

803 KAR 25:030. Special fund and employer; joint liability.

RELATES TO: KRS 342.120, 342.316

STATUTORY AUTHORITY: KRS 342.260(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.260(1) authorizes the executive director to promulgate administrative regulations to administer KRS Chapter 342. KRS 342.120(2) specifically provides that the Special Fund shall not have liability upon any claim in which the injury occurred, or for cumulative trauma, the disability became manifest, or, for occupational disease, if the date of injury or last exposure occurred, after December 12, 1996. However, prior to December 12, 1996, the Special Fund could be named as a party and be held liable for claims that met the requirements of KRS 342.120. Prior to July 15, 1982, KRS 342.120(4) provided for compensation to be paid directly to the employee by the carrier or self-insured employer with reimbursement from the Special Fund on a quarterly basis. This administrative regulation establishes the methods of reimbursement for compensation paid when an employer and the Special Fund are jointly liable.

Section 1. Reimbursement of Carriers and Self-insured Employers by Special Fund.

(1) Each insurance carrier and self-insured employer applying for reimbursement by the Special Fund under the provisions of KRS 342.120 shall furnish the Division of Workers' Compensation Funds quarterly a statement using the "Request for Reimbursement Form Special Fund" form, showing:

- (a) The name of the employee;
- (b) The amount of compensation paid the employee; and
- (c) The periods for which the compensation has been paid.

(2) The statement shall be filed with the Division of Workers' Compensation Funds within thirty (30) days from the end of each quarter for which reimbursement is sought. The Division of Workers' Compensation Funds may grant an extension for good cause.

(3) The quarterly statement shall be certified by a designated officer or employee of the employer or insurance carrier.

Section 2. Incorporation by Reference.

(1) "Request for Reimbursement from Special Fund", August 2005, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Labor, 1047 US Highway 127 South, Suite 4, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m.

(WCB 3-1; 1 Ky.R. 839; 2 Ky.R. 154; eff. 8-13-1975; 32 Ky.R. 153; 498; eff. 10-7-2005; Crt eff. 3-29-2019.)