

Nevada Workers' Compensation Law Blog

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5 Secrets to Overcoming the Drag Factor

[Buzzwhack.com](http://buzzwhack.com) has coined the term **drag factor** for a person, issue, or process that delays a key decision. More injured workers cite the drag factor and their frustration caused by unnecessary or excessive delay in getting action on their claim as the primary reason for hiring an attorney to help them. Here are my 5 secrets for overcoming the drag factor and getting the adjuster to act :

1. Be reasonable in what you request the adjuster to do.

For example, when you request a change of physicians, be aware that the adjuster cannot authorize you to treat with a doctor who is not on the insurer's provider list. So, don't bother asking to treat with a doctor who isn't on their list. Similarly, don't ask the adjuster to pay you benefits if your doctor hasn't taken you off work. Know what your rights are before you make your request to the adjuster.

2. Know how long the adjuster has to respond to your request.

Most of the time, the adjuster has 30 days to make decisions on your claim, and to respond to a request. However, the law provides that the adjuster must respond to a physician's request for authorization for a medical procedure, or diagnostic testing, within 5 working days. Allow at least a week for the adjuster to review and act on your request before you call the adjuster. Bombarding the adjuster with daily phone calls, faxes or emails simply annoys the adjuster and is less likely to get a quick response.

3. Ask in writing, and keep a copy of your request.

Because appeal times are triggered by written denials or a failure by the adjuster to respond to a written request, you must follow up any phone conversation with the adjuster with a written request. You want to document that you made a request for action by the adjuster, and that it was denied, or that there was no response by the adjuster.

4. File an appeal if there is no response.

You can file a request for hearing [form](#) with the Department of Administration if the adjuster fails to respond to your written request after 30 days. Attach a copy of the written request you made to the appeal form. Don't file an appeal until you have first given the adjuster 30 days to respond.

5. File a written complaint with the DIR.

If the adjuster is continually ignoring your requests for action on your claim, write a letter complaining about what is happening on your claim to the [DIR](#). Make sure that you copy the adjuster on this letter. Often just writing such a letter is enough to prompt the adjuster to take appropriate action on your claim.

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