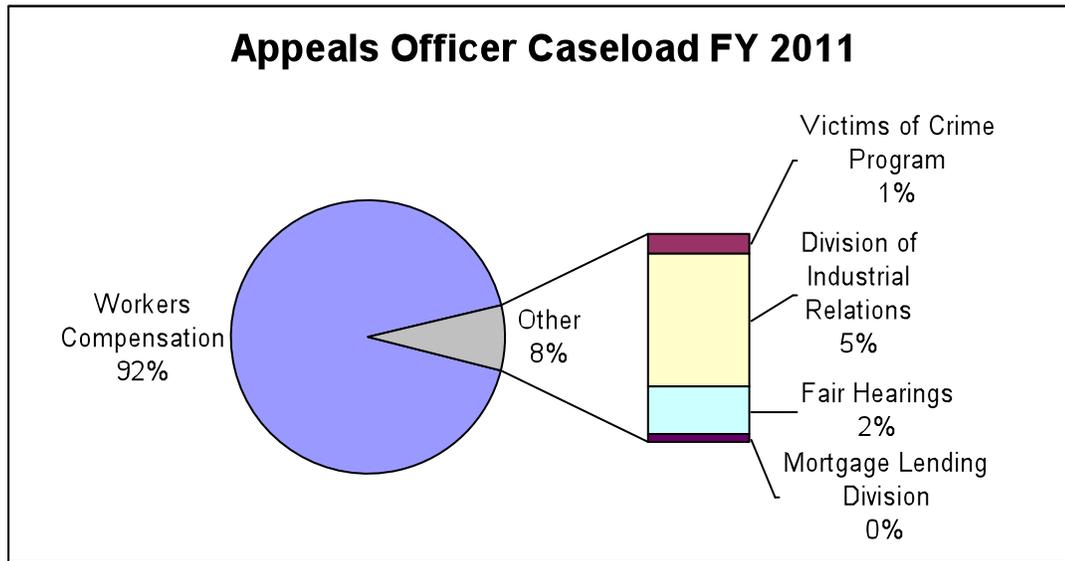
APPEALS OFFICERS STATISTICS

Appeals Officers hear appeals from Hearing Officer decisions in workers compensation and victim of crime matters. All other administrative hearings, such as state bid award appeals, Medicaid hearings and Division of Industrial Relation appeals are initiated at the Appeals Officer level.

This first chart shows the Appeals Officer caseload growth over the last ten years. As this chart shows the caseload has grown fairly steadily during this period.

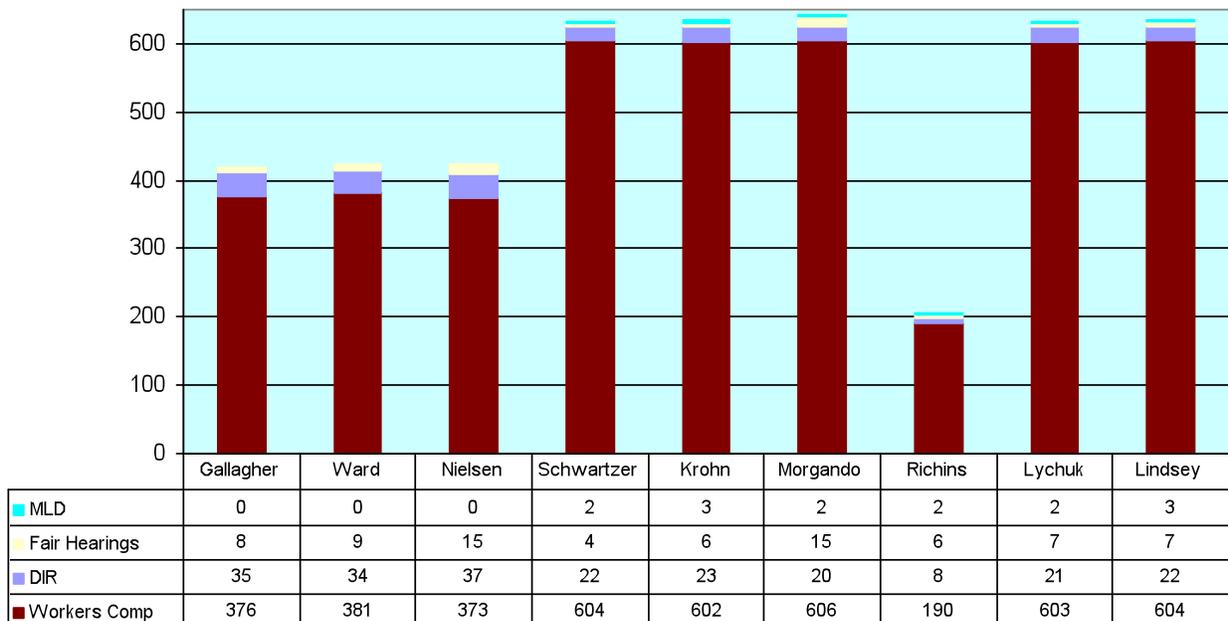


This chart shows the Appeals Officer Caseload by type of case. Workers compensation and Division of Industrial Relations cases comprise 92% of the Appeals Officers caseload.



The following two charts show the number of cases assigned per Appeals Officers and the current caseload with projections reflecting how cases are being assigned. Since one Appeals Officer is retiring in June 2011, cases must be assigned to the remaining Appeals Officers until a new Appeals Officer is appointed.

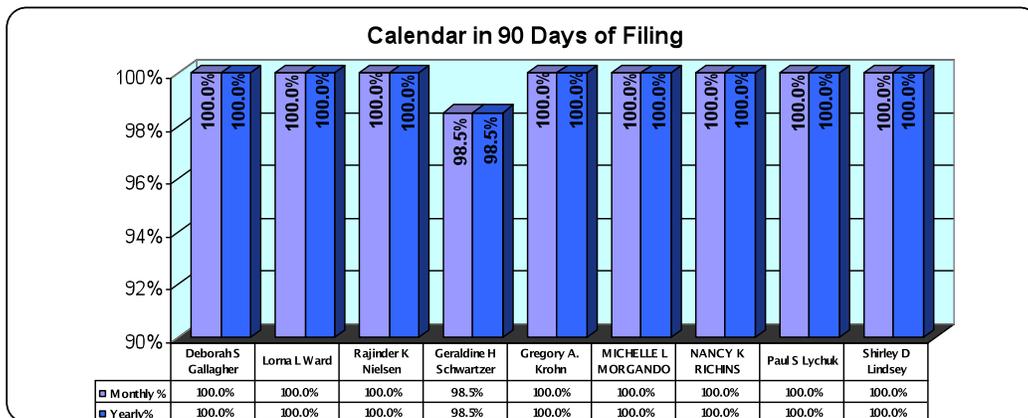
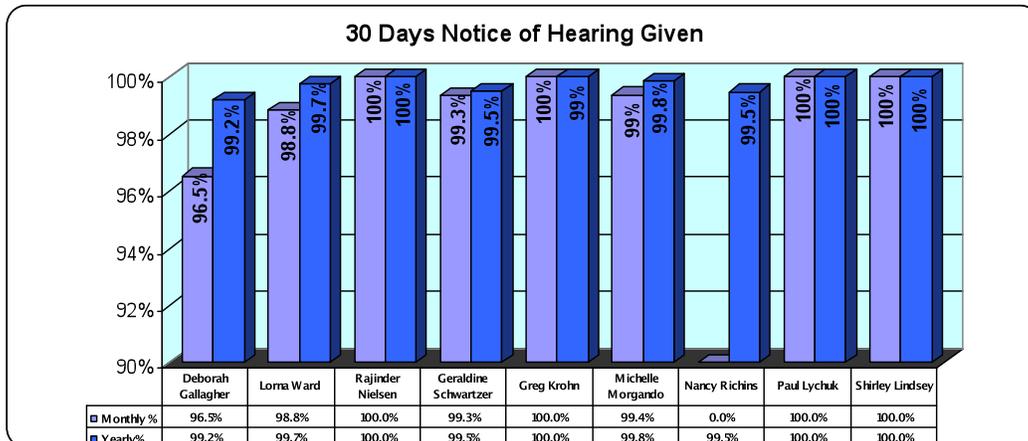
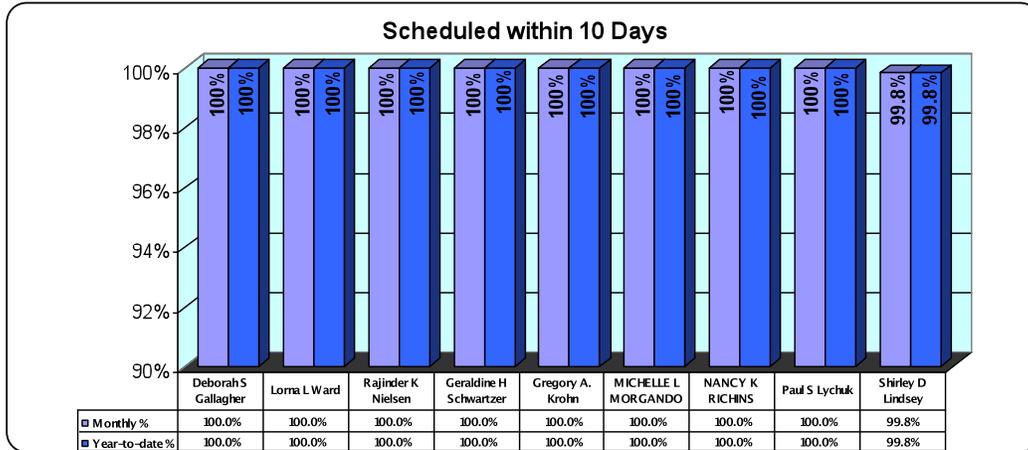
Cases Assigned By Appeals Officer FY 2011

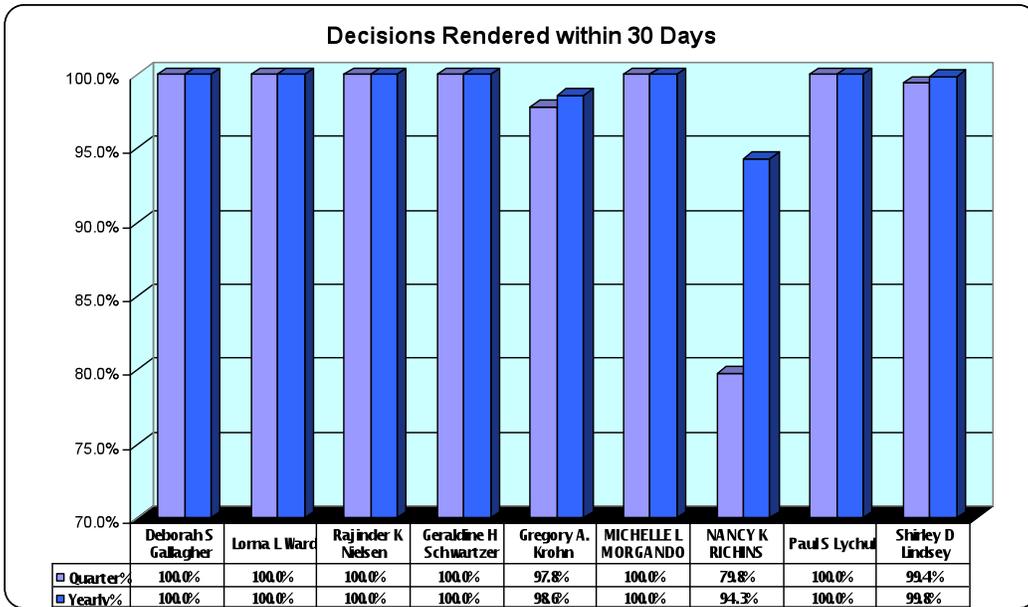


Statutory Scheduling Timeliness

NRS 616C.345 requires the Appeals Officer to schedule a hearing within 10 days of receiving an appeal, for a hearing date within 90 days, while providing at least 30 days notice to the parties. Appeals Officers are required to render decisions within 30 days as set forth in NRS 616C.360.

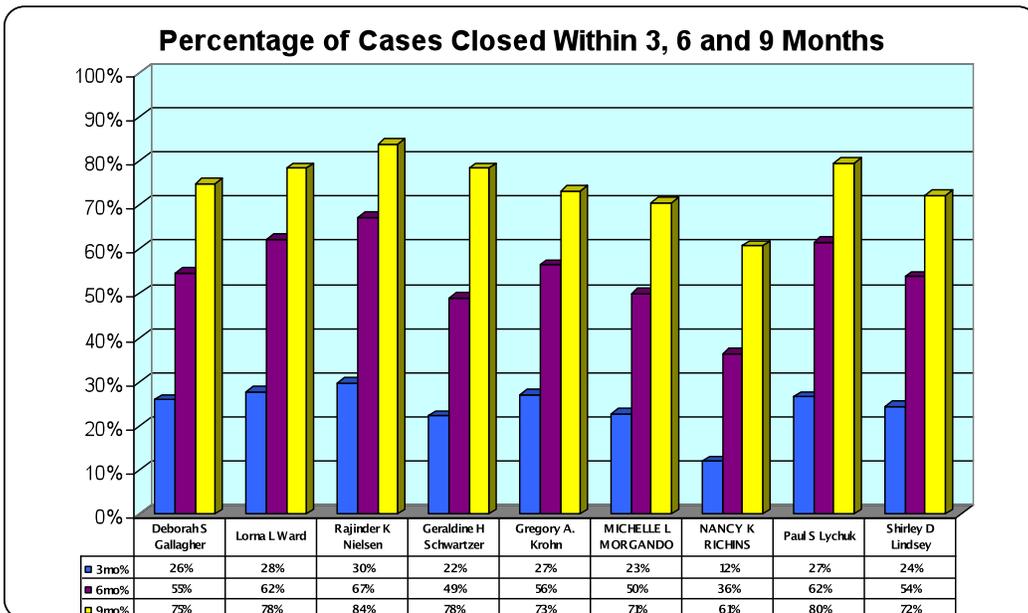
The next four charts show the individual Appeals Officers compliance with these deadlines:





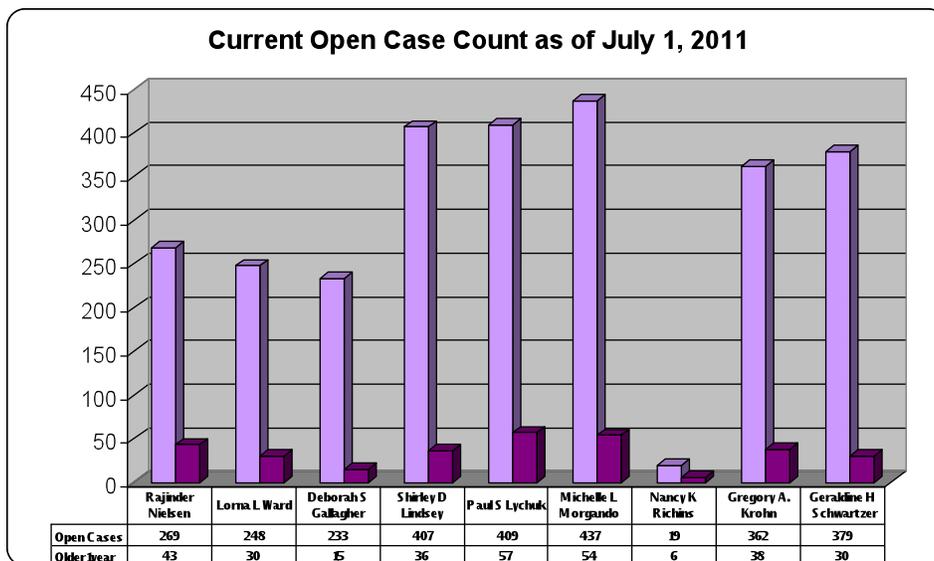
Performance Goals

In addition to these statutory timeframes the Division has set performance goals for managing the Appeals Officer caseloads. These goals encourage Appeals Officers to focus on timely dispute resolution. The first chart shows the Appeals Officer cases closed in 3, 6 and 9 months.



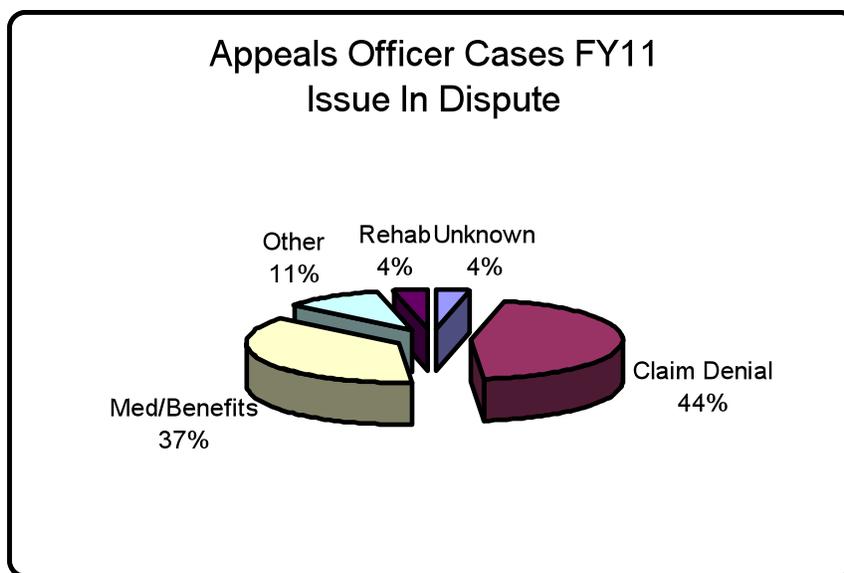
Appeals Officers Open Cases

This chart shows the number of open cases per Appeals Officer that were open on July 1, 2011. The shorter column represents cases that have been pending for 12 months or longer.



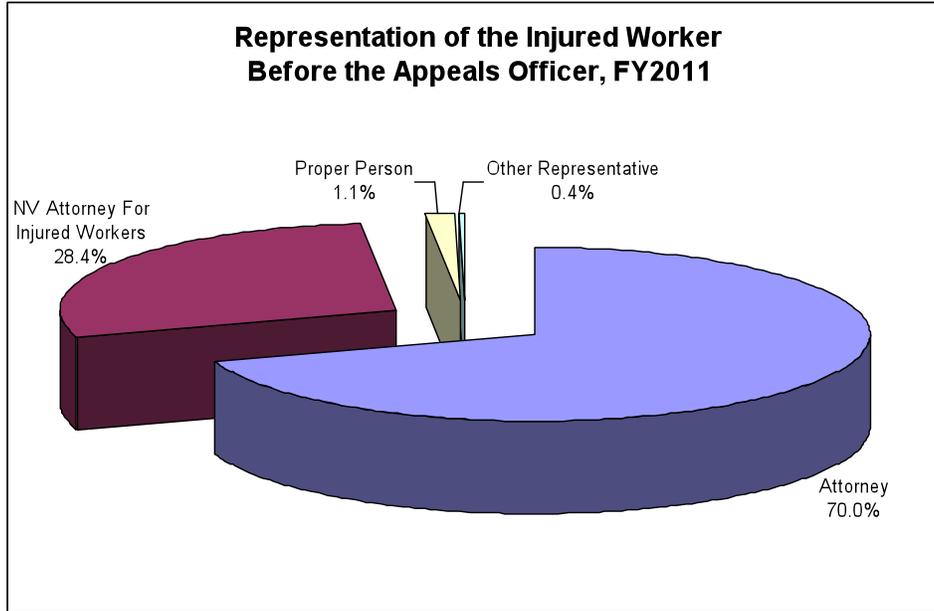
Issues on Appeal before the Appeals Officers

This chart shows the general issues that have been appealed to the Appeals Officers from Hearing Officer decisions. As the chart shows, claim denial and medical benefit issues comprise 79% of the issues that were appealed from Hearing Officer decisions to the Appeals Officer.



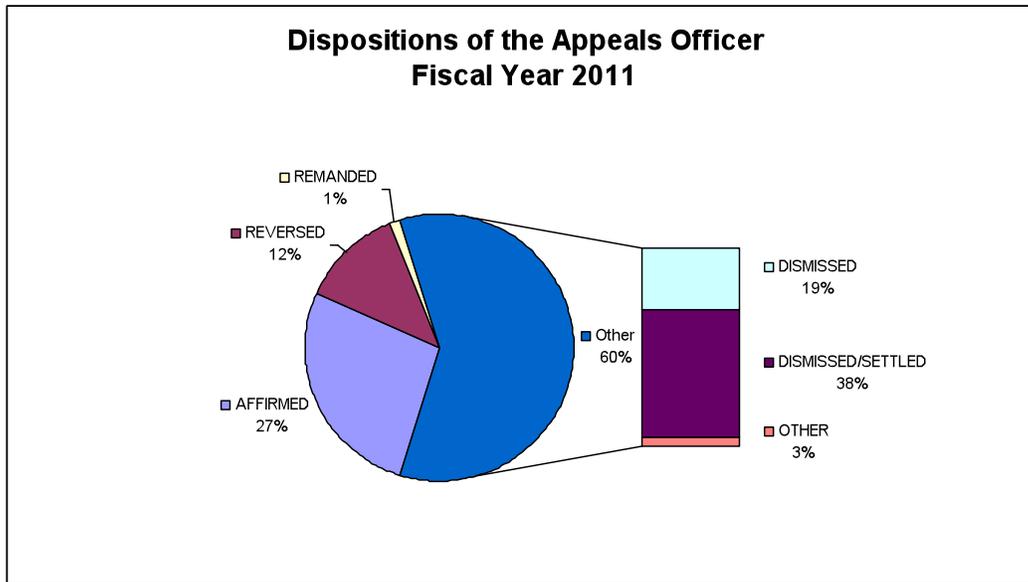
Representation before the Appeals Officer

This chart shows injured worker representation during the fiscal year. Injured workers are represented by counsel in 96% of the cases that come before the Appeals Officer.



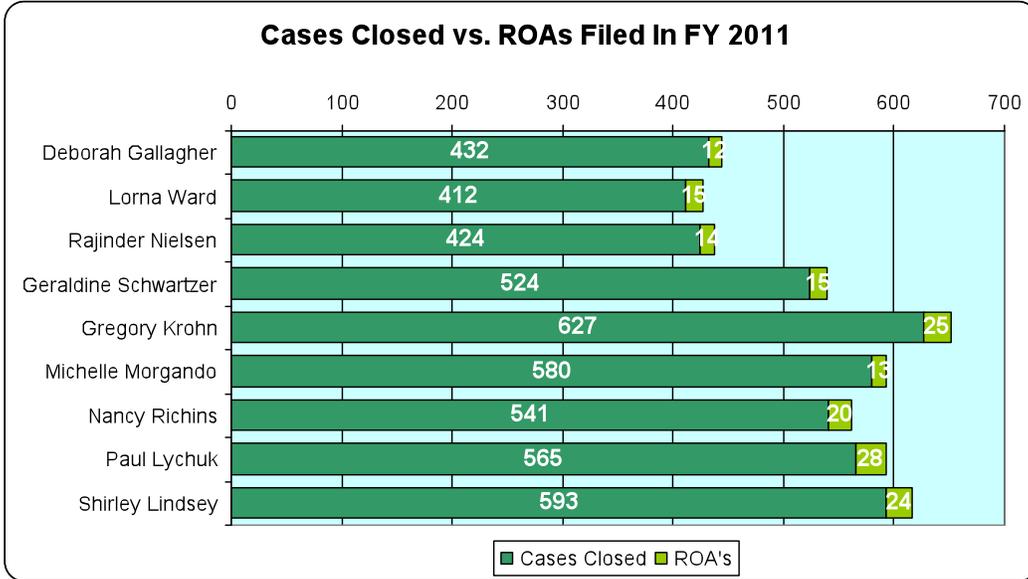
Disposition of Cases before the Appeals Officer

This chart shows the final disposition of cases before the Appeals Officers in fiscal year 2011.



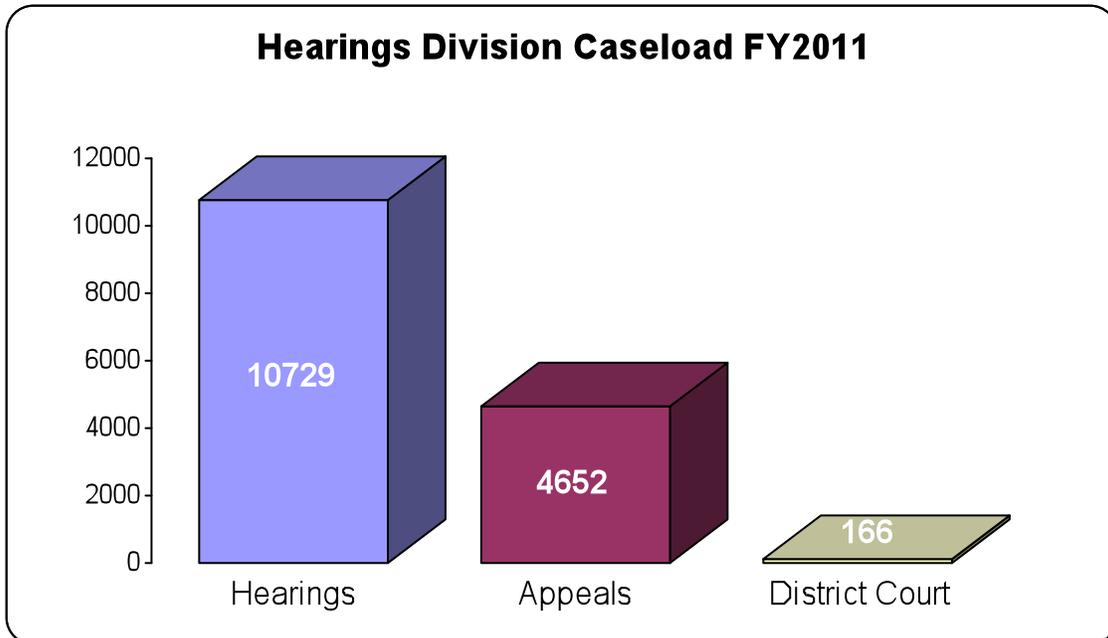
Appeals to the District Court

The following chart shows the number of Appeals Officer cases closed during the fiscal year. As this chart shows about 3.5% of the Appeals Officer decisions were appealed to the District Court.



Cases Resolved by Hearings Division

This final chart shows how many cases were resolved through the administrative appeals process of the Hearings Division in fiscal year 2011.



CONCLUSION

The quick resolution of workers compensation disputes is a critical component of Nevada's workers compensation system. The Hearings Division helps resolve thousands of disputed workers compensation cases every year in a timely, efficient, and cost effective manner.

In addition the Hearings Division serves several state agencies by conducting hearings in their disputed cases. This provides a reliable and cost effective appeals process for many Nevada agencies that must provide for administrative and judicial review of their decisions, but do not have the ability to conduct these proceedings themselves.

The statistics presented here, in the various charts and graphs, show the Hearings Division schedules, hears, and decides the cases within its jurisdiction, either by statute or inter-agency agreement, in a timely and responsive manner, while resolving nearly 99% of the cases that come before the agency, without further judicial review.