

Risk Management Division Workers' Compensation Program

Police/Fire Heart and Lung Program Revised May 2016

This program is governed by NRS 617.455 and 617.457 and Nevada Administrative Code Chapter 617. The above laws and regulations outline the requirements for police officers, firefighters and other positions identified under NRS 617.135, who develop heart or lung disease after 2 years of continuous uninterrupted service, to a conclusive presumption that the disease is work related, provided that the employee submits to required physical exams and takes action to correct pre-disposing conditions that lead to these diseases when ordered to do so by the examining physician. Eligible employees who have claims accepted will receive lifetime medical benefits and the opportunity to elect permanent total disability if a physician determines they are unable to continue to work as a police officer or firefighter. This is a valuable workers' compensation benefit that is not enjoyed by other groups of employees and is completely separate from regular health plan benefits. Claims costs related to this special benefit can be quite significant-averaging over \$500,000 each when permanent total disability is involved.

The State Administrative Manual-Section 0524 identifies the role of Risk Management as it relates to the coordination and oversight of a statewide/agency-wide policy and procedures and the procurement and oversight of independent contracts for the provision of the physical exams that are required to be paid for by the employer. In addition this section identifies Risk Management's responsibility to develop, coordinate, and oversee the implementation of a loss prevention plan to minimize workers' compensation costs related to claims for eligible employees. Affected agencies are required to implement the policy and procedures established by Risk Management.

History:

Between the period of 1990 and 1999 the incidence rate and cost of workers' compensation claims related to these benefits increased significantly and was adversely affecting the premium costs to the State. Most agency's affected by these laws did not have dedicated or trained personnel who were able to follow up as necessary to ensure that the state, as an employer, was meeting its requirements under the applicable laws and regulations and taking steps to prevent claims and minimize costs.

In 1997 the Risk Management Division agreed to solicit and oversee statewide contracts for the provision of the employer funded physicals as there were multiple contracts in place. The State was not receiving the financial benefits available through volume and there were significant duplicate administrative efforts and costs being dedicated to these contracts. The first year process in coordinating these contracts brought to light the management and policy deficiencies that were contributing to the increase in these type of claims and a lack of consistency among agencies in the implementation of their programs.

The 1999 Legislature authorized Risk Management to hire a Health Program Specialist to dedicate to the coordination, implementation and oversight of a comprehensive statewide/agency-wide prevention and oversight program for state firefighters, police officers and police officers as defined in NRS 617.135.

Health Program Specialist's Role

Specific duties of this position include:

- Monitor the statewide contractors and resolve issues with agencies.
- Monitor agency compliance with established program requirements.
- Review results of all physical exams and follow up as necessary.
- Educate agency representatives and employees on the goals and requirements of the program.
- Coordinate the services of a contract vendor to serve as a personal resource to employees who are serious about addressing their health issues and who desire to seek assistance and guidance in accomplishing this.
- Oversee the facilitation of a statewide/agency-wide wellness and fitness program.
- Monitor workers' compensation claims to ensure consistency and quality of medical services provided to employees.

The results of all physical exams are reviewed by the Health Program Specialist. When the examining physician identifies and orders the employee to correct predisposing risk factors, a letter is forwarded to the employee with applicable prevention information and an offer to provide assistance or further information. The intention of the Health Program Specialist's follow-up letters is as follows:

1. To summarize and reiterate the physician's findings and identify specific health factors that were addressed.
2. To clarify that the benefits being jeopardized are the heart/lung benefits under workers' compensation and not the regular State employee health plan benefits (there is a lot of confusion about this among employees) and to identify the specific statute that applies.
3. To encourage the employee to follow-up and develop a healthier lifestyle; to provide supportive preventative literature and information and to offer a resource to address questions, clarifications or assistance as needed.

A letter is also forwarded to the designated agency representative, with a copy to the agency personnel officer. The designated agency representative is considered the "employer" for the purposes of fulfilling the requirements of NAC 617.080 (3 and 4) and is responsible to counsel the employee as required. The letter to the designated representative is intended to alert them to the requirement to counsel the employee and to request that they support and encourage the employee to respond to the physician's order to correct predisposing risk factors and accomplish improvements.

Program Goals:

The overall goals of this program are to:

- Ensure that the State of Nevada meets the obligations of an employer as required by NAC 617.080 and the applicable NRS;
- Ensure that communication is made with the employee so that he or she understands the significance of the predisposing risk factors and the need to

address them in order to preserve their eligibility for benefits under the workers' compensation heart/lung program

- Prevent claims and minimize workers' compensation costs