

1 AN ACT relating to the Department of Workers' Claims and declaring an
2 emergency.

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

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 342 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) There is hereby created the Department of Workers' Claims administratively*
7 *attached to the Office of the Governor, which shall be headed by a commissioner*
8 *appointed by the Governor and confirmed by the Senate in accordance with*
9 *Section 6 of this Act.*

10 *(2) The department shall be divided for administrative purposes into the:*

11 *(a) Office of Administrative Law Judges;*

12 *(b) Division of Claims Processing;*

13 *(c) Division of Security and Compliance;*

14 *(d) Division of Workers' Compensation Funds; and*

15 *(e) Division of Specialist and Medical Services.*

16 *(3) The Office of Administrative Law Judges shall be headed by a chief*
17 *administrative law judge appointed in accordance with Section 7 of this Act.*

18 *(4) Each division in the department shall be headed by a director appointed by the*
19 *commissioner with the approval of the Governor in accordance with KRS 12.050.*

20 *(5) The Workers' Compensation Board shall be attached to the Department of*
21 *Workers' Claims for administrative purposes only.*

22 ➔Section 2. KRS 342.0011 is amended to read as follows:

23 As used in this chapter, unless the context otherwise requires:

24 (1) "Injury" means any work-related traumatic event or series of traumatic events,
25 including cumulative trauma, arising out of and in the course of employment which
26 is the proximate cause producing a harmful change in the human organism
27 evidenced by objective medical findings. "Injury" does not include the effects of the

1 natural aging process, and does not include any communicable disease unless the
2 risk of contracting the disease is increased by the nature of the employment.

3 "Injury" when used generally, unless the context indicates otherwise, shall include
4 an occupational disease and damage to a prosthetic appliance, but shall not include
5 a psychological, psychiatric, or stress-related change in the human organism, unless
6 it is a direct result of a physical injury;

7 (2) "Occupational disease" means a disease arising out of and in the course of the
8 employment;

9 (3) An occupational disease as defined in this chapter shall be deemed to arise out of
10 the employment if there is apparent to the rational mind, upon consideration of all
11 the circumstances, a causal connection between the conditions under which the
12 work is performed and the occupational disease, and which can be seen to have
13 followed as a natural incident to the work as a result of the exposure occasioned by
14 the nature of the employment and which can be fairly traced to the employment as
15 the proximate cause. The occupational disease shall be incidental to the character of
16 the business and not independent of the relationship of employer and employee. An
17 occupational disease need not have been foreseen or expected but, after its
18 contraction, it must appear to be related to a risk connected with the employment
19 and to have flowed from that source as a rational consequence;

20 (4) "Injurious exposure" shall mean that exposure to occupational hazard which would,
21 independently of any other cause whatsoever, produce or cause the disease for
22 which the claim is made;

23 (5) "Death" means death resulting from an injury or occupational disease;

24 (6) "Carrier" means any insurer, or legal representative thereof, authorized to insure the
25 liability of employers under this chapter and includes a self-insurer;

26 (7) "Self-insurer" is an employer who has been authorized under the provisions of this
27 chapter to carry his own liability on his employees covered by this chapter;

- 1 (8) "Department" means the Department of Workers' Claims administratively attached
2 to the office of the Governor~~[in the Education and Labor Cabinet];~~
- 3 (9) "Commissioner" means the commissioner of the Department of Workers' Claims~~[~~
4 ~~under the direction and supervision of the secretary of the Education and Labor~~
5 ~~Cabinet];~~
- 6 (10) "Board" means the Workers' Compensation Board;
- 7 (11) (a) "Temporary total disability" means the condition of an employee who has not
8 reached maximum medical improvement from an injury and has not reached a
9 level of improvement that would permit a return to employment;
- 10 (b) "Permanent partial disability" means the condition of an employee who, due
11 to an injury, has a permanent disability rating but retains the ability to work;
12 and
- 13 (c) "Permanent total disability" means the condition of an employee who, due to
14 an injury, has a permanent disability rating and has a complete and permanent
15 inability to perform any type of work as a result of an injury, except that total
16 disability shall be irrebuttably presumed to exist for an injury that results in:
- 17 1. Total and permanent loss of sight in both eyes;
 - 18 2. Loss of both feet at or above the ankle;
 - 19 3. Loss of both hands at or above the wrist;
 - 20 4. Loss of one (1) foot at or above the ankle and the loss of one (1) hand at
21 or above the wrist;
 - 22 5. Permanent and complete paralysis of both arms, both legs, or one (1)
23 arm and one (1) leg;
 - 24 6. Incurable insanity or imbecility; or
 - 25 7. Total loss of hearing;
- 26 (12) "Income benefits" means payments made under the provisions of this chapter to the
27 disabled worker or his dependents in case of death, excluding medical and related

- 1 benefits;
- 2 (13) "Medical and related benefits" means payments made for medical, hospital, burial,
3 and other services as provided in this chapter, other than income benefits;
- 4 (14) "Compensation" means all payments made under the provisions of this chapter
5 representing the sum of income benefits and medical and related benefits;
- 6 (15) "Medical services" means medical, surgical, dental, hospital, nursing, and medical
7 rehabilitation services, medicines, and fittings for artificial or prosthetic devices;
- 8 (16) "Person" means any individual, partnership, limited partnership, limited liability
9 company, firm, association, trust, joint venture, corporation, or legal representative
10 thereof;
- 11 (17) "Wages" means, in addition to money payments for services rendered, the
12 reasonable value of board, rent, housing, lodging, fuel, or similar advantages
13 received from the employer, and gratuities received in the course of employment
14 from persons other than the employer as evidenced by the employee's federal and
15 state tax returns;
- 16 (18) "Agriculture" means the operation of farm premises, including the planting,
17 cultivation, producing, growing, harvesting, and preparation for market of
18 agricultural or horticultural commodities thereon, the raising of livestock for food
19 products and for racing purposes, and poultry thereon, and any work performed as
20 an incident to or in conjunction with the farm operations, including the sale of
21 produce at on-site markets and the processing of produce for sale at on-site markets.
22 It shall not include the commercial processing, packing, drying, storing, or canning
23 of such commodities for market, or making cheese or butter or other dairy products
24 for market;
- 25 (19) "Beneficiary" means any person who is entitled to income benefits or medical and
26 related benefits under this chapter;
- 27 (20) "United States," when used in a geographic sense, means the several states, the

1 District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the
2 territories of the United States;

3 (21) "Alien" means a person who is not a citizen, a national, or a resident of the United
4 States or Canada. Any person not a citizen or national of the United States who
5 relinquishes or is about to relinquish his residence in the United States shall be
6 regarded as an alien;

7 (22) "Insurance carrier" means every insurance carrier or insurance company authorized
8 to do business in the Commonwealth writing workers' compensation insurance
9 coverage and includes the Kentucky Employers Mutual Insurance Authority and
10 every self-insured group operating under the provisions of this chapter;

11 (23) (a) "Severance or processing of coal" means all activities performed in the
12 Commonwealth at underground, auger, and surface mining sites; all activities
13 performed at tipple or processing plants that clean, break, size, or treat coal;
14 and all activities performed at coal loading facilities for trucks, railroads, and
15 barges. Severance or processing of coal shall not include acts performed by a
16 final consumer if the acts are performed at the site of final consumption.

17 (b) "Engaged in severance or processing of coal" shall include all individuals,
18 partnerships, limited partnerships, limited liability companies, corporations,
19 joint ventures, associations, or any other business entity in the Commonwealth
20 which has employees on its payroll who perform any of the acts stated in
21 paragraph (a) of this subsection, regardless of whether the acts are performed
22 as owner of the coal or on a contract or fee basis for the actual owner of the
23 coal. A business entity engaged in the severance or processing of coal,
24 including but not limited to administrative or selling functions, shall be
25 considered wholly engaged in the severance or processing of coal for the
26 purpose of this chapter. However, a business entity which is engaged in a
27 separate business activity not related to coal, for which a separate premium

1 charge is not made, shall be deemed to be engaged in the severance or
2 processing of coal only to the extent that the number of employees engaged in
3 the severance or processing of coal bears to the total number of employees.
4 Any employee who is involved in the business of severing or processing of
5 coal and business activities not related to coal shall be prorated based on the
6 time involved in severance or processing of coal bears to his total time;

7 (24) "Premium" for every self-insured group means any and all assessments levied on its
8 members by such group or contributed to it by the members thereof. For special
9 fund assessment purposes, "premium" also includes any and all membership dues,
10 fees, or other payments by members of the group to associations or other entities
11 used for underwriting, claims handling, loss control, premium audit, actuarial, or
12 other services associated with the maintenance or operation of the self-insurance
13 group;

14 (25) (a) "Premiums received" for policies effective on or after January 1, 1994, for
15 insurance companies means direct written premiums as reported in the annual
16 statement to the Department of Insurance by insurance companies, except that
17 "premiums received" includes premiums charged off or deferred, and, on
18 insurance policies or other evidence of coverage with provisions for
19 deductibles, the calculated cost for coverage, including experience
20 modification and premium surcharge or discount, prior to any reduction for
21 deductibles. The rates, factors, and methods used to calculate the cost for
22 coverage under this paragraph for insurance policies or other evidence of
23 coverage with provisions for deductibles shall be the same rates, factors, and
24 methods normally used by the insurance company in Kentucky to calculate
25 the cost for coverage for insurance policies or other evidence of coverage
26 without provisions for deductibles, except that, for insurance policies or other
27 evidence of coverage with provisions for deductibles effective on or after

1 January 1, 1995, the calculated cost for coverage shall not include any
2 schedule rating modification, debits, or credits. For policies with provisions
3 for deductibles with effective dates on or after January 1, 1995, assessments
4 shall be imposed on premiums received as calculated by the deductible
5 program adjustment. The cost for coverage calculated under this paragraph by
6 insurance companies that issue only deductible insurance policies in Kentucky
7 shall be actuarially adequate to cover the entire liability of the employer for
8 compensation under this chapter, including all expenses and allowances
9 normally used to calculate the cost for coverage. For policies with provisions
10 for deductibles with effective dates of May 6, 1993, through December 31,
11 1993, for which the insurance company did not report premiums and remit
12 special fund assessments based on the calculated cost for coverage prior to the
13 reduction for deductibles, "premiums received" includes the initial premium
14 plus any reimbursements invoiced for losses, expenses, and fees charged
15 under the deductibles. The special fund assessment rates in effect for
16 reimbursements invoiced for losses, expenses, or fees charged under the
17 deductibles shall be those percentages in effect on the effective date of the
18 insurance policy. For policies covering covered employees having a co-
19 employment relationship with a professional employer organization and a
20 client as defined in KRS Chapter 336, "premiums received" means premiums
21 calculated using the experience modification factor of each client as defined
22 in KRS Chapter 336 for each covered employee for that portion of the payroll
23 pertaining to the covered employee.

24 (b) "Direct written premium" for insurance companies means the gross premium
25 written less return premiums and premiums on policies not taken but
26 including policy and membership fees.

27 (c) "Premium," for policies effective on or after January 1, 1994, for insurance

1 companies means all consideration, whether designated as premium or
2 otherwise, for workers' compensation insurance paid to an insurance company
3 or its representative, including, on insurance policies with provisions for
4 deductibles, the calculated cost for coverage, including experience
5 modification and premium surcharge or discount, prior to any reduction for
6 deductibles. The rates, factors, and methods used to calculate the cost for
7 coverage under this paragraph for insurance policies or other evidence of
8 coverage with provisions for deductibles shall be the same rates, factors, and
9 methods normally used by the insurance company in Kentucky to calculate
10 the cost for coverage for insurance policies or other evidence of coverage
11 without provisions for deductibles, except that, for insurance policies or other
12 evidence of coverage with provisions for deductibles effective on or after
13 January 1, 1995, the calculated cost for coverage shall not include any
14 schedule rating modifications, debits, or credits. For policies with provisions
15 for deductibles with effective dates on or after January 1, 1995, assessments
16 shall be imposed as calculated by the deductible program adjustment. The cost
17 for coverage calculated under this paragraph by insurance companies that
18 issue only deductible insurance policies in Kentucky shall be actuarially
19 adequate to cover the entire liability of the employer for compensation under
20 this chapter, including all expenses and allowances normally used to calculate
21 the cost for coverage. For policies with provisions for deductibles with
22 effective dates of May 6, 1993, through December 31, 1993, for which the
23 insurance company did not report premiums and remit special fund
24 assessments based on the calculated cost for coverage prior to the reduction
25 for deductibles, "premium" includes the initial consideration plus any
26 reimbursements invoiced for losses, expenses, or fees charged under the
27 deductibles.

- 1 (d) "Return premiums" for insurance companies means amounts returned to
2 insureds due to endorsements, retrospective adjustments, cancellations,
3 dividends, or errors.
- 4 (e) "Deductible program adjustment" means calculating premium and premiums
5 received on a gross basis without regard to the following:
- 6 1. Schedule rating modifications, debits, or credits;
 - 7 2. Deductible credits; or
 - 8 3. Modifications to the cost of coverage from inception through and
9 including any audit that are based on negotiated retrospective rating
10 arrangements, including but not limited to large risk alternative rating
11 options;
- 12 (26) "Insurance policy" for an insurance company or self-insured group means the term
13 of insurance coverage commencing from the date coverage is extended, whether a
14 new policy or a renewal, through its expiration, not to exceed the anniversary date
15 of the renewal for the following year;
- 16 (27) "Self-insurance year" for a self-insured group means the annual period of
17 certification of the group created pursuant to KRS 342.350(4) and 304.50-010;
- 18 (28) "Premium" for each employer carrying his own risk pursuant to KRS 342.340(1)
19 shall be the projected value of the employer's workers' compensation claims for the
20 next calendar year as calculated by the commissioner using generally-accepted
21 actuarial methods as follows:
- 22 (a) The base period shall be the earliest three (3) calendar years of the five (5)
23 calendar years immediately preceding the calendar year for which the
24 calculation is made. The commissioner shall identify each claim of the
25 employer which has an injury date or date of last injurious exposure to the
26 cause of an occupational disease during each one (1) of the three (3) calendar
27 years to be used as the base, and shall assign a value to each claim. The value

1 shall be the total of the indemnity benefits paid to date and projected to be
2 paid, adjusted to current benefit levels, plus the medical benefits paid to date
3 and projected to be paid for the life of the claim, plus the cost of medical and
4 vocational rehabilitation paid to date and projected to be paid. Adjustment to
5 current benefit levels shall be done by multiplying the weekly indemnity
6 benefit for each claim by the number obtained by dividing the statewide
7 average weekly wage which will be in effect for the year for which the
8 premium is being calculated by the statewide average weekly wage in effect
9 during the year in which the injury or date of the last exposure occurred. The
10 total value of the claims using the adjusted weekly benefit shall then be
11 calculated by the commissioner. Values for claims in which awards have been
12 made or settlements reached because of findings of permanent partial or
13 permanent total disability shall be calculated using the mortality and interest
14 discount assumptions used in the latest available statistical plan of the
15 advisory rating organization defined in Subtitle 13 of KRS Chapter 304. The
16 sum of all calculated values shall be computed for all claims in the base
17 period;

18 (b) The commissioner shall obtain the annual payroll for each of the three (3)
19 years in the base period for each employer carrying his own risk from records
20 of the department and from the records of the Department of Workforce
21 Development, Education and Labor Cabinet. The commissioner shall multiply
22 each of the three (3) years of payroll by the number obtained by dividing the
23 statewide average weekly wage which will be in effect for the year in which
24 the premium is being calculated by the statewide average weekly wage in
25 effect in each of the years of the base period;

26 (c) The commissioner shall divide the total of the adjusted claim values for the
27 three (3) year base period by the total adjusted payroll for the same three (3)

1 year period. The value so calculated shall be multiplied by 1.25 and shall then
2 be multiplied by the employer's most recent annualized payroll, calculated
3 using records of the department and the Department of Workforce
4 Development data which shall be made available for this purpose on a
5 quarterly basis as reported, to obtain the premium for the next calendar year
6 for assessment purposes under KRS 342.122;

7 (d) For November 1, 1987, through December 31, 1988, premium for each
8 employer carrying its own risk shall be an amount calculated by the board
9 pursuant to the provisions contained in this subsection and such premium
10 shall be provided to each employer carrying its own risk and to the funding
11 commission on or before January 1, 1988. Thereafter, the calculations set
12 forth in this subsection shall be performed annually, at the time each employer
13 applies or renews its application for certification to carry its own risk for the
14 next twelve (12) month period and submits payroll and other data in support
15 of the application. The employer and the funding commission shall be notified
16 at the time of the certification or recertification of the premium calculated by
17 the commissioner, which shall form the employer's basis for assessments
18 pursuant to KRS 342.122 for the calendar year beginning on January 1
19 following the date of certification or recertification;

20 (e) If an employer having fewer than five (5) years of doing business in this state
21 applies to carry its own risk and is so certified, its premium for the purposes
22 of KRS 342.122 shall be based on the lesser number of years of experience as
23 may be available including the two (2) most recent years if necessary to create
24 a three (3) year base period. If the employer has less than two (2) years of
25 operation in this state available for the premium calculation, then its premium
26 shall be the greater of the value obtained by the calculation called for in this
27 subsection or the amount of security required by the commissioner pursuant to

- 1 KRS 342.340(1);
- 2 (f) If an employer is certified to carry its own risk after having previously insured
- 3 the risk, its premium shall be calculated using values obtained from claims
- 4 incurred while insured for as many of the years of the base period as may be
- 5 necessary to create a full three (3) year base. After the employer is certified to
- 6 carry its own risk and has paid all amounts due for assessments upon
- 7 premiums paid while insured, the employer shall be assessed only upon the
- 8 premium calculated under this subsection;
- 9 (g) "Premium" for each employer defined in KRS 342.630(2) shall be calculated
- 10 as set forth in this subsection; and
- 11 (h) Notwithstanding any other provision of this subsection, the premium of any
- 12 employer authorized to carry its own risk for purposes of assessments due
- 13 under this chapter shall be no less than thirty cents (\$0.30) per one hundred
- 14 dollars (\$100) of the employer's most recent annualized payroll for employees
- 15 covered by this chapter;
- 16 (29) "SIC code" as used in this chapter means the Standard Industrial Classification
- 17 Code contained in the latest edition of the Standard Industrial Classification Manual
- 18 published by the Federal Office of Management and Budget;
- 19 (30) "Investment interest" means any pecuniary or beneficial interest in a provider of
- 20 medical services or treatment under this chapter, other than a provider in which that
- 21 pecuniary or investment interest is obtained on terms equally available to the public
- 22 through trading on a registered national securities exchange, such as the New York
- 23 Stock Exchange or the American Stock Exchange, or on the National Association
- 24 of Securities Dealers Automated Quotation System;
- 25 (31) "Managed health care system" means a health care system that employs gatekeeper
- 26 providers, performs utilization review, and does medical bill audits;
- 27 (32) "Physician" means physicians and surgeons, audiologists holding a doctorate in

1 audiology, psychologists, optometrists, dentists, podiatrists, and osteopathic and
2 chiropractic practitioners acting within the scope of the license or other credentials
3 required by his or her specialty of practice in the United States jurisdiction in which
4 he or she is authorized to practice;

5 (33) "Objective medical findings" means information gained through direct observation
6 and testing of the patient applying objective or standardized methods;

7 (34) "Work" means providing services to another in return for remuneration on a regular
8 and sustained basis in a competitive economy;

9 (35) "Permanent impairment rating" means percentage of whole body impairment
10 caused by the injury or occupational disease as determined by the "Guides to the
11 Evaluation of Permanent Impairment";

12 (36) "Permanent disability rating" means the permanent impairment rating selected by
13 an administrative law judge times the factor set forth in the table that appears at
14 KRS 342.730(1)(b); and

15 (37) "Guides to the Evaluation of Permanent Impairment" means, except as provided in
16 KRS 342.262:

17 (a) The fifth edition published by the American Medical Association; and

18 (b) For psychological impairments, Chapter 12 of the second edition published by
19 the American Medical Association.

20 ➔Section 3. KRS 342.120 is amended to read as follows:

21 (1) There is created the Division of Workers' Compensation Funds in the Department
22 of Workers' Claims ~~that~~^{which} shall be responsible for the administration of the
23 special fund and the coal workers' pneumoconiosis fund and the maintenance of
24 records regarding the payment of claims by these funds. The Division of Workers'
25 Compensation Funds shall have no responsibility for the coal workers'
26 pneumoconiosis fund once the assets and liabilities have been transferred to the
27 Kentucky Employers' Mutual Insurance Authority, which will administer the fund

1 pursuant to KRS 342.1243. The Division of Workers' Compensation Funds shall be
2 headed by a director appointed by the commissioner~~secretary of the Education and~~
3 ~~Labor Cabinet~~, with the prior written approval of the Governor pursuant to KRS
4 12.050. The director shall be responsible for overseeing the administration of the
5 funds and the maintenance of records regarding the payment of claims by the funds.

6 (2) The special fund shall have no liability upon any claim in which the injury
7 occurred, or for cumulative trauma, the disability became manifest, or, for
8 occupational disease, if the date of injury or last exposure occurred, after December
9 12, 1996.

10 (3) Where the employer has settled its liability for income benefits and thereafter a
11 determination has been made of the special fund's liability, the special fund portion
12 of the benefit rate shall be paid over the maximum period provided for by statute
13 for that disability, with the period of payment beginning on the date settlement was
14 approved by an administrative law judge. This provision is remedial and shall apply
15 to all pending and future claims.

16 ➔Section 4. KRS 342.122 is amended to read as follows:

17 (1) (a) For calendar year 1997 and for each calendar year thereafter, for the purpose
18 of funding and prefunding the liabilities of the special fund, financing the
19 administration and operation of the Kentucky Workers' Compensation
20 Funding Commission, and financing the expenditures for all programs in the
21 Department of Workers' Claims, Occupational Safety and Health Review
22 Commission, Workers' Compensation Nominating Committee, Department of
23 Workplace Standards, except expenditures for the Division of Wages and
24 Hours contained in the Department of Workplace Standards and the
25 proportional support for general administration and support based on an
26 approved indirect cost allocation plan within the Department of Workers'
27 Claims and the Education and Labor Cabinet, as reflected in the enacted

1 budget of the Commonwealth and enacted by the General Assembly, the
2 funding commission shall impose a special fund assessment rate of nine
3 percent (9%) upon the amount of workers' compensation premiums received
4 on and after January 1, 1997, through December 31, 1997, by every insurance
5 carrier writing workers' compensation insurance in the Commonwealth, by
6 every self-insured group operating under the provisions of KRS 342.350(4)
7 and Chapter 304, and against the premium, as defined in KRS 342.0011, of
8 every employer carrying his or her own risk.

- 9 (b) 1. The funding commission shall, for calendar year 1998 and thereafter,
10 establish for the special fund an assessment rate to be assessed against
11 all premium received during that calendar year which shall produce
12 enough revenue to amortize on a level basis the unfunded liability of the
13 special fund as of June 30 preceding January 1 of each year, for the
14 period remaining until December 31, 2029. The special fund
15 assessment imposed by the funding commission shall continue to be
16 assessed to finance the administration and operation of the Kentucky
17 Workers' Compensation Funding Commission, and financing the
18 expenditures for all programs in the Department of Workers' Claims,
19 Occupational Safety and Health Review Commission, Workers'
20 Compensation Nominating Committee, Department of Workplace
21 Standards, excluding expenditures for the Division of Wages and
22 Hours contained in the Department of Workplace Standards and the
23 proportional support for general administration and support based on
24 an approved indirect cost allocation plan within the Department of
25 Workers' Claims and the Education and Labor Cabinet. In no case
26 shall the combined budgets of the Occupational Safety and Health
27 Review Commission, Workers' Compensation Nominating Committee,

1 Department of Workplace Standards, and the proportional support for
2 general administration and approved indirect cost allocation to the
3 Education and Labor Cabinet, exceed seventy-five percent (75%) of
4 the total combined budget submitted by the Workers' Compensation
5 Funding Commission.

6 2. For the purpose of establishing the assessment rate after the liabilities
7 of the special fund have been funded or prefunded, the Workers'
8 Compensation Funding Commission, the Department of Workers'
9 Claims, the Occupational Safety and Health Review Commission, the
10 Workers' Compensation Nominating Committee, the Department of
11 Workplace Standards, excluding the Division of Wages and Hours
12 contained within the Department of Workplace Standards, and the
13 Education and Labor Cabinet, shall each submit a budget which shall
14 be combined by the Workers' Compensation Funding Commission
15 and reflected in the enacted budget of the Commonwealth and enacted
16 by the General Assembly.

17 3. The interest rate to be used in this calculation shall reflect the funding
18 commission's investment experience to date and the current investment
19 policies of the commission. This assessment shall be imposed upon the
20 amount of workers' compensation premiums received by every
21 insurance carrier writing workers' compensation insurance in the
22 Commonwealth, by every self-insured group operating under the
23 provisions of KRS 342.350(4) and Chapter 304, and against the
24 premium, as defined in KRS 342.0011, of every employer carrying its
25 own risk. On or before October 1 of each year, the commission shall
26 notify each insurance carrier writing workers' compensation insurance in
27 the Commonwealth, every group of self-insured employers, and each

1 employer carrying its own risk, of the rates which shall become effective
2 on January 1 of each year, unless modified by the General Assembly.

3 (c) All assessments imposed by this section shall be paid to the Kentucky
4 Workers' Compensation Funding Commission and shall be credited to the
5 benefit reserve fund within the Kentucky Workers' Compensation Funding
6 Commission.

7 (d) The assessments imposed in this chapter shall be in lieu of all other
8 assessments or taxes on workers' compensation premiums.

9 (2) (a) These assessments shall be paid quarterly not later than the thirtieth day of the
10 month following the end of the quarter in which the premium is received.
11 Receipt shall be considered timely through actual physical receipt or by
12 postmark of the United States Postal Service. Employers carrying their own
13 risk and employers defined in KRS 342.630(2) shall pay the annual
14 assessments in four (4) equal quarterly installments.

15 (b) Beginning on January 1, 2020, all assessments shall be electronically remitted
16 to the funding commission quarterly not later than the thirtieth day of the
17 month following the end of the quarter in which the premium is received.
18 Receipt shall be considered timely when filed and remitted using the
19 appropriate electronic pay system as prescribed by the funding commission.
20 Employers carrying their own risk and employers defined in KRS 342.630(2)
21 shall pay the annual assessments in four (4) equal quarterly installments.

22 (3) The assessments imposed by this section may be collected by the insurance carrier
23 from the insured. However, the insurance carrier shall not collect from the employer
24 any amount exceeding the assessments imposed pursuant to this section. If the
25 insurance carrier collects the assessment from an insured, the assessment shall be
26 collected at the same time and in the same proportion as the premium is collected.
27 The assessment for an insurance policy or other evidence of coverage providing a

1 deductible may be collected in accordance with this chapter on a premium amount
2 that equates to the premium that would have applied without the deductible. Each
3 statement from an insurance carrier presented to an insured reflecting premium and
4 assessment amounts shall clearly identify and distinguish the amount to be paid for
5 premium and the amount to be paid for assessments. No insurance carrier shall
6 collect from an insured an amount in excess of the assessment percentages imposed
7 by this chapter. The assessment for an insurance policy or other evidence of
8 coverage providing a deductible may be collected in accordance with this chapter
9 on a premium amount that equates to the premium that would have applied without
10 the deductible. The percentages imposed by this chapter for an insurance policy
11 issued by an insurance company shall be those percentages in effect on the annual
12 effective date of the policy, regardless of the date that the premium is actually
13 received by the insurance company.

14 (4) A self-insured group may elect to report its premiums and to have its assessments
15 computed in the same manner as insurance companies. This election may not be
16 rescinded for at least ten (10) years, nor may this election be made a second time
17 for at least another ten (10) years, except that the board of directors of the funding
18 commission may, at its discretion, waive the ten (10) year ban on a case-by-case
19 basis after formal petition has been made to the funding commission by a self-
20 insured group.

21 (5) The funding commission, as part of the collection and auditing of the special fund
22 assessments required by this section, shall annually require each insurance carrier
23 and each self-insured group to provide a list of employers which it has insured or
24 which are members and the amount collected from each employer. Additionally, the
25 funding commission shall require each entity paying a special fund assessment to
26 report the SIC code for each employer and the amount of premium collected from
27 each SIC code. An insurance carrier or self-insured group may require its insureds

1 or members to furnish the SIC code for each of their employees. However, the
2 failure of any employer to furnish said codes shall not relieve the insurance carrier
3 or self-insured group from the obligation to furnish same to the funding
4 commission. The Department of Workforce Development, Education and Labor
5 Cabinet, is hereby directed to make available the SIC codes assigned in its records
6 to specific employers to aid in the reporting and recording of the special fund
7 assessment data.

8 (6) Each self-insured employer, self-insured group, or insurance carrier shall provide
9 any information and submit any reports the Department of Revenue or the funding
10 commission may require to effectuate the provisions of this section. In addition, the
11 funding commission may enter reciprocal agreements with other governmental
12 agencies for the exchange of information necessary to effectuate the provisions of
13 this section.

14 (7) The special fund shall be required to maintain a central claim registry of all claims
15 to which it is named a party, giving each such claim a unique claim number and
16 thereafter recording the status of each claim on a current basis. The registry shall be
17 established by January 26, 1988, for all claims on which payments were made since
18 July 1, 1986, or which were pending adjudication since July 1, 1986, by audit of all
19 claim files in the possession of the special fund.

20 (8) The fund heretofore designated as the subsequent claim fund is abolished, and there
21 is substituted therefor the special fund as set out by this section, and all moneys and
22 properties owned by the subsequent claim fund are transferred to the special fund.

23 (9) Notwithstanding any other provisions of this section or this chapter to the contrary,
24 the total amount of funds collected pursuant to the assessment rates adopted by the
25 funding commission shall not be limited to the provisions of this section.

26 (10) All assessment rates imposed for periods prior to January 1, 1997, under KRS
27 342.122 shall forever remain applicable to premiums received on policies with

1 effective dates prior to January 1, 1997, by every insurance carrier writing workers'
2 compensation insurance in the Commonwealth, by every self-insured group
3 operating under the provision of KRS 342.350(4) and Chapter 304, and against the
4 premium, as defined in KRS 342.0011, of every employer carrying its own risk.

5 ➔Section 5. KRS 342.215 is amended to read as follows:

6 (1) The Workers' Compensation Board is hereby created and established. The board
7 shall rule on appeals of decisions rendered by administrative law judges under this
8 chapter. The board shall rule on an appeal of a decision of an administrative law
9 judge no later than sixty (60) days following the date on which the last appeal brief
10 was filed.

11 (2) The Workers' Compensation Board shall consist of three (3) members appointed by
12 the Governor. Each member shall hold no other public office and shall devote his or
13 her full time to the duties of his or her office. Each member shall be exempt from
14 the classified service, and his or her support staff may be exempt from the classified
15 service.

16 (3) Of the members of the board appointed under this section, any member appointed to
17 fill an unexpired term shall immediately assume the office subject to the
18 confirmation by the Senate in accordance with KRS 11.160 for the remainder of the
19 term. Any member not currently pending reappointment by the Senate with a term
20 expiring on or before:

21 (a) December 1, 2025, shall continue serving a term that shall expire on June 1,
22 2026;

23 (b) December 1, 2026, shall continue serving a term that shall expire on June 1,
24 2027; or

25 (c) December 1, 2027, shall continue serving a term that shall expire on June 1,
26 2028.

27 Thereafter, each term of a board member shall run for four (4) years from the date

1 of expiration of the term for which the member's predecessor was appointed, except
2 that a person appointed to fill a vacancy prior to the expiration of a term shall be
3 appointed for the remainder of the term. The Governor shall not appoint a member
4 of the board to fill the unexpired term of another board member, nor shall the
5 Governor reappoint a member of the board who has been removed from his or her
6 position prior to the expiration of his or her term. The members of the board shall
7 have the qualifications required of appeals court judges, except for residence in a
8 district, and shall receive the same salary and shall be subject to the same standards
9 of conduct. The Governor shall designate a member of the board to serve as
10 chairman. Any vacancy in the chairmanship shall be filled by the Governor. The
11 Governor may at any time remove any member for cause after furnishing the
12 member with a written copy of the charges against him or her and giving the
13 member a public hearing if he or she requests it.

14 (4) A decision concurred in by any two (2) of the three (3) members shall constitute a
15 decision of the board.

16 (5) Members of the Workers' Compensation Board and the administrative law judges
17 shall be members of the Kentucky Employees Retirement System.

18 (6) The Workers' Compensation Board shall be attached to the Department of Workers'
19 Claims~~[in the Education and Labor Cabinet]~~.

20 ➔Section 6. KRS 342.228 is amended to read as follows:

21 (1) The Department of Workers' Claims shall be responsible for administering claims
22 and ensuring compliance with the insurance, self-insurance, and rehabilitation
23 provisions in this chapter. The department shall be administered by a commissioner
24 appointed by the Governor. The commissioner appointed by the Governor shall be
25 subject to the consent of the Senate in accordance with KRS 11.160.

26 (2) The commissioner shall have demonstrated knowledge and experience in the areas
27 of public administration, administrative law, and workers' compensation by

1 having a minimum of eight (8) years of legal practice experience in the area of
2 workers' compensation~~[area of workers' compensation, public administration, and~~
3 ~~administrative law]~~.

4 ➔Section 7. KRS 342.230 is amended to read as follows:

5 (1) The commissioner shall establish and fill any positions, including medical
6 services and advice, necessary to carry on the department's work subject to the
7 limits of appropriations for the department and except as otherwise required by
8 law. All employees of the department shall be classified employees under KRS
9 Chapter 18A, except for the commissioner, the administrative law judges, and
10 board members. The commissioner shall have immediate supervision of the
11 employees of the department, perform duties assigned to him or her, and have
12 complete authority to carry out all the administrative functions relating to the
13 department.

14 (2) The commissioner with the assistance of the board shall train and instruct the
15 administrative law judges on an ongoing basis; assign cases; and monitor the
16 caseloads of the administrative law judges and the Workers' Compensation Board to
17 ensure timely disposition of cases; keep and be the custodian of the records of the
18 board and the administrative law judges; annually report the activities of the board
19 and the administrative law judges to the Governor; and devote his or her full time to
20 the duties of his or her office. The commissioner shall be paid a salary not less than
21 the salary of a member of the board.

22 (3)~~(2)~~ The Governor shall appoint, with the consent of the Senate in accordance with
23 KRS 11.160 for a term of four (4) years, not more than nineteen (19) administrative
24 law judges, each of whom shall be an attorney and shall have five (5) years'
25 experience in the Commonwealth in the practice of workers' compensation law or a
26 related field, and extensive knowledge of workers' compensation law, and shall be
27 paid the same salary as a Circuit Judge. Each newly appointed administrative law

1 judge shall not assume his or her office until June 1 following confirmation by the
2 Senate. Administrative law judges who are reappointed shall continue to serve in
3 their capacity until the reappointment is confirmed by the Senate or the Senate
4 adjourns without confirming the appointment. Each administrative law judge shall
5 be exempt from the classified service, and his or her support staff may be exempt
6 from the classified service. Each administrative law judge may be employed for
7 additional terms with the consent of the Senate in accordance with KRS 11.160.
8 The Governor, at least thirty (30) days prior to the expiration of a term of an
9 administrative law judge, shall provide the name of the individual whom he or she
10 intends to appoint to the position to the chairman of the Senate Standing Committee
11 on Economic Development, Tourism, and Labor. These administrative law judges
12 shall conduct hearings, and otherwise supervise the presentation of evidence and
13 perform any other duties assigned to them by statute and shall render final
14 decisions, orders, or awards. Administrative law judges may, in receiving evidence,
15 make rulings affecting the competency, relevancy, and materiality of the evidence
16 about to be presented and upon motions presented during the taking of evidence as
17 will expedite the preparation of the case.

18 ~~(4)~~⁽³⁾ To ensure that the administrative law judges perform their responsibilities
19 competently and issue decisions consistent with this chapter, the commissioner
20 shall, at least twice annually, conduct training and education seminars in workers'
21 compensation law; administrative law; and methods and procedures for writing
22 well-reasoned, clear, correct, and concise opinions, orders, or awards.

23 ~~(5)~~⁽⁴⁾ The Governor may at any time remove the commissioner or any member of
24 the board. The commissioner may remove any administrative law judge. A member
25 of the board or an administrative law judge may be removed for good cause,
26 including violation of the code of judicial ethics or the code of ethics applicable to
27 the executive branch of the Commonwealth. In addition, an administrative law

1 judge or a member of the board may be removed for the persistent or repeated
2 failure to perform satisfactorily the specific duties assigned in this chapter,
3 including the requirement of timely disposition of cases, review of attorney's fees,
4 and failure to attend training and continuing education programs required by this
5 section.

6 ~~(6)~~⁽⁵⁾ Any vacancy in the term of an administrative law judge, which occurs prior to
7 the expiration of the term, shall be filled if necessary by appointment of the
8 Governor in accordance with subsection ~~(3)~~⁽²⁾ of this section within sixty (60)
9 days from the date the vacancy occurs, with the consent of the Senate in accordance
10 with KRS 11.160, for the remainder of the term. An administrative law judge
11 appointed to fill an unexpired term shall immediately assume the office subject to
12 the confirmation by the Senate in accordance with KRS 11.160 for the remainder of
13 the term.

14 ~~(7)~~⁽⁶⁾ Any administrative law judge not currently pending confirmation by the
15 Senate with a term expiring on or before:

- 16 (a) December 1, 2025, shall continue serving a term that shall expire on June 1,
17 2026;
- 18 (b) December 1, 2026, shall continue serving a term that shall expire on June 1,
19 2027;
- 20 (c) December 1, 2027, shall continue serving a term that shall expire on June 1,
21 2028; or
- 22 (d) December 1, 2028, shall continue serving a term that shall expire on June 1,
23 2029.

24 ~~(8)~~⁽⁷⁾ One (1) of the administrative law judges appointed pursuant to this section
25 shall be appointed as a chief administrative law judge, to have the same
26 qualifications, powers, duties, and requirements as those of other administrative law
27 judges. The chief administrative law judge shall not be assigned regular dockets but

1 shall instead assist the commissioner by doing all scheduling of the administrative
2 law judges, handling dockets assigned to the administrative law judges in case of an
3 emergency, providing supervision of the administrative law judges, and providing
4 educational opportunities for the administrative law judges. The chief
5 administrative law judge shall be paid at the same rate as the administrative law
6 judges plus an additional three thousand dollars (\$3,000) per year. At any time the
7 commissioner may replace the chief administrative law judge with one (1) of the
8 other administrative law judges at which time the former chief administrative law
9 judge shall resume the duties assigned to the other administrative law judges
10 pursuant to this chapter. On January 1, 1998, the commissioner shall employ a
11 person in this position for a four (4) year term.

12 ➔Section 8. KRS 342.342 is amended to read as follows:

- 13 (1) Notwithstanding the provisions of KRS 342.340, KRS 342.350, or any
14 administrative regulations promulgated pursuant to those provisions, the
15 commissioner shall annually review the adequacy of the financial or other security
16 requirements contained in administrative regulations, promulgated pursuant to the
17 individual self-insurance provisions in this chapter. The commissioner shall report
18 the results of the review to the Economic Development and Workforce Investment
19 Committee of the General Assembly and any recommendations for proposed
20 changes to insure the financial soundness of the individual self-insurers authorized
21 pursuant to this chapter. In addition, the commissioner shall report not less often
22 than annually a summary report on the financial soundness of the individual self-
23 insurers.
- 24 (2) The Economic Development and Workforce Investment Committee of the General
25 Assembly shall annually review the administrative regulations promulgated
26 pursuant to the individual provisions under this chapter.
- 27 (3) On July 1, 1994, the Division of Security and Compliance of the Department of

1 Workers' Claims~~[in the Education and Labor Cabinet]~~ shall be expanded by five
2 (5) employees. These additional employees shall be employed for the purpose of
3 conducting financial audits, examinations, and reviews and other activities
4 necessary to ensure and monitor the financial soundness of the individual self-
5 insured employers authorized pursuant to KRS 342.340.

6 ➔Section 9. KRS 12.020 is amended to read as follows:

7 Departments, program cabinets and their departments, and the respective major
8 administrative bodies that they include are enumerated in this section. It is not intended
9 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
10 bureau, interstate compact, commission, committee, conference, council, office, or any
11 other form of organization shall be included in or attached to the department or program
12 cabinet in which they are included or to which they are attached by statute or statutorily
13 authorized executive order; except in the case of the Personnel Board and where the
14 attached department or administrative body is headed by a constitutionally elected
15 officer, the attachment shall be solely for the purpose of dissemination of information and
16 coordination of activities and shall not include any authority over the functions,
17 personnel, funds, equipment, facilities, or records of the department or administrative
18 body.

19 I. Cabinet for General Government - Departments headed by elected officers:

- 20 (1) The Governor.
21 (2) Lieutenant Governor.
22 (3) Department of State.
23 (a) Secretary of State.
24 (b) Board of Elections.
25 (c) Registry of Election Finance.
26 (4) Department of Law.
27 (a) Attorney General.

- 1 (5) Department of the Treasury.
2 (a) Treasurer.
3 (6) Department of Agriculture.
4 (a) Commissioner of Agriculture.
5 (b) Agricultural Development Board.
6 (c) Kentucky Agricultural Finance Corporation.
7 (7) Auditor of Public Accounts.
8 (a) Commonwealth Office of the Ombudsman.

9 II. Program cabinets headed by appointed officers:

- 10 (1) Justice and Public Safety Cabinet:
11 (a) Department of Kentucky State Police.
12 1. Office of Administrative Services.
13 a. Division of Operational Support.
14 b. Division of Management Services.
15 2. Office of Operations.
16 a. Division of West Troops.
17 b. Division of East Troops.
18 c. Division of Special Enforcement.
19 d. Division of Commercial Vehicle Enforcement.
20 3. Office of Technical Services.
21 a. Division of Forensic Sciences.
22 b. Division of Electronic Services.
23 c. Division of Records Management.
24 (b) Department of Criminal Justice Training.
25 (c) Department of Corrections.
26 (d) Department of Juvenile Justice.
27 (e) Office of the Secretary.

- 1 (f) Office of Drug Control Policy.
- 2 (g) Office of Legal Services.
- 3 (h) Office of the Kentucky State Medical Examiner.
- 4 (i) Parole Board.
- 5 (j) Kentucky State Corrections Commission.
- 6 (k) Office of Legislative and Intergovernmental Services.
- 7 (l) Office of Human Resource Management.
- 8 1. Division of Human Resource Administration.
- 9 2. Division of Employee Management.
- 10 (m) Department of Public Advocacy.
- 11 (n) Office of Communications.
- 12 1. Information Technology Services Division.
- 13 (o) Office of Financial Management Services.
- 14 1. Division of Financial Management.
- 15 (p) Grants Management Division.
- 16 (2) Energy and Environment Cabinet:
- 17 (a) Office of the Secretary.
- 18 1. Office of Legislative and Intergovernmental Affairs.
- 19 2. Office of Legal Services.
- 20 a. Legal Division I.
- 21 b. Legal Division II.
- 22 3. Office of Administrative Hearings.
- 23 4. Office of Communication.
- 24 5. Mine Safety Review Commission.
- 25 6. Office of Kentucky Nature Preserves.
- 26 7. Kentucky Public Service Commission.
- 27 (b) Department for Environmental Protection.

- 1 1. Office of the Commissioner.
- 2 2. Division for Air Quality.
- 3 3. Division of Water.
- 4 4. Division of Environmental Program Support.
- 5 5. Division of Waste Management.
- 6 6. Division of Enforcement.
- 7 7. Division of Compliance Assistance.
- 8 (c) Department for Natural Resources.
- 9 1. Office of the Commissioner.
- 10 2. Division of Mine Permits.
- 11 3. Division of Mine Reclamation and Enforcement.
- 12 4. Division of Abandoned Mine Lands.
- 13 5. Division of Oil and Gas.
- 14 6. Division of Mine Safety.
- 15 7. Division of Forestry.
- 16 8. Division of Conservation.
- 17 9. Office of the Reclamation Guaranty Fund.
- 18 (d) Office of Energy Policy.
- 19 1. Division of Energy Assistance.
- 20 (e) Office of Administrative Services.
- 21 1. Division of Human Resources Management.
- 22 2. Division of Financial Management.
- 23 3. Division of Information Services.
- 24 (3) Public Protection Cabinet.
- 25 (a) Office of the Secretary.
- 26 1. Office of Communications and Public Outreach.
- 27 2. Office of Legal Services.

- 1 a. Insurance Legal Division.
- 2 b. Alcoholic Beverage Control Legal Division.
- 3 c. Housing, Buildings and Construction Legal Division.
- 4 d. Financial Institutions Legal Division.
- 5 e. Professional Licensing Legal Division.
- 6 3. Office of Administrative Hearings.
- 7 4. Office of Administrative Services.
- 8 a. Division of Human Resources.
- 9 b. Division of Fiscal Responsibility.
- 10 (b) Office of Claims and Appeals.
- 11 1. Board of Tax Appeals.
- 12 2. Board of Claims.
- 13 3. Crime Victims Compensation Board.
- 14 (c) Kentucky Boxing and Wrestling Commission.
- 15 (d) Department of Alcoholic Beverage Control.
- 16 1. Division of Distilled Spirits.
- 17 2. Division of Malt Beverages.
- 18 3. Division of Enforcement.
- 19 4. Division of Tobacco, Nicotine, and Vapor Product Licensing.
- 20 (e) Department of Financial Institutions.
- 21 1. Division of Depository Institutions.
- 22 2. Division of Non-Depository Institutions.
- 23 3. Division of Securities.
- 24 (f) Department of Housing, Buildings and Construction.
- 25 1. Division of Fire Prevention.
- 26 2. Division of Plumbing.
- 27 3. Division of Heating, Ventilation, and Air Conditioning.

- 1 4. Division of Building Code Enforcement.
- 2 (g) Department of Insurance.
- 3 1. Division of Health and Life Insurance and Managed Care.
- 4 2. Division of Property and Casualty Insurance.
- 5 3. Division of Administrative Services.
- 6 4. Division of Financial Standards and Examination.
- 7 5. Division of Licensing.
- 8 6. Division of Insurance Fraud Investigation.
- 9 7. Division of Consumer Protection.
- 10 (h) Department of Professional Licensing.
- 11 1. Real Estate Authority.
- 12 2. Division of Real Property Boards.
- 13 (4) Transportation Cabinet:
- 14 (a) Department of Highways.
- 15 1. Office of Project Development.
- 16 2. Office of Project Delivery and Preservation.
- 17 3. Office of Highway Safety.
- 18 4. Highway District Offices One through Twelve.
- 19 (b) Department of Vehicle Regulation.
- 20 (c) Department of Aviation.
- 21 (d) Department of Rural and Municipal Aid.
- 22 1. Office of Local Programs.
- 23 2. Office of Rural and Secondary Roads.
- 24 (e) Office of the Secretary.
- 25 1. Office of Public Affairs.
- 26 2. Office for Civil Rights and Small Business Development.
- 27 3. Office of Budget and Fiscal Management.

- 1 4. Office of Inspector General.
- 2 5. Secretary's Office of Safety.
- 3 (f) Office of Support Services.
- 4 (g) Office of Transportation Delivery.
- 5 (h) Office of Audits.
- 6 (i) Office of Human Resource Management.
- 7 (j) Office of Information Technology.
- 8 (k) Office of Legal Services.
- 9 (5) Cabinet for Economic Development:
- 10 (a) Office of the Secretary.
- 11 1. Office of Legal Services.
- 12 2. Department for Business and Community Development.
- 13 a. Development and Retention Division – West Kentucky.
- 14 b. Development, Retention, and Administrative Division –
- 15 Central and East Kentucky.
- 16 c. Community and Workforce Development Division.
- 17 3. Department for Financial Services.
- 18 a. Kentucky Economic Development Finance Authority.
- 19 b. Finance and Personnel Division.
- 20 c. IT and Resource Management Division.
- 21 d. Compliance Division.
- 22 e. Program Administration Division.
- 23 f. Bluegrass State Skills Corporation.
- 24 g. The GRANT Commission.
- 25 4. Office of Strategy and Public Affairs.
- 26 a. Marketing and Communications Division.
- 27 b. Research and Strategy Division.

- 1 5. Office of Entrepreneurship and Innovation.
- 2 a. Commission on Small Business Innovation and Advocacy.
- 3 6. Kentucky Film Office.
- 4 a. Kentucky Film Leadership Council.
- 5 (6) Cabinet for Health and Family Services:
- 6 (a) Office of the Secretary.
- 7 1. Office of Public Affairs.
- 8 2. Office of Legal Services.
- 9 3. Office of Inspector General.
- 10 4. Office of Human Resource Management.
- 11 5. Office of Finance and Budget.
- 12 6. Office of Legislative and Regulatory Affairs.
- 13 7. Office of Administrative Services.
- 14 8. Office of Application Technology Services.
- 15 9. Office of Data Analytics.
- 16 10. Office of Medical Cannabis.
- 17 a. Division of Enforcement and Compliance.
- 18 b. Division of Licensure and Access.
- 19 (b) Department for Public Health.
- 20 (c) Department for Medicaid Services.
- 21 (d) Department for Behavioral Health, Developmental and Intellectual
- 22 Disabilities.
- 23 (e) Department for Aging and Independent Living.
- 24 (f) Department for Community Based Services.
- 25 (g) Department for Family Resource Centers and Volunteer Services.
- 26 (7) Finance and Administration Cabinet:
- 27 (a) Office of the Secretary.

- 1 (b) Office of the Inspector General.
- 2 (c) Office of Legislative and Intergovernmental Affairs.
- 3 (d) Office of General Counsel.
- 4 (e) Office of the Controller.
- 5 (f) Office of Administrative Services.
- 6 (g) Office of Policy and Audit.
- 7 (h) Department for Facilities and Support Services.
- 8 (i) Department of Revenue.
- 9 (j) Commonwealth Office of Technology.
- 10 (k) State Property and Buildings Commission.
- 11 (l) Office of Equal Employment Opportunity and Contract Compliance.
- 12 (m) Kentucky Employees Retirement Systems.
- 13 (n) Commonwealth Credit Union.
- 14 (o) State Investment Commission.
- 15 (p) Kentucky Housing Corporation.
- 16 (q) Kentucky Local Correctional Facilities Construction Authority.
- 17 (r) Kentucky Turnpike Authority.
- 18 (s) Historic Properties Advisory Commission.
- 19 (t) Kentucky Higher Education Assistance Authority.
- 20 (u) Kentucky River Authority.
- 21 (v) Kentucky Teachers' Retirement System Board of Trustees.
- 22 (w) Executive Branch Ethics Commission.
- 23 (x) Office of Fleet Management.
- 24 (8) Tourism, Arts and Heritage Cabinet:
 - 25 (a) Kentucky Department of Tourism.
 - 26 1. Division of Tourism Services.
 - 27 2. Division of Marketing and Administration.

- 1 3. Division of Communications and Promotions.
- 2 (b) Kentucky Department of Parks.
- 3 1. Division of Information Technology.
- 4 2. Division of Human Resources.
- 5 3. Division of Financial Operations.
- 6 4. Division of Purchasing.
- 7 5. Division of Facilities.
- 8 6. Division of Park Operations.
- 9 7. Division of Sales, Marketing, and Customer Service.
- 10 8. Division of Engagement.
- 11 9. Division of Food Services.
- 12 10. Division of Rangers.
- 13 (c) Department of Fish and Wildlife Resources.
- 14 1. Division of Law Enforcement.
- 15 2. Division of Administrative Services.
- 16 3. Division of Engineering, Infrastructure, and Technology.
- 17 4. Division of Fisheries.
- 18 5. Division of Information and Education.
- 19 6. Division of Wildlife.
- 20 7. Division of Marketing.
- 21 (d) Kentucky Horse Park.
- 22 1. Division of Support Services.
- 23 2. Division of Buildings and Grounds.
- 24 3. Division of Operational Services.
- 25 (e) Kentucky State Fair Board.
- 26 1. Office of Administrative and Information Technology Services.
- 27 2. Office of Human Resources and Access Control.

- 1 3. Division of Expositions.
- 2 4. Division of Kentucky Exposition Center Operations.
- 3 5. Division of Kentucky International Convention Center.
- 4 6. Division of Public Relations and Media.
- 5 7. Division of Venue Services.
- 6 8. Division of Personnel Management and Staff Development.
- 7 9. Division of Sales.
- 8 10. Division of Security and Traffic Control.
- 9 11. Division of Information Technology.
- 10 12. Division of the Louisville Arena.
- 11 13. Division of Fiscal and Contract Management.
- 12 14. Division of Access Control.
- 13 (f) Office of the Secretary.
 - 14 1. Office of Finance.
 - 15 2. Office of Government Relations and Administration.
- 16 (g) Office of Legal Affairs.
- 17 (h) Office of Human Resources.
- 18 (i) Office of Public Affairs and Constituent Services.
- 19 (j) Office of Arts and Cultural Heritage.
- 20 (k) Kentucky African-American Heritage Commission.
- 21 (l) Kentucky Foundation for the Arts.
- 22 (m) Kentucky Humanities Council.
- 23 (n) Kentucky Heritage Council.
- 24 (o) Kentucky Arts Council.
- 25 (p) Kentucky Historical Society.
 - 26 1. Division of Museums.
 - 27 2. Division of Oral History and Educational Outreach.

- 1 3. Division of Research and Publications.
- 2 4. Division of Administration.
- 3 (q) Kentucky Center for the Arts.
- 4 1. Division of Governor's School for the Arts.
- 5 (r) Kentucky Artisans Center at Berea.
- 6 (s) Northern Kentucky Convention Center.
- 7 (t) Eastern Kentucky Exposition Center.
- 8 (9) Personnel Cabinet:
- 9 (a) Office of the Secretary.
- 10 (b) Department of Human Resources Administration.
- 11 (c) Office of Employee Relations.
- 12 (d) Kentucky Public Employees Deferred Compensation Authority.
- 13 (e) Office of Administrative Services.
- 14 (f) Office of Legal Services.
- 15 (g) Governmental Services Center.
- 16 (h) Department of Employee Insurance.
- 17 (i) Office of Diversity, Equality, and Training.
- 18 (j) Office of Public Affairs.
- 19 (10) Education and Labor Cabinet:
- 20 (a) Office of the Secretary.
- 21 1. Office of Legal Services.
- 22 a. Workplace Standards Legal Division.
- 23 b. Workers' Claims Legal Division.
- 24 c. Workforce Development Legal Division.
- 25 2. Office of Administrative Services.
- 26 a. Division of Human Resources Management.
- 27 b. Division of Fiscal Management.

- 1 c. Division of Operations and Support Services.
- 2 3. Office of Technology Services.
- 3 a. Division of Information Technology Services.
- 4 4. Office of Policy and Audit.
- 5 5. Office of Legislative Services.
- 6 6. Office of Communications.
- 7 7. Office of the Kentucky Center for Statistics.
- 8 8. Board of the Kentucky Center for Statistics.
- 9 9. Early Childhood Advisory Council.
- 10 10. Governors' Scholars Program.
- 11 11. Governor's School for Entrepreneurs Program.
- 12 12. Foundation for Adult Education.
- 13 (b) Department of Education.
- 14 1. Kentucky Board of Education.
- 15 2. Kentucky Technical Education Personnel Board.
- 16 3. Education Professional Standards Board.
- 17 (c) Board of Directors for the Center for School Safety.
- 18 (d) Department for Libraries and Archives.
- 19 (e) Kentucky Environmental Education Council.
- 20 (f) Kentucky Educational Television.
- 21 (g) Kentucky Commission on the Deaf and Hard of Hearing.
- 22 (h) Department of Workforce Development.
- 23 1. Career Development Office.
- 24 2. Office of Vocational Rehabilitation.
- 25 a. Division of Kentucky Business Enterprise.
- 26 b. Division of the Carl D. Perkins Vocational Training Center.
- 27 c. Division of Blind Services.

- 1 d. Division of Field Services.
- 2 e. Statewide Council for Vocational Rehabilitation.
- 3 f. Employment First Council.
- 4 g. Division of Program Policy and Support.
- 5 3. Office of Industry and Apprenticeship Services.
- 6 a. Division of Apprenticeship.
- 7 b. Division of Workforce Talent.
- 8 4. Kentucky Apprenticeship Council.
- 9 5. Division of Technical Assistance.
- 10 6. Office of Adult Education.
- 11 7. Office of the Kentucky Workforce Innovation Board.
- 12 (i) Department of Workplace Standards.
- 13 1. Division of Occupational Safety and Health Compliance.
- 14 2. Division of Occupational Safety and Health Education and
- 15 Training.
- 16 3. Division of Wages and Hours.
- 17 (j) Office of Unemployment Insurance.
- 18 (k) Kentucky Unemployment Insurance Commission.
- 19 (l) ~~Department of Workers' Claims.~~
- 20 1. ~~Division of Workers' Compensation Funds.~~
- 21 2. ~~Office of Administrative Law Judges.~~
- 22 3. ~~Division of Claims Processing.~~
- 23 4. ~~Division of Security and Compliance.~~
- 24 5. ~~Division of Specialist and Medical Services.~~
- 25 6. ~~Workers' Compensation Board.~~
- 26 (m) Workers' Compensation Funding Commission.
- 27 (m)(n) Kentucky Occupational Safety and Health Standards Board.

- 1 ~~(n)~~ State Labor Relations Board.
- 2 ~~(o)~~ Employers' Mutual Insurance Authority.
- 3 ~~(p)~~ Kentucky Occupational Safety and Health Review Commission.
- 4 ~~(q)~~ Workers' Compensation Nominating Committee.
- 5 ~~(r)~~ Office of Educational Programs.
- 6 ~~(s)~~ Kentucky Workforce Innovation Board.
- 7 ~~(t)~~ Kentucky Commission on Proprietary Education.
- 8 ~~(u)~~ Kentucky Work Ready Skills Advisory Committee.
- 9 ~~(v)~~ Kentucky Geographic Education Board.
- 10 ~~(w)~~ Department for Disability Determination Services.
- 11 1. Division of Operations.
- 12 2. Division of Support Services.
- 13 3. Division of Specialized Cases.
- 14 4. Division of Case Processing.

15 III. Other departments headed by appointed officers:

- 16 (1) Council on Postsecondary Education.
- 17 (2) Department of Military Affairs.
- 18 (3) Department for Local Government.
- 19 (4) Kentucky Commission on Human Rights.
- 20 (5) Kentucky Commission on Women.
- 21 (6) Department of Veterans' Affairs.
- 22 (7) Kentucky Commission on Military Affairs.
- 23 (8) Office of Minority Empowerment.
- 24 (9) Governor's Council on Wellness and Physical Activity.
- 25 (10) Kentucky Communications Network Authority.

26 (11) Department of Workers' Claims.

27 (a) Division of Workers' Compensation Funds.

1 **(b) Office of Administrative Law Judges.**

2 **(c) Division of Claims Processing.**

3 **(d) Division of Security and Compliance.**

4 **(e) Division of Specialist and Medical Services.**

5 **(f) Workers' Compensation Board.**

6 ➔Section 10. KRS 12.023 is amended to read as follows:

7 The following organizational units and administrative bodies shall be attached to the
8 Office of the Governor:

- 9 (1) Council on Postsecondary Education;
- 10 (2) Department of Military Affairs;
- 11 (3) Department for Local Government;
- 12 (4) Kentucky Commission on Human Rights;
- 13 (5) Kentucky Commission on Women;
- 14 (6) Kentucky Commission on Military Affairs;
- 15 (7) Office of Minority Empowerment;
- 16 (a) The Martin Luther King Commission;
- 17 (8) Office of Homeland Security;~~and~~
- 18 (9) Kentucky Communications Network Authority; **and**
- 19 **(10) Department of Workers' Claims;**

20 **(a) Division of Workers' Compensation Funds;**

21 **(b) Office of Administrative Law Judges;**

22 **(c) Division of Claims Processing;**

23 **(d) Division of Security and Compliance;**

24 **(e) Division of Specialist and Medical Services; and**

25 **(f) Workers' Compensation Board.**

26 ➔Section 11. KRS 13A.3441 is amended to read as follows:

- 27 (1) The General Assembly finds that a proposed amendment of 803 KAR 25:190,

1 relating to utilization review and medical bill audits, filed with the Commission on
2 February 18, 2021, by the ~~Labor Cabinet,~~ Department of Workers' Claims, was
3 found deficient on or after March 30, 2021, and before January 4, 2022, but
4 determined to become effective notwithstanding the finding of deficiency pursuant
5 to KRS 13A.330, as evidenced by records of the Legislative Research Commission.

6 (2) Contrary provisions of any section of the Kentucky Revised Statutes
7 notwithstanding:

8 (a) If the proposed amendment of 803 KAR 25:190 referenced in subsection (1)
9 of this section has not been adopted on or before April 14, 2022, the proposed
10 amendment shall expire as of April 14, 2022; or

11 (b) If the proposed amendment of 803 KAR 25:190 referenced in subsection (1)
12 of this section has been adopted on or before April 14, 2022, 803 KAR 25:190
13 shall be null, void, and unenforceable as of April 14, 2022.

14 (3) Contrary provisions of any section of the Kentucky Revised Statutes
15 notwithstanding, the administrative body shall be prohibited from promulgating an
16 administrative regulation that is identical to, or substantially the same as, the
17 proposed amendment of 803 KAR 25:190 referenced in subsection (1) of this
18 section for a period beginning on January 4, 2022, and concluding on June 1, 2023.

19 (4) The proposed amendment referenced in subsection (1) of this section shall be
20 available to the public, in the office of the Legislative Research Commission's
21 regulations compiler.

22 ➔Section 12. KRS 13B.020 is amended to read as follows:

23 (1) The provisions of this chapter shall apply to all administrative hearings conducted
24 by an agency, with the exception of those specifically exempted under this section.
25 The provisions of this chapter shall supersede any other provisions of the Kentucky
26 Revised Statutes and administrative regulations, unless exempted under this section,
27 to the extent these other provisions are duplicative or in conflict. This chapter

1 creates only procedural rights and shall not be construed to confer upon any person
2 a right to hearing not expressly provided by law.

3 (2) The provisions of this chapter shall not apply to:

4 (a) Investigations, hearings to determine probable cause, or any other type of
5 information gathering or fact finding activities;

6 (b) Public hearings required in KRS Chapter 13A for the promulgation of
7 administrative regulations;

8 (c) Any other public hearing conducted by an administrative agency which is
9 nonadjudicatory in nature and the primary purpose of which is to seek public
10 input on public policy making;

11 (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter
12 35;

13 (e) Administrative hearings conducted by the legislative and judicial branches of
14 state government;

15 (f) Administrative hearings conducted by any city, county, urban-county, charter
16 county, or special district contained in KRS Chapters 65 to 109, or any other
17 unit of local government operating strictly in a local jurisdictional capacity;

18 (g) Informal hearings which are part of a multilevel hearing process that affords
19 an administrative hearing at some point in the hearing process if the
20 procedures for informal hearings are approved and promulgated in accordance
21 with subsections (4) and (5) of this section;

22 (h) Limited exemptions granted for specific hearing provisions and denoted by
23 reference in the text of the applicable statutes or administrative regulations;

24 (i) Administrative hearings exempted pursuant to subsection (3) of this section;

25 (j) Administrative hearings exempted, in whole or in part, pursuant to
26 subsections (4) and (5) of this section; and

27 (k) Any administrative hearing which was commenced but not completed prior to

1 July 15, 1996.

2 (3) The following administrative hearings are exempt from application of this chapter
3 in compliance with 1994 Ky. Acts ch. 382, sec. 19:

4 (a) Finance and Administration Cabinet

5 1. Higher Education Assistance Authority

6 a. Wage garnishment hearings conducted under authority of 20
7 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410

8 b. Offset hearings conducted under authority of 31 U.S.C. sec.
9 3720A and sec. 3716, and 34 C.F.R. sec. 30.33

10 2. Department of Revenue

11 a. Any licensing and bond revocation hearings conducted under the
12 authority of KRS 138.210 to 138.448 and 234.310 to 234.440

13 b. Any license revocation hearings under KRS 131.630 and 138.130
14 to 138.205

15 (b) Cabinet for Health and Family Services

16 1. Office of the Inspector General

17 a. Certificate-of-need hearings and licensure conducted under
18 authority of KRS Chapter 216B

19 b. Licensure revocation hearings conducted under authority of KRS
20 Chapter 216B

21 2. Department for Community Based Services

22 a. Supervised placement revocation hearings conducted under
23 authority of KRS Chapter 630

24 3. Department for Medicaid Services

25 a. Administrative appeal hearings following an external independent
26 third-party review of a Medicaid managed care organization's final
27 decision that denies, in whole or in part, a health care service to an

1 enrollee or a claim for reimbursement to the provider for a health
2 care service rendered by the provider to an enrollee of the
3 Medicaid managed care organization, conducted under authority of
4 KRS 205.646

5 (c) Justice and Public Safety Cabinet

- 6 1. Department of Kentucky State Police
- 7 a. Kentucky State Police Trial Board disciplinary hearings conducted
8 under authority of KRS Chapter 16
- 9 2. Department of Corrections
- 10 a. Parole Board hearings conducted under authority of KRS Chapter
11 439
- 12 b. Prison adjustment committee hearings conducted under authority
13 of KRS Chapter 197
- 14 c. Prison grievance committee hearings conducted under authority of
15 KRS Chapters 196 and 197
- 16 3. Department of Juvenile Justice
- 17 a. Supervised placement revocation hearings conducted under KRS
18 Chapter 635

19 (d) Energy and Environment Cabinet

- 20 1. Department for Natural Resources
- 21 a. Surface mining hearings conducted under authority of KRS
22 Chapter 350
- 23 b. Oil and gas hearings conducted under the authority of KRS
24 Chapter 353, except for those conducted by the Kentucky Oil and
25 Gas Conservation Commission pursuant to KRS 353.500 to
26 353.720
- 27 c. Explosives and blasting hearings conducted under the authority of

- 1 1. Board of Claims
- 2 a. Liability hearings conducted under authority of KRS 49.020(5)
- 3 and 49.040 to 49.180
- 4 (g) State universities and colleges
- 5 1. Student suspension and expulsion hearings conducted under authority of
- 6 KRS Chapter 164
- 7 2. University presidents and faculty removal hearings conducted under
- 8 authority of KRS Chapter 164
- 9 3. Campus residency hearings conducted under authority of KRS Chapter
- 10 164
- 11 4. Family Education Rights to Privacy Act hearings conducted under
- 12 authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
- 13 5. Federal Health Care Quality Improvement Act of 1986 hearings
- 14 conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS
- 15 Chapter 311

16 **(h) Department of Workers' Claims**

17 **1. Workers' compensation hearings conducted under authority of KRS**
18 **Chapter 342.**

- 19 (4) Any administrative hearing, or portion thereof, may be certified as exempt by the
- 20 Attorney General based on the following criteria:
- 21 (a) The provisions of this chapter conflict with any provision of federal law or
 - 22 regulation with which the agency must comply, or with any federal law or
 - 23 regulation with which the agency must comply to permit the agency or
 - 24 persons within the Commonwealth to receive federal tax benefits or federal
 - 25 funds or other benefits;
 - 26 (b) Conformity with the requirement of this chapter from which exemption is
 - 27 sought would be so unreasonable or so impractical as to deny due process

1 because of undue delay in the conduct of administrative hearings; or

2 (c) The hearing procedures represent informal proceedings which are the
3 preliminary stages or the review stages of a multilevel hearing process, if the
4 provisions of this chapter or the provisions of a substantially equivalent
5 hearing procedure exempted under subsection (3) of this section are applied at
6 some level within the multilevel process.

7 (5) The Attorney General shall not exempt an agency from any requirement of this
8 chapter until the agency establishes alternative procedures by administrative
9 regulation which, insofar as practical, shall be consistent with the intent and
10 purpose of this chapter. When regulations for alternative procedures are submitted
11 to the Administrative Regulation Review Subcommittee, they shall be accompanied
12 by the request for exemption and the approval of exemption from the Attorney
13 General. The decision of the Attorney General, whether affirmative or negative,
14 shall be subject to judicial review in the Franklin Circuit Court within thirty (30)
15 days of the date of issuance. The court shall not overturn a decision of the Attorney
16 General unless the decision was arbitrary or capricious or contrary to law.

17 (6) Except to the extent precluded by another provision of law, a person may waive any
18 procedural right conferred upon that person by this chapter.

19 (7) The provisions of KRS 13B.030(2)(b) shall not apply to administrative hearings
20 held under KRS 11A.100 or 18A.095.

21 ➔Section 13. KRS 151B.015 is amended to read as follows:

22 (1) The Education and Labor Cabinet is hereby created, which shall constitute a cabinet
23 of the state government within the meaning of KRS Chapter 12. The cabinet shall
24 consist of a secretary and those administrative bodies and employees as provided by
25 law.

26 (2) Subject to KRS Chapter 12, the cabinet shall be composed of the major
27 organizational units listed below, units listed in KRS 12.020, and other

1 departments, divisions, and sections as are from time to time deemed necessary for
2 the proper and efficient operation of the cabinet:

3 (a) Office of the Secretary, which shall include the Office of Legal Services, the
4 Office of Administrative Services, the Office of Technology Services, the
5 Office of Policy and Audit, the Office of Legislative Services, the Office of
6 Communications, and the Office of Kentucky Center for Statistics, as follows:

7 1. The Office of Legal Services shall:

8 a. Be headed by an executive director appointed by the secretary with
9 the approval of the Governor in accordance with KRS 12.050 and
10 12.210; and

11 b. Include the Workplace Standards Legal Division, Workforce
12 Development Legal Division, and Workers' Claims Legal
13 Division, each of which shall be headed by a general counsel
14 appointed by the secretary with the approval of the Governor in
15 accordance with KRS 12.050 and 12.210; and

16 2. The following agencies and entities are attached to the Office of the
17 Secretary for administrative purposes only:

18 a. Early Childhood Advisory Council;

19 b. Governor's School for Entrepreneurs Program;

20 c. Governor's Scholar Program;

21 d. Board of the Kentucky Center for Statistics; and

22 e. Foundation for Adult Education;

23 ~~(b) Department of Workers' Claims, which shall be headed by a commissioner~~
24 ~~appointed by the Governor and confirmed by the Senate in accordance with~~
25 ~~KRS 342.228. The department shall be divided for administrative purposes~~
26 ~~into the Office of Administrative Law Judges, the Division of Claims~~
27 ~~Processing, the Division of Security and Compliance, the Division of~~

1 ~~Workers' Compensation Funds, and the Division of Specialist and Medical~~
 2 ~~Services. The Office of Administrative Law Judges shall be headed by a chief~~
 3 ~~administrative law judge appointed in accordance with KRS 342.230. Each~~
 4 ~~division in the department shall be headed by a director appointed by the~~
 5 ~~secretary with the approval of the Governor in accordance with KRS 12.050.~~
 6 ~~The Workers' Compensation Board shall be attached to the Department of~~
 7 ~~Workers' Claims for administrative purposes only;~~

8 ~~(e)~~ Department of Workplace Standards, which shall be headed by a
 9 commissioner appointed by the Governor in accordance with KRS 12.040 and
 10 shall be divided for administrative purposes into the Division of Occupational
 11 Safety and Health Compliance, the Division of Occupational Safety and
 12 Health Education and Training, and the Division of Wages and Hours. Each
 13 of these divisions shall be headed by a director appointed by the secretary
 14 with the approval of the Governor in accordance with KRS 12.050;

15 ~~(c)~~~~(d)~~ Office of Unemployment Insurance, which shall be headed by an
 16 executive director appointed by the Governor in accordance with KRS
 17 12.040;

18 ~~(d)~~~~(e)~~ Kentucky Unemployment Insurance Commission;

19 ~~(e)~~~~(f)~~ Department for Libraries and Archives;

20 ~~(f)~~~~(g)~~ Office of Educational Programs;

21 ~~(g)~~~~(h)~~ Kentucky Workforce Innovation Board;

22 ~~(h)~~~~(i)~~ Department for Disability Determination Services, which shall include
 23 the:

- 24 1. Division of Operations;
- 25 2. Division of Support Services;
- 26 3. Division of Specialized Cases; and
- 27 4. Division of Case Processing; and

1 ~~(i)(j)~~ Department of Workforce Development, which shall be headed by a
2 commissioner appointed by the Governor in accordance with KRS 12.040
3 who shall report to the secretary. Each office or division in the department
4 shall be headed by an executive director or division director appointed by the
5 secretary with the approval of the Governor in accordance with KRS 12.050.

6 The department shall be composed of the following offices:

- 7 1. Career Development Office;
- 8 2. Office of Vocational Rehabilitation, which shall include the Division of
9 Program Policy and Support. The division director shall report to the
10 executive director for the Office of Vocational Rehabilitation;
- 11 3. Office of Industry and Apprenticeship Services, which shall include the
12 Division of Apprenticeship and the Division of Workforce Talent. The
13 division directors shall report to the executive director of the Office of
14 Industry and Apprenticeship Services;
- 15 4. Office of Adult Education;
- 16 5. Kentucky Apprenticeship Council, which shall be attached to the
17 department for administrative purposes only;
- 18 6. Division of Technical Assistance; and
- 19 7. Office of the Kentucky Workforce Innovation Board.

20 (3) The following agencies are attached to the cabinet for administrative purposes only:

- 21 (a) Kentucky Occupational Safety and Health Review Commission;
- 22 (b) State Labor Relations Board;
- 23 (c) Workers' Compensation Funding Commission;
- 24 (d) Kentucky Occupational Safety and Health Standards Board;
- 25 (e) Kentucky Environmental Education Council;
- 26 (f) Kentucky Geographic Education Board;
- 27 (g) Board of Directors for the Center for School Safety;

- 1 (h) Kentucky Commission on Proprietary Education;
- 2 (i) Employers' Mutual Insurance Authority;
- 3 (j) Workers' Compensation Nominating Committee;
- 4 (k) Kentucky Commission on the Deaf and Hard of Hearing;
- 5 (l) Kentucky Educational Television;
- 6 (m) Kentucky Work Ready Skills Advisory Committee; and
- 7 (n) Foundation for Adult Education.

8 ➔Section 14. KRS 218A.278 is amended to read as follows:

- 9 (1) As used in~~[For the purposes of]~~ this section:
- 10 (a) "Analyze" means to apply scientific and mathematical measures to determine
11 meaningful patterns and associations in data. "Analyze" includes descriptive
12 analysis to examine historical data, predictive analysis to examine future
13 probabilities and trends, and prescriptive analysis to examine how future
14 decisions may impact the population and trends; and
 - 15 (b) "Pilot program" means a program in a county or set of counties, or a subset or
16 subsets of the population, as designated by the Cabinet for Health and Family
17 Services and the Office of Drug Control Policy for analyzing the effectiveness
18 of substance abuse treatment services in Kentucky.
- 19 (2) The general purpose of this section is to assist in the development of a pilot
20 program to analyze the outcomes and effectiveness of substance abuse treatment
21 programs in order to ensure that the Commonwealth is:
- 22 (a) Addressing appropriate risk and protective factors for substance abuse in a
23 defined population;
 - 24 (b) Using approaches that have been shown to be effective;
 - 25 (c) Intervening early at important stages and transitions;
 - 26 (d) Intervening in appropriate settings and domains; and
 - 27 (e) Managing programs effectively.

- 1 (3) Sources of data for the pilot program shall include, at a minimum, claims under the
2 Kentucky Department for Medicaid Services, the electronic monitoring system for
3 controlled substances established under KRS 218A.202, and the Department of
4 Workers' Claims~~[- within the Education and Labor Cabinet].~~
- 5 (4) As funds are available, the Cabinet for Health and Family Services and the Office
6 of Drug Control Policy shall initiate a pilot program to determine, collect, and
7 analyze performance measurement data for substance abuse treatment services to
8 determine practices that reduce frequency of relapse, provide better outcomes for
9 patients, hold patients accountable, and control health costs related to substance
10 abuse.
- 11 (5) By December 31, 2016, the Cabinet for Health and Family Services and the Office
12 of Drug Control Policy shall issue a joint report to the Legislative Research
13 Commission and the Office of the Governor that:
- 14 (a) Details the findings of the pilot program;
- 15 (b) Includes recommendations based on the pilot program's results for optimizing
16 substance abuse treatment services; and
- 17 (c) Includes recommendations for the continued application of analytics to further
18 augment Kentucky's approach to fighting substance abuse in the future.
- 19 ➔Section 15. KRS 304.13-167 is amended to read as follows:
- 20 (1) Every workers' compensation insurer shall adhere to a uniform classification system
21 and uniform experience rating system filed with the commissioner by an advisory
22 organization designated by the commissioner.
- 23 (2) Every workers' compensation insurer shall report its experience in accordance with
24 the statistical plans and other reporting requirements in use by an advisory
25 organization designated by the commissioner.
- 26 (3) A workers' compensation insurer may develop subclassifications of the uniform
27 classification system upon which rates may be made. These subclassifications and

1 their filing shall be subject to the provisions of this chapter applicable to filings
2 generally.

3 (4) A workers' compensation insurer may develop rating plans which identify loss
4 experience as a factor to be used. These rating plans and their filing shall be subject
5 to the provisions of this chapter applicable to filings generally.

6 (5) The commissioner shall disapprove subclassifications, rating plans, or other
7 variations from manual rules filed by a workers' compensation insurer if the insurer
8 fails to demonstrate that the data thereby produced can be reported consistent with
9 the uniform classification system and experience rating system and in such a
10 fashion so as to allow for the application of experience rating filed by the advisory
11 organization.

12 (6) The commissioner shall approve rating plans for workers' compensation insurance
13 that give specific identifiable consideration in the setting of rates to employers who
14 implement a drug-free workplace program pursuant to administrative regulations
15 adopted by the Department of Workers' Claims~~[in the Education and Labor~~
16 ~~Cabinet]~~. The plans shall take effect January 1, 2008, shall be actuarially sound, and
17 shall state the savings anticipated to result from such drug-free workplace
18 programs. The credit shall be at least five percent (5%) unless the commissioner
19 determines that five percent (5%) is actuarially unsound. The commissioner is also
20 authorized to develop a schedule of premium credits for workers' compensation
21 insurance for employers who have safety programs that contain certain criteria for
22 safety programs. The commissioner shall consult with the commissioner of the
23 Department of Workers' Claims~~[in the Education and Labor Cabinet]~~ in setting
24 such criteria. A drug-free workplace credit under this subsection shall not be
25 available to employers who receive a credit under KRS 304.13-412 or KRS Chapter
26 351.

27 ➔Section 16. KRS 304.20-090 is amended to read as follows:

1 Any insurer providing workers' compensation insurance coverage for a Kentucky
2 location shall provide proof of coverage to the commissioner of the Department of
3 Workers' Claims~~[in the Education and Labor Cabinet]~~ in accordance with the
4 requirements of the chapter.

5 ➔Section 17. Upon the effective date of this Act, all records, files, documents,
6 equipment, staff, supporting budgets, and any and all unexpended funds associated with
7 the activities of the Department of Workers' Claims when it was attached to the
8 Education and Labor Cabinet shall be transferred to the Department of Workers' Claims
9 administratively attached to the Office of the Governor. All administrative regulations,
10 decisions, and actions promulgated, made, or taken by the Department of Workers'
11 Claims prior to the effective date of this Act that have not been repealed or rescinded
12 shall continue in effect on or after the effective date of this Act, unless and until they are
13 amended, repealed, or rescinded by the department after the effective date of this Act.

14 ➔Section 18. Whereas it is critical to the proper management and administration
15 of the reorganized Department of Workers' Claims that consolidation take place as soon
16 as possible, an emergency is declared to exist, and this Act takes effect upon its passage
17 and approval by the Governor or upon its otherwise becoming a law.