INDEX

T - Text Sections
KRS - Kentucky Revised Statutes
Cross references are in CAPITAL LETTERS.

**ABANDONMENT**
- Surviving spouse, T 17:2

**ACTIVE DISABILITY**
- Generally, T 18:3

**ADMINISTRATIVE LAW JUDGE**
- Generally, T 1:2, T 21:1, KRS 342.230
- Appointment of, T 21:1, KRS 342.230(3)
- Approval of attorney, physician, and hospital fees, T 23:1, KRS 342.230
- Authority of, T 21:1, KRS 342.230(3), KRS 342.235
- Hearing duties, T 21:3, KRS 342.275
- Remanding claim to, T 21:6, KRS 342.285
- Serving copy of claim on, T 21:2

**ADMINISTRATIVE PRACTICE AND PROCEDURE**
- Generally, T 21:1 to T 21:7
- Administrative law judge. See **ADMINISTRATIVE LAW JUDGE**
  - Appeal, apportionment of heart and back cases, nonappealability, T 18:6, KRS 342.1202
  - Exhaustion of administrative procedure, T 22:1
  - Judicial review. See APPEAL TO COURT OF APPEALS
  - Occupational safety and health review commission hearing orders, KRS 338.091

**ADMINISTRATIVE PRACTICE AND PROCEDURE—Cont’d**
- Appeal—Cont’d
  - Pre-hearing conference issues not raised but litigated, T 21:2
  - Procedure, T 21:6, KRS 342.285
  - Supersedeas bond for appeal to Court of appeals, T 21:6, T 22:2, KRS 342.300
- Application for resolution of claims. See FORMS
- Arbitration. See ARBITRATION
- Commissioner’s authority to promulgate administrative regulations, KRS 342.260
- Decision
  - Petition for appeal to Court of Appeals, part of, T 22:3
  - Within sixty days of hearing, T 21:3, KRS 342.275
- Enforcement of award or order, T 21:7, KRS 342.305
- Evidence, T 21:3, KRS 342.033
- Exhaustion of administrative procedure, T 22:1
- Filing claim with Workers’ Compensation Board, T 21:2
- Forms. See FORMS
- Frivolous proceedings, sanctions, T 21:1, KRS 342.310
- Hearing
  - Generally, T 21:3, KRS 342.033, KRS 342.275, KRS 342.315
  - Pre-hearing conference, below
- Joinder of parties, T 21:2
- Medical services, mandated administrative regulations, KRS 342.734

Index-1
ADMINISTRATIVE PRACTICE AND PROCEDURE—Cont’d

Option of seeking civil or administrative proceeding, T 21:1

Pre-hearing conference

Occupation disease claims, T 10:2, KRS 342.316

Purpose and procedure, T 21:2, KRS 342.270

Pre-hearing matters, T 21:2

Public records requirement, T 21:1, KRS 342.245

Reconsideration, procedure, T 21:4, KRS 342.281

Reopen, T 21:5

Workers’ Compensation Board appeal to, T 1:2, T 21:6, KRS 342.285

authority, T 21:1, KRS 342.260

enforcement of award, T 21:7, KRS 342.305

filing claim with, requirements, T 21:2

procedure for appeal to, T 21:6, KRS 342.285

ADVISORY COUNCIL, WORKERS’ COMPENSATION

Creation, organization, authority and duties, KRS 342.0012

AFFIRMATIVE DEFENSE

Exclusive remedy provision, T 7:1, KRS 342.690

AGE AND AGING PROCESS

Definition of injury as not including natural aging process, T 8:1, T 9:14

Heart cases, aging process, T 9:13

Minors. See MINORS

Permanent partial disability amount, effect of advanced age, T 16:4, KRS 342.730(1)(c)

Reduction of disability benefits when employee reaches age of

AGE AND AGING PROCESS—Cont’d

social security, T 16:9, KRS 342.730(4)

When covered by workers’ compensation, aging process, T 9:1

AGENTS AND AGENCY

Dependency benefits, certain dependents receiving payments for other dependents, T 17:5, KRS 342.160

Tolling statute of limitations for filing claim, agent relationship, T 20:1

AGRICULTURE EXEMPTION

Employees, T 3:2, KRS 342.650(5)

Employers, T 4:2, KRS 342.630(1)

Tort action against employer, T 7:8

AIDS

Notice of injurious exposure, KRS 342.185

ALIENS

Dependents’ compensation, T 17:3, KRS 342.130

Notice to nonresident aliens, KRS 342.135

ALLERGIC REACTIONS

Occupational diseases, T 10:1

ALTERNATIVE DISPUTE RESOLUTION

Validity of, KRS 342.277

AMBULANCE SERVICES

Coverage, T 2:4

AMENDMENTS

Occupational disease, amended claim, T 10:3

AMERICAN MEDICAL ASSOCIATION

Guides to the Evaluation of a Permanent Impairment, reference source, T 16:4
AMERICANS WITH DISABILITIES ACT
Cause of action, T 24:3

AMPUTATION
Covered medical expenses, T 13:1, KRS 342.020(6)

ANGINA PECTORIS
Compensability, T 9:13

APPEAL
Administrative procedure. See ADMINISTRATIVE PRACTICE AND PROCEDURE
Judicial review. See APPEAL TO COURT OF APPEALS

APPEAL TO COURT OF APPEALS—Cont'd
Safekeeping, transporting and return of original record of board, T 22:3, KRS 342.295
Supersedeas bond for appeal to Court of appeals, T 21:6, T 22:6, KRS 342.300
Supreme Court, review by, T 22:4
Time limitations, T 22:1, T 22:3

APPEAL TO SUPREME COURT
Generally, T 22:1, T 22:4, KRS 342.290

APPEARANCE
Failure to appear at hearing, consequences, T 21:3

APPLICATION FOR RESOLUTION OF CLAIMS
See FORMS

APPOINTMENTS
Designated physician form, T 25:23
More than two physicians to examine claimants and testify, T 21:3, KRS 342.033, KRS 342.315
Occupational Safety and Health Standards Board members, KRS 338.051
Physicians for investigation and report, reference of medical question to, T 18:7, T 25:011, KRS 342.121
Request for payment for services or reimbursement for compensable expenses, form, T 25:24
Workers’ Compensation Advisory Council members, KRS 342.0012
Workers’ Compensation Nominating Commission, generally, KRS 342.213

APPORTIONMENT
Generally, T 18:1 to T 18:8, KRS 342.120
APPORTIONMENT—Cont’d
Dependency income benefits cessation of, T 17:6, KRS 342.750(4)
Disability resulting from prior and current injuries, payments for, T 16:6, KRS 342.730(2)
Dormant disease or condition, T 18:4
Evidentiary matters, T 18:8
Heart and back cases, T 18:6, KRS 342.1202
Liability, generally, T 18:2, T 18:3
Occupational disease claim liability, T 10:4, T 10:5
Pre-existing condition. See PRE-EXISTING CONDITION
Purpose of, T 18:1
Reference of medical questions to physicians for investigation and report, T 18:7, T 25:011, KRS 342.120(3), KRS 342.121
Smoking as contributory cause of illness/disability, T 11:6
Special Fund liability, T 10:5, T 16:6, T 18:1

APPRENTICE
Average weekly wage, T 15:2, KRS 342.402(4)
Covered employees, T 2:10, KRS 342.640(1)

APPROVAL
See CONSENT

ARMS
Total disability rating, T 16:1

ARTHRITIS
When covered by workers’ compensation, T 9:1

ASBESTOS
Claims procedure, KRS 342.318
Rebuttable presumption in asbestos cleanup lawsuits, KRS 338.195

ASSAULTS
Compensability of injuries due to, T 9:4

ASSESSMENTS
See PREMIUMS

ASSIGNMENT
Disability income benefits, T 16:8, KRS 342.180
Prohibition of assigning compensation under the program prohibition, T 24:3, KRS 342.175

ASSUMPTION OF RISK
Defense, T 7:8, T 24:3

ATHLETES, COACHES OR TRAINERS
Exempted employees, T 3:10, KRS 342.670(4)

ATTORNEY FEES
Generally, T 23:1 to T 23:3, KRS 342.320
See also COSTS AND EXPENSES
Apportionment between employer and Special Fund, T 18:2
Approval of, KRS 342.320
Election, form, T 25:16
Frivolous proceedings, sanctions, T 21:1, T 22:6, KRS 342.310
Methods of payment, T 23:2
Overdue temporary total disability income benefits, recovery of, KRS 342.040(2)
Penalty, T 24:3, KRS 342.197

Index-4
ATTORNEY FEES—Cont’d
Regulation of fees, T 23:1, KRS 342.320
Reopened claims, T 23:3

ATTORNEY GENERAL
Safety violations, duties, KRS 338.191

AVERAGE WEEKLY WAGE
Generally, T 15:1 to T 15:3
Burial expenses, effect on, T 17:7, KRS 342.750(6)
Certification form, T 25:26
Computation of, KRS 342.140
Definition of wage, T 15:2, KRS 342.402(6)
Dependency income benefits, calculating, T 17:6, KRS 342.750
Disability income benefits basis generally, T 16:1, KRS 342.730
importance of average weekly wage, T 15:1, KRS 342.730
permanent partial disability, T 16:4
pneumoconiosis, T 16:5
total disability, T 16:3
Employee’s average weekly wage, calculating, T 15:2, KRS 342.140
Federal Coal Mine and Safety Act requirements, T 10:7
Importance of, T 15:1
Method for determining state’s, KRS 342.143
Rehabilitation program, KRS 342.710, KRS 342.715
Retraining incentive benefits for pneumoconiosis claimants, T 14:2, KRS 342.732
Seasonal employees, T 15:2, KRS 342.140
State’s average weekly wage, calculating, T 15:3, KRS 342.143, KRS 342.740
Transfer of employee to different location, T 6:2, KRS 342.375

BACK INJURY
Aggravation of work-related injury by medical treatment, T 9:15
Apportionment aspect, back cases, T 18:6, KRS 342.1202
Employment element of back injury, T 9:14, KRS 342.0011(1)
Suicide consequence, T 11:2

BAD FAITH
Insurer’s failure to proceed reasonably, T 7:1, KRS 304.12-230
Prohibition of civil actions for bad faith, T 24:1

BANKRUPTCY
Special Fund liability when employer’s liability discharged in, T 18:2

BASKETBALL GAMES
In course of employment test, T 9:11

BASS BOAT BENEFITS
Retraining incentive benefits, T 14:2

BLACK LUNG
As occupational disease, T 10:1
Coverage of, T 3:6, KRS 342.650(4)
Disability benefits, T 16:5
Pneumoconiosis. See PNEUMOCONIOSIS

BOARD AND LODGING
Average weekly wage element, T 15:2
Rehabilitation expenses, T 14:1, KRS 342.710(3)

BOAT HORNS
Hearing loss resulting from blowing, T 7:1, T 9:3

BONDS
Appeal of order of whom to pay dependency benefits, T 17:4, KRS 342.090

Index-5
BONDS—Cont’d
Self-insurance, T 6:3, KRS 342.340
Supersedeas bond for appeal to
Court of appeals, T 21:6, T
22:2, KRS 342.300

BRACING LIMBS
Covered medical expenses, T 13:1,
KRS 342.020(6)

BRIEFS
Appeal to the Workers’ Compensation
Board procedure, T 21:6

BROTHER AND SISTER
Dependents defined, KRS
342.085(2)

BUILDING PERMIT
Liability as to, KRS 342.610

BURDEN OF PROOF
Appeal to Workers’ Compensation
Board, T 21:6
Causation of injury, T 9:1, KRS
342.680
Dependency on decedent,
beneficiary’s burden, T 17:1
Employee versus independent
contractor status, T 5:1
Existence of workers’ compensation
insurance as bar to recovery, T
7:1
Failure to follow medical advice, T
11:5, KRS 342.035(2), KRS
342.205
Funding for Special Fund, T 6:7
Heart attacks, compensability as
injury, T 9:13
Insurance coverage compliance,
KRS 342.340(2)
Medical issues, expediting resolu-
tion of, KRS 342.735
Medical treatment reasonable, pre-
requisite for employer liability
for expenses, T 13:1
Notice of accident given to
employer, T 19:1

BURDEN OF PROOF—Cont’d
Occupational disease arising out of
or in course of employment, T
10:1
Safety standard violation, T 12:3

BURIAL EXPENSES
Death and dependency benefits, T
17:7, KRS 342.750(6)

BUSINESS OWNERS
Affidavit of exemption from Work-
ners’ Compensation Act, T
25:31, T 25:32
As covered employees, T 2:2, KRS
342.012
Corporations. See CORPORATIONS
Exempted employers. See
EXEMPTED EMPLOYERS
Partners. See PARTNERS AND
PARTNERSHIPS

CANCELLATION OR
TERMINATION OF
INSURANCE POLICY
Notification obligation, T 20:1
Procedure, T 6:1, KRS 342.340(2)

CARPAL TUNNEL SYNDROME
Predisposition, T 18:4

CARPOOLS
See RIDE-SHARING PROGRAMS

CASUAL EMPLOYEES
Covered employees, T 2:6
Exempted employees, T 3:4

CERTIFICATES AND
CERTIFICATION
Appeal to Court of Appeals, certifi-
cation of petition and response,
T 22:3
Average weekly wage certification,
form, T 25:26
Enforcement of order or award by
filing certified copy with circuit
court administrative agency’s order or
award, T 21:7, KRS
342.285(2)
CERTIFICATES AND CERTIFICATION—Cont’d
Enforcement of order or award by filing certified copy with circuit court—Cont’d
court of appeals’ order or award, T 22:5, KRS 342.305
Self-insurance, T 6:3, KRS 342.345
Serving copy of administrative claim, T 21:2
Uninsured Employers’ Fund, recording certificate as lien against employer in favor of Fund, KRS 342.770
CETA PROGRAMS
City workers covered under, T 2:1, T 2:3
CHANGE IN LAW
Between time employee injured and dies, T 17:8
CHANGES
See also AMENDMENTS
Medical treatment, employer seeking different, T 13:3
Reopening award, T 21:5, KRS 342.125
CHARITABLE WORK
Coverage exclusion, T 3:5, KRS 342.650(3)
CHILDREN
See MINORS
CHIROPRACTIC SERVICES
Coverage for and selection of doctor, T 13:4, KRS 342.019
Medical waiver and consent form, T 25:10
CIGARETTE SMOKING
Misconduct of employee, T 11:6
CIVIL ACTIONS
Generally, T 7:1 to T 7:11
Asbestos cleanup lawsuits, rebuttable presumption in, KRS 338.195
CIVIL ACTIONS—Cont’d
Civil rights actions, T 7:10, KRS 344.010, KRS 344.020
Collateral source payment, workers’ compensation as, T 7:11
Contractors, subcontractors, and “statutory employers,” T 7:2
Contribution by employer in action by third party, T 7:7
Dual capacity doctrine, T 7:3
Employer’s failure to secure payment of claim, employee’s right to civil recovery, T 24:3, KRS 342.690
Employer’s intent to produce injury, recovery for, T 12:1, KRS 342.610(4)
Exclusivity of workers’ compensation statute, T 7:1, KRS 342.610(1), KRS 342.690
Fellow employees, T 7:4
Immunity of employers, T 7:1, KRS 342.690
Indemnity action against employer, T 7:7
Insurer’s failure to proceed reasonably, T 7:1, KRS 304.12-230
Loss of consortium, T 7:5
Non-covered employment injuries, T 7:8, KRS 342.690(2)
Option of seeking administrative proceeding or civil action, T 21:1
Prohibition of civil actions for bad faith, T 24:1
Retaliatory discharge, T 24:5, KRS 342.197
Safety violations, duty of Attorney General, KRS 338.191
Subrogation, employers’, T 7:9
Third party actions, T 7:6
Willful and unprovoked attack by co-employee, officer or director, T 12:2, KRS 342.690(1)
CIVIL DEFENSE MEMBERS OR TRAINEES
Average weekly wage, T 15:2, KRS 342.402(4)
CIVIL PENALTIES
See PENALTIES

CIVIL RIGHTS ACTIONS
Generally, T 7:10, KRS 344.010, KRS 344.020

COACHES, ATHLETES OR TRAINERS
Exempted employees, T 3:10, KRS 342.670(4)

COAL AND COAL MINES
Black lung. BLACK LUNG
Gathering coal on work premises after work hours, injuries due to, T 9:10
Occupational diseases, T 10:7, T 11:6
Pneumoconiosis. See PNEUMOCONIOSIS
Special Fund, funding and liability, T 6:7, T 10:5, KRS 342.122

CO-EMPLOYEES
See FELLOW OR CO-EMPLOYEES

COLD EXPOSURE
Compensable injury, T 8:2

COLLATERAL ESTOPPEL
Retaliatory discharge action, T 24:5

COLLATERAL SOURCE PAYMENT
Civil actions, T 7:11, KRS 411.183(3)
Medical benefits, T 13:2, KRS 342.020

COMMUNICABLE DISEASE
Covered by statute, T 8:1
Defined, T 8:2, KRS 342.0011(1)
Distinguished from occupational disease, T 10:1, KRS 342.316

COMPARATIVE FAULT
Assumption of risk and contributory negligence defenses, T 7:8, T 24:3

COMPARATIVE FAULT—Cont’d
Civil action by third party, contribution by employer, T 7:7
Impact on allocation of award after judgment is entered, T 7:9

COMPLAINT
Penalties, complaint for, T 24:2, KRS 342.990

CONFIDENTIALITY
Medical waiver and consent form, T 25:10
Trade secrets made known during safety inspections, KRS 338.171

CONSENT
Approval of settlement, T 21:2, KRS 342.265
Decision of administrative law judge, extending time for judge’s decision, T 21:3, KRS 342.275
Fees of attorney, physician, and hospital fees approved by administrative law judge, T 23:1, KRS 342.320
Pre-hearing conference issues not raised but litigated, T 21:2
Privileged or confidential medical matters, waiver and consent form, T 25:10, KRS 342.020(8)
Testimony of more than two physicians, consent to, T 21:3, KRS 342.033, KRS 342.315

CONSERVATOR
Receipt of dependency payments for ward, T 17:5, KRS 342.160

CONSORTIUM
Civil actions arising from spouse’s employment injuries, T 7:5

CONSTITUTIONAL LAW
Common law causes of action, limiting, T 7:7
CONSTITUTIONAL LAW
—Cont’d
Reduction of disability benefits
when employee reaches age of
social security, T 16:9, KRS
342.730(4)
Retraining incentive benefits paid
directly to employee, T 14:2
Right of privacy, T 7:5
CONSTRUCTION OR
INTERPRETATION OF
WORKERS’
COMPENSATION LAW
Definitions. See DEFINITIONS
Statutory construction of workers’
compensation law, T 1:3, KRS
446.080
CONTAGIOUS DISEASES
AIDS, notice of injurious exposure,
KRS 342.185
Distinguished from occupational
diseases, T 10:1
CONTINUING BENEFITS
DURING APPEAL
Court of Appeals appeal, T 22:2,
KRS 342.300
Workers’ Compensation Board
appeal, T 21:6
CONTINUING WORK
Occupational disease
limitations of action, effect on, T
20:2
notice, effect on, T 19:2
presumption, T 10:2
Permanent partial disability pay-
ments when employee returns
to work, T 16:4, KRS 342.730
Pneumoconiosis disability pay-
ments, T 16:5
Total disability payments prohibi-
tion, T 16:3, KRS 342.730
CONTRACT OF HIRE
Covered employees, KRS
342.640(1)
Defined, T 2:1
CONTRACTORS,
SUBCONTRACTORS, AND
“STATUTORY
EMPLOYEES/EMPLOYERS”
Generally, T 5:2 to T 5:3
Builder’s proof of coverage and
posting of notice, KRS
342.610
Failure to follow safety rules, T
12:3
Immunity, T 7:2, KRS 342.690
Indemnity, T 7:7, KRS 342.700
CONTRIBUTION
Civil action by third party, contribu-
tion by employer, T 7:7
CONTRIBUTORY NEGLIGENCE
Apportionment, smoking as contrib-
utory cause of illness/disability, T 11:6
Defense, generally, T 7:8, T 24:3
CORPORATIONS
Affidavit of exemption from Work-
ers’ Compensation Act, form,
T 25:31
Coverage of executive officers, T
2:2, KRS 342.012, KRS
342.640(2)
Foreign corporations, T 3:10
COSTS AND EXPENSES
Frivolous proceedings, sanctions
administrative law proceedings,
T 21:1, KRS 342.310
court of appeals proceedings, T
22:6, KRS 342.310
Managed health care, KRS 342.735
Medical examination costs, liability
for, T 11:5, T 21:3, KRS
342.035, KRS 342.205, KRS
342.315
Medical fees schedule, T 13:5,
KRS 342.035
Medical treatment costs, liability
for, T 13:1, KRS 342.020(1)
Rehabilitation expenses, T 14:1,
KRS 342.710
COSTS AND EXPENSES—Cont’d
Request for payment for medical services or reimbursement for compensable expenses, form, T 25:24
Travel expenses. See TRAVEL EXPENSES

COVERED EMPLOYEES
Generally, T 2:1 to T 2:10, KRS 342.640
Apprenticeship, T 2:10, KRS 342.640(1)
Broad coverage, T 2:1, KRS 342.640
Business owners, T 2:2, KRS 342.012
Casual employees, T 2:6
Electing not to be covered, T 7:8, KRS 342.650(6)
Emergency service employees, T 2:4, KRS 342.640(3)
Executive officers and business owners, T 2:2, KRS 342.640(2)
Extraterritorial coverage, T 2:8, KRS 342.670
Government employees, T 2:3, KRS 342.640(3)
Minors, T 2:5, KRS 342.640(1)
Newspaper carriers, T 2:7, KRS 342.640(5)
Partners, T 2:2, KRS 342.012
Under contract of hire, construed, T 2:1, KRS 342.640(1)
Voluntary coverage, T 2:9, T 7:8, KRS 342.650(6)

COVERED EMPLOYERS—Cont’d
Number of employees requirement, no minimum required, T 4:3
Voluntary coverage election, T 4:5

CREDIT
See also REFUNDS OR REIMBURSEMENTS
Disability income benefits overpayment, T 16:1
Retraining incentive benefits or income benefits awarded for coal-related pneumoconiosis, previously-awarded, KRS 342.125

CREDITORS
Assignment of compensation under the program prohibition, T 24:3, KRS 342.175
Assignment of disability income benefits to creditors, T 16:8, KRS 342.180

CRIMINAL ACTIONS AND PENALTIES
Generally, T 24:2, KRS 342.990
Safety violations, duty of Attorney General, KRS 338.191

CROSS-APPEAL
Procedure, T 21:6

CUSTOMERS
Employee left work to fight with customer, compensability, T 9:4

DAIRY PRODUCTS INDUSTRY
Coverage, T 3:2

DAMP WEATHER
Compensable injury, T 8:2

DEATH AND DEPENDENCY BENEFITS
Generally, T 17:1 to T 17:9, KRS 342.750
Aggravation of work-related injury by medical treatment, T 9:15
DEATH AND DEPENDENCY BENEFITS—Cont’d
Alien dependents’ compensation, T 17:3, KRS 342.130
Application to determine who to pay, T 17:4, KRS 342.090
Average weekly wage, importance of, T 15:1, KRS 342.730, KRS 342.750
Between time employee injured and dies, consequences, T 17:8
Burial expenses, T 17:7, KRS 342.750(6)
Calculating income benefits for death, T 17:6, KRS 342.750
Deaths occurring within four years of injury, additional lump sum payment for, KRS 342.750
Definition of certain dependents, T 17:1, T 17:2, KRS 342.085
Determination of dependency, T 17:1, T 17:2, KRS 342.075
Employee’s failure to follow medical advice, T 11:5, KRS 342.035(2), KRS 342.205
Employer’s intentional conduct option of killed employee’s family to seek administrative or civil remedy, T 21:1
to produce injury, T 12:1, KRS 342.610(4)
Good faith payment of death benefits, T 17:4, KRS 342.090
Income benefits for death, KRS 342.750
Lump sum payment, T 17:6, KRS 342.150(1)(c), KRS 342.150(4)
Motion to substitute party and continue benefits, form, T 25:30
Multiple dependents payments certain dependents receiving payments for other dependents, T 17:5, KRS 342.160
remaining beneficiaries’ amount when benefits cease as to any one beneficiary, T 17:6,

DEFENSES
Affirmative defense, exclusive remedy provision, T 7:1
Assumption of risk or contributory negligence, T 7:8, T 24:3
Collateral source payments, T 7:11, KRS 411.183(3)
Common law defenses, general discussion, T 7:8
Employer’s failure to secure payment of claim, T 24:3, KRS 342.690
Intoxication, T 11:1, KRS 342.610(3), KRS 342.680
Non-covered employment injuries, civil action for, T 7:8, KRS 342.690

DEFINITIONS
Active disability, T 18:3
Adopted and adoption, KRS 342.085(5)
Agriculture, T 3:2
DEFINITIONS—Cont’d
Alien, KRS 342.0011(21)
Arising out of and in the course of employment, T 8:1, T 9:1, T 10:1
Bass boat benefits, T 14:2
Brother and sister, KRS 342.085(2)
Carpool, T 3:7
Child, T 17:2, KRS 342.085(1)
Civil rights actions terminology, KRS 344.010
Communicable disease, T 8:2, T 10:1, KRS 342.0011(1), KRS 342.316
Contagious disease, T 10:1
Contract of hire, T 2:1
Contractor/subcontractor relationship, T 5:2
Dependents, particular, KRS 342.085
Disability, T 16:1, T 16:2, KRS 342.0011
Discrimination, KRS 344.010(5)
Dormant and nondisabling disease or condition, T 18:4
Employment element of injury, T 9:1
Established federal standard, KRS 338.015(5)
Grandchild, KRS 342.085(3)
Income benefits, T 16:1, KRS 342.0011
Independent contractor, T 5:1
Injurious exposure, T 10:8, KRS 342.0011(4)
Injury
  broad definition, T 8:1, T 9:1, T 9:14, KRS 342.0011(1)
  communicable disease, T 8:2
  employment element of injury, T 9:1
  heart cases, T 9:13
  occupational disease distinguished, T 8:3
  occupational injury or illness, KRS 338.015(5)
  traumatic, T 8:3, T 10:1
  No fault of his own, T 14:2
  Objective medical findings, KRS 342.0011(33)
  Occupational disease
    basic definition, T 10:1, KRS 342.0011(2)
    determining extent of disability, T 16:2
    injury distinguished, T 8:3, KRS 342.316
    Occupational safety and health standard, hazard, injury or illness, KRS 338.015
    Parent, KRS 342.085(4)
    Permanent disability rating, KRS 342.0011(36)
    Permanent impairment rating, KRS 342.0011(35)
    Permanent partial disability, T 16:1, KRS 342.0011(11)
    Permanent total disability, T 16:1, T 16:3, KRS 342.0011(11)
    Person, T 4:1
    Physician, KRS 342.0011(32)
    Piecwork pay, T 15:2
    Premium, T 15:2, KRS 342.0011(24), KRS 342.0011(25)
    Principally localized employee, T 2:8
    Qualified and non-qualified partners, T 2:2
DEFINITIONS—Cont’d
Qualified versus non-qualified partners, T 2:2, KRS 342.012
Reopening, T 21:5, KRS 342.125
Seasonal employee, T 15:2
Self insurer, KRS 342.0011(7)
Self-insurance year, KRS 342.0011(27)
Severance or processing of coal, KRS 342.0011(23)
SIC code, KRS 342.0011(29)
Statutory employer, T 5:2
Temporary partial disability, T 16:1
Temporary total disability, T 16:1, T 16:3, KRS 342.0011(11)
Total disability, T 16:1
Traumatic injury or accident, T 8:3, T 10:1
Under contract of hire, T 2:1
Van pool, T 3:7
Wage, T 15:2, KRS 342.0011(17), KRS 342.140(6)
Work, KRS 342.0011(34)
Workers’ compensation terminology, generally, KRS 342.0011
Work-related injury, T 8:1, T 9:1

DELAY
Accrual of costs and interest charges on delayed payments, fines and penalties, T 7:1, T 24:3, KRS 342.040(1)
Notice of accident, excusing delay in giving, T 19:1
Penalties for fraud and misrepresentation in filing or delaying filing of claims and in receiving or providing services or benefits, KRS 342.335
Special fund assessments late payments, penalty and interest on, KRS 342.1221

DEPARTMENT OF WORKPLACE STANDARDS AND WORKERS’ CLAIMS—Cont’d
Contracting with other agencies for assistance, KRS 338.041
Employees, T 1:2, KRS 342.230
Office, equipment, seal, sessions, venue, T 1:2, KRS 342.240
Powers, KRS 338.181
Responsibilities, KRS 342.228
Selection and qualifications of commissioner, KRS 342.228
Statistical records and posting of notices, KRS 338.161
Structure of organization, T 1.2, KRS 336.020

DEPENDENCY BENEFITS
See DEATH AND DEPENDENCY BENEFITS

DEPOSITION COSTS
Frivolous proceedings, sanctions, T 21:1, T 22:6, KRS 342.310

DIABETES
Special work shoes required that caused blisters resulting in amputation due to diabetes, coverage for, T 9:1

DIRECTORS
Civil action for willful and unprovoked attack by co-employee, officer or director, T 12:2, KRS 342.690(1)
Employee’s insurance association directors, generally, KRS 342.500, KRS 342.510

DISABILITY INCOME BENEFITS
Generally, T 16:1 to T 16:9
Assignment of benefits, T 16:8, KRS 342.180
Average weekly wage. See AVERAGE WEEKLY WAGE
Basic coverage, T 16:1
Classifications of disability, T 16:1

Index-13
DISABILITY INCOME BENEFITS
—Cont’d
Definitions, T 16:1 to T 16:3, KRS 342.0011(11)
Determining extent or degree of disability, T 16:2, KRS 342.750
Due and payable when, KRS 342.040(1)
Evidence of disability, T 16:2
Expediting payment of, KRS 342.735
First seven days not payable, T 24:3, KRS 342.040(1)
Guides to the Evaluation of a Permanent Impairment, American Medical Association, T 16:4
Interest on money, entitlement and rate, T 24:3, KRS 342.040
Liability, generally, T 18:2, T 18:3
Lump sum payment, T 16:7, KRS 342.150
Medical expenses covered without also entitlement to income payments, T 13:1
Partial disability, permanent or temporary
generally, T 16:4, KRS 342.730
defined, T 16:1, KRS 342.0011(11)
evidence, T 16:2
Pneumoconiosis, T 16:5
Pre-hearing conference relief sought, T 21:2
Prior injury, T 16:6
Reduction based on age, T 16:9
Special Fund responsibility for permanent disability only, T 18:2
Total disability, permanent or temporary
generally, T 16:3, KRS 342.730
Americans with Disability Act, T 24:3
defined, T 16:1, T 16:3
evidence, T 16:2
expediting payment of temporary total disability benefits,
KRS 342.735

DISABILITY INCOME BENEFITS
—Cont’d
Total disability, permanent or temporary—Cont’d
pre-existing “active” disability factor, T 18:3
pre-hearing conference relief sought, T 21:2

DISASTER SERVICE OPERATIONS
Coverage, T 2:4

DISCRETION
Appeal to Supreme Court, T 22:1
Appointment of physician for investigation and report, reference of medical question to, T 18:7, KRS 342.121

DISCRIMINATION IN EMPLOYMENT
Americans With Disabilities Act, cause of action, T 24:3
Civil rights action grounds, T 7:10, KRS 344.010, KRS 344.020
Damages, recovery for, T 7:1
Employee protections, T 24:3, KRS 342.197
Notice of work-related injury, discrimination for having led, T 19:1, KRS 342.197
Personal dignity and freedom from humiliation, KRS 344.020(1)(b)
Retaliatory misconduct, T 24:5, KRS 342.197
Safety inspection request, KRS 338.121

DISMISSAL OF APPEAL
Failure to timely file appeal, T 22:3
Supreme Court’s review of appeal dismissal, T 22:4

DISMISSAL OF CASE
Failure to appear at hearing, consequences, T 21:3
INDEX

DIVISION OF OMBUDSMAN
Generally, KRS 342.329

DIVISION OF WORKERS’ COMPENSATION FUNDS
See SPECIAL FUND

DOMESTIC SERVANT EMPLOYEES
Exempted employees, T 3:3, KRS 342.650(7)

DORMANT AND NONDISABLING DISEASE OR CONDITION
Generally, T 18:4

DUAL CAPACITY DOCTRINE
Generally, T 7:3

EDUCATION
Dependency benefits for child who is full time student, cessation of, T 17:6
Form authorizing release of educational information, T 25:34
Misrepresentation of information, T 11:3
Permanent partial disability amount, effect of limited education, T 16:4, KRS 342.730(1)(e)
Posting notice of education and training opportunities, KRS 342.796

EJECTION FROM WORK PREMISES
Assaults by third party who employee was ejecting, compensability, T 9:4

EMERGENCIES
Covered employees, emergency service employees, T 2:4, KRS 342.640(3)
Electing to continue treatment with physician providing emergency medical care or treatment to employee, T 13:3, KRS 342.020(1)

EMERGENCIES—Cont’d
Employment element of injury, T 9:12
Local emergency management programs, coverage and limitations, KRS 39C.110

EMOTIONAL INJURIES
Liability for, T 7:1, T 7:10

EMPLOYEES, GENERALLY
Co-employees. See FELLOW OR CO-EMPLOYEES
Covered. See COVERED EMPLOYEES
Exempted. See EXEMPTED EMPLOYEES

EMPLOYEE’S INSURANCE ASSOCIATION
Generally, T 6:5, KRS 342.500 to KRS 342.555
Assessments, KRS 342.540, KRS 342.550
Board of directors quorum, KRS 342.510
selection and term of, KRS 342.500, KRS 342.505
vacancies, KRS 342.510
Commissioner of Department of Insurance to approve premium, assessment, dividend or distribution of subscribers, KRS 342.550
Contingent liability of subscribers, KRS 342.535, KRS 342.545
Creation of, T 6:4, T 6:5, KRS 342.350, KRS 342.495
Dividends, KRS 342.545, KRS 342.550
Grouping of subscribers, KRS 342.530
Issuance of first policy procedure required, KRS 342.525
subscriptions required, KRS 342.520

Index-15
EMPLOYEE'S INSURANCE ASSOCIATION—Cont’d
Officers
selection and term of, KRS 342.505
vacancies, KRS 342.510
Premiums
amount of, KRS 342.530
approval of, KRS 342.550
Quorum of board, KRS 342.510
Representation of subscribers, KRS 342.515
Selection and term of board of directors, KRS 342.500
officers, KRS 342.505
Subscribers
contingent liability, KRS 342.535, KRS 342.545
grouping of, KRS 342.530
representation of, KRS 342.515
Vacancies, officers or board, KRS 342.510

EMPLOYERS' MUTUAL INSURANCE AUTHORITY
Legislative provisions, KRS 342.810 to KRS 342.843

EMPLOYER-SPONSORED EVENTS
Employment element of injury, T 9:9

EMPLOYMENT ELEMENT OF INJURY—Cont’d
Heart cases, T 9:13
Horseplay, T 9:3
Idiopathic falls, T 9:5
Lightning, T 9:6
Medical treatment, T 9:15
Operating premises, T 9:8
Personal needs, T 9:2
Recreational activities, T 9:11
Unexplained injury, T 9:16, KRS 342.680

EMPLOYMENT HISTORY
See WORK HISTORY

ENFORCEMENT OF ORDER
See also JUDGMENTS OR AWARDS
Administrative law procedure, T 21:7, KRS 342.285(2)
Appeal to Court of Appeals, T 22:5, KRS 342.305
Penalty, enforcement procedure, KRS 342.990
Supersedeas bond for appeal to Court of appeals, suspension of award, T 21:6, T 22:2, KRS 342.300

EPILEPTIC SEIZURES
Compensability for injuries, T 9:5

EVIDENCE
Administrative law procedure
appeal to Workers’ Compensation Board, T 21:6
hearing before administrative law judge, T 21:3
Amended claim, T 10:3
Appeal to Court of Appeals, T 22:1
Appeal to Workers’ Compensation Board, T 21:6
Back injury, T 9:14
Burden of proof, T 9:1
Builder’s permit, proving coverage prerequisite, KRS 342.610
Burial expenses, T 17:7
EVIDENCE—Cont’d
Collateral source payments, T 7:11
Continuing award benefits during appeal, T 21:6, T 22:2
Dependency on decedent, T 17:1, T 17:2, KRS 342.075
Different medical treatment, need for, T 13:3, KRS 342.035
Disability, extent or degree of, T 16:2
Dormant and nondisabling disease or condition, T 18:4
Employer’s election to operate under workers’ compensation law, T 4:5, KRS 342.390
Employer-sponsored events, T 9:9
Existence of workers’ compensation insurance as bar to recovery, T 7:1
Failure to follow medical advice, T 11:5, KRS 342.035(2), KRS 342.205
Falls, compensability of resulting injuries, T 9:5
Financial security for self-insurance, T 6:3, KRS 342.340
Heart attacks, T 9:13
In course of employment test, recreational and social activities, T 9:11
Medical fees as reasonable, T 13:5, KRS 342.035
Medical reports made part of record, T 21:3, KRS 342.033
Medical treatment expenses, employer’s obligation to pay reasonably necessary, T 13:1, KRS 342.202
Misrepresentation, “Larson Test,” T 11:3
Notice
sufficiency of notice of occupational disease, T 19:2
timeliness of giving employer notice of accident, T 19:1, KRS 342.185

EVIDENCE—Cont’d
Occupational disease
arising out of or in course of employment, T 10:1, KRS 342.0011(3)
last exposure as causing disease, T 10:5
notice, sufficiency of, T 19:2, T 20:2
presumption regarding whether employee continues full time or stops working, T 10:2
Operating premises rule compensability, T 9:8
Opinion of non-treating physician, reliance on case history for, T 21:3
Pneumoconiosis resulting from coal dust exposure, T 14:2, KRS 342.732(1)
Presumptions. See PRESUMPTIONS
Rehabilitation treatment duration, T 14:1, KRS 342.710(3)
Reopening award, T 21:5, KRS 342.125
Retaliatory discharge, T 24:5
Retraining incentive benefits entitlement for pneumoconiosis claimants, T 14:2, KRS 342.732
Special Fund, motion for making Fund a party for liability, T 18:2, KRS 342.120(2)
Special Fund liability, overwhelming evidence, T 18:8
Substantial evidence
injury is work-related, rebutting prima facie evidence that, T 9:16, KRS 342.680
intoxication, rebutting, T 11:1, KRS 342.680
occupational disease, T 10:1
Voluntary rejection of coverage, T 3:8, KRS 342.395
Work-related injury, T 8:1

Index-17
EXCEPTIONAL CIRCUMSTANCES
Going and coming rule, applicability, T 9:7

EXCLUSIVITY OF WORKERS’ COMPENSATION STATUTE
Generally, T 7:1, KRS 342.610(1), KRS 342.690
Discrimination in employment, T 7:10
Dual capacity doctrine exception, T 7:3
Scope of injury, T 8:1 to T 8:3

EXECUTIVE DIRECTORS
See DIRECTORS

EXECUTIVE OFFICERS
See OFFICERS

EXEMPTED EMPLOYEES
Generally, T 3:1 to T 3:10, KRS 338.021, KRS 342.650
Affidavit of exemption from Workers’ Compensation Act, form corporations, T 25:31
Agricultural employees, T 3:2, KRS 342.650(5)
Agriculture exemption, T 4:2, KRS 342.650(5)
Casual employees, T 3:4
Domestic servant employees, T 3:3, KRS 342.650(7)
Federal program, employees covered by, T 3:6, KRS 338.021
Loss of exemption due to willful and unprovoked attack by employee, T 12:2, KRS 342.690(1)
Narrow exemptions, T 3:1, KRS 342.650
Professional athletes, coaches or trainers, T 3:10
Van pools, T 3:7, KRS 342.650(7)
Voluntary coverage, T 3:9, KRS 342.660

—Cont’d
Voluntary rejection of coverage, T 3:8, KRS 342.395, KRS 342.400
Work for aid or sustenance, T 3:5, KRS 342.650(3)

EXEMPTED EMPLOYERS
Affidavit of exemption from Workers’ Compensation Act, form corporation or partnership, T 25:31
individual, T 25:32
Agriculture exemption, T 4:2
Federal agencies, KRS 338.021

EXPENSES
See COSTS AND EXPENSES

EXTRATERRITORIAL WORKERS
See also FOREIGN STATE EMPLOYERS
Employees covered, T 2:8, KRS 342.670
Time limitations for extraterritorial injury claims, T 2:8, T 20:4, KRS 342.670

EYESIGHT
Active disability apportionment, T 18:3
Medical expenses employer liability, T 13:1, KRS 342.020(6)
Total disability rating, T 16:1

FALLS
Employment element of injury, T 9:5

FEDERAL COAL MINE HEALTH AND SAFETY ACT
Generally, T 10:7, KRS 342.800

FEDERAL PROGRAMS
See also GOVERNMENT EMPLOYERS AND EMPLOYEES
FEDERAL PROGRAMS—Cont’d
CETA programs, city workers covered under, T 2:1, T 2:3
Exempted employees, employees covered by federal program, T 3:6
Foster Grandparents Program, coverage for, T 2:1, T 2:3
Program for Occupational Safety and Health, overview, KRS 338.041

FEDERAL REMEDIES
Generally, T 24:3

FEES
See also COSTS AND EXPENSES
Attorney. See ATTORNEY FEES
Medical fee schedule, KRS 342.020, KRS 342.035
Occupational Safety and Health Standards Board members, KRS 338.051
Reference of medical question to physicians for investigation and report, physician witness fees, T 18:7, KRS 342.121

FELLOW OR CO-EMPLOYEES
Acts for the employee’s, employer’s and co-employee’s benefits as employment element of injury, T 9:10
Assault by co-employee, compensability, T 9:4
Civil action for willful and unprovoked attack by co-employee, officer or director, T 12:2, KRS 342.690(1)
Civil actions based on employment injuries, fellow employees, T 7:4, KRS 342.690

FELLOW SERVANT RULE
Applicability, T 7:8

FIREFIGHTERS—Cont’d
Death in line of duty, death and dependency benefits, T 17:9, KRS 61.315, KRS 95.550

FIRST CLASS MAIL
Serving copy of administrative claim, T 21:2

FOOT OR FEET INJURIES
Medical expenses employer liability, T 13:1, KRS 342.020(6)
Total disability rating, T 16:1

FOREIGN STATE EMPLOYERS
See also EXTRATERRITORIAL WORKERS
Professional athletes, coaches or trainers, T 3:10

FORMS
Generally, T 25:1 to T 25:36
Affidavit of exemption from Workers’ Compensation Act
Application for resolution of claim generally, KRS 342.270(1)
hearing loss, T 25:4
occupational disease, T 25:5
pneumoconiosis, T 25:6
Application for split coverage. Split coverage, below
Attorney fee election, T 25:16
Availability of workers’ compensation official forms, generally, T 25:1
Average weekly wage certification, T 25:26
FORMS—Cont’d
Educational information, authorization for release of, T 25:34
Employment history of plaintiff, T 25:8
First report of injury or illness, T 25:2
Hearing loss. See HEARING LOSS Injury claims. See INJURY
Manual change, request for, T 25:36
Medical, designated physician, T 25:23
Medical dispute, T 25:22
Medical history of plaintiff, chronological, T 25:9
Medical report
hearing loss, T 25:14
injury, T 25:11
made part of evidentiary record, T 21:3, KRS 342.033
occupational disease, T 25:13, T 25:15
psychological, T 25:12
Medical services, request for payment or reimbursement for compensable expenses, T 25:24
Medical waiver and consent, T 25:10, KRS 342.020(8)
Motion to
reopen KRS 342.732 benefits, T 25:33
substitute party and continue benefits, T 25:30
Notice of claim denial or acceptance
injury and hearing loss, T 25:20
occupational disease, T 25:21
Notice of contested issues, statement of proposed stipulations and, T 25:35
Occupational disease claims. See OCCUPATIONAL DISEASE
Pneumoconiosis. See PNEUMOCONIOSIS

FORMS—Cont’d
Report of injury or illness
first report, T 25:2
medical. Medical report, above
subsequent report, T 25:3
Request for payment for services or reimbursement for compensable expenses, T 25:24
Social security release, T 25:25
Split coverage, application for generally, T 25:27
employee leasing, T 25:28
wrap up, T 25:29
Statement of proposed stipulations and notice of contested issues, T 25:35
Subsequent report of injury or illness, T 25:3

FOSTER GRANDPARENTS PROGRAM
Coverage for, T 2:1, T 2:3

FRAUDULENT CONDUCT
Generally, KRS 342.335
Appeal to Workers’ Compensation Board, procedure, T 21:6, KRS 342.285
Tolling statute of limitations for filing injury claim, T 20:1
Unfair claims settlement practices, T 7:1, KRS 304.12-230

FRIVOLOUS PROCEEDINGS
Administrative proceedings, sanctions, T 21:1, KRS 342.310
Appeal to the courts, T 22:6, KRS 342.310
Assessment of costs, T 21:1, KRS 342.310

FUEL
Average weekly wage element, T 15:2

GENERAL EDUCATION DEVELOPMENT (GED) DIPLOMA
Permanent partial disability amount, effect of limited education, T
GENERAL EDUCATION DEVELOPMENT (GED) DIPLOMA—Cont’d
16:4, KRS 342.730(1)(c)

GOING AND COMING RULE
Generally, T 9:7
Employer-sponsored events, T 9:9
Operating premises rule exception, T 9:8

GOING TO JOB SITE TO GET PAYCHECK
Work-related activity, T 9:1

GOOD FAITH
Appeal to Court of Appeals, certification of petition and response, T 22:3
Payment of death benefits, T 17:4, KRS 342.090
Safety, additional time for compliance, KRS 338.141
Valid marriage belief, T 17:2

GOVERNMENT EMPLOYERS AND EMPLOYEES
See also FEDERAL PROGRAMS
Covered employees, T 2:3, KRS 342.640(3)
Covered employers, T 4:4, KRS 342.630(2)
Emergency service employees, covered employees, T 2:4
Excluded employers, KRS 338.021
National Guard members, coverage, T 2:3
Statutory aspect, special coverage for governmental employers, T 4:1

GRATUITIES
Average weekly wage element, T 15:2

GUARDIANS
Receipt of dependency payments for ward, T 17:5, KRS 342.160

GUARDIANS—Cont’d
Tolling statute of limitations for filing claim, T 20:1, KRS 342.210

GUIDES TO THE EVALUATION OF A PERMANENT IMPAIRMENT, AMERICAN MEDICAL ASSOCIATION
Reference source, T 16:4

HARASSMENT
Liability for, T 7:1
Retaliatory misconduct, T 24:5

HAZARDOUS MATERIALS RESPONSE TEAMS
Coverage and limitations, KRS 39C.110

HEARING LOSS
Blowing boat horns as cause, T 7:1, T 9:3
Compensability, KRS 342.7305
Forms
agreement as to compensation and order approving settlement, T 25:19
application for resolution of claim, T 25:7
medical report, T 25:14
notice of claim denial or acceptance, T 25:20
Medical expenses employer liability, T 13:1, KRS 342.020(6)
Presumption, KRS 342.7305
Total disability rating, T 16:1

HEART
Apportionment aspect, heart cases, T 18:6, KRS 342.1202
Employment element of injury, heart cases, T 9:13, KRS 342.0011(1)
Falls resulting from heart attack, compensability for injuries due to, T 9:5
Injury, heart attacks as, T 8:1

 Index-21
HELPERS AND ASSISTANTS
Coverage of, T 2:6

HERNIAS
Work-related compensability, T 18:5

HERNIATED DISC
Notice of accident given to employer, timeliness, T 19:1

HIRING
Discrimination, employee protections, T 24:3, KRS 342.197
False representation of physical condition or medical history at time of employment, T 11.3, KRS 342.165(2)
Full disclosure on application for employment, T 11.3, KRS 342.316(7)

HISTORY, EMPLOYMENT
See WORK HISTORY

HOMOSEXUAL SEX
Recovery for, T 7:1

HORN BLOWING
Hearing loss resulting, T 7:1, T 9:3

HORSE RACING INDUSTRY
Coverage, T 3:2

HORSEPLAY
Compensability of injuries from, T 9:3

HOSPITAL
Charges, approval by administrative law judge, T 23:1, KRS 342.320
Notice of occupational disease, sufficiency, T 19:2
Selection of physician and hospital, T 13:3, KRS 342.020

HOUSING ALLOWANCE
Average weekly wage element, T 15:2

IMBECILITY
Total disability rating, T 16:1

IMMUNITY
Civil actions based on employment injuries, T 7:1, KRS 342.690
Contractors and subcontractors, T 7:2
Fellow employees, T 7:4

INCAPACITATED PERSONS
Dependency benefits, T 17:1, T 17:2
Receipt of dependency payments for, T 17:5, KRS 342.160
Tolling statute of limitations for filing claim, T 20:1, KRS 342.210
Total disability rating, T 16:1
Unexplained injury, work-related injury presumption, T 9:16, KRS 342.680

INCOME BENEFITS
Generally, T 16:1 to T 16:9
Average weekly wage. See AVERAGE WEEKLY WAGE
Death, income benefits for, T 17:6
Disability. See DISABILITY INCOME BENEFITS

INCREASED DANGER RULE
Falls, compensability of resulting injuries, T 9:5

INDEMNITY
Civil actions based on employment injuries, indemnity action against employer, T 7:7, KRS 342.700

INDEPENDENT CONTRACTORS
Generally, T 5:1
Operating premises, injuries within scope of, T 9:8

INJUNCTIVE RELIEF
Abatement of danger, KRS 338.131
Discrimination, T 24:3, KRS 342.197
INJUNCTIVE RELIEF—Cont’d
  Noncompliance with workers’ compensation provisions, T 24:2, KRS 342.402
  Operation of unsafe premises or equipment, restraining, KRS 338.133

INJURIOUS EXPOSURE
  Defined, T 10:8, KRS 342.0011(4)

INJURY
  Defined. See DEFINITIONS
  Employment element. See EMPLOYMENT ELEMENT OF INJURY
  Forms
    agreement as to compensation and order approving settlement
    injury, T 25:18
    application for resolution of claim, T 25:4
    first report of injury or illness, T 25:2
    medical report, T 25:11
    notice of claim denial or acceptance, T 25:20
    subsequent report of injury or illness, T 25:3
  Leg injury as injury, T 8:3
  Misconduct of employee, willful intention to injure or kill self or another, T 11:2
  Misconduct of employer, intent to produce injury, T 12:1
  Occupational disease distinguished, T 8:3, KRS 342.316
  injurious exposure, T 10:8
  Time limitations for claims. See TIME LIMITATIONS

INSANITY
  Total disability rating, T 16:1

INSURANCE AND INSURANCE POLICY
  Generally, T 6:1 to T 6:7

INSURANCE AND INSURANCE POLICY—Cont’d
  Approval by Commission of Department of Insurance, KRS 342.380
  Cancellation or termination of policy. See CANCELLATION OR TERMINATION OF INSURANCE POLICY
  Coverage required, T 6:1, KRS 342.340(1)
  Employee’s Insurance Association. See EMPLOYEE’S INSURANCE ASSOCIATION
  Entire liability of employer, policy to cover, T 6:2, KRS 342.375
  Jurisdiction and liability of insurer, KRS 342.360
  Mutual insurance association, T 6:4, KRS 342.350
  Notice agreements in policy, requirement, KRS 342.360
  Payment by employee prohibition, T 6:1, KRS 342.420
  Policy to waive improper notice and be direct promise to employee, T 6:2, KRS 342.365
  Reciprocal or interinsurance exchanges, T 6:4, KRS 342.350
  Reinsurance, T 6:3, T 6:4, KRS 342.350
  Report of workers’ compensation experience, KRS 342.382
  Self-insurance. See SELF-INSURANCE
  Separate policy for specific work plants or locations, T 6:2, KRS 342.375
  Special Fund. See SPECIAL FUND
  Type of coverage, T 6:2, KRS 342.375
  Uninsured Employers’ Fund. See UNINSURED EMPLOYERS’ FUND
  Voluntary coverage, T 2:9, T 4:5

Index-23
INTENTIONAL OR WILLFUL CONDUCT

Employee’s conduct
- civil action, T 7:4, KRS 342.690(1)
- failure to use safety appliance or obey rule, T 11:4
- intent to injure or kill self or another, T 11:2, KRS 342.610(3), KRS 342.680

Employer’s conduct
- civil action, T 7:4, KRS 342.610(4)
- failure to follow safety rules, T 12:3
- intent to produce injury, T 12:1, KRS 342.610(4)
- option of killed employee’s family to seek administrative or civil remedy, T 21:1

INTEREST ON MONEY

- Delayed payments, fines and penalties, T 7:1, T 24:3, KRS 342.040(1)
- Disability income, interest entitlement and rate, T 24:3, KRS 342.040(1)
- Settlements or recovery from third parties, subrogated claims, T 7:9
- Special fund assessments late payments, KRS 342.1221

INTERLOCUTORY RELIEF

- Pre-hearing conference award, T 21:2

INTOXICATION

- Generally, T 11:1, KRS 342.610(3), KRS 342.680

JOINDER OF PARTIES

- Administrative law practice and procedure, joinder of parties, T 21:2, KRS 342.265(1)
- Special Fund, KRS 342.120
- generally, KRS 342.120
- registry of claims, KRS 342.122

JOINDER OF PARTIES—Cont’d

- Uninsured Employers’ Fund, KRS 342.780

JUDGMENTS OR AWARDS

See also ENFORCEMENT OF ORDER
- Appeal to Workers’ Compensation Board, T 21:6, T 21:7
- Binding on insured, T 6:2, KRS 342.360, KRS 342.365

JUDICIAL REVIEW

See APPEAL TO COURT OF APPEALS

JURISDICTION

- Department of Workers’ Claims, KRS 342.240
- Insured’s jurisdiction as insurer’s jurisdiction, T 6:2, KRS 342.360

KNOWLEDGE

- Accident or injury, sufficiency of knowledge, T 19:1, KRS 342.200
- Dormant disease or condition, employee’s knowledge, T 18:4
- Occupational disease, sufficiency of knowledge, T 20:2, KRS 342.316

LARSON TEST

- Misrepresentation, evidence of, T 11:3

LEASED EMPLOYEES

- Application for split coverage, form, T 25:28
- Coverage for, T 5:3, KRS 342.615

LEAVE OF COURT

- Reply to response to petition for appeal, filing, T 22:3

LEFT-HANDED

- Dormant condition situations, T 18:4
MANAGED HEALTH CARE
SYSTEM—Cont’d
Plan for health care services, filing with Dept. of Workers’ Comp,
KRS 342.020(3)
Use of, KRS 342.735

MEDICAL BENEFITS
Generally, T 13:1 to T 13:5
Basic coverage and liability obligations, T 13:1, KRS 342.020(1)
Chiropractic services, T 13:4, KRS 342.019
Collateral source of payment, T 13:2
Obligation of employer, T 13:1, KRS 342.020(1)
Pre-hearing conference relief sought, T 21:2
Reasonable medical fees, schedule, T 13:5, KRS 342.035
Rehabilitation, T 14:1, KRS 342.710
Retraining incentive benefits, T 14:2, KRS 342.732
Selection of physician and hospital, T 13:3, KRS 342.020(1)
Special Fund nonliability, T 18:2
When due and payable, T 24:3

MEDICAL EXAMINATION
See also PHYSICIANS
Costs, liability for, T 11:5, T 21:3, KRS 342.035, KRS 342.205, KRS 342.315
Entitlement, T 10:2, KRS 342.316(2)
Mandated administrative regulations on medical services, KRS 342.734
Mistaken diagnosis, effect on giving notice of accident requirement, T 19:1
University medical schools, medical evaluations by, T 21:3, KRS 342.315

MEDICAL HISTORY OF
PLAINTIFF
False representation of physical condition or medical history at time of employment as bar to compensation, T 11:3, KRS 342.165(2)
Form, chronological, T 25:9

MEDICAL MALPRACTICE
Employer-selected medical treatment, T 13:3, KRS 342.020(7)
Impact of medical fee schedule, KRS 342.035

MEDICAL REPORTS
See also PHYSICIANS
Evaluating physicians on list, report on, KRS 342.794
Filing, KRS 342.316(2)(b)
Form hearing loss, T 25:14
injury, T 25:11
made part of evidentiary record, T 21:3, KRS 342.033
medical history, T 25:9
medical waiver and consent, T 25:10
occupational disease, T 25:13, T 25:15
psychological, T 25:12
Made part of evidentiary record, T 21:3, KRS 342.033
Reference of medical question to physicians for investigation and report, T 18:7, T 25:11, KRS 342.121
University medical school’s medical evaluation, T 21:3, KRS 342.315

MEDICAL TREATMENT
See also PHYSICIANS
Aggravation of work-related injury by medical treatment, T 9:15
Copayments or deductibles, KRS 342.020(2)
Different treatment sought by employer, T 13:3
MEDICAL TREATMENT—Cont’d
Electing to continue treatment with physician providing emergency medical care or treatment to employee, T 13:3, KRS 342.020(5)
Failure to follow medical advice, T 11:5, KRS 342.035(2), KRS 342.205
Fee schedule, KRS 342.020, KRS 342.035
Obligation of employer to pay for, T 13:1, KRS 342.020
Reasonableness standard, T 13:1
Rehabilitation ordered by administrative law judge, T 14:1, KRS 342.710(3)

MENTAL CONDITION OR INJURY
See also INCAPACITATED PERSONS
Compensable injury, T 8:1
Pre-existing, T 18:4
Waiver and consent form, T 25:10

MINORS
Average weekly wage, T 15:2, KRS 342.402(4)
Calculation of dependency payments for, T 17:6, KRS 342.750(1)
Covered employees, T 2:5, KRS 342.640(1)
Dependency presumption, T 17:1, T 17:2, KRS 342.075
Other than work-related injury causing death of employee receiving disability income, minors’ entitlement when, T 17:8, KRS 342.730(3)
Receipt of dependency payments for minors, T 17:5, KRS 342.160
Sui juris, KRS 342.065
Tolling statute of limitations for filing claim, T 20:1, KRS 342.210

MISCONDUCT OF EMPLOYEE
Generally, T 11:1 to T 11:6
Cigarette smoking, T 11:6
Intentional failure to use safety appliance or obey rule, T 11:4, KRS 342.165
Intoxication, T 11:1, KRS 342.610(3), KRS 342.680
Misrepresentation at time of employment, T 11:3, KRS 342.165, KRS 342.316(7)
Willful intention to injure or kill self or another, T 11:2, KRS 342.610(3)

MISCONDUCT OF EMPLOYER
Generally, T 12:1 to T 12:3
Failure to require employee to use safety equipment or follow safety rules, T 11:4
Intent to produce injury, T 12:1, KRS 342.610(4)
Intentional failure to follow safety rules, T 12:3, KRS 342.165
Retaliatory conduct, T 24:5, KRS 338.121
Willful and unprovoked attack by co-employer, officer or director, T 12:2, KRS 342.690(1)

MISREPRESENTATION
Generally, KRS 342.335
At time of employment, T 11:3, KRS 342.165, KRS 342.316(7)
Larson Test, T 11:3
Notice of accident or injury, T 19:1, KRS 342.200
Pre-employment physical, someone else taking in lieu of applicant, T 2:1
Tolling statute of limitations for filing injury claim, T 20:1

MISTAKE
Notice of accident or injury, failure to give, T 19:1, KRS 342.200
MOONLIGHTING FOR ADDITIONAL PAY
Primary employer’s compensation liability, T 9:10

MOTIONS
Attorney fees, approval of, T 23:2, KRS 342.320
Different medical treatment sought by employer, T 13:3
Making motion decisions part of record on appeal, T 22:3
Reopening award, T 21:5, T 22:3, KRS 342.125
Special Fund as party, motion to be made a party for liability, T 18:2, KRS 342.120(2)

MULTIPLE EMPLOYERS
Application for split coverage, form generally, T 25:27
employee leasing, T 25:28
wrap up, T 25:29
Average weekly wage of employee, T 15:2

MUTUAL INSURANCE ASSOCIATION
Generally, T 6:4, KRS 342.350

NATIONAL GUARD
Coverage of members, T 2:3
Death benefits, KRS 61.315

NERVOUS BREAKDOWNS
Injury aspect, T 8:1

NEWSPAPER CARRIERS
Covered employees, T 2:7, KRS 342.640(5)
Unexplained death presumed work-related, T 9:16

NON-COVERED EMPLOYMENT INJURIES
Options of employee for compensation, T 7:8, KRS 342.690(2)
Uninsured Employers’ Fund, award against noncomplying employer as liquidated claim

NON-COVERED EMPLOYMENT INJURIES—Cont’d
for damages, KRS 342.790

NOTICE
Accident or injury, notice of generally, T 19:1
contents of writing, KRS 342.190
defective notice or failure to give notice, effect of, KRS 342.200
discrimination for having filed notice, KRS 342.197
service of process, KRS 342.195
time limitations, KRS 342.185
Appeal to the Workers’ Compensation Board generally, T 21:6
failure to give notice of Board’s decision, T 22:1
Builder’s proof of coverage and posting of notice, KRS 342.610
Cancellation or termination of insurance policy, T 6:1, T 20:1, KRS 342.340(2)
Clause in policy as to notice, requirement, KRS 342.360
Contested issues notice, form, T 25:35
Contesting penalties, KRS 342.990
Defective notice, effect of, KRS 342.200
Dependency claim, T 17:4, KRS 342.090
Discrimination for having filed notice of work-related injury, KRS 342.197
Education and training opportunities, posting notice of, KRS 342.796
Failure to give notice of accident or injury, effect on compensation, KRS 342.200
Failure to give notice of Workers’ Compensation Board decision, T 22:1
INDEX

NOTICE—Cont’d
Failure to meet burden of notification as grounds for tolling statute of limitations for filing claim, T 20:1
Forms. See FORMS
Injury and hearing loss claim denial or acceptance notice, form, T 25:20
Knowledge of injury to insured as notice to insurer, T 6:2, KRS 342.360
Nonresident aliens, KRS 342.135
Occupational disease
notice of claim, T 10:2, T 19:2, T 20:2, KRS 342.316
notice of claim denial or acceptance
generally, T 10:2
form, T 25:21
Policy to waive improper notice and be direct promise to employee, T 6:2, KRS 342.365
Posting of notices, Department of Workplace Standards, KRS 338.161
Safety citation challenge, KRS 338.141
Safety inspection request, KRS 338.121
Service of process, KRS 342.195
Third party action, employee’s notice to employer, T 7:9, KRS 342.700(1)
Time limitations, KRS 342.185
Voluntary coverage of employees, T 2:9
Voluntary rejection of coverage, T 3:8, KRS 342.395, KRS 342.400
Withdrawal of voluntary rejection of coverage, T 3:8, KRS 342.395

NUMBER OF EMPLOYEES
Covered employers, no minimum number of employees required, T 4:3

OCCUPATIONAL DISEASES
Generally, T 10:1 to T 10:8, KRS 342.316
Amended claim, T 10:3
Black Lung. See BLACK LUNG
Compensation payments, T 10:6
Contagious diseases distinguished, T 10:1
 Continuing work consequences. See CONTINUING WORK
Definition. See DEFINITIONS
Disability income benefits, determination of occupational disability, T 16:2
Evidence. See EVIDENCE
Federal Coal Mine Health and Safety Act, T 10:7
Forms
agreement as to compensation and order approving settlement, hearing loss/occupational disease, T 25:19
application for resolution of claim, T 25:5
medical report, T 25:13, T 25:15
notice of claim denial or acceptance, T 25:21
Hearing loss. See HEARING LOSS
Injurious exposure, T 10:8, KRS 342.011(4)
Injury, included in definition of, T 8:1, KRS 342.0011(1)
Injury distinguished, T 8:3, KRS 342.316
Liability for compensation
generally, T 10:4
Special Fund, T 10:5
Notice of claim, T 10:2, T 19:2, T 20:2, KRS 342.316(2)(a)
Notice of claim denial or acceptance, form, T 25:21
Presumption regarding whether employee continues full time or stops work, T 10:2
Procedural matters, T 10:2, KRS 342.316

Index-29
OCCUPATIONAL DISEASES — Cont’d
Special Fund liability, T 10:5
Time limitations as to claims, T 10:2, T 10:6, T 19:2, T 20:2

OCCUPATIONAL SAFETY AND HEALTH STANDARDS
See SAFETY

OFFICERS
Civil action for willful and unprovoked attack by co-employee, officer or director, T 12:2, KRS 342.690(1)
Coverage of executive officers, T 2:2, KRS 342.012, KRS 342.640(2)
Employee’s insurance association, selection and term of, KRS 342.505, KRS 342.510

OMBUDSMAN PROGRAM
Generally, KRS 342.329

OPERATING PREMISES RULE
Generally, T 9:8

ORDERS
Variance from safety standard, KRS 338.153

OUTRAGEOUS CONDUCT
Liability for, T 7:1

OVERPAYMENT
Disability income benefits amount, T 16:1
Lump sum payment for disability, T 16:7, KRS 342.150
Reimbursement, REFUNDS OR REIMBURSEMENTS
Settlement, T 16:7, T 18:8

OVERTIME
Average weekly wage calculation exclusion, T 15:2, KRS 342.140(1)(d)

OVERVIEW OF WORKERS’ COMPENSATION LAW
Generally, T 1:1 to T 1:4, KRS 342.0011 et seq.
Administrative authority, T 1:2
Historical perspective, T 1:1
Purposes of workers’ compensation, T 1:1, T 1:4, T 9:1, T 14:1, T 16:7
Statutory construction, T 1:3
Statutory provisions, KRS 342.0011 et seq.

OWNERS
See BUSINESS OWNERS

PACKING COMPANIES
Coverage, T 3:2

PAIN AND SUFFERING
Subrogation aspect, T 7:9

PANTS PRESSER
Average weekly wage calculation exclusion, T 15:2

PARKING LOTS OR GARAGES
Operating premises rule compensability, T 9:8

PARTIES
Appeal to Court of Appeals, T 22:3
Appeal to the Workers’ Compensation Board procedure, T 21:6
Joinder. See JOINDER
Motion to substitute party and continue benefits, T 25:30
Third parties. See THIRD PARTY ACTIONS

PARTNERS AND PARTNERSHIPS
Affidavit of exemption from Workers’ Compensation Act, form, T 25:31
Coverage, qualified versus non-qualified partners, T 2:2, KRS 342.012

Index-30
PEACE OFFICERS
Death in line of duty, death and dependency benefits, T 17:9, KRS 61:315
Police. See POLICE

PENALTIES
Generally, T 24:1 to T 24:5, KRS 342.990
Broad protections, T 24:1, KRS 342.990
Criminal. See CRIMINAL ACTIONS AND PENALTIES
Employee protections, T 24:3
Employer penalties, T 24:2, KRS 342.402
Employer uninsured, T 24:4
Failure to follow safety rules, T 12:3
Fraud and misrepresentation in filing or delaying filing of claims and in receiving or providing services or benefits, KRS 342.335
Frivolous proceedings, sanctions, T 21:1, T 22:6, KRS 342.310
Lien for compensation, generally, KRS 342.165
Lien on property of employer who violates occupational safety and health law, KRS 338.201
Occupational safety and health law violations
lien on employer’s property, KRS 338.201
statutory provisions, KRS 338.991
Restitution, KRS 342.990
Retaliatory discharge, action for, T 24:5
Special Fund, T 24:2, KRS 342.990, KRS 342.1221
Time limitations. See TIME LIMITATIONS
Unfair claims settlement practices, KRS 342.267

PERMANENT PARTIAL DISABILITY
Amount, calculation, T 16:4, KRS 342.730(1)(c)
Definition, T 16:1, KRS 342.0011(11)

PERSONAL NEEDS
Compensable activity, T 9:2

PHYSICIANS
Changing designated physicians form, T 25:23
limitations, KRS 342.020(5)
Evaluating physicians on list, report, KRS 342.794
Expenses for attending frivolous proceedings, T 21:1, T 22:6, KRS 342.310
Fees, administrative law judge’s approval of, T 23:1, KRS 342.320
Medical reports made part of evidentiary record, T 21:3, KRS 342.033
Non-treating physician’s reliance on case history for opinion, T 21:3
Privileged or confidential medical matters, waiver and consent form, T 25:10, KRS 342.020(8)
Reference of medical question to physicians for investigation and report, T 18:7, T 25:11, KRS 342.121
Referral to provider who has investment interest, KRS 342.020(9)
Selection of physician and hospital, T 13:3, KRS 342.020
Testimony of more than two physicians at hearing, T 21:3, KRS 342.033, KRS 342.315
University medical schools evaluating physicians on list, KRS 342.794
medical evaluations by, T 21:3, KRS 342.315

Index-31
PICKET
Employee shot by picket, compensability, T 9:4

PIECEWORK PAY
Defined, T 15:2

PNEUMOCONIOSIS
Assessments to finance State’s coal workers’ pneumoconiosis fund, KRS 342.1242
Cigarette smoking instead of coal dust as cause, T 11:6
Credit for previously-awarded income benefits awarded for, KRS 342.125
Disability income benefits, T 16:5
Federal Coal Mine and Safety Act requirements, T 10:7, KRS 342.800
Forms generally, T 10:2
Agreement as to compensation and order approving settlement, T 25:17
Application for resolution of claim, T 25:6
Procedure for filing claim, T 10:02, KRS 342.316, KRS 342.792
Reopening award, T 21:5, KRS 342.125, KRS 342.792
Retraining incentive benefits, T 14:2, KRS 342.732
Special Fund liability, T 10:5
Special Fund payments, T 6:7
State’s coal workers’ pneumoconiosis fund generally, KRS 342.1242
legislative findings and declarations on, KRS 342.1241

PNEUMONIA
Compensable communicable disease, T 8:2

POLICE
Average weekly wage, T 15:2, KRS 342.402(3)
Coverage, T 2:4, KRS 95.550

POLICE—Cont’d
Death in line of duty, death and dependency benefits, T 17:9, KRS 16:601, KRS 61.315

POSTINGS
Builder’s permit, proving coverage and posting of notice, KRS 342.610
Department of Workplace Standards, posting of notices, KRS 338.161
Notice of education and training opportunities, KRS 342.796

PRE-EMPLOYMENT PHYSICAL
Someone else taking physical in lieu of applicant, T 2:1

PRE-EXISTING CONDITION
Active disability distinguished, T 18:3
Apportionment active disabilities, T 18:3
dormant disease or condition, T 18:4
liability, generally, T 18:2
purpose of, T 18:1
work-related condition pre-existing, T 18:5
Disability resulting from prior and current injuries, payments for, T 16:6, KRS 342.730(2)
Dormant and non-disabling, T 18:4
Medical benefits obligation of employer, T 13:1

PRE-HEARING CONFERENCE
See ADMINISTRATIVE PRACTICE AND PROCEDURE

PREJUDICE
Selection of physician or hospital, T 13:3

PREMIUM PAY
Average weekly wage calculation exclusion, T 15:2, KRS 342.140(1)(d)
INDEX

PREMIUM PAY—Cont’d
Defined, T 15:2

PREMIUMS
Canceled or returned, KRS 342.1222
Coal workers’ pneumoconiosis fund, assessments to finance State’s, KRS 342.1242
Employee’s insurance association premiums, amount and approval of, KRS 342.530, KRS 342.550
Payment by employee prohibition, T 24:3, KRS 342.420
Special Fund assessments. See SPECIAL FUND

PRESUMPTIONS
Acts for employee’s, employer’s and co-employee’s personal benefits while at work during work hours, T 9:10
Asbestos cleanup lawsuits, KRS 338.195
Death and dependency benefits, presumed wholly dependent, T 17:2
Dependency on deceased employee, T 17:1, T 17:2, KRS 342.075
Falls, presumption that injury was work-related, T 9:5
Going and coming rule, T 9:7
Hearing loss, KRS 342.7305
Intoxication, T 11:1, KRS 342.80
Moonlighting for additional pay, injury due to, T 9:10
Occupational disease, presumption regarding employee continuing full time or stopping work, T 10:2
Ordinary risk associated with the job, injury due to, T 12:1
Safety rules violations, knowledge of, T 12:3
Total disability, T 16:1, T 16:2
Unexplained injury as work-related injury, T 9:16, KRS 342.680

PRESUMPTIONS—Cont’d
Willful self-injury, presumption against, T 11:2

PRIOR INJURY
See PRE-EXISTING CONDITION

PRISON INMATES
Non-qualified coverage status, T 2:3

PRIVILEGED INFORMATION
See CONFIDENTIALITY

PROCESSING COMMODITIES FOR MARKET
Coverage, T 3:2

PRODUCTS LIABILITY
Recovery for, T 7:3

PROFESSIONAL ATHLETES, COACHES OR TRAINERS
Exempted employees, T 3:10

PROGRAM FOR OCCUPATIONAL SAFETY AND HEALTH
Overview, KRS 338.041

PROSECUTORS
Penalties, initiating complaint for, T 24:2, KRS 342.990

PUBLIC SERVICE EMPLOYERS AND EMPLOYEES
Death in line of duty, death and dependency benefits, T 17:9
Emergency service employees as covered employees, T 2:4
Governmental. See GOVERNMENT EMPLOYERS AND EMPLOYEES

RECONSIDERATION
See also APPEAL
Procedure, generally, T 21:4, KRS 342.281

RECORDING OF LIEN
Occupational safety and health law violations, lien on employer’s property, KRS 338.201

Index-33
RECORDING OF LIEN—Cont’d
Uninsured Employers’ Fund, recording certificate as lien against employer in favor of Fund, KRS 342.770

RECORDS
Department of Workplace Standards, statistical records, KRS 338.161
Employer to keep record of injuries, payments and settlements, KRS 342.038
Public records requirement, T 21:1, KRS 342.245

RECREATIONAL AND SOCIAL ACTIVITIES
Employer-sponsored activities, T 9:9
In course of employment test, T 9:11
Professional athletes, coaches or trainers as exempted employees, T 3:10

REFUSALS OR REIMBURSEMENTS
See also CREDIT
Frivolous proceedings, restitution of compensation paid, KRS 342.310
Medical services, request for payment or reimbursement for compensable expenses (form), T 25:24
Occupational Safety and Health Standards Board members, KRS 338.051
Premiums canceled or returned, KRS 342.1222
Special Fund benefits, reimbursement after settlement, T 18:8
Transfer of reimbursement funds, Uninsured Employers’ Fund, KRS 342.765

REFUSAL—Cont’d
Rehabilitation, refusal to accept, T 14:1, KRS 342.710(5)
Unfair claims settlement practices, T 7:1, KRS 304.12-230

REHABILITATION
Generally, T 14:1, KRS 342.710
See also RETRAINING INCENTIVE BENEFITS
Calculation of benefits during participation in program, KRS 342.715
Disability income benefits amount, T 16:1
Pre-hearing conference relief sought, T 21:2
Rights, duties, and procedure, KRS 342.710

REIMBURSEMENTS
See CONFIDENTIALITY

REJECTION
Exempted employees, rejection of coverage, T 3:8, KRS 342.395, KRS 342.400

RELEASES
See also WAIVER
Educational information, form authorizing release of, T 25:34
Good faith payments to dependents, T 25:4, KRS 342.090
Social security release, form, T 25:25

RELIGIOUS ORGANIZATIONS
Coverage exclusion, T 3:5, KRS 342.650(3), KRS 342.650(8)

REMARRIAGE
Lump sum payment of dependency income benefits for surviving spouse who remarries, T 17:6, KRS 342.150(1)(c), KRS 342.150(4)

REOPENED OR REOPENING CLAIMS
Administrative hearing procedure, T 21:5, KRS 342.125
INDEX

REOPENED OR REOPENING CLAIMS—Cont’d
Attorney’s fees, T 23:3, KRS 342.320
Motion to reopen KRS 342.732 benefits, form, T 25:33
Time limitations for reopening awards, T 20:5, KRS 342.125(3)
Total disability, Americans with Disability Act argument, T 24:3

REPAIR, MAINTENANCE, AND REMODELING EMPLOYEES
See MAINTENANCE, REPAIR, AND REMODELING EMPLOYEES

REPEITIVE NATURE OF EMPLOYMENT
Compensable work-related activity, T 9:1

REPORTS
Employer’s record of injuries, payments and settlements, KRS 342.038
Insurers and insurance policy, report of workers’ compensation experience, KRS 342.382
Medical reports regarding claim. See MEDICAL REPORTS
Power of Department of Workplace Standards to make employer reports and data available to US government, KRS 338.181
Rehabilitation evaluation, T 14:1, KRS 342.710(3)
Self-insurance reports, KRS 342.122
Uninsured Employers’ Fund, KRS 342.765

RESCUE
See EMERGENCIES

RESIDENCE—Cont’d
Dependency on decedent requirement, T 17:1, KRS 342.075(3)

RESOLUTION OF DISPUTES
Alternative dispute parameters, generally, KRS 342.277
Application. See FORMS
Expediting, medical benefit disputes, KRS 342.735

RESTITUTION
Generally, KRS 342.990

RETAILATORY DISCHARGE
Action for, T 24:5, KRS 342.197
Occupational safety and health standard violation claims, KRS 338.121

RETRAINING INCENTIVE BENEFITS
Generally, T 14:2, KRS 342.710(3), KRS 342.732
See also REHABILITATION
Credit for previously-awarded, KRS 342.125
Discrimination, employee protections, T 24:3, KRS 342.197
Due and payable when, KRS 342.040(3)
Element of rehabilitation, job training and placement, T 14:1, KRS 342.710(3)
Occupational diseases, T 10:4, T 10:5
Pneumoconiosis disability, T 16:5, KRS 342.732(1)(a)

RETURN TO WORK
See CONTINUING WORK

RIDE-SHARING PROGRAMS
Exempted employees, T 3:7, KRS 342.650(7)

RIGHT OF PRIVACY
Marital relationships, decisions made in, T 7:5

Index-35
RIGHT-HANDED
Dormant condition situations, T 18:4

SAFETY—Cont’d
safety law, T 12:3, KRS 342.165
Injunctive relief, KRS 338.131, KRS 338.133
Issuance of citation by commissioner, KRS 338.141
Lien on property of employer who violates occupational safety and health law, KRS 338.201
Obligations of employers and employees, KRS 338.031
Penalties for occupational safety and health law violations. See PENALTIES
Powers of Department of Workplace Standards, KRS 338.181
Program for Occupational Safety and Health, overview, KRS 338.041
Purpose and policy of statutory enactments, KRS 338.011
Representatives for employer and employee during physical inspections, KRS 338.111
Request for inspection, KRS 338.121
Review Commission, Occupational Safety and Health (organization structure and operations), KRS 338.071
Statutory scheme, occupational safety and health of employees, KRS 338.011 et seq.
Variances, procedure, KRS 338.153

SEASONAL EMPLOYEES
Average weekly wage, T 15:2, KRS 342.140

SECURITY
Failure of employer to provide security, employees options for, T 7:8, KRS 342.690(2)
Mutual insurance association or reinsurance, T 6:4, KRS 342.350
Requirement, KRS 342.340
SECURITY—Cont’d
Self-insurance, T 6:3, KRS 342.340

SELF-INSURANCE
Generally, T 2.9, T 6:3, KRS 342.340
Annual review of regulations and annual report on financial soundness, KRS 342.342
Annual statement of financial condition, KRS 342.347
Certificates, T 6:3, KRS 342.345
Definition of self-insurance year, KRS 342.0011(27)
Examination of finances of self-insureds, KRS 342.347
Group insurance, T 6:4, KRS 342.350, KRS 342.352
Guaranty funds, legislative provisions, KRS 342.900 to KRS 342.912
Role of Department of Insurance, KRS 342.347
Special fund assessments, KRS 342.122

SERVICE OF PROCESS
Appeal to Court of Appeals, documents relating to, T 22:3
Claim files with Workers’ Compensation Board, T 21:2
Nonresident aliens, notice to, KRS 342.135
Notice of accident or injury, T 19:1, KRS 342.195
Settlement agreement, T 21:2, KRS 342.265
Sheriff’s service of subpoenas, KRS 342.260(3)

SERVICE TO EMPLOYER EXCEPTION
Going and coming rule, T 9:7

SETTLEMENTS
See also STIPULATIONS
Agreement as to compensation and order approving settlement—Cont’d
form, hearing loss/occupational disease, T 25:19
form, injury, T 25:18
form, pneumoconiosis, T 25:17
reopening, T 21:5, KRS 342.125(3)
Approval of settlement, T 21:2, KRS 342.265
Lump sum disability benefits payment, T 16:7
Operating as final settlement of claim, T 21:2, KRS 342.265
Reopening settlement, T 21:5, KRS 342.125(3)
Special Fund liability aspect, T 18:8, KRS 342.120(3)
Unfair claims settlement practices, T 7:1, KRS 304.12-230

SEXUAL CONDUCT
Liability for, T 7:1
Murder of co-employee when affair ended, compensability for, T 9:4

SHOES
Special work shoes required that caused blisters resulting in amputation due to diabetes, coverage for, T 9:1

SHORTNESS OF BREATH
Notice of occupational disease, sufficiency for, T 20:2

SIDEWALKS
Operating premises rule compensability, T 9:8

SIGNATURES
Notice of accident or injury, T 19:1, KRS 342.190

SMOKING
See CIGARETTE SMOKING
SOCIAL ACTIVITIES
See RECREATIONAL AND SOCIAL ACTIVITIES

SOCIAL SECURITY
Reduction of disability benefits when employee reaches age of social security, T 16:9, KRS 342.730(4)
Social security release form, T 25:25

SPECIAL FUND
See also WORKERS’ COMPENSATION FUNDING COMMISSION
Apportionment of liability, generally, T 10:5, T 16:6, T 18:1
Assessments generally, KRS 342.122
penalty and interest on late payments, KRS 342.1221
procedure for protesting, KRS 342.1231
refunds or credits on canceled or returned premiums, KRS 342.1222
Assignment of benefits, T 16:8
Back cases liability, T 18:6, KRS 342.1202
Creation and authority of, T 6.7, KRS 342.120, KRS 342.1223
Dormant condition, T 18:4, T 18:5
Evidentiary matters, T 18:8
Heart cases liability, T 18:6, KRS 342.1202
Limited liability, T 18:2
Motion to be made a party for liability, T 18:2, KRS 342.120(2)
Notice of claim, T 10:2, KRS 342.316(2)
Occupational diseases liability, T 10:5
Penalties, payment of, T 24:2, KRS 342.990, KRS 342.1221
Pre-existing work-related condition, T 18:5

SPECIAL FUND—Cont’d
Registry of all claims to which it is a named party, KRS 342.122
Settled cases proceeding against Fund, T 21:2
Sharing books, records, documents and information with Workers’ Compensation Funding Commission, KRS 342.1226
Subrogation, T 7:9, KRS 342.700(1)
Subsequent injury liability, T 18:2, KRS 342.120(4), KRS 342.122(8)

SPLIT COVERAGE
Application. See FORMS

STATISTICS
Department of Workplace Standards, statistical records, KRS 338.161

STATUTORY CONSTRUCTION OF WORKERS’ COMPENSATION LAW
Generally, T 1:3

STATUTORY EMPLOYERS
See CONTRACTORS, SUBCONTRACTORS, AND “STATUTORY EMPLOYEES/EMPLOYERS”

STIPULATIONS
See also SETTLEMENTS
Attorney fees, T 23:1, KRS 342.320
Pre-hearing conference, stipulation to facts, T 21:3
Statement of proposed stipulations and notice of contested issues, form, T 25:35

STORAGE BUSINESSES
Coverage, T 3:2

STRESS
Compensable injury, T 8:1

Index-38
STUDENT NURSES
Coverage of, T 2:10

SUBCONTRACTORS
See CONTRACTORS, SUBCONTRACTORS, AND "STATUTORY EMPLOYEES/EMPLOYERS"

SUBROGATION OF CLAIMS
Generally, T 7:9
Civil actions, employers' subrogation, T 7:6, T 7:9, KRS 342.700
Medical treatment expenses, effect on, T 13:2
Notice to parties with subrogation rights, T 13:2, KRS 411.188
Third party actions, T 7:6, KRS 342.700
Time limitations, employers' subrogation claims, T 20:3

SUBSEQUENT INJURY
See also APPORTIONMENT; PRE-EXISTING CONDITION
Reference of medical questions to physicians, T 18:7, KRS 342.121
Reopening first claim, T 21:5, KRS 342.125
Special Fund liability, T 18:2, KRS 342.120(4), KRS 342.122(8)

SUICIDES
Compensability, T 11:2, KRS 342.680
Presumption, T 11:2, KRS 342.680

SUPERSEDEAS BOND
Appeal to Court of appeals, T 21:6, T 22:2, KRS 342.300

SUPERVISOR
Benefit to supervisor as benefit to employer, presumption, T 9:10
Unexplained injury to employee following supervisor's direction to transport vending

SUPERVISOR—Cont'd
machines (not part of usual duties) as work-related injury, T 9:16

SUPREME COURT OF KENTUCKY
Procedure for review by, T 22:4

SURVIVING SPOUSE
Alien dependents' compensation, T 17:3
Calculation of dependency payments for, T 17:6, KRS 342.750(1)
Other than work-related injury causing death of employee receiving disability income, spouse's entitlement when, T 17:8, KRS 342.730(3)
Presumption of dependency, T 17:1, T 17:2, KRS 342.075
Receipt of dependency payments for other dependents, T 17:5, KRS 342.160

TEETH INJURIES
Medical expenses employer liability, T 13:1, KRS 342.020(6)

TEMPORARY EMPLOYEES
Coverage for, T 5:3, KRS 342.615

TERMINATION OF EMPLOYMENT
No fault of his own, defined, T 14:2
Post-termination conduct of employer, liability for, T 7:1
Retaliatory discharge, T 24:5, KRS 338.121, KRS 342.197

TERMINATION OF INSURANCE POLICY
See CANCELLATION OR TERMINATION OF INSURANCE POLICY

THIRD PARTY ACTIONS
Assaults by third parties who are not co-employees,
THIRD PARTY ACTIONS — Cont’d
compensability, T 9:4
Indemnity or contribution from employer, T 7:7, T 7:9, KRS 342.700
Liability for employee injury, civil actions, T 7:6, T 7:9, KRS 342.700
Operating premises rule, independent contractor employee’s injuries within scope of, T 9:8

TIMBER CUTTER
Average weekly wage of employee, T 15:2

TIME LIMITATIONS
Generally, T 20:1 to 20:5
Amended claim, T 10:3
Appeal to Court of Appeals, T 22:1, T 22:3
Appeal to the Workers’ Compensation Board procedure, T 21:6, KRS 342.285
Application for resolution of claim, KRS 342.270(1)
Arbitration, T 10:2
Attorney fees, motion for approval of, T 23:2, KRS 342.320
Average weekly wage element calculation, T 15:2, KRS 342.140
Briefs on appeal issues, filing, T 21:6
Cancellation or termination of insurance policy, T 6:1, T 20:1, KRS 342:340(2)
Decision of administrative law judge, T 21:3, KRS 342.275
Decision of Workers’ Compensation Board, T 21:6, KRS 342.285
Dependency on decedent, determining as of time of injury, T 17:1, T 17:6, KRS 342.750
Due and payable compensation, T 24:3, KRS 342.040

TIME LIMITATIONS — Cont’d
Extraterritorial claims, T 2:8, T 20:4, KRS 342.670
Income benefits not payable for first seven days, T 24:3, KRS 342.040(1)
Injury, notice of, T 19:1, KRS 342.185
Injury or accident claims, filing of generally, T 20:1, KRS 342.270(1)
extraterritorial, T 2:8, T 20:4, KRS 342.670
Lien on property of employer who violates occupational safety and health law, KRS 338.201
Medical benefits payments, T 24:3
Medical treatment expenses, employer’s payment of, T 13:1, KRS 342.020
Notice to employer accident or injury, T 19:1, KRS 342.185
occidental disease, T 19:2, T 20:2, KRS 342.316
Occupational diseases, T 10:2, T 10:6, T 19:2, T 20:2, KRS 342.316
Penalties contesting imposition of penalties, T 24:2, KRS 342.990
employer’s failure to follow safety rules, seeking, T 12:3
Permanent partial disability payments, T 16:4, KRS 342.730(1)(b)
Pneumoconiosis claims, T 10:2, KRS 342.316
Pneumoconiosis disability benefits, T 16:5, KRS 342.732(1)
Pre-hearing conference, setting date for, T 21:2, KRS 342.270
Reconsideration, petition for, T 21:4, KRS 342.281
Reference of medical question to physicians for investigation and report, T 18:7, T 25:11, KRS 342.121
TIME LIMITATIONS—Cont’d
Rehabilitation treatment, T 14:1, KRS 342.710(3)
Reopening awards, T 20:5, KRS 342.125(3)
Retraining benefits duration, T 14:2, KRS 342.732(1)
Safety citation, KRS 338.141
Settlement agreement, serving copies of, T 21:2, KRS 342.265
Special Fund liability, T 6:7
naming as party, T 6:7
Subrogation claims of employer, T 20:3
Tolling limitations period, T 20:1, KRS 342.210
Unfair claims settlement practices, T 7:1, KRS 304.12-230
Voluntary payments, notice when terminating, T 20:1
Voluntary rejection of coverage, T 3:8, KRS 342.395
TOLL-FREE TELEPHONE ACCESS FOR INQUIRIES
Generally, KRS 342.329
TORT LIABILITY
Collateral source payments, T 7:11, KRS 411.188(3)
Exclusivity of workers’ compensation remedy, T 7:1, KRS 342.610(1), KRS 342.690
Limitations for employer’s subrogation claim, T 20:3
TOTAL DISABILITY
See DISABILITY INCOME BENEFITS
TRAINEES
Average weekly wage, T 15:2, KRS 342.402(4)
Coverage, KRS 342.640(3)
TRAINERS, ATHLETES, COACHES
Exempted employees, T 3:10, KRS 342.670(4)
TRANSFER OF REIMBURSEMENT FUNDS
Uninsured Employers’ Fund, KRS 342.765
TRANSFER TO DIFFERENT LOCATION
Average weekly wage, T 6:2, KRS 342.375
Going and coming rule, applicability, T 9:7
Operating premises rule, T 9:8
TRANSPORTATION OF VENDING MACHINES
Unexplained injury to employee following supervisor’s direction to transport vending machines (not part of usual duties) as work-related injury, T 9:16
TRAVEL EXPENSES
Department of Workers’ Claims employees, KRS 342.235
Frivolous proceedings, sanctions, T 21:1, T 22:6, KRS 342.310
Rehabilitation expenses, T 14:1, KRS 342.710(3)
TRUSTEE
Appointing to receive lump sum payment for employee’s disability, T 16:7, KRS 342.155
UNEMPLOYMENT BENEFITS
Disability income benefits, effect on, T 16:1
UNEXPLAINED INJURY
Employment element of injury, T 9:16, KRS 342.680

UNFAIR CLAIMS SETTLEMENT PRACTICES ACT
Generally, T 7:1, KRS 304.12-230, KRS 342.267

UNINSURED EMPLOYERS
Employer penalties and employee protections, T 24:4
Uninsured Employers’ Fund
UNINSURED EMPLOYERS’ FUND

UNINSURED EMPLOYERS’ FUND—Cont’d
Transfer of reimbursement funds, KRS 342.765

UNIVERSITY MEDICAL SCHOOLS
Evaluating physicians on list, KRS 342.794
Medical evaluations by, T 21:3, KRS 342.315

VANPOOLS
See RIDE-SHARING PROGRAMS

VENDING MACHINES
Unexplained injury to employee following supervisor’s direction to transport vending machines (not part of usual duties) as work-related injury, T 9:16

VOCATIONAL REHABILITATION
See REHABILITATION

VOLUNTARY COVERAGE
Covered employees, T 2:9, KRS 342.395
Covered employers, T 4:5, T 20:1, KRS 342.390
Election to operate under workers’ compensation law, T 4:5, KRS 342.390
Exempted employees, T 3:9, KRS 342.660
Extraterritorial injury claims, T 20:4, KRS 342.670
Statute of limitations for filing claim, T 20:1

VOLUNTARY REJECTION OF COVERAGE
Generally, T 3:8, KRS 342.395, KRS 342.400

VOLUNTEER EMERGENCY SERVICE EMPLOYEES
Average weekly wage, T 15:2, KRS 342.402(3)
INDEX

VOLUNTEER EMERGENCY SERVICE EMPLOYEES
—Cont’d
Coverage, T 2:4, KRS 342.640(3)

WAIVER
See also RELEASES
Exclusivity affirmative defense, waiver of, T 7:1
Occupational disease claim, waiver of notice, T 20:2
Policy to waive improper notice and be direct promise to employee, T 6:2, KRS 342.365
Pre-hearing conference issues not raised, T 21:2
Privileged or confidential medical matters, waiver and consent form, T 25:10
statutory provision, KRS 342.020(8)
Remedies for award of contract, waiver unlawful, KRS 342.700
Special fund assessments late payments, waiver of penalty on, KRS 342.1221

WILLFUL CONDUCT
See INTENTIONAL OR WILLFUL CONDUCT

WITHDRAWAL
Voluntary rejection of coverage, T 3:8, KRS 342.395, KRS 342.660

WITNESSES
Administrative law hearing, T 21:3
Frivolous proceedings, sanctions, T 21:1, T 22:6, KRS 342.310
Medical report made part of record, T 21:3, KRS 342.033
Notice of accident or injury as including witness names, T 19:1, KRS 342.190

WORK FOR AID OR SUSTENANCE
Exempted employees, T 3:5, KRS 342.650(3)

WORK HISTORY
Filing form, KRS 342.316(3)
Form, plaintiff’s employment history, T 25:8
Full disclosure of previous work history, T 11:3, KRS 342.316(7)

WORKERS’ COMPENSATION ADVISORY COUNCIL
Creation, organization, authority and duties, KRS 342.0012

WORKERS’ COMPENSATION BOARD
Appeal to process, T 1:2, T 21:6
Authority, T 1:2, T 7:1, KRS 342.215
Cancellation or termination of policy, providing necessary information to Board, T 6:1, KRS 342.340(2)
Commissioner’s authority to promulgate administrative regulations, KRS 342.260
Creation and organization structure, T 1:2, KRS 336.020, KRS 342.215
Oath of board members, KRS 342.220
Practice and procedure. See ADMINISTRATIVE PRACTICE AND PROCEDURE
Self-insurance, providing necessary information to Board, T 6:1, T 6:3, KRS 342.340

WORKERS’ COMPENSATION FUNDING COMMISSION
See also SPECIAL FUND
Annual audit of commission’s financial statements, KRS 342.1225
Benefit reserve fund, KRS 342.1229
Board of directors, KRS 342.1224
Creation and authority, T 6:7, KRS 342.120, KRS 342.1223

Index-43
<table>
<thead>
<tr>
<th>Section</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>WORKERS' COMPENSATION FUNDING COMMISSION —Cont’d</td>
<td></td>
</tr>
<tr>
<td>Exempt from Governor’s reorganization powers, KRS 342.1228</td>
<td></td>
</tr>
<tr>
<td>Expenses of audits, how paid, KRS 342.1231</td>
<td></td>
</tr>
<tr>
<td>Loan or transfer of funds prohibition, KRS 342.1227</td>
<td></td>
</tr>
<tr>
<td>Procedure for protesting special fund assessments, KRS 342.1231</td>
<td></td>
</tr>
<tr>
<td>Sharing books, records, documents and information with special fund, KRS 342.1226</td>
<td></td>
</tr>
<tr>
<td>WORKERS’ COMPENSATION NOMINATING COMMISSION</td>
<td></td>
</tr>
<tr>
<td>Generally, KRS 342.213</td>
<td></td>
</tr>
<tr>
<td>WORKERS’ COMPENSATION SPECIALIST SERVICES</td>
<td></td>
</tr>
<tr>
<td>Generally, KRS 342.329</td>
<td></td>
</tr>
<tr>
<td>WRONGFUL TERMINATION OF EMPLOYMENT</td>
<td></td>
</tr>
<tr>
<td>Tort liability, T 7:1</td>
<td></td>
</tr>
</tbody>
</table>