Detailed Volume
Table of Contents

Chapter 1
Introduction
§ 1:1 History
§ 1:2 Administrative authority
§ 1:3 Statutory construction
§ 1:4 Purposes of workers’ compensation

Chapter 2
Employees Covered
§ 2:1 Broad coverage
§ 2:2 Executive officers and business owners
§ 2:3 Government employees
§ 2:4 Emergency service employees
§ 2:5 Minors
§ 2:6 Casual employees
§ 2:7 Newspaper carriers
§ 2:8 Extraterritorial coverage
§ 2:9 Voluntary coverage
§ 2:10 Apprenticeship

Chapter 3
Employees Exempted
§ 3:1 Narrow exemptions
§ 3:2 Agricultural employees
§ 3:3 Domestic servant employees
§ 3:4 Casual employees
§ 3:5 Work for aid or sustenance
§ 3:6 Employees covered by a federal program
§ 3:7 Vanpools
§ 3:8 Rejection of coverage
§ 3:9 Voluntary coverage
§ 3:10  Professional athletes, coaches or trainers

Chapter 4
Employers Covered
§ 4:1  Broad coverage
§ 4:2  Agriculture exempted
§ 4:3  No minimum number of employees required
§ 4:4  Governmental employer
§ 4:5  Voluntary coverage

Chapter 5
Independent Contractors, Contractors and Subcontractors
§ 5:1  Independent contractors
§ 5:2  Contractors, subcontractors, and “statutory employers”
§ 5:3  Employee leasing companies

Chapter 6
Insurance Considerations
§ 6:1  Coverage required
§ 6:2  Type of coverage
§ 6:3  Self-insurance
§ 6:4  Reinsurance
§ 6:5  Insurance association
§ 6:6  Uninsured Employers’ Fund
§ 6:7  Special Fund

Chapter 7
Civil Actions Based on Employment Injuries
§ 7:1  Employers’ immunity from civil actions
§ 7:2  Contractors, subcontractors, and “statutory employers”
§ 7:3  Dual capacity doctrine
§ 7:4  Fellow employees
§ 7:5  Loss of consortium

xiv
Table of Contents

§ 7:6  Third party actions
§ 7:7  Indemnity action against employer
§ 7:8  Non-covered employment injuries
§ 7:9  Employers’ subrogation
§ 7:10  Civil rights actions
§ 7:11  Workers’ compensation payment as a “collateral source”

Chapter 8
Injury Defined

§ 8:1  Broad definition of injury
§ 8:2  Communicable disease
§ 8:3  Occupational disease distinguished

Chapter 9
Employment Element of Injury

§ 9:1  Basic definition
§ 9:2  Personal needs
§ 9:3  Horseplay
§ 9:4  Assaults
§ 9:5  Idiopathic falls
§ 9:6  Lightning
§ 9:7  Going and coming rule
§ 9:8  Operating premises
§ 9:9  Employer-sponsored activities
§ 9:10  Acts for the employee’s, employer’s and co-employee’s benefits
§ 9:11  Recreational activities
§ 9:12  Emergencies
§ 9:13  Heart cases
§ 9:14  Back injury
§ 9:15  Medical treatment
§ 9:16  Unexplained injury

Chapter 10
Occupational Diseases

§ 10:1  Basic definition
§ 10:2  Special procedural problems
§ 10:3  Amended claim
Chapter 11

**Employee Misconduct**

§ 11:1  Intoxication
§ 11:2  Wilful intention to injure or kill self or another
§ 11:3  Misrepresentation at time of employment
§ 11:4  Intentional failure to use safety appliance or obey rule
§ 11:5  Failure to follow medical advice
§ 11:6  Cigarette smoking

Chapter 12

**Employer Misconduct**

§ 12:1  Employers’ intent to produce injury
§ 12:2  Wilful and unprovoked attack by co-employee, officer or director
§ 12:3  Employers’ intentional failure to follow safety rules

Chapter 13

**Medical Benefits**

§ 13:1  Basic coverage
§ 13:2  Collateral source of payments
§ 13:3  Selection of physician and hospital
§ 13:4  Chiropractic services covered
§ 13:5  Medical fees must be reasonable

Chapter 14

**Rehabilitation and Retraining**

§ 14:1  Rehabilitation
§ 14:2  Retraining incentive benefits
Chapter 15

Average Weekly Wage

§ 15:1 Importance of average weekly wage
§ 15:2 Employee’s average weekly wage
§ 15:3 State average weekly wage

Chapter 16

Income Benefits for Disability

§ 16:1 Basic coverage
§ 16:2 Determination of occupational disability
§ 16:3 Total disability
§ 16:4 Permanent partial disability
§ 16:5 Pneumoconiosis
§ 16:6 Prior injury
§ 16:7 Lump sum payment
§ 16:8 Assignment of benefits
§ 16:9 Reduction of benefits based upon age

Chapter 17

Death and Dependency Benefits

§ 17:1 Determination of dependency
§ 17:2 Presumed wholly dependent
§ 17:3 Compensation of alien dependents
§ 17:4 Payment of death benefits in good faith
§ 17:5 Payments to certain dependents for others
§ 17:6 Income benefits for death
§ 17:7 Burial expenses
§ 17:8 Employee’s death from causes other than work-related injury
§ 17:9 Public service death in line of duty

Chapter 18

Apportionment

§ 18:1 Purpose of apportionment
§ 18:2 Liability for disability
§ 18:3 Pre-existing “active” disability
§ 18:4  Dormant disease or condition
§ 18:5  Work-related pre-existing condition
§ 18:6  Heart and back cases apportionment
§ 18:7  Reference of medical questions to physicians
§ 18:8  Evidentiary matters

Chapter 19
Notice Requirements
§ 19:1  Notice of accident
§ 19:2  Notice of occupational disease

Chapter 20
Time Limitations
§ 20:1  Limitations for injury claims
§ 20:2  Limitations for occupational diseases
§ 20:3  Limitations for employers' subrogation claims
§ 20:4  Limitations for extraterritorial injury claims
§ 20:5  Limitations for reopening awards

Chapter 21
Administrative Hearing Procedure
§ 21:1  Administrative practice
§ 21:2  Pre-hearing matters
§ 21:3  Hearing
§ 21:4  Reconsideration
§ 21:5  Reopen
§ 21:6  Appeal to Workers' Compensation Board
§ 21:7  Enforcement of order

Chapter 22
Appeal to the Courts
§ 22:1  Review by Court of Appeals
§ 22:2  Awards continued
§ 22:3  Procedure in Court of Appeals
§ 22:4  Review by Kentucky Supreme Court
Table of Contents

§ 22:5 Enforcement of order
§ 22:6 Frivolous proceedings

Chapter 23
Attorney’s Fees
§ 23:1 Regulation of fees
§ 23:2 Methods of payment
§ 23:3 Reopened claims

Chapter 24
Employer Penalties and Employee Protections
§ 24:1 Broad protections
§ 24:2 Employer penalties
§ 24:3 Employee protections
§ 24:4 Uninsured employer
§ 24:5 Action for retaliatory discharge

Chapter 25
Official Forms
§ 25:1 Official forms
§ 25:2 First report of injury or illness (Form IA-1)
§ 25:3 Subsequent report (Form IA-2)
§ 25:4 Application for resolution of claim (injury) (Form 101)
§ 25:5 Application for resolution of claim (occupational disease) (Form 102)
§ 25:6 Application for resolution of claim (pneumoconiosis) (Form 102-CWP)
§ 25:7 Application for resolution of claim (hearing loss) (Form 103)
§ 25:8 Plaintiff’s employment history (Form 104)
§ 25:9 Plaintiff’s chronological medical history (Form 105)
§ 25:10 Medical waiver and consent (Form 106)
§ 25:11 Medical report (injury) (Form 107-I)
§ 25:12 Medical report (psychological) (Form 107-P)
§ 25:13 Medical report (occupational disease) (Form 108-CWP)
§ 25:14 Medical report (hearing loss) (Form 108-HL)
§ 25:15 Medical report (occupational disease) (another form) (Form 108-OD)
§ 25:16 Attorney fee election (Form 109)
§ 25:17 Agreement as to compensation and order approving settlement (pneumoconiosis) (Form 110-CWP)
§ 25:18 Agreement as to compensation and order approving settlement (injury) (Form 110-I)
§ 25:19 Agreement as to compensation and order approving settlement (hearing loss/occupational disease) (Form 110-O)
§ 25:20 Notice of claim denial or acceptance (injury and hearing loss) (Form 111)
§ 25:21 Notice of claim denial or acceptance (occupational disease) (Form 111-OD)
§ 25:22 Medical dispute (Form 112)
§ 25:23 Designated physician (Form 113)
§ 25:24 Request for payment for services or reimbursement for compensable expenses (Form 114)
§ 25:25 Social security release (Form 115)
§ 25:26 Average weekly wage certification (Form AWW-1)
§ 25:27 Application for split coverage (Form .375)
§ 25:28 Application for split coverage (employee leasing) (Form .375 EL)
§ 25:29 Application for split coverage (wrap up) (Form .375 wrap up)
§ 25:30 Motion to substitute party and continue benefits (Form 11)
§ 25:31 Affidavit of exemption from the Kentucky Workers’ Compensation Act (corporation or partnership)
§ 25:32 Affidavit of exemption from the Kentucky Workers’ Compensation Act (individual)
§ 25:33 Motion to reopen KRS 342.732 benefits
§ 25:34 Authorization for release of educational information
§ 25:35 Statement of proposed stipulations and notice of contested issues
§ 25:36 Request for manual change form

Appendix A

Kentucky Revised Statutes

Table of Laws and Rules

Table of Cases

xx
Table of Contents

Index