

Steve Sisolak  
Governor



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Director

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**STATE OF NEVADA  
GOVERNOR'S FINANCE OFFICE  
Budget Division**

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Date: March 10, 2020  
To: Susan Brown, Director  
Governor's Finance Office  
From: Shauna Tilley, Executive Branch Budget Officer  
Budget Division *JK*  
Subject: INTERIM FINANCE COMMITTEE **INFORMATION** ITEM

The following describes an action item submitted for placement on the agenda of the next Interim Finance Committee meeting.

**DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS**

Agenda Item Write-up:

Pursuant to NRS 616B.003(4), report of audits of insurers who provide workers' compensation insurance benefits for the period January 1 through December 31, 2019.

Additional Information:

The attached document submitted by the Workers' Compensation Section of the Division represents a report of audits of workers' compensation insurers for the period October 1 through December 31, 2019. NRS 616B.003 requires an audit of each insurer at least every five years, and a partial audit on a random basis of insurers with a history of violations of NRS chapters 616A through 616D or 617.

*Note: NRS 616B.012 (1) provides that information contained in pages 15-347 of the report may be confidential and names should be removed to protect identities before further distribution or exposure for public inspection.*

Statutory Authority:

Submitted in accordance with NRS 616B.003 (4).

REVIEWED: <i>[Signature]</i>
INFO ITEM: <i>2-V</i>

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L. G. B.  
ALABAMA DIVISION

**State of Nevada**  
**Department of Business and Industry**  
**Division of Industrial Relations**  
*Workers' Compensation Section*



**REPORT OF COMPLIANCE AUDITS**  
**WORKERS' COMPENSATION INSURERS**

**January 1, 2019**  
**through**  
**December 31, 2019**

**February 28, 2020**



**REPORT OF COMPLIANCE AUDITS  
WORKERS' COMPENSATION INSURERS  
January 1, 2019 through December 31, 2019**

**Prepared by**

**State of Nevada  
Department of Business and Industry  
Division of Industrial Relations  
*Workers' Compensation Section***

**February 28, 2020**

**Confidentiality and Disclosure of Information:**

NRS 616B.003(1) requires that the administrator of the Division of Industrial Relations (DIR) "cause to be conducted at least every 5 years an audit of all insurers who provide benefits to injured employees pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS."

This Report of Compliance Audits is provided to the Members of the Interim Finance Committee pursuant to NRS 616B.003(4), which requires the administrator to, on or before March 1 of each year, "make a report of each audit to the Legislature, if it is in session, or to the Interim Finance Committee if the Legislature is not in session."

NRS 616B.012(1) indicates that, generally, "information obtained from any insurer, employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity." NRS 616B.012(7) provides that, in specified circumstances, the disclosure of information from files of claims or policyholders is a gross misdemeanor.

Pursuant to NRS 616B.012(1), further distribution of this report should redact the names of the injured employees, employers, insurers, and third party administrators.

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**2019 REPORT OF COMPLIANCE AUDITS  
TABLE OF CONTENTS**

**Letter to Members of the Interim Finance Committee**

**SUMMARY OF AUDIT OBJECTIVES AND FINDINGS**

**2020 PROJECTED AUDIT SCHEDULE**

**2019 EXECUTIVE SUMMARIES OF COMPLIANCE AUDITS**

**Associations of Self-Insured Public or Private Employers**

Public Agency Compensation Trust	5007 (2293)
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**Private Carriers**

American Compensation Insurance Company	99532
American Family Mutual Insurance Company S.I.	1743
Berkley Casualty Company	1777
Berkshire Hathaway Homestate Insurance Company	1888
California Insurance Company	1111
Clear Spring Property and Casualty Company	11126
Continental Casualty Company	187
Continental Insurance Company (The)	188
Crum & Forster Indemnity Company	1497
Electric Insurance Company	10814
Employers Assurance Company	113385
Employers Compensation Insurance Company	100892
Employers Preferred Insurance Company	111020
Fireman's Fund Insurance Company	249
Great American Insurance Company of New York	65
Great West Casualty Company	296
GuideOne Mutual Insurance Company	543
Hartford Fire Insurance Company	309
Hartford Insurance Company of the Midwest	1684
Milford Casualty Insurance Company	100334
National Surety Corporation	454
National Union Fire Insurance Company of Pittsburgh, PA	456
New Hampshire Insurance Company	466
New York Marine and General Insurance Company	1449
Pacific Compensation Insurance Company	98012

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**2019 REPORT OF COMPLIANCE AUDITS  
TABLE OF CONTENTS**

Pacific Indemnity Company	510
Pharmacists Mutual Insurance Company	11662
The Phoenix Insurance Company	526
QBE Insurance Corporation	1199
Safety National Casualty Corporation	936
T.H.E. Insurance Company	1753
Technology Insurance Company, Inc.	17636
Trans Pacific Insurance Company	1073
Travelers Indemnity Company (The)	650
Travelers Indemnity Company of Connecticut (The)	652
Utah Business Insurance Company	118514
Zurich American Insurance Company	737

**No Claims Audits**

American Alternative Insurance Corporation	81
Ansur America Insurance Company	10729
Arrowood Indemnity Company	576
Associated Indemnity Corporation	90
Axis Insurance Company	1163
Bedivere Insurance Company	959
Capitol Indemnity Corporation	1416
Cincinnati Insurance Company	1188
Clarendon National Insurance Company	134
Colony Specialty Insurance Company	1786
Country Casualty Insurance Company	1334
Country Mutual Insurance Company	1359
Country Preferred Insurance Company	1368
Dakota Truck Underwriters	118202
Eagle West Insurance Company	1733
EMC Property & Casualty Company	11673
Employers Fire Insurance Company (The)	212
Fortuity Insurance Company	10728
Frankenmuth Mutual Insurance Company	1766
Hudson Insurance Company	1741
Illinois National Insurance Company	1507
Lamorak Insurance Company	173
Meridian Security Insurance Company	116538

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**2019 REPORT OF COMPLIANCE AUDITS  
TABLE OF CONTENTS**

Midwest Insurance Company	100017
National Indemnity Company	444
Nevada Mutual Insurance Company, Inc.	12716
North American Elite Insurance Company	1455
North American Specialty Insurance Company	1210
Pennsylvania Insurance Company	1662
ProAssurance Indemnity Company, Inc.	1622
ProCentury Insurance Company	17720
Southern Insurance Company	603
State Automobile Mutual Insurance Company	17721
United States Fidelity & Guaranty Company	691
Universal Underwriters Insurance Company	695
Utica Mutual Insurance Company	704
Washington International Insurance Company	1495

**Self-Insured Employers**

CDS U.S. Intermediate Holdings, Inc.	132789
City of Reno	123079
Douglas County	143601
Nye County School District	122969
Pilot Travel Centers LLC	122981
T & R Construction Group	135224
Western Cab Company, Inc.	123030
YRC Inc.	123240

**Risk-Based Audits - Permanent Total Disability (PTD) Claims**

Cannon Cochran Management Services, Inc. (CCMSI) Third Party Administrator (TPA)	17700
Sierra Nevada Administrators, Inc. Third Party Administrator (TPA) for Clark County School District	123140/4479
Sierra Nevada Administrators, Inc. Third Party Administrator (TPA)	4479



STATE OF NEVADA – DEPT OF BUSINESS & INDUSTRY – DIVISION OF INDUSTRIAL RELATIONS

## Workers' Compensation Section

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February 28, 2020

Members of the Interim Finance Committee  
c/o Director, Legislative Counsel Bureau  
401 South Carson Street  
Carson City, NV 89701-4747

**RE: ANNUAL REPORT OF COMPLIANCE AUDITS PURSUANT TO NRS 616B.003  
WORKERS' COMPENSATION INSURERS**

Dear Members:

NRS 616B.003(1) requires the Administrator of the Division of Industrial Relations (DIR) to conduct, at least every five years, an audit of all insurers who provide workers' compensation insurance benefits to injured employees.

Pursuant to NRS 616B.003(4), the Administrator is to provide a report of each audit to the Legislature, if in session, on or before March 1 of each year. If the Legislature is not in session, the Administrator issues the report to the Interim Finance Committee.

The following is a report of the audits conducted by the Workers' Compensation Section (WCS) of the DIR during the period of January 1, 2019 through December 31, 2019, pursuant to NRS 616B.003. Included in the report are the Executive Summaries of each of the audits conducted, a Summary of the Audit Objectives and Findings, and the calendar year 2020 Projected Audit Schedule.

At the commencement of this report period, there were 94 self-insured employers, eight associations of self-insured public or private employers, and approximately 420 private carriers authorized to write workers' compensation insurance in Nevada. As of December 31, 2019, there were 95 self-insured employers, eight associations of self-insured public or private employers, and approximately 427 private carriers authorized to write workers' compensation insurance in Nevada, with 251 of those reporting Nevada policy activity to the National Council on Compensation Insurance (NCCI) in calendar year 2019.

Please refer to the Table of Contents for a list of the 86 audits conducted from January 1, 2019 through December 31, 2019, pursuant to NRS 616B.003 and NRS 616A.400(7). The audits covered 84 insurers (1 association of self-insured public or private employers, 9 self-insured employers and 74 private carriers) and 2 third-party administrators.

Page Two  
February 28, 2020

If you have any questions or need more information, please contact me directly, or Charles J. Verre, Chief Administrative Officer, WCS, at (702) 486-9080 or via email at [cverre@business.nv.gov](mailto:cverre@business.nv.gov).

Respectfully,



Ray Fierro  
Administrator  
Division of Industrial Relations  
(775) 684-7292  
[rfierro@business.nv.gov](mailto:rfierro@business.nv.gov)

RF:rmr

cc: Lisa Figueroa, Chief Financial Officer, Department of Business and Industry  
Shauna Tilley, Budget Analyst, Department of Administration  
Charles J. Verre, Chief Administrative Officer, Workers' Compensation Section, Division of Industrial Relations



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**SUMMARY OF AUDIT OBJECTIVES AND FINDINGS**

**Audits Conducted January 1, 2019 through December 31, 2019**

**NRS 616B.003**

**BACKGROUND:**

NRS 616B.003(1) requires the Division of Industrial Relations (DIR) to conduct an audit of each workers' compensation insurer at least every five years. These audits may include regularly scheduled audits, follow-up audits focusing on areas of non-compliance, and risk-based audits.

**AUDITS CONDUCTED:**

To satisfy the statutory requirement, the Workers' Compensation Section (WCS) of DIR conducted eighty six (86) audits pursuant to NRS 616B.003 during calendar year 2019, with 743 claim files reviewed.

**AUDIT OBJECTIVES:**

The objectives of the audits are: 1) to identify and correct violations of statutes and regulations relating to the rights and benefits of injured employees, and 2) to determine if procedures are in place that ensure injured employees receive all benefits to which they are entitled in a timely manner. Specifically, each audit focuses on the following major areas:

- Timely determination regarding commencement of payment of benefits or claim denial;
- Timely payment of initial compensation;
- Accurate calculation and payment of temporary partial disability (TPD), temporary total disability (TTD), permanent partial disability (PPD), and/or permanent total disability (PTD) compensation;
- Timely and accurate payment of medical bills in accordance with the Nevada Medical Fee Schedule or as otherwise contracted;
- Timely evaluation and offer of permanent partial disability;
- Notification of the right of appeal concerning determination(s) made;
- Timely responses to requests;
- Vocational rehabilitation benefits;
- Use of proper forms; and
- Claims administration.

While the main objectives of the audits focus on insurer and third-party administrator performance, audits may also include employer site visits and interviews with employees to ensure employers are complying with such requirements as displaying the proper posters, the ability to provide proof of insurance, and employee notification of rights and responsibilities. Verification of the completion and maintenance of C-1 (Incident Report) forms are also included in the employer site visits.

Some of the areas identified above directly affect the timely and accurate delivery of benefits to injured employees such as the calculation and payment of TTD, PPD, TPD and PTD. Other areas may have less of a direct effect on the benefits received by injured employees such as the claims administrator using an outdated form. All areas are monitored, however, to ensure that the entities within the regulatory authority of the DIR (insurers, employers, third-party administrators, medical providers and organizations for managed care) are compliant with workers' compensation statutes and regulations.

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**SUMMARY OF AUDIT OBJECTIVES AND FINDINGS**

**Audits Conducted January 1, 2019 through December 31, 2019**

**NRS 616B.003**

**SUMMARY OF AUDIT FINDINGS:**

Thirty seven (37) audits were conducted in which the insurer reported no claims were incurred during the audit period. Two (2) of the remaining forty-nine (49) audits conducted (representing 14 of the 743 claims reviewed) resulted in no reportable findings. Below are some of the violations identified in the remaining forty-seven (47) audits, in order of relative frequency and/or severity, and the percentage of those audits in which the violation occurred at least one time:

- Failure to utilize required and approved forms for claims administration which may have resulted in the incorrect calculation and/or late delivery of benefits (97.9%)
- Incorrect payments of TTD, TPD and/or PPD benefits as a result of the incorrect calculation of and/or inappropriate periods of benefits (70.2%)
- The failure to maintain claim files pursuant to the Nevada Administrative Code (NAC), including confidentiality and adequate documentation relating to claims activity such as required claim forms, and eligibility for rehabilitation benefits, etc. (68.1%)
- Late or incomplete submission of, or failure to submit, the C-3 Form, Employer's Report of Industrial Injury or Occupational Disease, use of a non-approved form or the failure to complete required forms (employer violations) (66%)
- Errors relating to offers of light duty employment (53.2%)
- Late payment of TTD, TPD, or other benefits (46.8%)
- Late scheduling of PPD evaluations, offer of the PPD award and/or payment of the PPD award (44.7%)
- Incorrect payments of TTD, TPD and/or PPD benefits as a result of the incorrect calculation of the average monthly wage (38.3%)
- Late determinations of claim acceptance or denial (31.9%)
- Issues relating to proper notification of claim acceptance or denial (27.7%)
- Incorrect and/or failure to properly report claims information (D-38 Indexing System reporting errors, claims lists for audits, etc.) (25.5%)
- The failure to provide responses, providing late responses, or providing inaccurate responses to injured worker and DIR requests (23.4%)
- Violations relating to the payment of medical bills, including late or incorrect payment, or documentation relating to such payments (21.3%)
- Failure to identify receipt date on claim file documents (no date stamp) (21.3%)
- Failure to provide appeal rights to injured employees and medical providers on claim determinations (14.9%)
- Failure to follow appropriate procedures for claim closure, including notification to the injured employee and premature closure (12.8%)
- Issues relating to making payments before benefits are due (10.6%)
- Out of state claims management/administration (in whole or in part) (2.1%)
- Errors relating to the delivery of vocational rehabilitation benefits (0%)

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

**SUMMARY OF AUDIT OBJECTIVES AND FINDINGS**

**Audits Conducted January 1, 2019 through December 31, 2019**

**NRS 616B.003**

While the audits focus on insurer performance, the DIR identified employer violations including, but not limited to, the timely completion and execution of required forms. Additionally, the DIR noted medical provider violations such as filing late and/or incomplete C-4 Forms.

**BENEFIT CORRECTION/MONETARY RECOVERY:**

In the 743 claim files reviewed, the Division identified approximately \$471,943.23 in underpayments to injured employees (with almost \$372,000 attributable to the risk-based audit of one third-party administrator's permanent total disability claims), \$8.68 in underpayments to health care providers, approximately \$97,787.42 in overpayments to injured employees and \$2,355.20 in overpayments to health care providers by insurers. The Division requires underpayments to be rectified by the insurer at the time of the audit unless the findings are disputed and additional research is required for resolution. Insurers may recover overpayments made to health care providers in the form of refunds or adjustments. Insurers may recover overpayments made to injured employees pursuant to NRS 616C.155.

**AGENCY ADMINISTRATIVE ACTION:**

The DIR is authorized to impose administrative fines, issue notices of correction and/or request plans of corrective action for violations of Chapters 616A through 617 of the Nevada Revised Statutes. The DIR is also authorized to impose benefit penalties for certain violations as referenced in NRS 616D.120. As a result of the audits conducted in 2019 pursuant to NRS 616B.003 and NRS 616A.400(7), the DIR issued two hundred and ninety-seven (297) administrative fines totaling \$120,000 and four hundred and sixty-eight (468) notices of correction against insurers, third-party administrators and employers for which plans of corrective action were required to be submitted for each. There were no violations referred to the WCS Benefit Penalty Unit for further investigation.

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
WORKERS' COMPENSATION SECTION

## 2020 PROJECTED AUDIT SCHEDULE

	INSURER NAME	NV CERT #
<b>ASSOCIATIONS OF SELF-INSURED EMPLOYERS</b>		
1	Nevada Agricultural Self-Insured Group	5015 (105520)
<b>PRIVATE CARRIERS</b>		
1	Accident Insurance Company Inc	100944
2	Ace American Insurance Company	17
3	Advantage Workers Compensation Insurance Company (now WCF National Insurance Company)	1251
4	American Automobile Insurance Company	28
5	American Economy Insurance Company	34
6	American Fire and Casualty Company	1778
7	American Home Assurance Company	49
8	American Interstate Insurance Company	1708
9	American Zurich Insurance Company	1072
10	AmTrust Insurance Company of Kansas, Inc	100311
11	Arch Insurance Company	1342
12	Atlantic Specialty Insurance Company	1794
13	Brotherhood Mutual Insurance Company	1768
14	Carolina Casualty Insurance Company	132
15	Cherokee Insurance Company	1123
16	Chubb Indemnity Insurance Company	1709
17	Compwest Insurance Company	18778
18	Emcasco Insurance Company	130765
19	Farmers Insurance Exchange	230
20	Federal Insurance Company	233
21	Federated Mutual Insurance Company	235
22	First Choice Casualty Insurance Company	121577
23	First Dakota Indemnity Company	118298
24	First Liberty Insurance Corporation (The)	1633
25	First National Insurance Company of America	257
26	Foremost Insurance Company Grand Rapids Michigan	261
27	Foremost Property And Casualty Insurance Company	1425
28	Frank Winston Crum Insurance Company	115852
29	Great Divide Insurance Company	1562
30	Great Northern Insurance Company	292
31	Greenwich Insurance Company	305
32	Hartford Accident & Indemnity Company	307
33	Hartford Casualty Insurance Company	308
34	Hartford Underwriters Insurance Company	469
35	Imperium Insurance Company	991
36	Indemnity Insurance Company of North America	1233

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
WORKERS' COMPENSATION SECTION

## 2020 PROJECTED AUDIT SCHEDULE

	INSURER NAME	NV CERT #
37	Lion Insurance Company	114633
38	LM Insurance Corporation	1650
39	Markel Insurance Company	1105
40	Midwest Employers Casualty Company	1373
41	National Casualty Company	438
42	National Interstate Insurance Company	1613
43	Nationwide Agribusiness Insurance Company	1236
44	NGM Insurance Company	14146
45	North Pointe Insurance Company	119026
46	OBI National Insurance Company	120551
47	Ohio Casualty Insurance Company	492
48	Ohio Security Insurance Company	1776
49	Pennsylvania Manufacturers Association Insurance	807
50	Pennsylvania Manufacturers Indemnity Company	11244
51	Redwood Fire and Casualty Insurance Company	1094
52	Republic Indemnity Company of California	1685
53	Riverport Insurance Company	1584
54	Security National Insurance Company	100333
55	Sentinel Insurance Company Ltd	1811
56	Sentry Insurance A Mutual Company	598
57	Sentry Select Insurance Company	353
58	Sequoia Indemnity Company	15162
59	Sompo America Insurance Company	1071
60	Starnet Insurance Company	1770
61	Starr Indemnity & Liability Company	565
62	Tokio Marine America Insurance Company	118811
63	Travelers Casualty And Surety Company	4
64	Tri State Insurance Company of Minnestoa	114442
65	Triumphe Casualty Company	11781
66	Trumbull Insurance Company	1618
67	Twin City Fire Insurance Company	657
68	Union Insurance Company of Providence	130767
69	United Wisconsin Insurance Company	106612
	<b>NO CLAIMS AUDITS</b>	
1	American Sentinel Insurance Company	14622
2	Arch Indemnity Insurance Company	171
3	Berkshire Hathaway Direct Insurance	815
4	Endurance American Insurance Company	1710
5	Explorer Insurance Company	1482
6	Foremost Signature Insurance Company	1393

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
WORKERS' COMPENSATION SECTION

## 2020 PROJECTED AUDIT SCHEDULE

	INSURER NAME	NV CERT #
7	Maiden Reinsurance North America Inc	11040
8	OBI America Insurance Company	134517
9	Privilege Underwriters Reciprocal Exchange	114730
10	Providence Washington Insurance Company	551
11	Samsung Fire & Marine Insurance Co Ltd (US Branch)	116316
12	Secura Insurance, A Mutual Company	112570
13	Secura Supreme Insurance Company	112684
14	St Paul Mercury Insurance Company	585
15	State Auto Property & Casualty Insurance Company	116421
	<b>SELF-INSURED EMPLOYERS</b>	
1	Arcbest Corp	122997
2	Best Buy Co Inc	123211
3	Boyd Gaming Corporation	123005
4	Caesars Entertainment Corporation	123146
5	Catholic Charities of Southern Nevada	122963
6	City of Henderson	123103
7	City of North Las Vegas	123155
8	City of Sparks	123097
9	CityCenter Holdings LLC	122979
10	Douglas County School District	123176
11	Encompass Health Corporation	123143
12	FedEx Corp for Fedex Ground Package System Inc	122931
13	FedEx Corporation for FedEx Freight Inc	123050
14	Focus Plumbing LLC	122964
15	Four Queens LLC	123109
16	Hamilton Holding Management Corp	123118
17	Hat Ltd A Nevada Limited Partnership	123151
18	HCA Healthcare Inc	123099
19	HCR ManorCare Inc	123067
20	Hyatt Hotels Corporations	122842
21	IKE Gaming Inc	123017
22	Kinross Gold Corporation	123052
23	Knight -Swift Transportation (formerly Knight Transportation)	146761 (122989)
24	Kroger Company (The)	122996
25	Las Vegas Convention and Visitors Authority	123034
26	Las Vegas Metropolitan Police Department	123092
27	Las Vegas Sands Corp	122959
28	Las Vegas Valley Water District	123037
29	Marriott International Inc	122999
30	McDonald's Corporation	123131
31	Mesquite Gaming LLC	122978
32	Monarch Casino & Resort Inc	123160
33	New-Com Inc	123039

STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS  
*WORKERS' COMPENSATION SECTION*

## 2020 PROJECTED AUDIT SCHEDULE

	INSURER NAME	NV CERT #
34	Newmont GoldCorp Corporation	122968
35	NV Energy Inc	123064
36	Peppermill Casinos Inc	122953
37	Poly-America for Poly-West Inc	122971
38	Purcell Tire & Rubber Company	123219
39	Raley's Inc	123242
40	Renown Health	123237
41	Southern Nevada Harley Davidson Sales Inc & Red Rock Motorcycle Sales Inc	123041
42	Southwest Gas Corporation	122955
43	Station Casinos LLC	122976
44	Treasure Island LLC	122972
45	True Blue Inc	123180
46	United Air Lines Inc	123234
47	US Foods Inc	123102
48	Washoe County	123024
49	Wendover Casinos Inc	123036
50	Young Electric Sign Company	123231
	<b>SPECIAL AUDITS</b>	
1	Sedgwick Claims Management (TPA - PTD Claims Audit)	17894
2	Western States Contracting Inc (Self-Insured Follow up Audit)	122888