

1 AN ACT relating to workers' compensation for rescue squad employees.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 39F.170 is amended to read as follows:

4 Rescue squad organizations or members of them or individuals associated with them for
5 the purposes of receiving workers' compensation benefits paid by the division shall be
6 covered by those benefits when performing emergency preparedness, response, or
7 recovery functions, with the following limitations:

8 (1) Rescue squad organizations and individuals shall not be covered when performing
9 fundraising functions, unless all proceeds of the function are to be dedicated to the
10 administration or operation of the rescue squad organization.

11 (2) Rescue squad organizations and individuals shall not be covered when involved in
12 any law enforcement activity, including security or evidence recovery, except for
13 traffic control at an accident scene or the recovery of evidence by diving or dragging
14 when the assistance is requested by law enforcement authorities.

15 (3) ~~Rescue squad organizations and individuals shall not be covered when the primary~~
16 ~~purpose of the mission is the provision of emergency medical care or first aid.~~
17 ~~However, coverage shall be extended when:~~

18 ~~(a) A rescue squad provides emergency medical transportation when inclement~~
19 ~~weather or rough terrain prevents a regular ambulance from providing~~
20 ~~transportation. Transportation may be provided only upon request of the~~
21 ~~appropriate emergency medical services agency. The distance of travel shall~~
22 ~~be restricted to the nearest appropriate medical facility or ambulance;~~

23 ~~(b) Additional personnel or equipment are required to supplement existing~~
24 ~~emergency medical services which have been overtaxed at an incident which~~
25 ~~is subsequently declared as an emergency by any official authorized to make~~
26 ~~such a determination; or~~

27 ~~(c) A rescue squad provides first aid, or emergency medical care is rendered as a~~

1 ~~necessary function during a rescue mission, and the primary purpose of the~~
2 ~~mission was the rescue and not the provision of emergency medical care.~~

3 ~~(4)~~—]Rescue squad organizations or individuals shall not be covered when engaging in
4 firefighting unless the firefighting was performed as a secondary function to protect
5 persons involved in a rescue mission.

6 ~~(4)~~~~(5)~~ Rescue squad organizations or individuals shall not be covered when engaging
7 in hazardous materials response, containment, cleanup, or other operations related
8 to hazardous materials, when operating at the hazardous materials technician or
9 hazardous materials specialist level of operation as defined in 29 C.F.R. 1910.120.

10 ~~(5)~~~~(6)~~ No person shall be covered unless enrolled on a workers' compensation
11 enrollment form and filed with the area manager of the division, except when the
12 magnitude of an emergency, or a training exercise, is so great that a local emergency
13 management director must solicit additional workers. At these times, the local
14 director may develop and maintain a list of workers, to include names, Social
15 Security account numbers, missions assigned, and dates covered and submit a copy
16 of the list to the area manager of the division within twenty-four (24) hours of the
17 conclusion of the emergency or the training exercise.