

# *Nevada* Workers' Compensation Law Blog

NEWS & UPDATES ON WORKERS' COMPENSATION LAWS & HELPFUL INFORMATION ON THE CLAIMS PROCESS

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## Signing Off on a Claim

Many injured workers who call me for information about how to reopen their Nevada workers' compensation claim tell me that they regret "signing off on their claim", and that they wish they had kept their claim open for medical care. It is true that when an injured worker signs the paperwork to receive a permanent partial disability award (the PPD award) in a lump sum, the injured worker agrees with the closing of the claim, except for any vocational rehabilitation benefits. However, it is a mistake to think that by not signing for a PPD award in a lump sum, the injured worker can prevent the claim from closing medically.

In order to prevent the claim from closing for medical care, the injured worker must file a request for hearing when the insurer sends a determination letter stating that the claim is closed. Then after filing this appeal on time (70 days after the insurer's letter closing the claim), the injured worker must get a doctor to write that additional medical care is necessary. The insurer would not have closed the claim if the treating physician had not reported that more care isn't necessary.

A hearing officer will not order the insurer to keep the claim open unless the injured worker is able to convince the hearing officer that, contrary to what the treating doctor said, more medical is in fact required. Most hearing officers are not likely to simply take the injured worker's word that more care is necessary.

That means that the injured worker will probably have to use private insurance or pay to get a differing medical opinion from another doctor.

The injured worker should come to the hearing prepared, with a copy of the new medical report for the hearings officer and one for the insurer. If the new report is persuasive, the hearings officer may then order the insurer to keep the claim while the insurer schedules a visit to a doctor on the insurer's provider list.