

Steve Sisolak
Governor



Laura E. Freed
Director

Matthew Tuma
Deputy Director

Michelle L. Morgando, Esq.
Senior Appeals Officer

STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION

Northern Nevada:

Hearing Office

1050 E. Williams St. Ste. 400
Carson City, Nevada 89701
(775) 687-8440 | Fax (775) 687-8441

Appeals Office

1050 E. William St. Ste. 450
Carson City, Nevada 89701
(775) 687-8420 | Fax (775) 687-8421

Hearings Division

<http://hearings.nv.gov/>

Southern Nevada:

Hearing Office

2200 S. Rancho Drive, Ste. 210
Las Vegas, Nevada 89102
(702) 486-2525 | Fax (702) 486-2879

Appeals Office

2200 S. Rancho Drive, Ste. 220
Las Vegas, Nevada 89102
(702) 486-2527 | Fax (702) 486-2555

Hearings Division FY 2019 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 following state agencies:

- Department of Employment, Training, and Rehabilitation,
- Nevada Medicaid,
- Department of Public Safety's Division of Emergency Management,
- Department of Business and Industry, Division of Financial Institutions,
- Department of Business and Industry, Mortgage Lending Division,
- Division of Human Resource Management, for the State Personnel Commission.

The Division has offices in Las Vegas at 2200 South Rancho Drive, and in Carson City at 1050 E Williams Street.

Division Mission Statement:

The mission of the Hearings Division is to provide fair and independent dispute resolution hearings in a timely and cost-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. All hearings are 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.

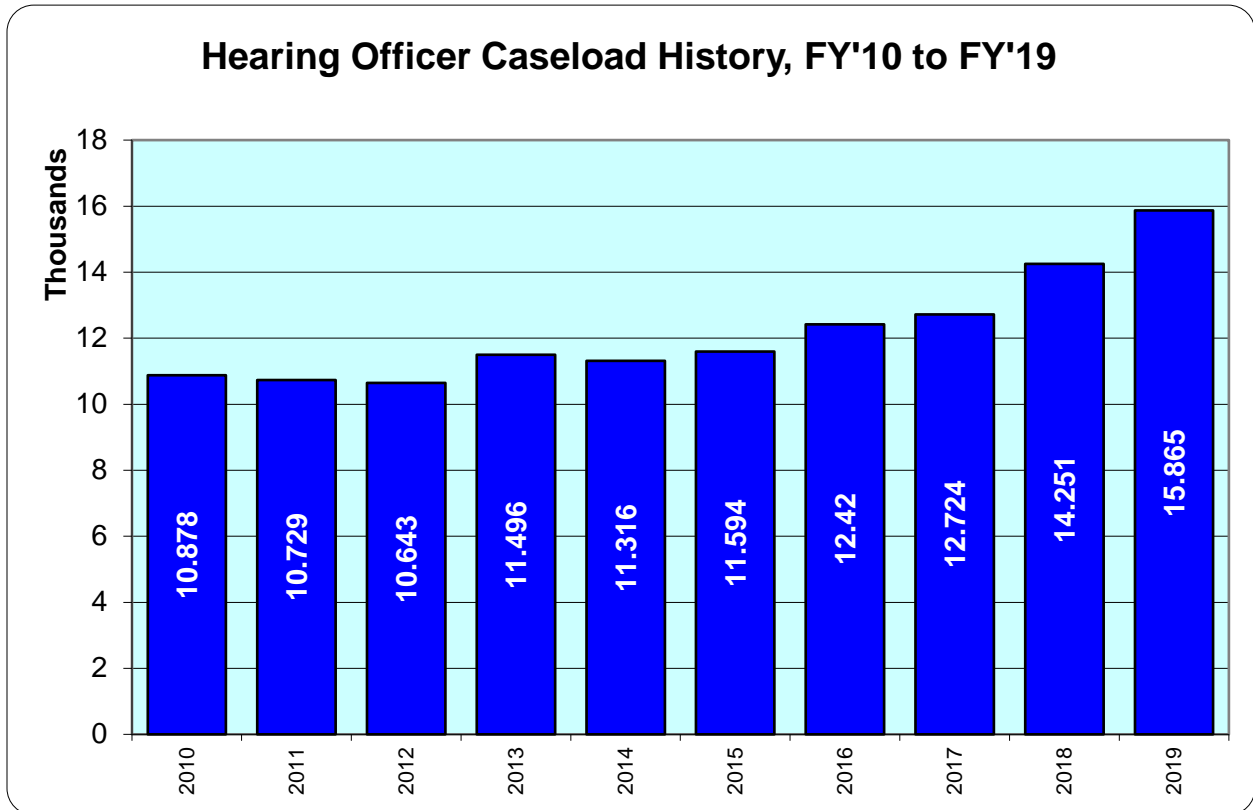
Workers compensation appeals and Victim of Crime Program appeals begin with the Hearing Officer, and may be appealed to the Appeals Officer. All other matters are initiated at the Appeals Officer level.

This report is based on data from July 1, 2019 to June 30, 2020. During this period the Hearings Division scheduled **23,163** hearings statewide. Hearings Officers scheduled **15,865** hearings and Appeals Officers scheduled **7,298** cases.

The following first series of charts relate to the Hearing Officers. Appeals Officers statistics follow.

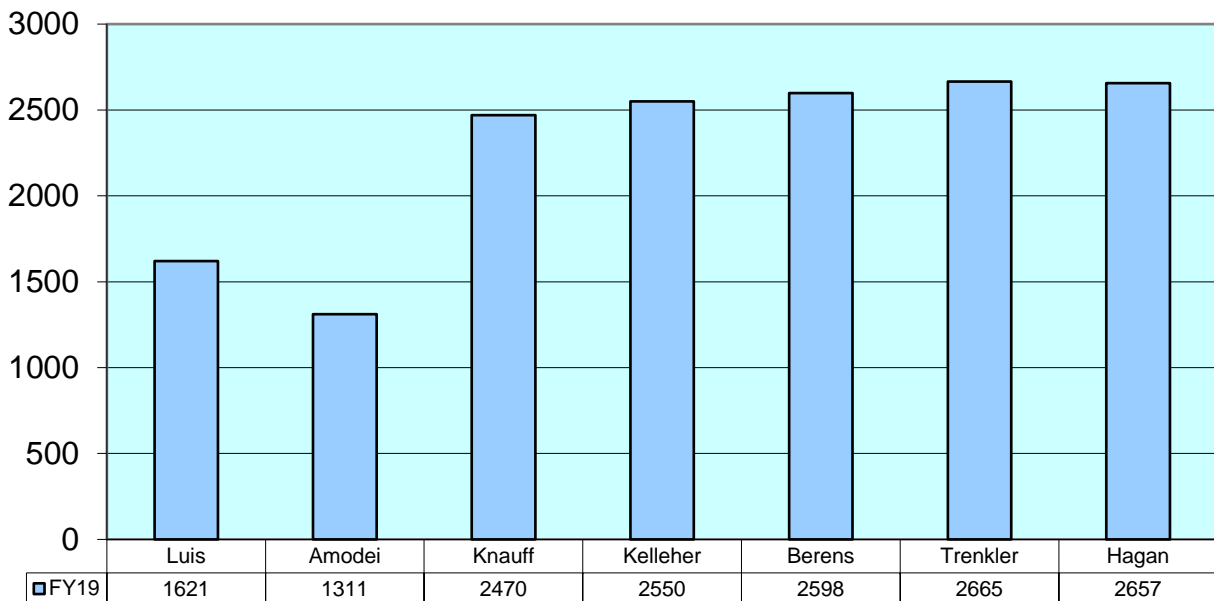
HEARING OFFICERS STATISTICS

As the following chart shows the combined Hearings Officer caseload has averaged 12,200 cases annually for the last ten years.



This chart shows the number of cases assigned per Hearings Officer in fiscal year 2019. The last five bars in the chart are the Hearing Officers in the Las Vegas Office, and the first two bars represent the Carson City Hearing Officer caseload.

Total Cases Assigned FY'19

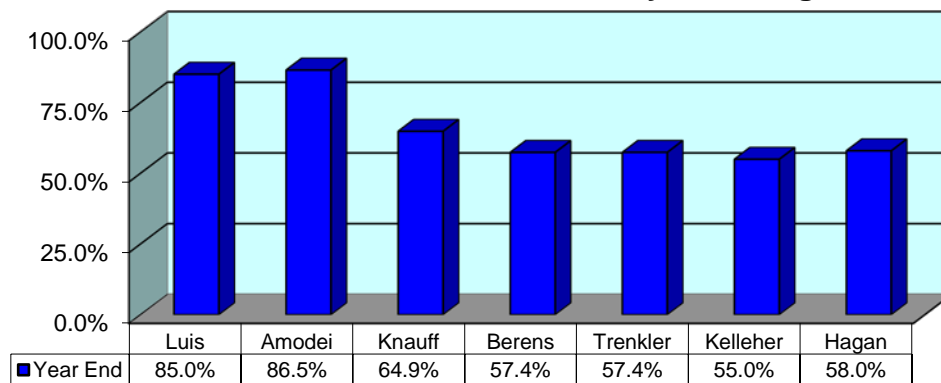


Statutory Requirements for Timeliness

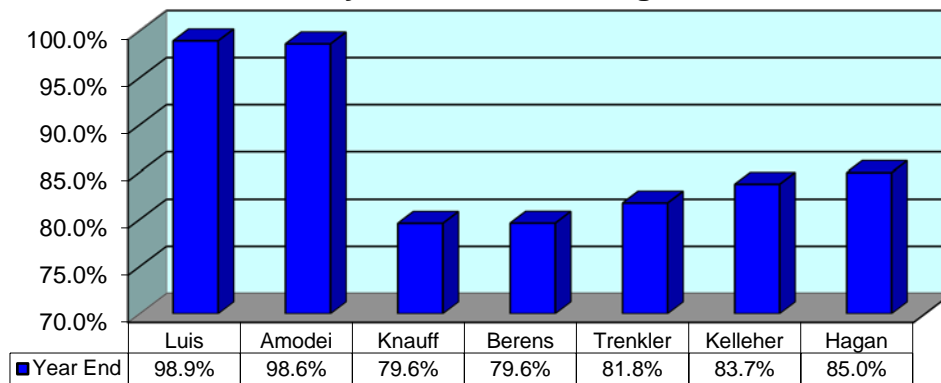
Nevada law sets forth several timeframes for scheduling and deciding cases. In workers compensation appeals deadlines for scheduling cases, providing notice, and deciding cases are all set forth in statute. For instance NRS 616C.330 requires the Hearings Officer to schedule a hearing within 5 days of 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:

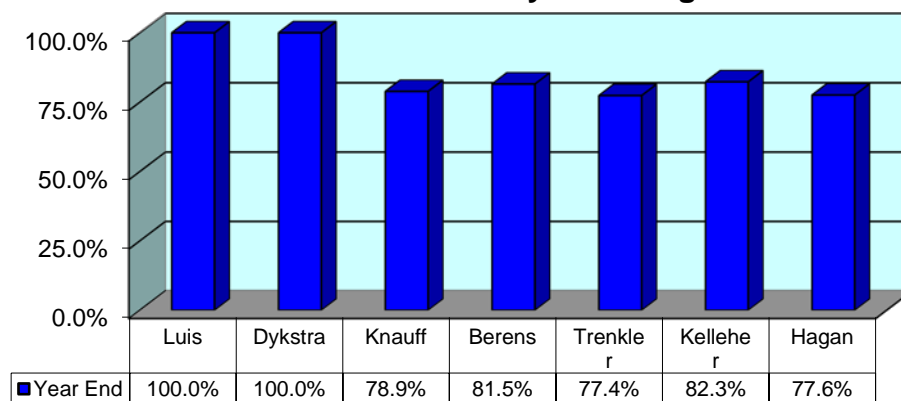
Scheduled within 5 Days of Filing



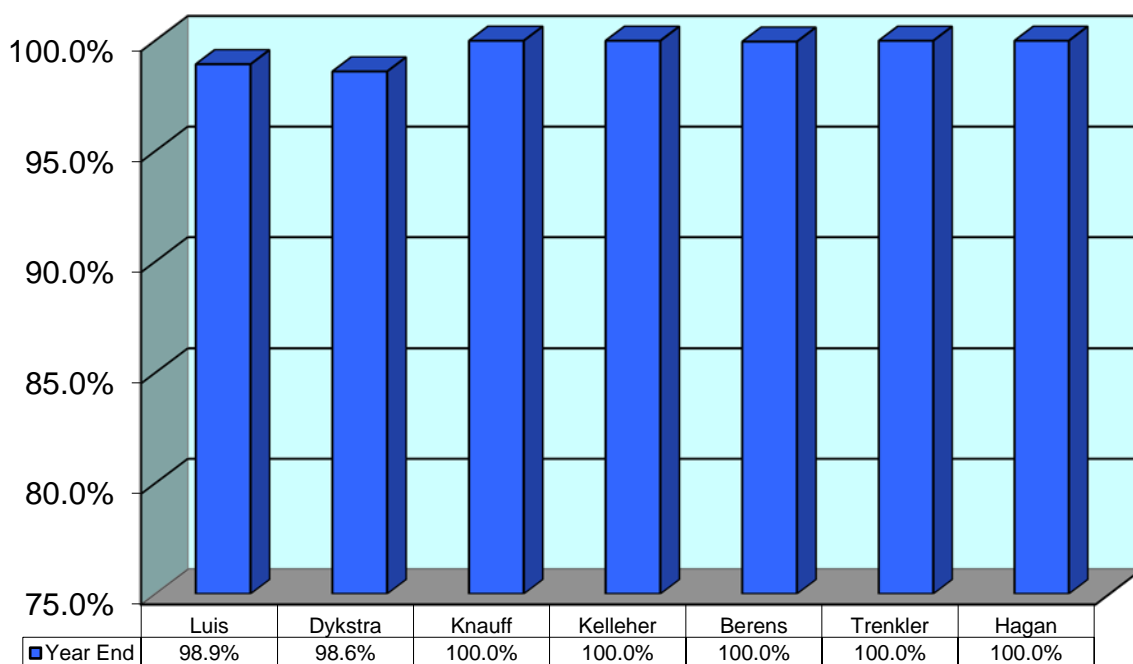
15 Days Notice of Hearing Given



Calendar in 30 Days of Filing



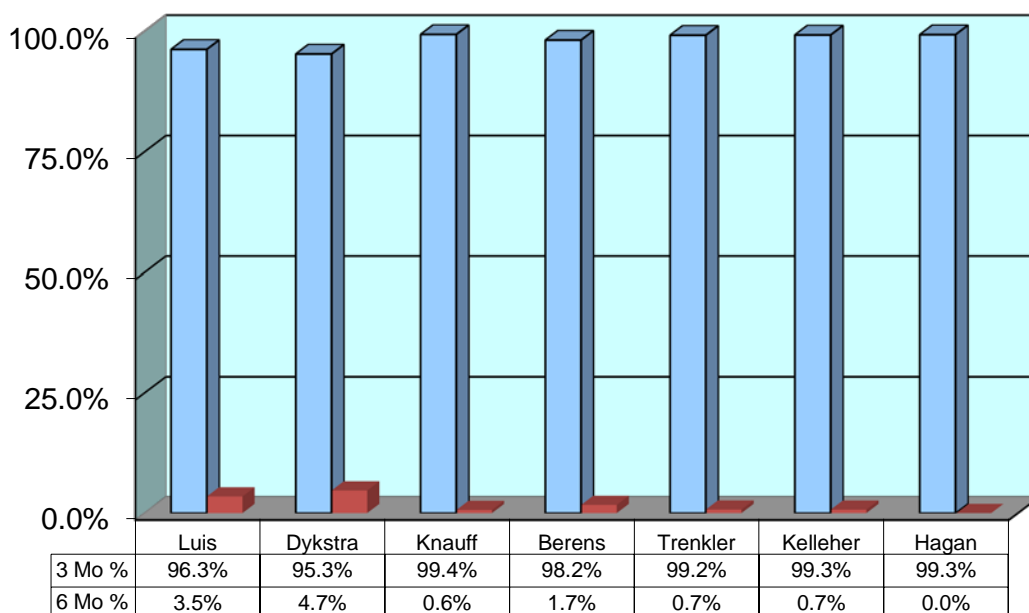
Decisions Rendered within 15 Days



Performance Goals

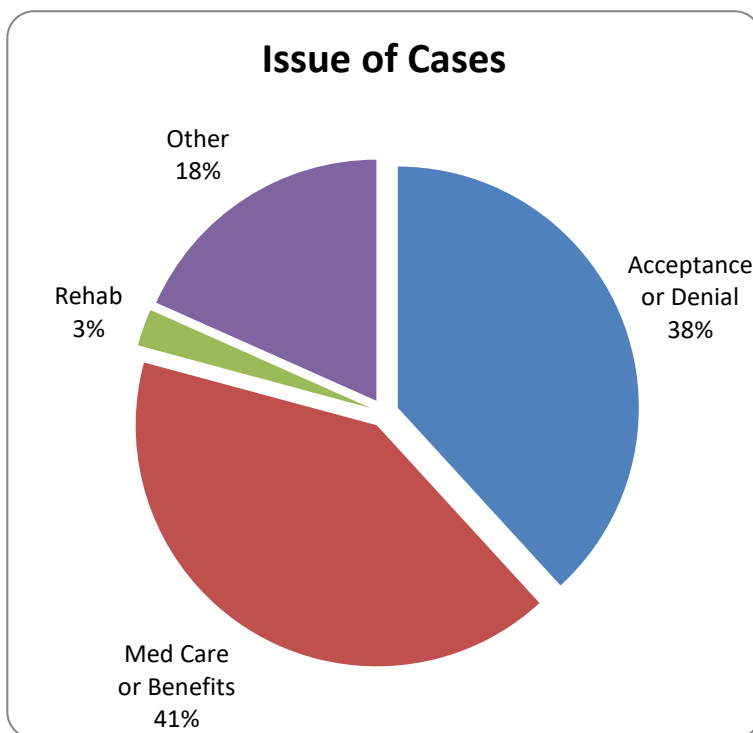
Hearing Officers strive to decide cases in a timely manner and are encouraged to keep cases on track to insure they are timely decided. In addition to the statutory timeframes the Division has set performance goals for managing the Hearings Officer caseloads. The following chart shows the time cases are closed at the Hearing Officer level. As this chart shows 98.5% of all cases are resolved at the Hearing Officer level in less than 90 days.

Cases Closed Within 3 Months And 6 Months



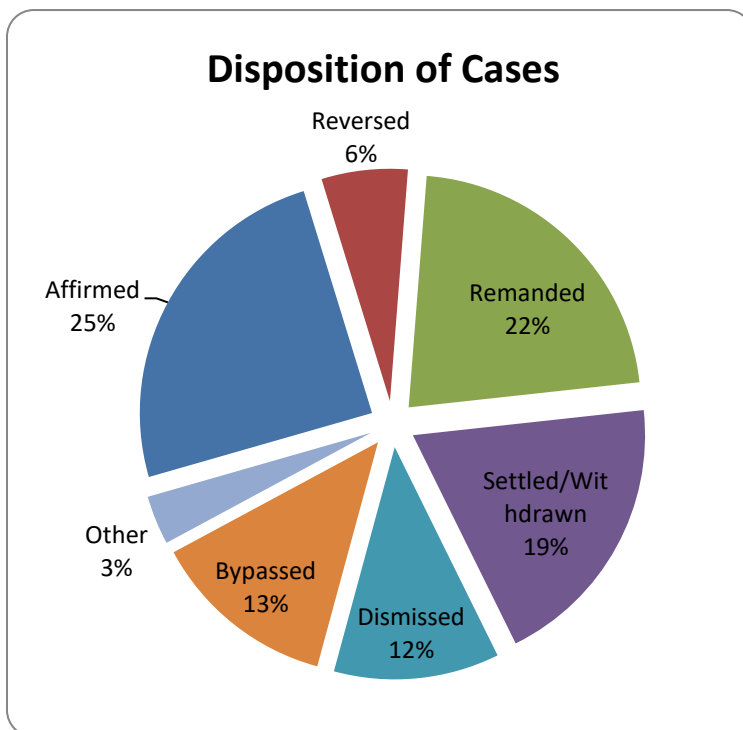
Issues before the Hearings Officer

This chart shows the issues that are appealed to the Hearings Officers. Claim denial and medical benefit issues make up 79% of the issues appealed to the Hearings Officers from insurer determinations.



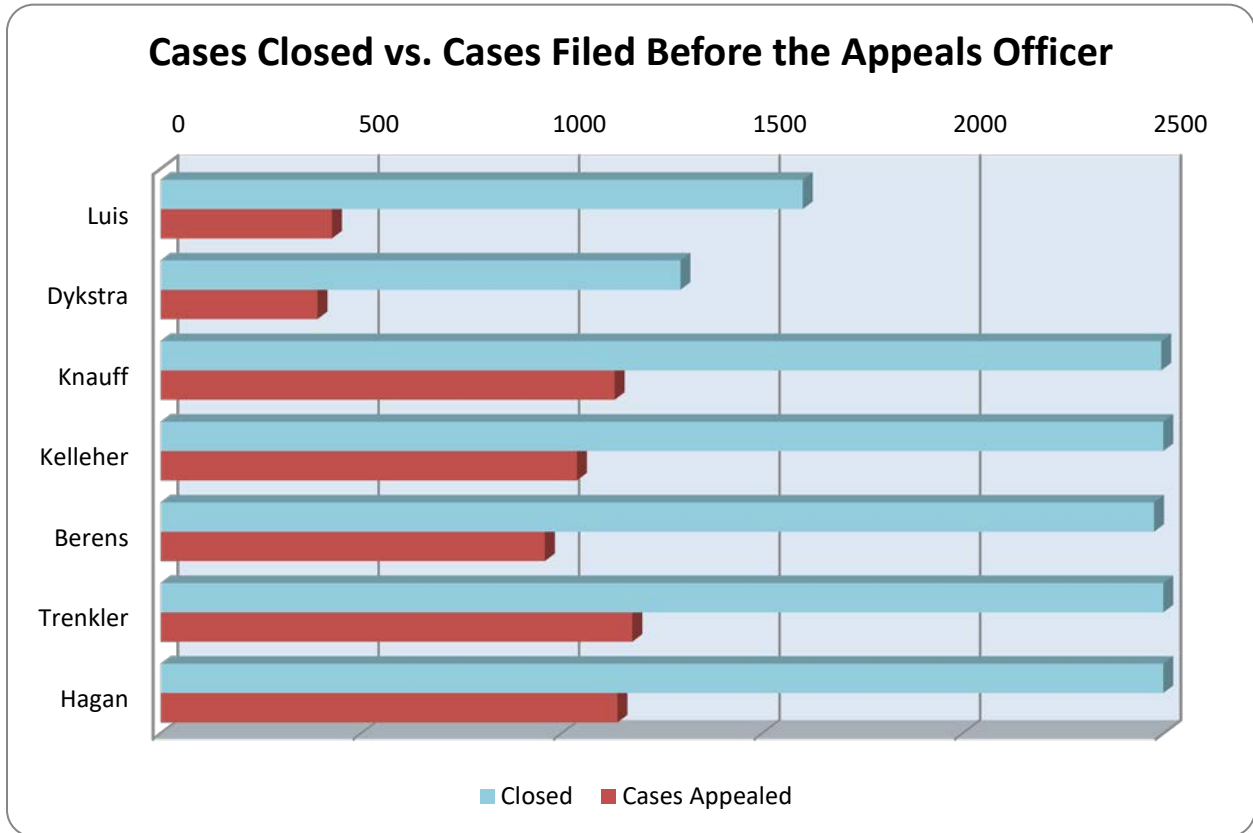
Disposition of Cases before the Hearings Officer

This chart shows the disposition of cases at the Hearing Officer level.



Hearing Decisions Appealed to the Appeals Officer

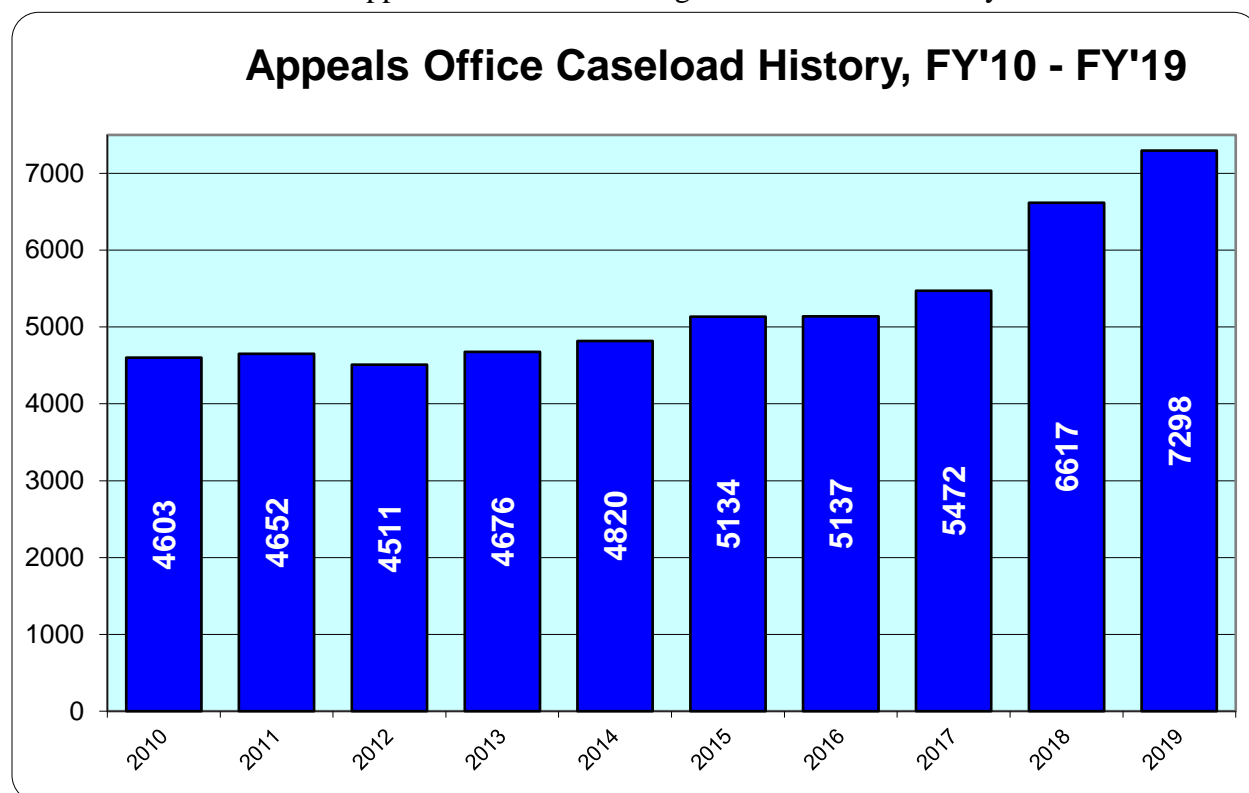
This chart shows the number of hearings held by each Hearing Officer and the number of cases that were appealed to the Appeals Officer. The Hearing Officers resolved 40.0% of the cases they scheduled for hearing.



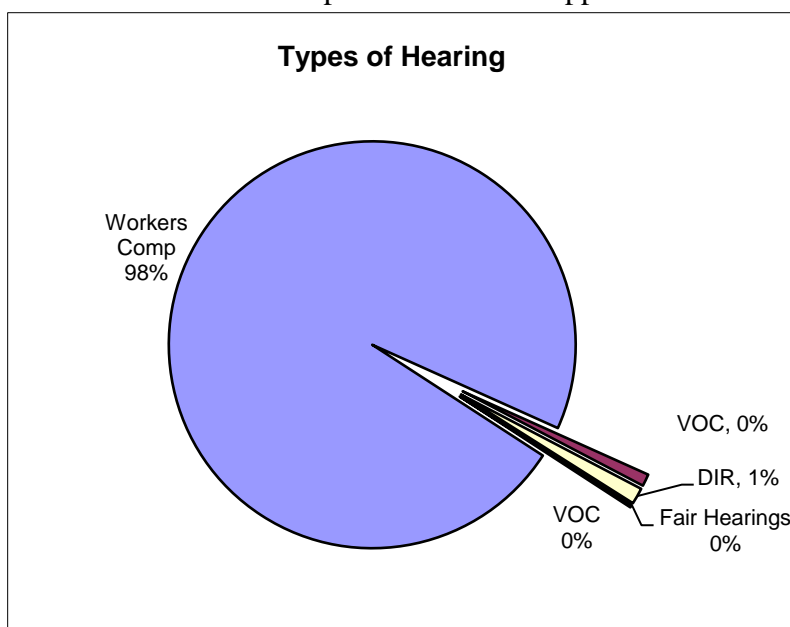
APPEALS OFFICERS STATISTICS

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, etc. are initiated at the Appeals Officer level.

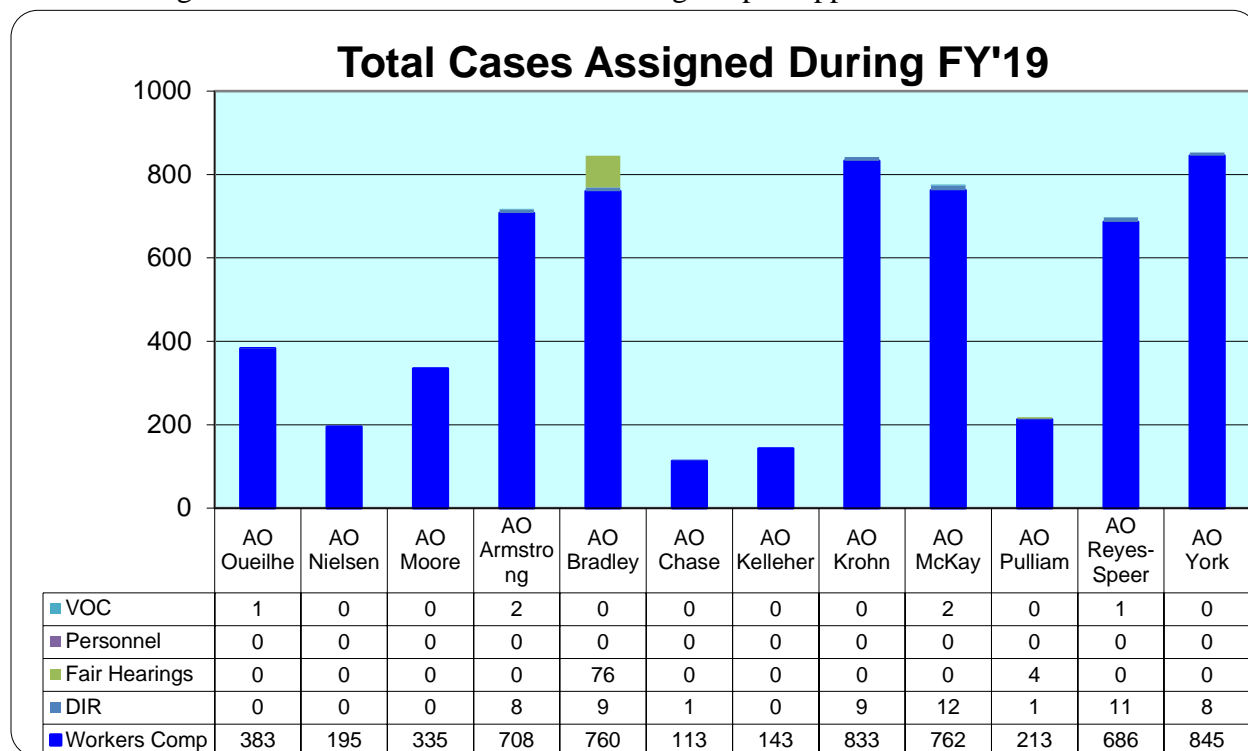
This first chart shows the Appeals Officer caseload growth over the last ten years.



This next chart shows the Appeals Officer Caseload by type of case. Workers compensation and Division of Industrial Relations cases comprise 99% of the Appeals Officers caseload.



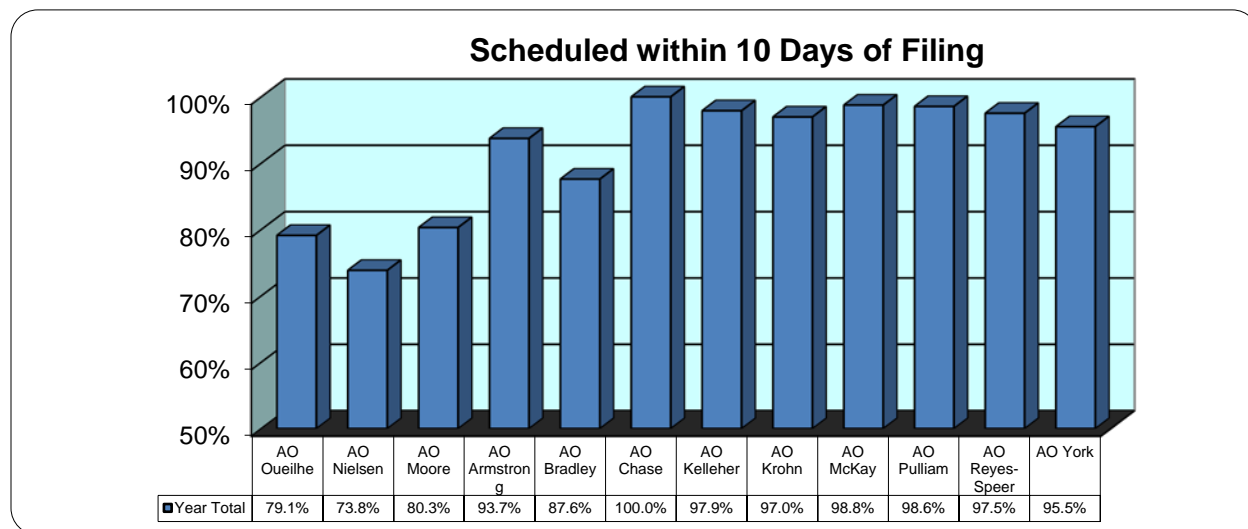
The following chart shows the number of cases assigned per Appeals Officers.



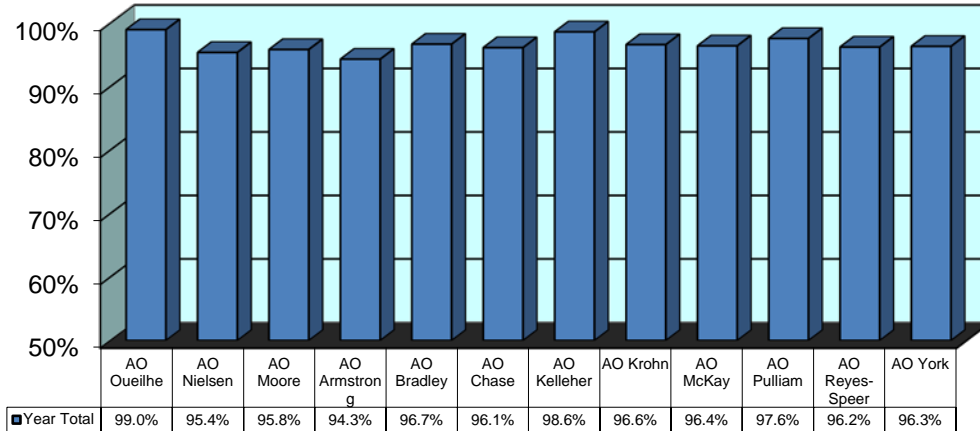
Statutory Scheduling Timeliness

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.

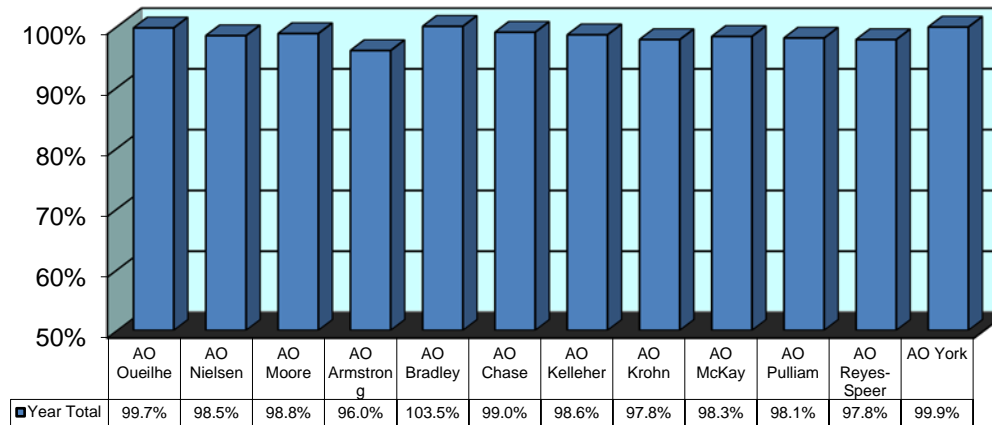
The next four charts show the individual Appeals Officers compliance with these deadlines:



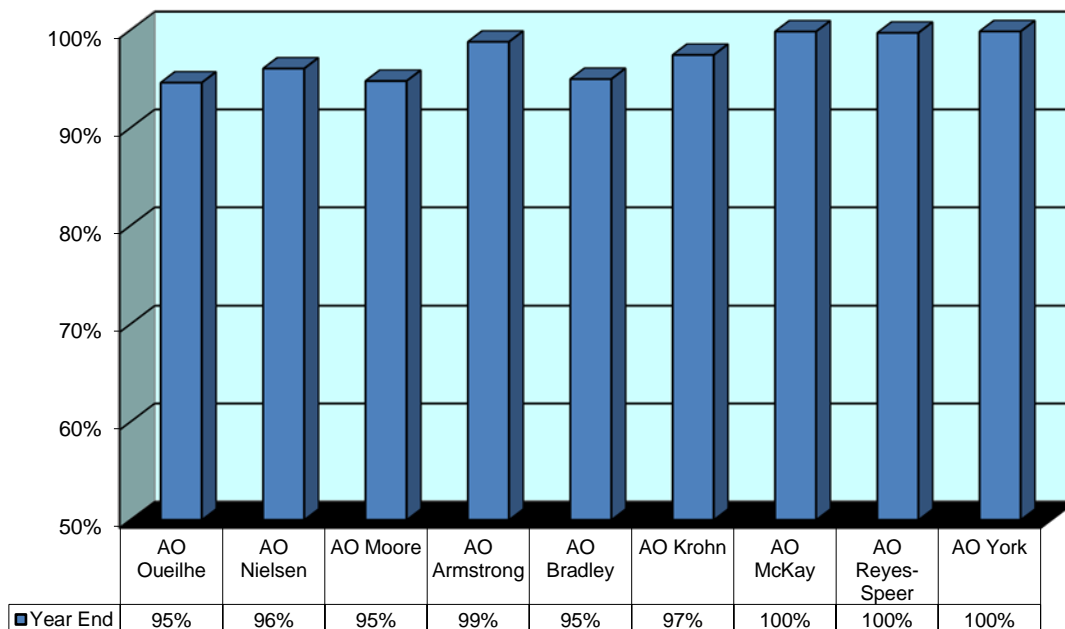
30 Days Notice of Hearing Given



Calendar in 90 Days of Filing

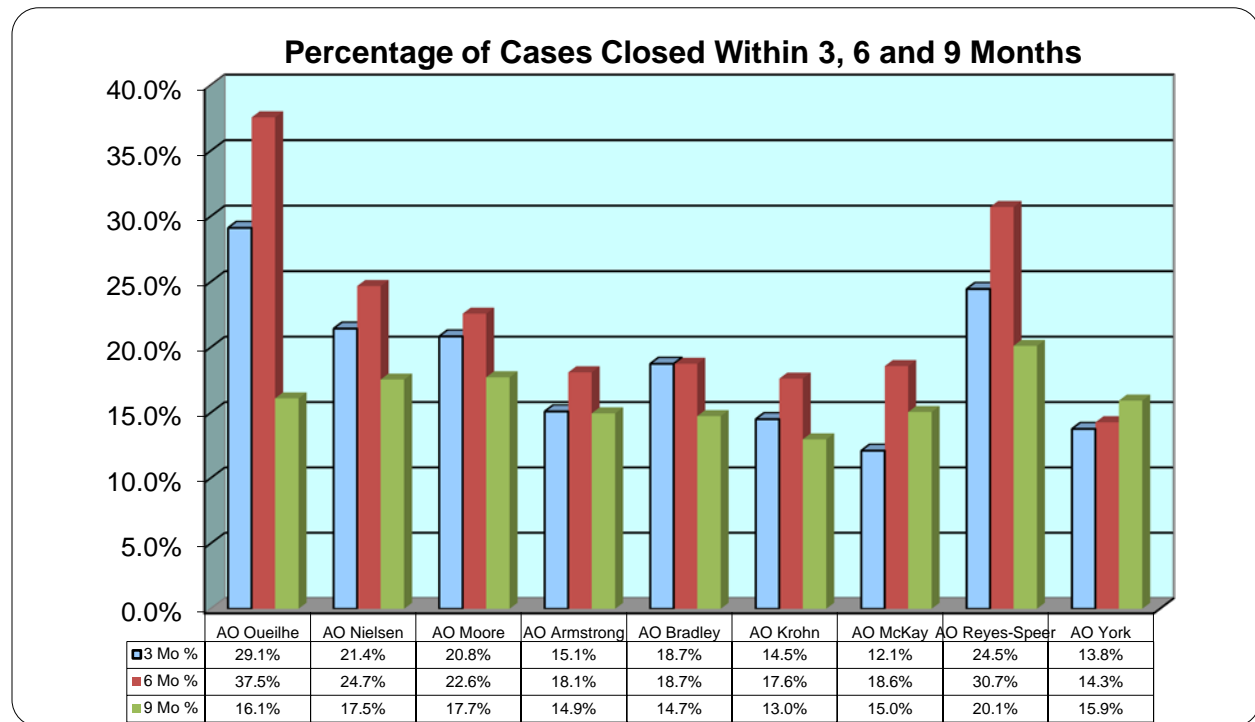


Decisions Rendered within 30 Days



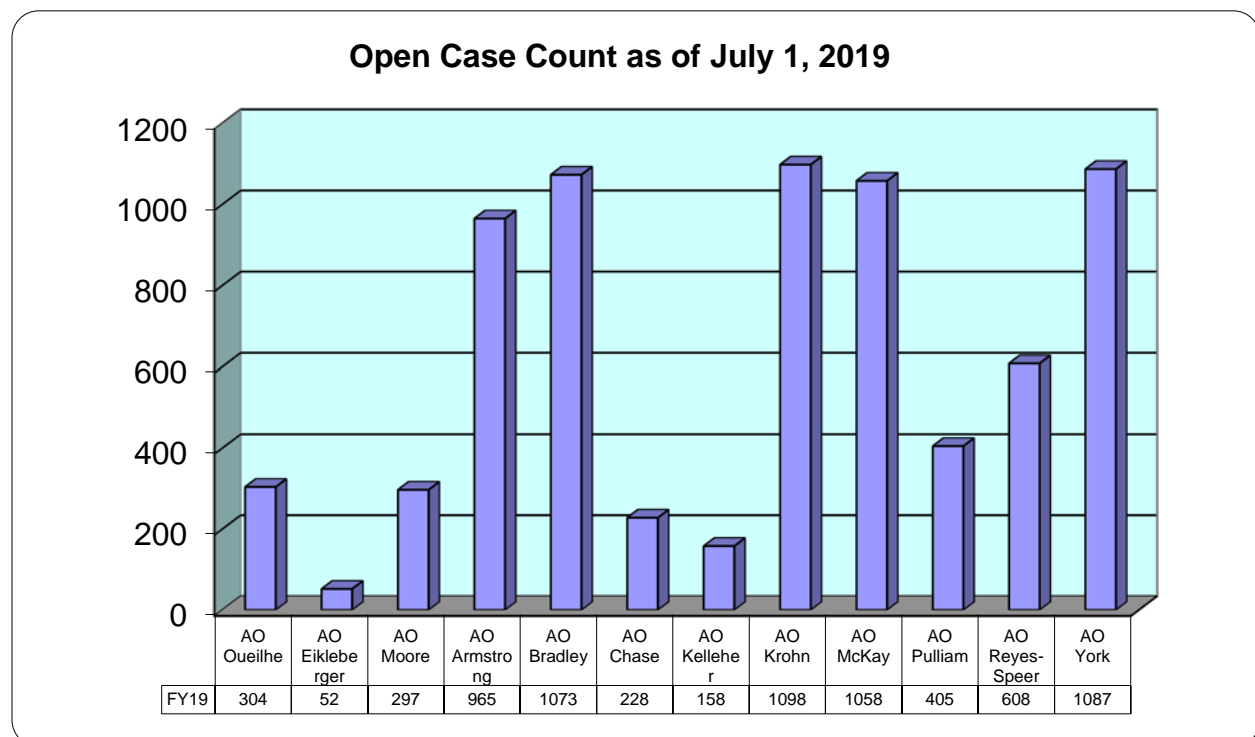
Performance Goals

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.



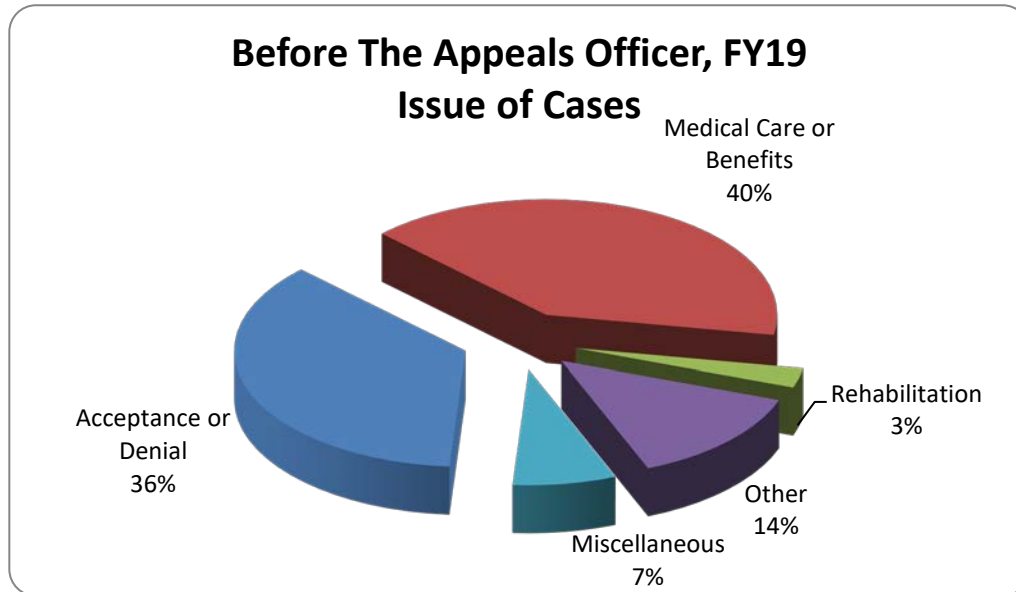
Appeals Officers Open Cases

This chart shows the number of open cases per Appeals Officer that were open on July 1, 2019.



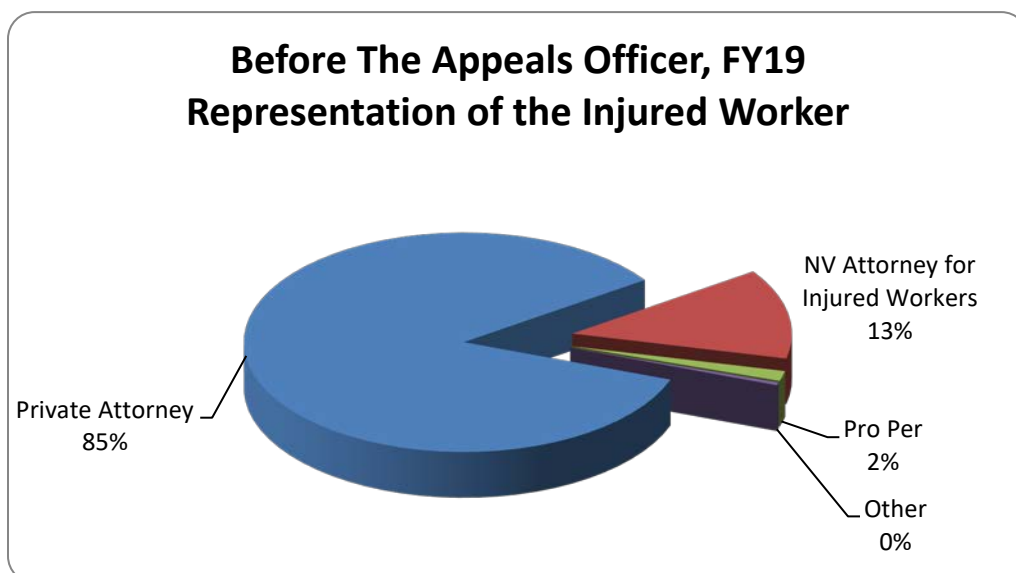
Issues on Appeal before the Appeals Officers

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 76% of the issues that were appealed from Hearing Officer decisions to the Appeals Officer.



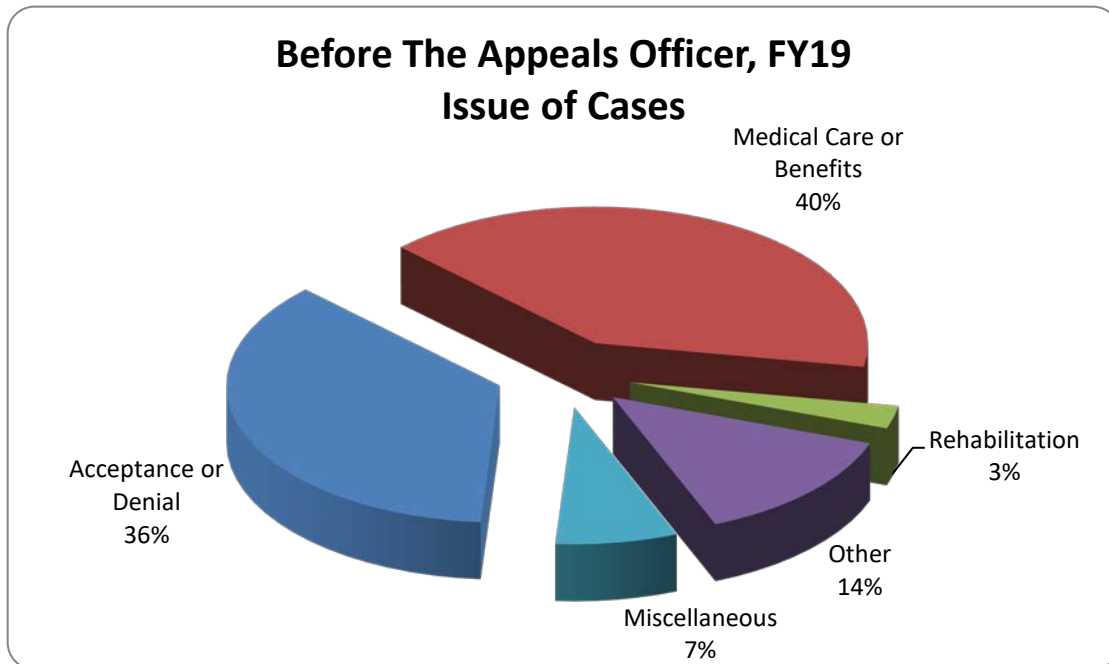
Representation before the Appeals Officer

This chart shows injured worker representation during the fiscal year. Injured workers are represented by counsel in 98% of the cases that come before the Appeals Officer.



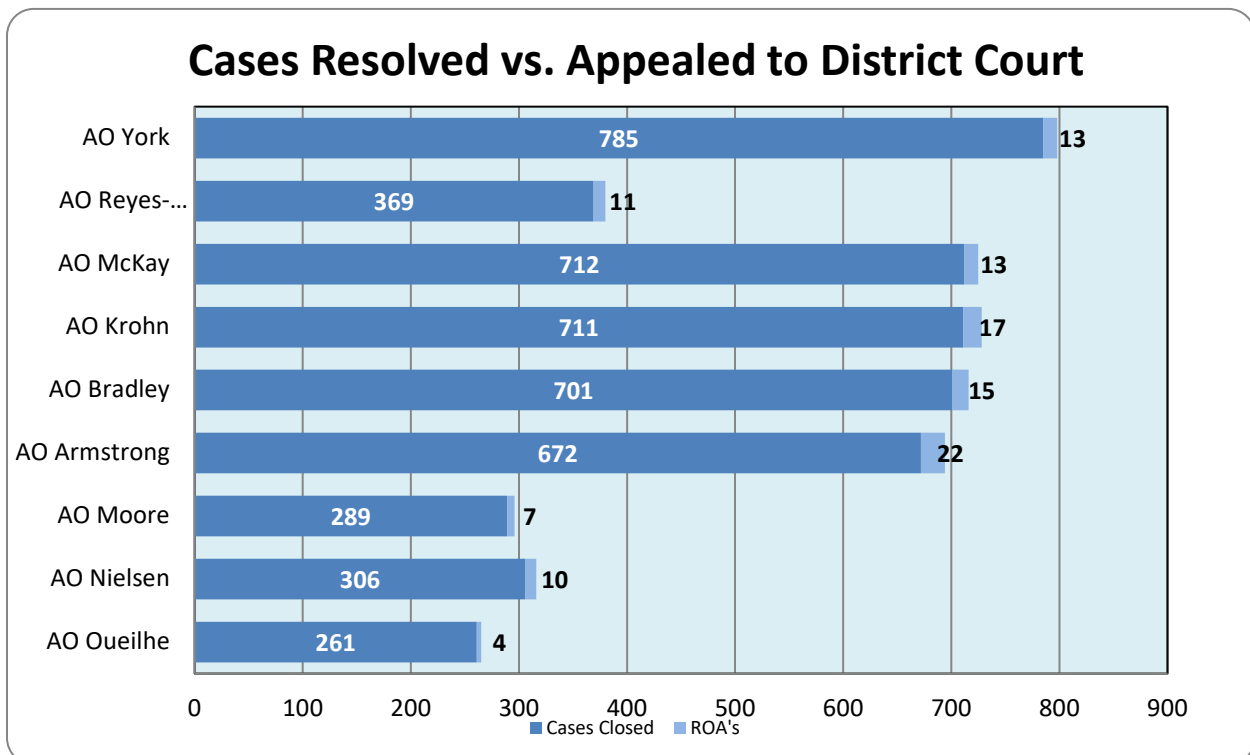
Disposition of Cases before the Appeals Officer

This chart shows the final disposition of cases before the Appeals Officers in fiscal year 2019.



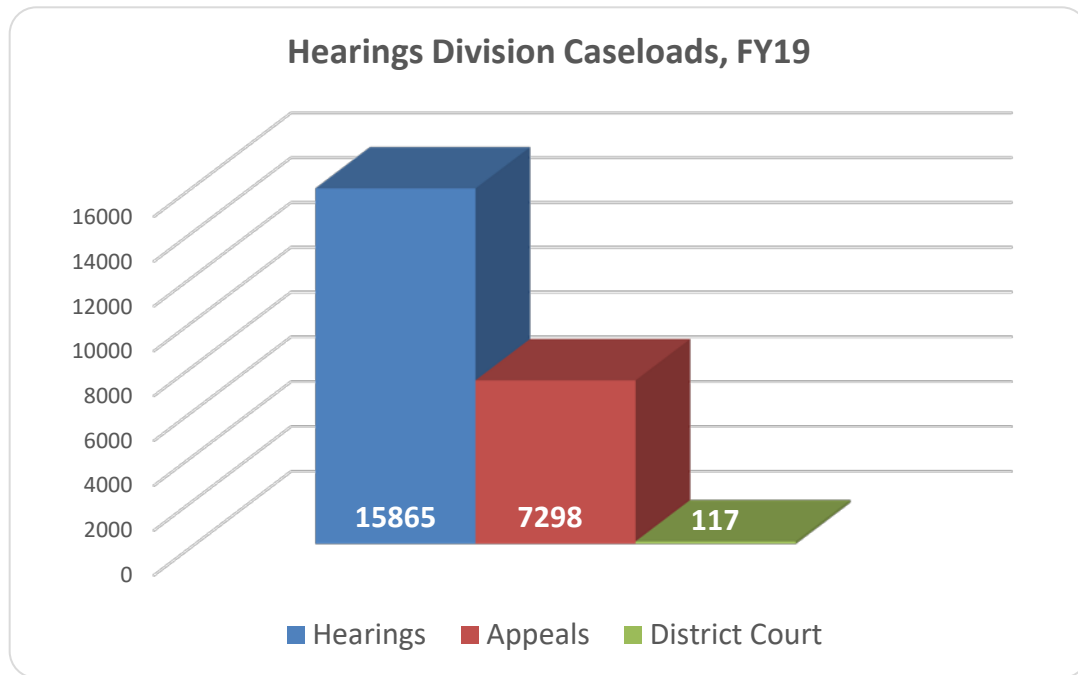
Appeals to the District Court

The following chart shows the number of Appeals Officer cases closed during the fiscal year. As this chart shows 2.4% 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 2019.



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 or resources 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.