

Customer Workers Compensation Jurisdictional Resource - Kentucky

Issue	Mandatory	What & How	Impact	State Forms
<p>Timely Reporting of Claims</p>	<p>Yes</p> <p>Every employer subject to this chapter shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within one (1) week after the occurrence and knowledge of an injury to an employee causing his absence from work for more than one (1) day, a report thereof shall be made to the office in the manner directed by the executive director through administrative regulations. Sections 342.185, 342.186, 342.190, 342.195, 342.197, 342.200 of the Kentucky Code.</p> <p>Every employer subject to this chapter shall report to his workers' compensation insurance carrier or the party responsible for the payment of workers' compensation benefits any work-related injury or</p>	<p>An employer's insurance carrier or other party responsible for the payment of workers' compensation benefits shall be responsible for making the Kentucky Form IA-1 - First Report of Injury (FROI) to the Kentucky Department of Workers' Claims within one week of receiving the notification.</p> <p>The Kentucky Form IA-1 - First Report of Injury (FROI) shall contain the name, nature, and location of the business of the employer and name, age, sex, wages, and occupation of the injured employee, and shall state the date and hour of the accident causing the injury, the nature and cause of the injury, and any other information required by the executive director.</p> <p>Imperative that we are made aware of any lost time greater than 1 day.</p>	<p>Any employer, insurer, or payment obligor subject to this chapter who fails to make a report required by Section 342.038 of the Kentucky Code within fifteen (15) days from the date it was due, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense.</p>	<p>Kentucky Form IA-1 - First Report of Injury (FROI)</p>

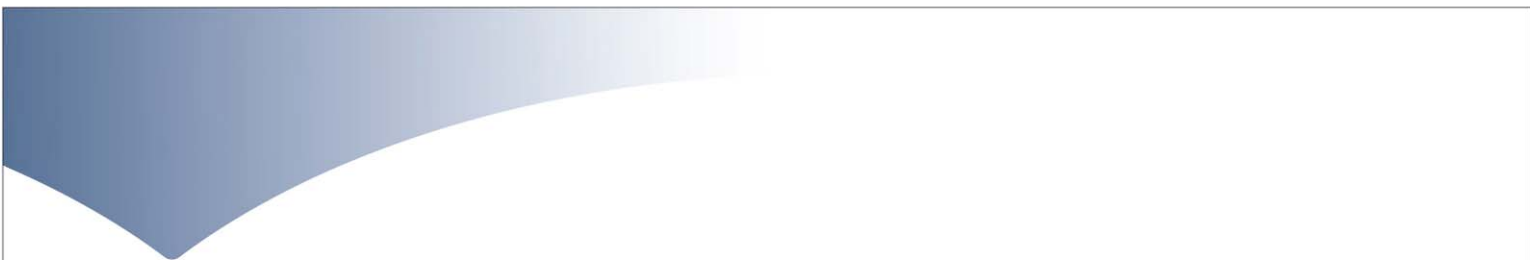


	<p>disease or alleged work-related injury or disease within three (3) working days of receiving notification of the incident or alleged incident.</p> <p>The Kentucky Department of Workers' Claims requires a formal Kentucky Form IA-1 - First Report of Injury (FROI) to be filed with them when more than 1 day from work is missed. Travelers will need the loss reported to them regardless of time missed from work to pay any related medical bills.</p>			
<p>Drug Free Workplace</p>	<p>No</p> <p>Drug testing is not mandatory, but if positive could be an affirmative defense to the claim if it can be proven that the intoxication was the proximate cause of the injury.</p> <p>An employer can choose to be certified by the Kentucky Department of Workers' Claims as having a drug free program. If they choose to do that, then drug testing is mandatory as part of that certification. The regulation outlining this certification can be</p>	<p>Some employers perform drug screening when an employee is injured in an accident. A positive drug screening may show the presence of an intoxicant, but does not necessarily demonstrate that an employee was 1) intoxicated at the time of the accident or 2) that the intoxication caused the injury. Therefore, a positive drug test alone might not provide a defense to a worker's compensation claim. Case law has further defined that a simple post accident urine drug screen will not be sufficient. Actual blood test, reviewed by a qualified "expert" is generally needed to prevail in pursuit of this defense.</p>	<p>If it is successfully proven that the intoxication was the proximate cause of the accident, claim will not be owed.</p>	<p>N/A</p>



	<p>found at the following website:</p> <p>280 Certification of drug-free workplace.</p>			
Managed Care Law	<p>No</p> <p>But the employer can officially enroll in managed care which will require their injured workers to choose a gatekeeper (primary care physician) from the managed care network.</p> <p>Section 340.020 of the Kentucky Code</p>	<p>Corvel is our approved managed care network in Kentucky. We have a managed care nurse, Rise' Ballard on staff that will assist employers in officially enrolling in managed care.</p>	<p>Increased medical savings obtained when the use of network providers is maximized.</p>	
Timely Reporting of Out of Work Status	<p>No</p> <p>Reporting of out of work status less than 7 days is not mandatory, but if it exceeds 7 days, TTD will be due and a Kentucky Form IA-1 - First Report of Injury (FROI) must be filed via Kentucky EDI Code.</p>	<p>We strongly encourage that any out-of-work status be promptly reported to us so that we can ensure that any time lost beyond the 7-day waiting period is promptly paid to the injured worker and that the Kentucky Form IA-1 - First Report of Injury (FROI) can be filed.</p>	<p>Any delay on the part of the employer in providing an updated work status can result in overpayments or underpayments of benefits to the injured worker and possible late filing of the Kentucky Form IA-1 - First Report of Injury (FROI) which can result in a fine as follows:</p> <p>Any employer, insurer, or payment obligor subject to this chapter who fails to make a report required by Section 342.038 of the Kentucky Code within fifteen (15) days from the date it was due,</p>	<p>Kentucky Form IA-1 - First Report of Injury (FROI)</p> <p>Kentucky IA-2 - Subsequent Report</p>

			shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense.	
Bona Fide Job Offers	<p>Not mandatory that they be put in writing, but strongly encouraged.</p> <p>Recent unpublished case law seems to imply that the light duty needs to mirror regular duties as much as possible or there could be an exposure for TTD to be due.</p>	Job offers should be made in writing, mailed, and include the net wage, the hours, description of the physical requirements, description of the duties the injured worker will be expected to perform, and location.	Should a dispute arise surrounding whether an offer has ever been made, or the specifics of that offer, if it is in writing, it becomes a much stronger defense.	N/A
Wage Statements	<p>The 52-week history is divided into four 13-week quarters. The Best Quarter is used for the Average Weekly Wage (AWW). Overtime "hours" are included but at the "straight time" rate, not the overtime rate. AWW for salaried employees is the weekly equivalent salary on the date of injury.</p> <p>First TTD payment is due by the 14th day of disability. There is an initial 7-day waiting period and the waiting period is due if the injured worker is disabled 15 days or more.</p>	<p>If the injured worker has worked less than 52 weeks, then AWW will be based on wages for weeks worked if fair to both parties. If wage history is not sufficient, may need to secure wages of a like employee.</p> <p>Indemnity benefits will end at the employee's SSRA (social security retirement age) or 2 years from the injury date, whichever is longer. SSRA can be from age 65 to 67 depending on date of birth.</p>	Unsupported delay in providing a wage statement could lead to allegation of bad faith/unfair claims settlement practices.	Kentucky Form AWW-1 - Average Weekly Wage Certification



Posting of Notices	Yes	<p>The employer's notice to employees required by Section 342.610(6) of the Kentucky Code shall be conspicuously posted at the employer's principle office and each other location where an employee customarily reports for payroll and personnel matters. The notice shall be in an identical format as the Workers' Compensation Notice. See Section 342.610(6) of the Kentucky Code as stated on the Workers' Compensation Notice.</p>	<p>If an employer fails to comply with these posting requirements, possible fine could be assessed by the Kentucky Department of Workers' Claims.</p>	<p>No formal state form is required, but must contain the information outlined to the left.</p>
--------------------	-----	--	---	---

The Travelers Indemnity Company
and its property casualty affiliates
One Tower Square
Hartford, CT 06183

travelers.com

.....
This material does not amend, or otherwise affect, the provisions or coverages of any insurance policy or bond issued by Travelers. It is not a representation that coverage does or does not exist for any particular claim or loss under any such policy or bond. Coverage depends on the facts and circumstances involved in the claim or loss, all applicable policy or bond provisions, and any applicable law. Availability of coverage referenced in this document can depend on underwriting qualifications and state regulations.

© 2009 The Travelers Companies, Inc. All rights reserved. CE-10136 New 8-09