

1 AN ACT relating to in the line of duty death benefits.

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

3 ➔Section 1. KRS 61.315 is amended to read as follows:

4 (1) As used in this section:

5 (a) "Police officer" means every paid police officer, sheriff, or deputy sheriff,
6 corrections employee with the power of a peace officer pursuant to KRS
7 196.037, any metropolitan or urban-county correctional officer with the power
8 of a peace officer pursuant to KRS 446.010, any jailer or deputy jailer, any
9 auxiliary police officer appointed pursuant to KRS 95.445, any police officer
10 of a public institution of postsecondary education appointed pursuant to KRS
11 164.950, any school resource officer as defined in KRS 158.441, or any
12 citation or safety officer appointed pursuant to KRS 83A.087 and 83A.088,
13 elected to office, or employed by any county, airport board created pursuant to
14 KRS Chapter 183, city, local board of education, or by the state;

15 (b) "Firefighter" means every paid firefighter or volunteer firefighter who is
16 employed by or volunteers his or her services to the state, airport board
17 created pursuant to KRS Chapter 183, any county, city, fire district, or any
18 other organized fire department recognized, pursuant to KRS 95A.262, as a
19 fire department operated and maintained on a nonprofit basis in the interest of
20 the health and safety of the inhabitants of the Commonwealth and shall
21 include qualified civilian firefighters employed at Kentucky-based military
22 installations;~~and~~

23 (c) "Emergency medical services personnel" means any paid or volunteer
24 emergency medical services personnel who is certified or licensed pursuant to
25 KRS Chapter 311A and who is employed directly by, or volunteering directly
26 for, any:

27 1. County;

- 1 2. City;
- 2 3. Fire protection district created under KRS 75.010 to 75.260; or
- 3 4. Emergency ambulance service district created under KRS 108.080 to
- 4 108.180;

5 to provide emergency medical services; and

6 (d) "Rescue squad personnel" means any paid or volunteer member of a rescue
7 squad, as defined in KRS 39F.010.

8 (2) The spouse of any police officer, sheriff, deputy sheriff, corrections employee with
9 the power of a peace officer pursuant to KRS 196.037, any metropolitan or urban-
10 county correctional officer with the power of a peace officer pursuant to KRS
11 446.010, any jailer or deputy jailer, any auxiliary police officer appointed pursuant
12 to KRS 95.445, any police officer of a public institution of postsecondary education
13 appointed pursuant to KRS 164.950, any school resource officer as defined in KRS
14 158.441, or any citation or safety officer appointed pursuant to KRS 83A.087 and
15 83A.088, firefighter, or member of the Kentucky National Guard on state active
16 duty pursuant to KRS 38.030, or a member of a state National Guard or a Reserve
17 component on federal active duty under Title 10 or 32 of the United States Code
18 who names Kentucky as home of record for military purposes, whose death occurs
19 on or after July 1, 2002, as a direct result of an act in the line of duty shall receive a
20 lump-sum payment of eighty thousand dollars (\$80,000) if there are no surviving
21 children, which sum shall be paid by the State Treasurer from the general fund of
22 the State Treasury. The spouse of any emergency medical services personnel whose
23 death occurs on or after November 1, 2015, or spouse of any rescue squad
24 personnel whose death occurs on or after the effective date of this Act, as a direct
25 result of an act in the line of duty shall receive a lump-sum payment of eighty
26 thousand dollars (\$80,000) if there are no surviving children, which sum shall be
27 paid by the State Treasurer from the general fund of the State Treasury. If there are

1 surviving children and a surviving spouse, the payment shall be apportioned equally
2 among the surviving children and the spouse. If there is no surviving spouse, the
3 payment shall be made to the surviving children, eighteen (18) or more years of
4 age. For surviving children less than eighteen (18) years of age, the State Treasurer
5 shall:

6 (a) Pay thirty-five thousand dollars (\$35,000) to the surviving children; and

7 (b) Hold forty-five thousand dollars (\$45,000) in trust divided into equal accounts
8 at appropriate interest rates for each surviving child until the child reaches the
9 age of eighteen (18) years.

10 If a child dies before reaching the age of eighteen (18) years, his or her account
11 shall be paid to his or her estate. If there are no surviving children, the payment
12 shall be made to any parents of the deceased.

13 (3) The Kentucky Fire Commission shall be authorized to promulgate administrative
14 regulations establishing criteria and procedures applicable to the administration of
15 this section as it pertains to both paid and volunteer firefighters, including but not
16 limited to defining when a firefighter has died in line of duty. Administrative
17 hearings promulgated by administrative regulation under authority of this
18 subsection shall be conducted in accordance with KRS Chapter 13B.

19 (4) The Justice and Public Safety Cabinet may promulgate administrative regulations
20 establishing criteria and procedures applicable to the administration of this section
21 as it pertains to police officers, any metropolitan or urban-county correctional
22 officers with the power of a peace officer pursuant to KRS 446.010, any school
23 resource officer as defined in KRS 158.441, or any jailers or deputy jailers,
24 including but not limited to defining when one has died in line of duty.
25 Administrative hearings promulgated by administrative regulation under authority
26 of this subsection shall be conducted in accordance with KRS Chapter 13B.

27 (5) The Department of Corrections shall promulgate administrative regulations

1 establishing the criteria and procedures applicable to the administration of this
2 section as it pertains to correctional employees, including but not limited to
3 defining which employees qualify for coverage and which circumstances constitute
4 death in the line of duty.

5 (6) The Kentucky Board of Emergency Medical Services shall promulgate
6 administrative regulations establishing the criteria and procedures applicable to the
7 administration of this section as it pertains to emergency medical services
8 personnel, including but not limited to which employees or volunteers qualify for
9 coverage and which circumstances constitute death in the line of duty.

10 (7) The Department of Military Affairs shall promulgate administrative regulations
11 establishing the criteria and procedures applicable to the administration of this
12 section as it pertains to National Guard or Reserve component members, including
13 but not limited to defining which National Guard or Reserve component members
14 qualify for coverage and which circumstances constitute death in the line of duty.

15 (8) The Division of Emergency Management shall promulgate administrative
16 regulations establishing the criteria and procedures applicable to the
17 administration of this section as it pertains to rescue squad personnel, including
18 but not limited to defining which members qualify for coverage and which
19 circumstances constitute death in the line of duty.

20 (9) The estate of anyone whose spouse or surviving children would be eligible for
21 benefits under subsection (2) of this section, and the estate of any regular member
22 of the United States Armed Forces who names Kentucky as home of record for
23 military purposes whose death occurs as a direct result of an act in the line of duty,
24 shall be exempt from all probate fees, including but not limited to those established
25 by the Supreme Court of Kentucky pursuant to KRS 23A.200 and 24A.170, or
26 imposed under KRS 24A.185, 64.012, and 172.180.

27 (10)~~(9)~~ The benefits payable under this section shall be in addition to any benefits

1 now or hereafter prescribed under any police, sheriff, firefighter's, volunteer
2 firefighter's, emergency medical services personnel, rescue squad personnel, or
3 National Guard or Reserve retirement or benefit fund established by the federal
4 government or by any state, county, or any municipality.

5 ~~(11)~~~~(10)~~ Any funds appropriated for the purpose of paying the death benefits described
6 in subsection (2) of this section shall be allotted to a self-insuring account. These
7 funds shall not be used for the purpose of purchasing insurance.

8 ~~(12)~~~~(11)~~ (a) For~~the~~ purposes of this section, if a firefighter dies as a result of
9 cancer, the death shall be a direct result of an act in the line of duty if the
10 firefighter:

- 11 1. Was a firefighter for at least five (5) consecutive years;
- 12 2. Developed one (1) or more of the cancers listed in paragraph (b) of this
13 subsection which caused the firefighter's death within ten (10) years of
14 separation from service as a firefighter;
- 15 3. Did not use tobacco products for a period of ten (10) years prior to the
16 diagnosis of cancer;
- 17 4. Was under the age of sixty-five (65) at the time of death;
- 18 5. Was not diagnosed with any cancer prior to employment as a firefighter;
19 and
- 20 6. Was exposed while in the course of firefighting to a known carcinogen
21 as defined by the International Agency for Research on Cancer or the
22 National Toxicology Program, and the carcinogen is reasonably
23 associated with one (1) or more of the cancers listed in paragraph (b) of
24 this subsection.

25 (b) This subsection~~section~~ shall apply to the following cancers:

- 26 1. Bladder cancer;
- 27 2. Brain cancer;

- 1 3. Colon cancer;
- 2 4. Non-Hodgkin's lymphoma;
- 3 5. Kidney cancer;
- 4 6. Liver cancer;
- 5 7. Lymphatic or haematopoietic cancer;
- 6 8. Prostate cancer;
- 7 9. Testicular cancer;
- 8 10. Skin cancer;
- 9 11. Cervical cancer; and
- 10 12. Breast cancer.
- 11 (c) 1. The provisions of this subsection creating an entitlement to the line of
- 12 duty death benefits shall apply exclusively to this section and shall not
- 13 be interpreted or otherwise construed to create either an express or
- 14 implied presumption of work-relatedness for any type of claim filed
- 15 pursuant to KRS Chapter 342.
- 16 2. This paragraph is intended to provide clarification regarding the sole and
- 17 exclusive application of this subsection to only the benefits available
- 18 under this section and shall not be used as a bar or other type of
- 19 limitation to impair or alter the rights and ability of a claimant to prove
- 20 work-relatedness under KRS Chapter 342 or other laws.
- 21 ➔Section 2. KRS 164.2841 is amended to read as follows:
- 22 (1) *As used in this section, "rescue squad personnel" means any paid or volunteer*
- 23 *member of a rescue squad, as defined in KRS 39F.010.*
- 24 (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse
- 25 was a resident of the Commonwealth of Kentucky upon becoming a law
- 26 enforcement officer, *rescue squad personnel*, firefighter, or volunteer
- 27 firefighter and who was killed while in active service or training for active

1 service or who died as a result of a service-connected disability shall not be
2 required to pay any matriculation or tuition fee upon admission to any state-
3 supported university, community college, or vocational training institution.
4 ~~[The provisions of]~~ This subsection shall apply to any firefighter or volunteer
5 firefighter who is killed or dies under the conditions covered in this subsection
6 on July 1, 1989, or thereafter.

7 (b) In order to obtain the benefits conferred by paragraph (a) of this subsection,
8 the parent-child relationship shall be shown by birth certificate, adoption
9 papers, or other documentary evidence. The spousal relationship shall be
10 shown by a marriage certificate or other documentary evidence. The parent's
11 or spouse's service and the cause of death shall be evidenced by certification
12 from the records of the ~~[Kentucky]~~ Justice and Public Safety Cabinet, the
13 Division of Emergency Management, the appropriate city or county law
14 enforcement agency which employed the deceased, the administrative agency
15 for the fire department or fire protection district recognized for funding under
16 KRS 95A.262, or the administrative agency having jurisdiction over any paid
17 firefighters of all counties and cities of all classes.

18 (2) (a) Any person whose parent or any nonmarried widow or widower whose spouse
19 was an employee participating in a state-administered retirement system, and
20 not otherwise covered by subsection (1) of this section, and who died as a
21 result of a duty-related injury as described in KRS 61.621 shall not be
22 required to pay any matriculation or tuition fee upon admission to any state-
23 supported university, community college, or vocational training institution.

24 (b) In order to obtain the benefits conferred by paragraph (a) of this subsection,
25 the parent-child relationship shall be shown by birth certificate, adoption
26 papers, or other documentary evidence. The spousal relationship shall be
27 shown by a marriage certificate or other documentary evidence. The parent's

1 or spouse's service and the cause of death shall be evidenced by certification
2 from the records of the employing agency or the appropriate retirement
3 system.

4 (3) If one so admitted to a state-supported university, community college, or vocational
5 training institution under ~~the provisions of~~ this section shall have obtained a cash
6 scholarship paid or payable to the institution, from whatever source, the amount of
7 the scholarship shall be applied to the credit of the applicant in the payment of
8 incidental expenses of his or her attendance at the institution, and any balance, if
9 the terms of the scholarship permit, shall be returned to the applicant.

10 ➔Section 3. KRS 342.316 is amended to read as follows:

11 (1) (a) The employer liable for compensation for occupational disease shall be the
12 employer in whose employment the employee was last exposed to the hazard
13 of the occupational disease. During any period in which this section is
14 applicable to a coal mine, an operator who acquired it or substantially all of its
15 assets from a person who was its operator on and after January 1, 1973, shall
16 be liable for, and secure the payment of, the benefits which would have been
17 payable by the prior operator under this section with respect to miners
18 previously employed in the mine if it had not been acquired by such later
19 operator. At the same time, however, this subsection does not relieve the prior
20 operator of any liability under this section. Also, it does not affect whatever
21 rights the later operator might have against the prior operator.

22 (b) The time of the beginning of compensation payments shall be the date of the
23 employee's last injurious exposure to the cause of the disease, or the date of
24 actual disability, whichever is later.

25 (2) The procedure with respect to the giving of notice and determination of claims in
26 occupational disease cases and the compensation and medical benefits payable for
27 disability or death due to the disease shall be the same as in cases of accidental

1 injury or death under the general provisions of this chapter, except that notice of
2 claim shall be given to the employer as soon as practicable after the employee first
3 experiences a distinct manifestation of an occupational disease in the form of
4 symptoms reasonably sufficient to apprise the employee that he or she has
5 contracted the disease, or a diagnosis of the disease is first communicated to him or
6 her, whichever shall first occur.

7 (3) The procedure for filing occupational disease claims shall be as follows:

8 (a) The application for resolution of claim shall set forth the complete work
9 history of the employee with a concise description of injurious exposure to a
10 specific occupational disease, together with the name and addresses of the
11 employer or employers with the approximate dates of employment. The
12 application shall also include at least one (1) written medical report
13 supporting his or her claim. This medical report shall be made on the basis of
14 clinical or X-ray examination performed in accordance with accepted medical
15 standards and shall contain full and complete statements of all examinations
16 performed and the results thereof. The report shall be made by a duly-licensed
17 physician. The commissioner shall promulgate administrative regulations
18 which prescribe the format of the medical report required by this section and
19 the manner in which the report shall be completed.

20 1. For coal-related occupational pneumoconiosis claims, each clinical
21 examination shall include a chest X-ray interpretation by a National
22 Institute of Occupational Safety and Health (NIOSH) certified "B"
23 reader. The chest X-ray upon which the report is made shall be filed
24 with the application as well as spirometric tests when pulmonary
25 dysfunction is alleged.

26 2. For other compensable occupational pneumoconiosis claims, each
27 clinical examination shall include a chest X-ray examination and

1 appropriate pulmonary function tests.

2 (b) To be admissible, medical evidence offered in any proceeding under this
3 chapter for determining a claim for occupational pneumoconiosis resulting
4 from exposure to coal dust shall comply with accepted medical standards as
5 follows:

- 6 1. Chest X-rays shall be of acceptable quality with respect to exposure and
7 development and shall be indelibly labeled with the date of the X-ray
8 and the name and Social Security number of the claimant. Physicians'
9 reports of X-ray interpretations shall: identify the claimant by name and
10 Social Security number; include the date of the X-ray and the date of the
11 report; classify the X-ray interpretation using the latest ILO
12 Classification and be accompanied by a completed copy of the latest
13 ILO Classification report. Only interpretations by National Institute of
14 Occupational Safety and Health (NIOSH) certified "B" readers shall be
15 admissible.
- 16 2. Spirometric testing shall be conducted in accordance with the standards
17 recommended in the "Guides to the Evaluation of Permanent
18 Impairment" and the 1978 ATS epidemiology standardization project
19 with the exception that the predicted normal values for lung function
20 shall not be adjusted based upon the race of the subject. The FVC or the
21 FEV1 values shall represent the largest of such values obtained from
22 three (3) acceptable forced expiratory volume maneuvers as corrected to
23 BTPS (body temperature, ambient pressure and saturated with water
24 vapor at these conditions) and the variance between the two (2) largest
25 acceptable FVC values shall be either less than five percent (5%) of the
26 largest FVC value or less than one hundred (100) milliliters, whichever
27 is greater. The variance between the two (2) largest acceptable FEV1

1 values shall be either less than five percent (5%) of the largest FEV1
2 value or less than one hundred (100) milliliters, whichever is greater.
3 Reports of spirometric testing shall include a description by the
4 physician of the procedures utilized in conducting such spirometric
5 testing and a copy of the spirometric chart and tracings from which
6 spirometric values submitted as evidence were taken. If it is shown that
7 the spirometric testing is not valid due to inadequate cooperation or poor
8 effort on the part of the claimant, the claimant's right to take or
9 prosecute any proceedings under this chapter shall be suspended until
10 the refusal or obstruction ceases. No compensation shall be payable for
11 the period during which the refusal or obstruction continues.

12 3. The commissioner shall promulgate administrative regulations pursuant
13 to KRS Chapter 13A as necessary to effectuate the purposes of this
14 section. The commissioner shall periodically review the applicability of
15 the spirometric test values contained in the "Guides to the Evaluation of
16 Permanent Impairment" and may by administrative regulation substitute
17 other spirometric test values which are found to be more closely
18 representative of the normal pulmonary function of the coal mining
19 population.

20 4. The procedure for determination of occupational disease claims shall be
21 as follows:

22 a. Immediately upon receipt of an application for resolution of claim,
23 the commissioner shall notify the responsible employer and all
24 other interested parties and shall furnish them with a full and
25 complete copy of the application.

26 b. The commissioner shall assign the claim to an administrative law
27 judge and shall promptly refer the employee to a duly qualified

1 "B" reader physician who is licensed in the Commonwealth and is
2 a board-certified pulmonary specialist as set forth pursuant to KRS
3 342.315 and 342.794(1). The report from this examination shall be
4 provided to all parties of record. The employee shall not be
5 referred by the commissioner for examination within two (2) years
6 following any prior referral for examination for the same disease.

7 c. The commissioner shall develop a procedure to annually audit the
8 performance of physicians and facilities that are selected to
9 perform examinations pursuant to this section. The audit shall
10 include an evaluation of the physician and facility with respect to
11 the timeliness and completeness of the reports and the frequency at
12 which the physician's classification of an X-ray differs from those
13 of the other physicians of that X-ray. The commissioner shall
14 remove a physician or facility from selection consideration if the
15 physician or facility consistently renders incomplete or untimely
16 reports or if the physician's interpretations of X-rays are not in
17 conformity with the readings of other physicians of record at least
18 fifty percent (50%) of the time. The report required under this
19 subdivision shall be provided to the Interim Joint Committee on
20 Economic Development and Workforce Investment on or before
21 July 1, 2019, and on or before July 1 of each year thereafter.

22 d. In coal workers' pneumoconiosis claims, if the physician selected
23 by the commissioner interprets an X-ray as positive for
24 complicated coal workers' pneumoconiosis, the commissioner
25 shall refer the employee to the facility at which the claimant was
26 previously evaluated for a computerized tomography scan in order
27 to verify the findings. The computerized tomography scan shall be

1 interpreted by the facility and a report shall be filed with the
2 commissioner. The employer, insurer, or payment obligor shall
3 pay the cost of the examination pursuant to the medical fee
4 schedule. The administrative law judge may rely upon the findings
5 in the report in accepting or rejecting ILO radiographic evidence
6 of the disease required under KRS 342.732 for benefit
7 determination.

8 e. Within forty-five (45) days following the notice of filing an
9 application for resolution of claim, the employer or carrier shall
10 notify the commissioner and all parties of record of its acceptance
11 or denial of the claim. A denial shall be in writing and shall state
12 the specific basis for the denial.

13 f. The administrative law judge shall conduct such proceedings as
14 are necessary to resolve the claim and shall have authority to grant
15 or deny any relief, including interlocutory relief, to order
16 additional proof, to conduct a benefit review conference, or to take
17 such other action as may be appropriate to resolve the claim.

18 g. Unless a voluntary settlement is reached by the parties, or the
19 parties agree otherwise, the administrative law judge shall issue a
20 written determination within sixty (60) days following a hearing.
21 The written determination shall address all contested issues and
22 shall be enforceable under KRS 342.305.

23 h. Within thirty (30) days of the receipt of the statement for the
24 evaluation, the employer, insurer, or payment obligor shall pay the
25 cost of the examination. Upon notice from the commissioner that
26 an evaluation has been scheduled, the employer, insurer, or
27 payment obligor shall forward the expenses of travel necessary to

1 attend the evaluation at the state employee reimbursement rates to
2 the employee within seven (7) days. However, if the employee has
3 alleged a pulmonary dysfunction but has not filed spirometric
4 evidence as required by paragraph (a) of this subsection at the time
5 the evaluation is scheduled by the commissioner, the employee
6 will be responsible for fifty percent (50%) of the cost of the
7 evaluation.

8 5. The procedure for appeal from a determination of an administrative law
9 judge shall be as set forth in KRS 342.285.

10 (4) (a) The right to compensation under this chapter resulting from an occupational
11 disease shall be forever barred unless a claim is filed with the commissioner
12 within three (3) years after the last injurious exposure to the occupational
13 hazard or after the employee first experiences a distinct manifestation of an
14 occupational disease in the form of symptoms reasonably sufficient to apprise
15 the employee that he or she has contracted the disease, whichever shall last
16 occur; and if death results from the occupational disease within that period,
17 unless a claim therefor be filed with the commissioner within three (3) years
18 after the death; but that notice of claim shall be deemed waived in case of
19 disability or death where the employer, or its insurance carrier, voluntarily
20 makes payment therefor, or if the incurrence of the disease or the death of the
21 employee and its cause was known to the employer. However, the right to
22 compensation for any occupational disease shall be forever barred, unless a
23 claim is filed with the commissioner within five (5) years from the last
24 injurious exposure to the occupational hazard, except that, in cases of
25 radiation disease, asbestos-related disease, or a type of cancer specified in
26 KRS 61.315(12)(b), a claim must be filed within twenty (20) years from
27 the last injurious exposure to the occupational hazard.

- 1 (b) Income benefits for the disease of pneumoconiosis resulting from exposure to
2 coal dust or death therefrom shall not be payable unless the employee has
3 been exposed to the hazards of such pneumoconiosis in the Commonwealth of
4 Kentucky over a continuous period of not less than two (2) years during the
5 ten (10) years immediately preceding the date of his or her last exposure to
6 such hazard, or for any five (5) of the fifteen (15) years immediately
7 preceding the date of such last exposure.
- 8 (5) The amount of compensation payable for disability due to occupational disease or
9 for death from the disease, and the time and manner of its payment, shall be as
10 provided for under the general provisions of the Workers' Compensation Act, but:
- 11 (a) In no event shall the payment exceed the amounts that were in effect at the
12 time of the last injurious exposure;
- 13 (b) The time of the beginning of compensation payments shall be the date of the
14 employee's last injurious exposure to the cause of the disease, or the date of
15 actual disability, whichever is later; and
- 16 (c) In case of death where the employee has been awarded compensation or made
17 timely claim within the period provided for in this section, and an employee
18 has suffered continuous disability to the date of his or her death occurring at
19 any time within twenty (20) years from the date of disability, his or her
20 dependents, if any, shall be awarded compensation for his or her death as
21 provided for under the general provisions of the Workers' Compensation Act
22 and in this section, except as provided in KRS 342.750(6).
- 23 (6) If an autopsy has been performed, no testimony relative thereto shall be admitted
24 unless the employer or its representative has available findings and reports of the
25 pathologist or doctor who performed the autopsy examination.
- 26 (7) No compensation shall be payable for occupational disease if the employee at the
27 time of entering the employment of the employer by whom compensation would

1 otherwise be payable, falsely represented himself or herself, in writing, as not
2 having been previously disabled, laid-off, or compensated in damages or otherwise,
3 because of the occupational disease, or failed or omitted truthfully to state to the
4 best of his or her knowledge, in answer to written inquiry made by the employer,
5 the place, duration, and nature of previous employment, or, to the best of his or her
6 knowledge, the previous state of his or her health.

7 (8) No compensation for death from occupational disease shall be payable to any
8 person whose relationship to the deceased, which under the provisions of this
9 chapter would give right to compensation, arose subsequent to the beginning of the
10 first compensable disability, except only for after-born children of a marriage
11 existing at the beginning of such disability.

12 (9) Whenever any claimant misconceives his or her remedy and files an application for
13 adjustment of claim under the general provisions of this chapter and it is
14 subsequently discovered, at any time before the final disposition of the cause, that
15 the claim for injury, disability, or death which was the basis for his or her
16 application should properly have been made under the provisions of this section,
17 then the application so filed may be amended in form or substance, or both, to
18 assert a claim for injury, disability, or death under the provisions of this section, and
19 it shall be deemed to have been so filed as amended on the date of the original filing
20 thereof, and compensation may be awarded that is warranted by the whole evidence
21 pursuant to the provisions of this chapter. When amendment of this type is
22 submitted, further or additional evidence may be heard when deemed necessary.
23 Nothing this section contains shall be construed to be or permit a waiver of any of
24 the provisions of this chapter with reference to notice of time for filing of a claim,
25 but notice of filing a claim, if given or done, shall be deemed to be a notice of filing
26 of a claim under provisions of this chapter, if given or done within the time required
27 by this subsection.

- 1 (10) When an employee has an occupational disease that is covered by this chapter, the
2 employer in whose employment he or she was last injuriously exposed to the hazard
3 of the disease, and the employer's insurance carrier, if any, at the time of the
4 exposure, shall alone be liable therefor, without right to contribution from any prior
5 employer or insurance carrier, except as otherwise provided in this chapter.
- 6 (11) (a) For claims filed on or before June 30, 2017, income benefits for coal-related
7 occupational pneumoconiosis shall be paid fifty percent (50%) by the
8 Kentucky coal workers' pneumoconiosis fund as established in KRS 342.1242
9 and fifty percent (50%) by the employer in whose employment the employee
10 was last exposed to the hazard of that occupational disease.
- 11 (b) Income benefits for coal-related occupational pneumoconiosis for claims filed
12 after June 30, 2017, shall be paid by the employer in whose employment the
13 employee was last exposed to the hazards of coal workers' pneumoconiosis.
- 14 (c) Compensation for all other occupational disease shall be paid by the employer
15 in whose employment the employee was last exposed to the hazards of the
16 occupational disease.
- 17 (12) A concluded claim for benefits by reason of contraction of coal workers'
18 pneumoconiosis in the severance or processing of coal shall bar any subsequent
19 claim for benefits by reason of contraction of coal workers' pneumoconiosis, unless
20 there has occurred in the interim between the conclusion of the first claim and the
21 filing of the second claim at least two (2) years of employment wherein the
22 employee was continuously exposed to the hazards of the disease in the
23 Commonwealth.