

Present: McKissick, Hilbrecht, Capurro, Lingenfelter, Ashworth,
Dini, Hafen, Branch, Poggione

Others Present: Robert T. Adams, 2640 Coppa Way, Sparks
George Pambrun (ITC), 572 River St., Elko
Charles Hopewell, 4055 S. Virginia, Reno
Don Day, 2571 Lennox Lane, Sparks
Ollie Westbrook, 345 Westbrook, Black Springs
J.B. Rawlings, 1961 I St., Carson City
Rev. Eddie Hill, P.O. Box 198, Black Springs
Agnes Marsh, 1426 Silverada, Reno
Calvin Kitts, Rt. 1 Bx. 226, Fallon
Bill Mally, 1005 S. Minnesota, Carson City
Patty Giovacchini, 1013 N. Mountain, Carson City
Claude Evans, 597 Burton, Henderson
George F. Allison, P.O. Box 1363, Carson City
William Ladd, 775 Gentry Way, Reno
Gordon Rice, Attorney, 214 Stewart St., Reno
N.I.C. representatives

Chairman McKissick convened the hearing at 10:10 A.M. for the purpose of allowing interested parties to speak on N.I.C. matters for the Commerce Committee's information in considering A.B. 13, 32, 234, 239, and 268. He said that N.I.C. personnel were asked to be present to answer any questions pertaining to clarifying matters for those present.

The following people presented their testimony or questions:

Robert T. Adams: Mr. Adams said that he is presently under N.I.C. monthly compensation and receives \$282.00 per month which, he said, was inadequate to pay his monthly expenses. He said N.I.C. paid his hospital and doctor bills but they do not pay his transportation to get the necessary physical therapy prescribed by his physician as they have a set ruling on how many miles you must live outside the area of your treatment. He said he has had to miss some treatments which are necessary to his recovery due to the fact his wife is blind and cannot drive and he is physically unable to drive plus the lack of funds. N.I.C. replied that their ruling is you must be over 20 miles one way from the place you go to seek treatment before they authorize payment. Hilbrecht brought out that this is a N.I.C. ruling, not in the statutes. Mr. Adams also requested that the Commission investigate the information that N.I.C. has from 26 to 40 million dollars in reserve as well as to see that the injured worker receives adequate compensation based on the cost of living.

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George Pambrun: Mr. Pambrun, who is with the I.T.C. Alcoholism Center, spoke on behalf of the Indians who were employed under N.I.C. benefits but denied same and were forced to be taken care of by the Bureau of Indian Service when they did not receive medical attention. He cited two specific cases which were denied as it was reported the injured parties were intoxicated at the time of injury. This was not true, he said. He also reported that in both cases, the employers did not report the cases to N.I.C. within the 5 days allotted for doing same. Hilbrecht brought out that the Welfare Department is carrying the load when benefits aren't forthcoming from N.I.C. to injured or disabled persons, and this should be managed under N.I.C.

Charles Hopewell: Mr. Hopewell reported that his wife was injured while working under unsafe conditions which had been reported to N.I.C. for inspection. He reported her condition was such that she had to go to California for examination and treatment and was denied N.I.C. as she was not a resident for 90 days prior to her injury. Mr. Dini asked N.I.C. representatives about the residency requirement and it was said that only skin diseases require 90 days residency.

Don Day: Mr. Day reported that his physician has asked N.I.C. to reopen his case as he needed further medical assistance and they have denied it. He had accepted the his 100% disability which gives him monthly payments of \$256.00 for life but does not cover further medical or surgical treatment he has needed. It was brought out that if a person who has accepted the maximum benefits from N.I.C. should take a part-time position where he makes a small monthly salary, his pension would be cut off, because it proves you are not 100% disabled. Hilbrecht brought out that there is a need for a change in the N.I.C. ruling so that people can reopen their cases when there is need for further medical treatment, as any complications which are directly based on the original injury should be covered by N.I.C. Poggione asked about emergency treatment and N.I.C. informed them that the doctor would have to contact N.I.C. informing them of the need.

Ollie Westbrook: Mr. Westbrook stated that he was injured in 1963 and had to have surgery twice which N.I.C. took care of. He was called to appear before N.I.C. who advised him to take the settlement or he would have his benefits cut off. He stated he checked into Nevada Rehabilitation and was informed that if he would give them his settlement, they would retrain him, giving him a small salary until he was able to return to work. He said the compensation they paid him was not enough for him to live on, and finally the program was cut off. Any jobs offered him, were unsatisfactory or required him to relocate. He still has his physical problem which makes it difficult for an employer to hire him.

J.B. Rawlings: Mr. Rawlings reported he was injured in an explosion while a volunteer fireman some years back in Lovelock. He said he has lifetime medical with N.I.C. but doesn't get any compensation. He said that he had a 3rd party claim which he had to pay N.I.C. as they were entitled to put a lien on his settlement. He said that as of now, N.I.C. is not taking care of his medical and he wanted to find out why. N.I.C. explained that this subrogation of \$8,000 involved a release whereby Mr. Rawlings signed not only his rights away but also his wife's. They are now in the process of resolving this to restore the rights back to both Mr. and Mrs. Rawlings. He will not be entitled to any monthly compensation until his settlement he was allowed to retain is used up.

Bill Mally: Mr. Mally explained that he has been trying to reopen his claim after accepting a settlement with N.I.C. He has been under medical investigation since appearing at 2 hearings to reopen his case but as yet, they will not reopen his case. He also complained that the amount of settlement he took was nothing in accord with what his doctor had said. His doctor has requested that his claim be kept on an open basis but so far, N.I.C. has denied it. He wishes his claim reopened for further medical treatment.

Rev. Eddie Hill: Rev. Hill asked on what wage basis, his compensation is paid. It was brought out that monthly compensation is based upon 80% of a maximum of \$385.00, regardless of what your monthly salary was when you were working. The maximum amount of monthly benefits a person can receive is \$316.50. Lingenfelter asked N.I.C. if they collect on the amount of a person's wages but pay compensation based upon \$385.00 maximum and he was informed that this is true.

Agnes Marsh: Mrs. Marsh brought up she would like to see something done for future unknown expenses and preventative care. She reported that her injuries had been wrongly diagnosed and as a result, has now an arthritic condition caused from her injuries of some years back. She is now under treatment and receives no compensation from N.I.C. for either these treatments or transportation.

Calvin Kitts: Mr. Kitts complained he had not received a reply from N.I.C. regarding a claim he has with them. He was on travel and subsistence and traveling to his job when injured. He worked in the southern tip of Nevada and lived in Arizona and has wondered if this would disqualify him. N.I.C. explained that in some instances they insure workmen going to and from work but it usually covers only their first and last trips to the job.

Patty Giovacchini: Miss Giovacchini explained that she felt she was cheated from benefits as she was unaware of her rights. Said she was listed as a rehabilitation patient which was not explained to her, and she was given too small a settlement. She said she didn't know she could receive rehabilitation training or have the right to reopen her case.

The meeting reconvened at 2:45 P.M., with Assemblyman Hilbrecht absent due to another committee.

Claude Evans: Mr. Evans, who is a union representative, suggested that A.B. 239 should also provide for expenses involved in living close to where reemployment training is being received. Regarding A.B. 234, attorney fees, he suggested that more money be paid the claimant before putting in for attorney fees. It was brought out that this was put into a bill so that the claimant won't have to take attorney fees out of his settlement. He stressed that benefits should be increased as well as settlements. He said they are not welfare recipients and should be given a liveable wage. Mr. Branch brought up that an increase is needed but this committee does not have that bill as yet. He also hopes for increases for injured workers and would like to get the proposed bills that are in Commerce in for additional help to them.

Gordon Rice, Attorney at Law: Mr. Rice, who has represented many on N.I.C. cases and is familiar with this act since its inception in 1913, said the original act was model but every time the Legislature has amended it, they have restricted it. He said the greatestcrippler in labor today is the heart, but the Legislature has taken all heart cases out of the act. He also said the original act did not restrict the definition of accident but now the Legislature has. He said the Legislature has restricted the benefits, rather than liberalizing it. He cited loss of a leg as being paid niggardly benefits and if this same loss happened which was not covered by N.I.C., the injured party would receive at least five times more in a settlement. He also stated that should a claimant have to go to court to settle his case, the attorney fees should be allowed and not taken out of the claimant's settlement. He said he was satisfied with how the claims were being handled on the lower level but not satisfied with the medical referee board as they were deciding not only medical questions but legal questions. He stated the Commission or the courts should have the final decision.

George Allison: Mr. Allison stated that he was having trouble getting his employer to complete the N.I.C. form so it could be submitted to them. N.I.C. informed him that he should submit the form and they in turn would get his employer to complete his portion of it. There is a penalty for refusing to do this.

William Ladd: Mr. Ladd reported he was injured on a construction job in which a N.I.C. safety inspector was called upon to inspect the unsafe conditions under which they were working. He said the inspector never showed up and he was injured severely. He said at the time of his settlement, the maximum was \$10,000 and he felt this was inadequate for his permanent injuries, and should be looked into. He said he was sent to California for rehabilitation but there was no provisions for living expenses and he did not complete the training. He also stated he thought rehabilitation should be kept in Nevada and money shouldn't be spent in California for this. He said that by the time he was sent up for a hearing for his settlement, he was without funds, had lost his dignity and pride, that you just take the settlement as they will cut off your medical and monthly payments. He said you either take the settlement or do without. He said there is inadequacies in payments to injured workmen and the monies refunded to companies should be used for payments to peopled injured.

Mr. Capurro asked how many inspectors the N.I.C. has and was informed there are 6 in the north and 6 in the south.

The meeting was adjourned at 3:40 P.M.

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