

Nevada Workers' Compensation Law Blog

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Health Insurance v. Workers' Comp Claim

An injured worker asks, "Is it wrong for my employer to urge me to use my health insurance to get medical treatment for my back that was hurt at work instead of me filing a workers' comp claim?"

Yes, it is absolutely wrong for the employer to try to persuade you from using your health insurance instead of filing a worker's compensation [claim](#) and completing a [Notice of Injury report](#) with the employer. NRS 616D.120 (1)(a) states that if the Nevada state agency that oversees the workers' compensation system determines that an employer has induced a claimant to fail to report an accidental injury, the employer shall be fined \$1,500 for an initial violation, and \$15,000 for a second or subsequent violation. Even if the employer questions whether the injury happened on the job, the employer must assist the employee with the claims process. The employer can then file an appeal if the insurer accepts the claim if the employer wants to challenge it.

In California, a [large grocery chain](#) was recently fined a huge amount of money when store managers were caught trying to discourage injured workers from filing proper workers' compensation claims for their injuries by telling them they could instead just use their health insurance. If an injured worker in Nevada forgoes filing a claim and uses health insurance, a claim that is filed later when it turns out that the injury is serious will almost always be denied by the industrial insurer. The unfortunate injured worker then loses lost time compensation benefits, a potential disability award, and perhaps retraining benefits. **Do not be pressured into not filing a claim if you are hurt on the job.**

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