LABOR CABINET
Department of Workers' Claims
(Amended at ARRS Committee)

803 KAR 25:170. Filing of claims information with the Office of Workers' Claims.

RELATES TO: KRS 342.038, 342.039
STATUTORY AUTHORITY: KRS 342.039
NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.039 requires the Commissioner[~~Executive Director~~] of the Department[~~Office~~] of Workers' Claims to promulgate administrative regulations by which each insurance company writing workers' compensation policies in the Commonwealth, every group of self-insurers, and each employer carrying its own risk shall file detailed claim information contained in the model regulation developed by the National Association of Insurance Commissioners (NAIC) in conjunction with the International Association of Industrial Accident Boards and Commissions (IAIABC). This administrative regulation establishes the requirements for filing claims information with the Department[~~Office~~] of Workers' Claims.

Section 1. Definitions.
(1) "Carrier" is defined ***by[~~in~~]*** KRS 342.0011(6).
[~~(2)~~] [~~"Data collection agent" means a business or entity that keys information in an electronic format and transmits the resulting data to a value added network used by the Office of Workers' Claims.~~]
(2) [~~(3)~~] "Commissioner" [~~"Executive director"~~] is defined ***by[~~in~~]*** KRS 342.0011(9).
(3) "Vendor" means an entity that transcribes information into an electronic format, accepts electronic data transmissions, and sorts the resulting data for delivery to and from the Department of Workers' Claims.
[~~(4)~~] [~~"Value added network" means a business or entity that accepts electronic data transmissions and sorts the transmissions for delivery to various addressees.~~]

Section 2. Reporting Requirements.
(1) Each carrier shall file the information required on the Form IA-1 through[~~with~~] a vendor approved[~~data collection agent or a value added network designated~~] by the Department[~~Office~~] of Workers' Claims, in electronic format, according to the time periods ***established[~~prescribed~~]*** by KRS 342.038.
(2) Each carrier shall file the information required on the Form IA-2 through[~~with~~] a vendor approved[~~data collection agent or a value added network designated~~] by the Department[~~Office~~] of Workers' Claims, in electronic format:
(a) As soon as practicable and not later than one (1) week from the date payments to an employee are commenced, terminated, changed, or resumed; and
(b) Every sixty (60) days during temporary total disability.

Section 3. Vendors. The Department of Workers' Claims shall maintain a directory of ***[~~approved~~]*** vendors ***approved as established in 803 KAR 25:165*** . The directory may be accessed at https://labor.ky.gov/Documents/VendorList%20Info.pdf. [~~Data Collection Agents.~~]
[~~(1)~~] [~~If a carrier is unable to transmit the information required under this Office of Workers' Claims using its own facilities and resources, it shall employ a data collection agent capable of transmitting the information to a value added network utilized by the Office of Workers' Claims.~~]
[~~(2)~~] [~~The Office of Workers' Claims shall maintain a directory of authorized data collection agents and value-added networks. The directory may be accessed at http://labor.ky.gov/dwc/getstart.htm.~~]

Section 4. Acknowledgements. An acknowledgement of an accepted filing made pursuant to this administrative regulation, or a request by the Department~~[Office]~~ of Workers' Claims for resubmission of a report due to incomplete or incorrect information, shall be made in electronic format through the same vendor~~[data collection agent or value added network]~~ used for the filing.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) ~~"~~Form IA-1~~",(((~~October 10, 1995 edition~~)))~~; and

(b) ~~"~~Form IA-2~~",(((~~October 10, 1995 edition~~)))~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department~~[Office]~~ of Workers' Claims, Mayo-Underwood Building, 3rd Floor, 500 Mero Street, ~~[Prevention Park, 657 Chamberlain Avenue]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(22 Ky.R. 658; 926; 1084; eff. 12-7-1995; 25 Ky.R. 1180; 1883; eff. 2-18-1999; 32 Ky.R. 155; 499; eff. 10-7-2005; 47 Ky.R. 1266; 48 Ky.R. 1137; eff. 1-4-2022.)

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