

# Kentucky

## Department of Workers' Claims 2011-2012 Annual Report



**Commonwealth of Kentucky  
Department of Workers' Claims**

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657 Chamberlin Avenue  
Frankfort, Kentucky 40601  
(502) 564-5550

Web site: <http://www.labor.ky.gov/workersclaims>

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Dwight T. Lovan

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CHIEF ADMINISTRATIVE LAW JUDGE  
J. Landon Overfield

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Developed by DWC Division of Information and Research  
 Fran Davis, Director  
 Kim McKenzie, Resource Management Analyst II

# Kentucky Department of Workers' Claims



## **Mission Statement:**

Resourceful administration of Kentucky's workers' compensation program with equitable and expedient processing of claims

## **Performance Objectives:**

- Assure prompt delivery of statutory benefits, including medical services and indemnity payments
- Provide timely and competent services to stakeholders
- Foster stakeholder knowledge of rights and responsibilities under the Workers' Compensation Act
- Encourage stakeholder involvement in the development of policy and delivery mechanisms
- Provide the public and policy makers with accurate and current indicators of program performance
- Anticipate changes in the program environment and respond appropriately

*No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Labor Cabinet.*

**Printed with State Funds**

This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provisional services.

**Steven L. Beshear**  
Governor

**Jerry E. Abramson**  
Lieutenant Governor



**Mark S. Brown**  
Secretary

**Dwight T. Lovan**  
Commissioner

**KENTUCKY LABOR CABINET**  
**Department of Workers' Claims**

657 Chamberlin Avenue  
Frankfort, KY 40601  
Telephone: (502) 564-5550  
[www.labor.ky.gov/workersclaims](http://www.labor.ky.gov/workersclaims)

November 28, 2012

The Honorable Steven L. Beshear  
Governor of Kentucky  
Capitol Building  
700 Capitol Avenue, Suite 100  
Frankfort, KY 40601

Dear Governor Beshear:

In accordance with KRS 342.230(2) and KRS 342.435, attached is the Fiscal Year 2011-2012 Annual Report for the Department of Workers' Claims. The annual report outlines activities undertaken by this agency to assure prompt and efficient delivery of statutory benefits. It also provides statistical information designed to openly share the activities of the Department.

Highlighted in the report are initiatives the Department of Workers' Claims has undertaken during this fiscal year, meeting the requirements of the administrative and adjudicative provisions of the Workers' Compensation Act, KRS Chapter 342.

The Department continues to work closely with all stakeholders, businesses, labor, medical providers, attorneys, self-insureds and insurers to develop ideas and implement programs which will improve the effectiveness of the Workers' Compensation System by delivering in a cost-effective manner high quality services to the constituents of the Commonwealth of Kentucky.

It is a pleasure to serve as Commissioner of the Department of Workers' Claims. Thank you for your encouragement and support.

Yours very truly,

A handwritten signature in black ink, appearing to read "D. Lovan".

Dwight T. Lovan  
Commissioner



An Equal Opportunity Employer  
M/F/D



**Dwight T. Lovan  
Commissioner**

Commissioner Dwight T. Lovan received his Bachelor's degree from Baylor University and J.D. from the University of Kentucky College of Law. Admitted to the Kentucky Bar in 1977, Commissioner Lovan worked for 15 months as a staff attorney for the Kentucky Court of Appeals with responsibility for workers' compensation appeals. From 1979 to 1990 he practiced law in Owensboro, concentrating in the areas of workers' compensation and civil litigation.

In May of 1990, Commissioner Lovan was appointed Administrative Law Judge and remained in that position until August of 1994 when he was named to the Kentucky Workers' Compensation Board. Between July 2000 and January 2004, Commissioner Lovan served as Chairman of the Kentucky Workers' Compensation Board before returning to private practice in the firm of Jones, Walters, Turner and Shelton.

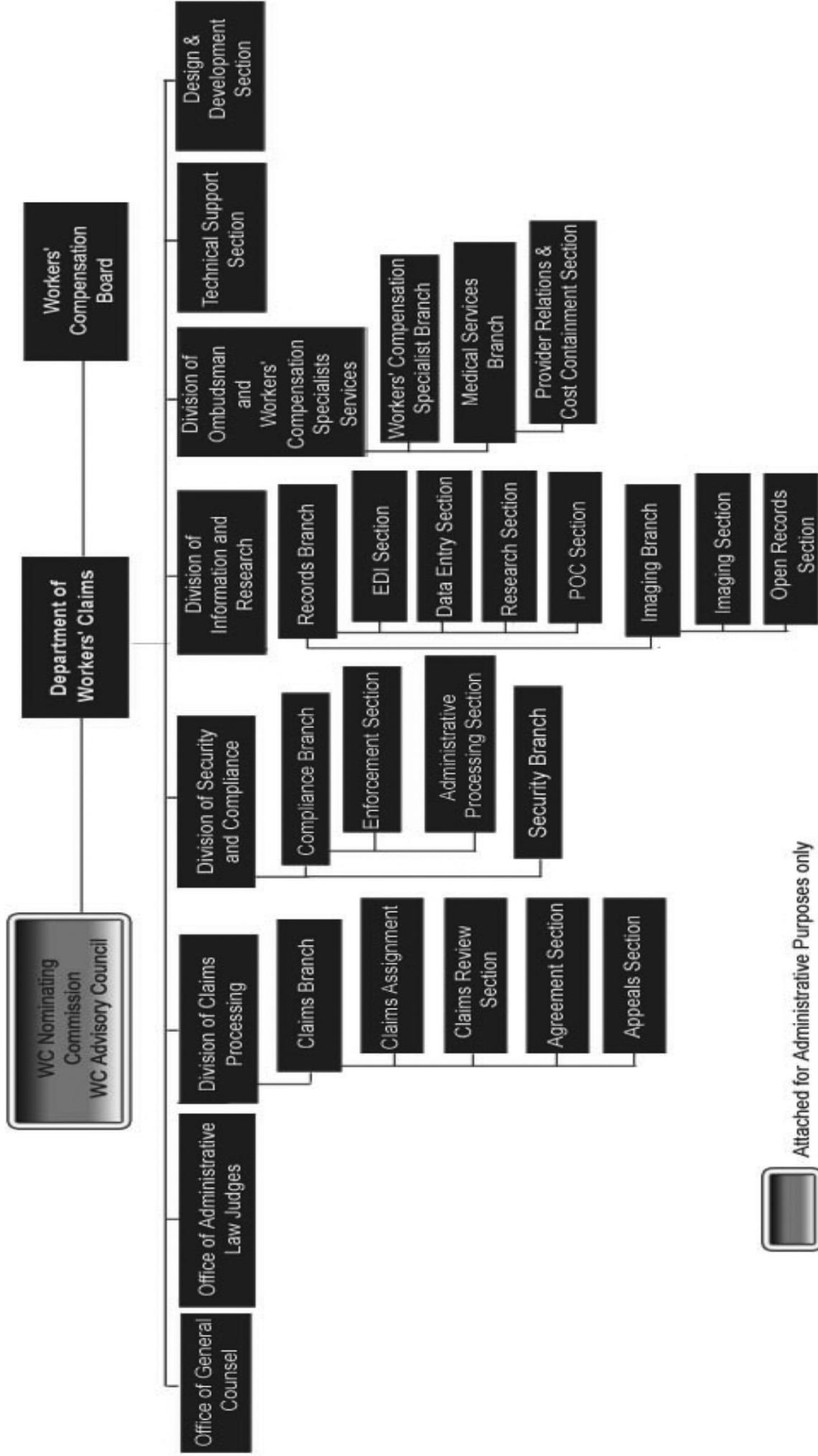
He was appointed to serve as the Commissioner of the Department of Workers' Claims in February 2008.



**Wayne Logan  
Deputy Commissioner**

Deputy Commissioner Robert Wayne Logan has been with the Kentucky Labor Cabinet for over 25 years, having started as an interim employee in 1983. After receiving his associate degree from Fugazzi Business College, he became a full-time employee in June 1984 and has served in various positions in the Department of Workers' Claims. He was appointed as Deputy Commissioner in October 2008. Deputy Commissioner Logan resides in Woodford County with his wife Kelly and two children.

# Department of Workers' Claims Organizational Structure



Attached for Administrative Purposes only

# Program Statistics



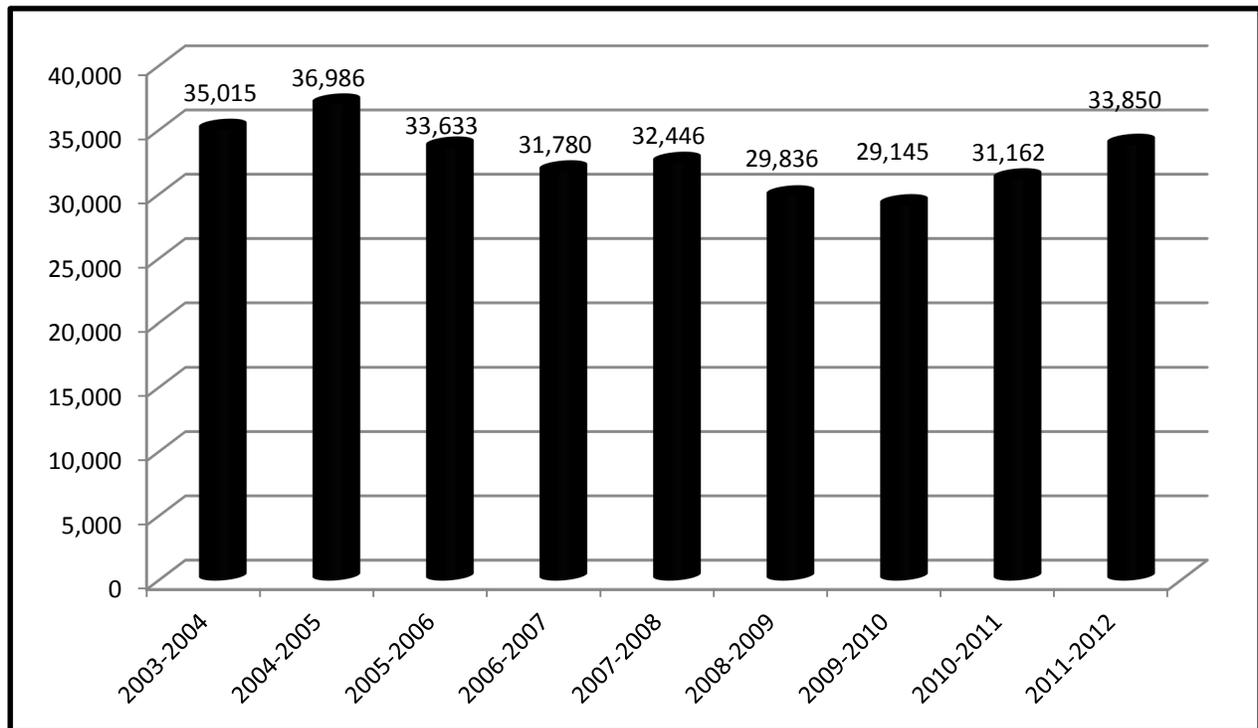
# First Reports of Injury

Kentucky Revised Statute (KRS) 342.038 mandates that employers keep a record of all employee workplace injuries and fatalities. The employer has three days to inform its workers' compensation insurance carrier or claim administrator when an injured worker misses more than one day of work as a result of an injury. These entities then have one week to file a First Report of Injury with the Department of Workers' Claims. Failure to comply with these reporting requirements may result in penalties pursuant to KRS 342.990.

In this fiscal year, there were 33,850 lost time First Reports of Injury (FROIs) filed with the Department. Of these First Reports, 24 percent were subject to penalties.

The three most common causes of work-related injuries reported this fiscal year were falls or slips (7,126), lifting (3,838) and strains (2,713).

## First Reports of Injury by Fiscal Year



## First Reports of Injury (FROIs) by Industrial Classification Category



A review of the nature of injuries revealed that there were 12,298 strains and 4,036 contusions reported. These two categories account for 48 percent of all reported injuries. Sprains or tears were reported in 3,182 of the injuries.

Of the information reported, the low back area (including lumbar and lumbosacral) was most frequently injured (4,497). The second most common injury reported was to multiple body parts (3,525) and third was injury to the knee (2,861). This closely mimics the lost time reports of the last four fiscal years.

### FROIs By Nature Type

<b>Coal Workers' Pneumoconiosis (CWP)</b>	<b>52</b>
<b>Hearing Loss</b>	<b>86</b>
<b>Injury</b>	<b>33,216</b>
<b>Other Occupational Disease</b>	<b>496</b>

# Workers' Compensation Claims

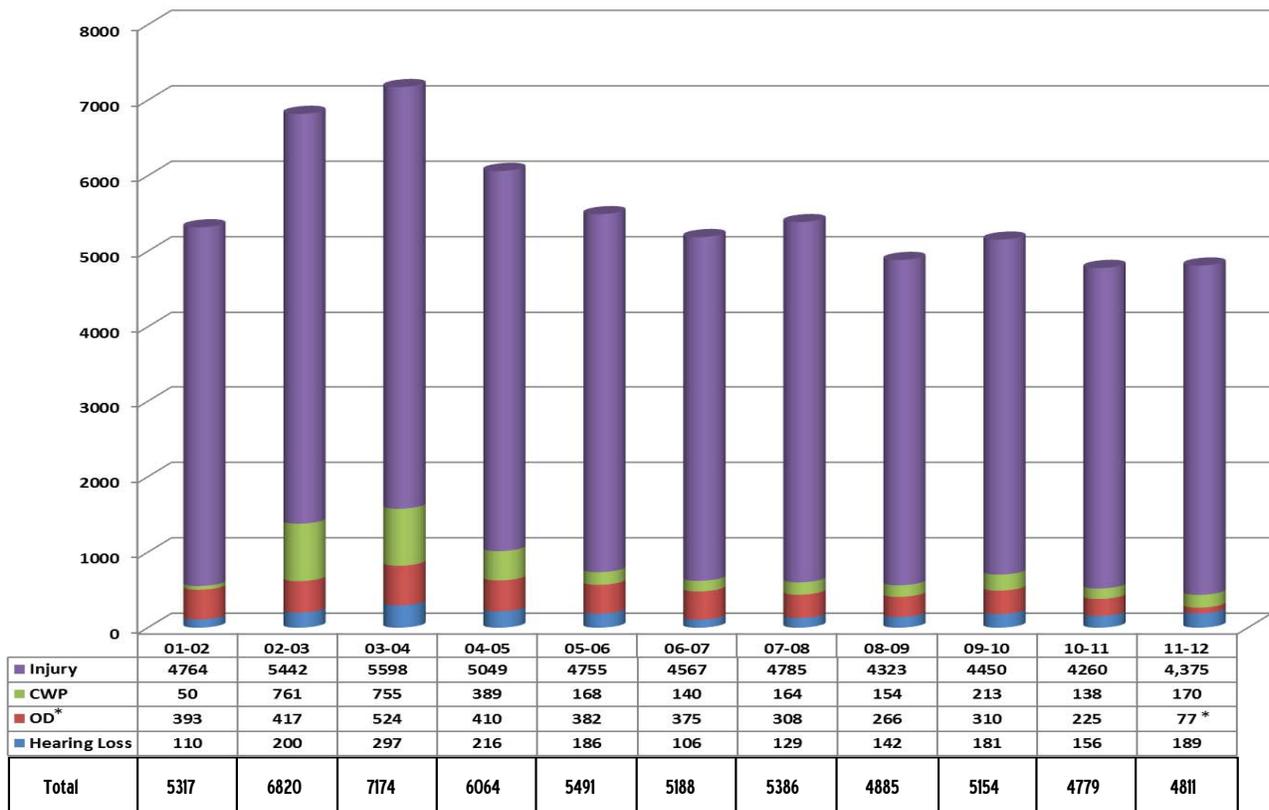
A workers' compensation claim in Kentucky originates when one of two things happens: A settlement document is filed to voluntarily resolve workers' compensation issues between parties, or by application for adjustment of a claim when the parties cannot agree and the matter must be resolved by an Administrative Law Judge.

Workers' compensation claims are typically divided into two types: indemnity/medical and medical-only. Indemnity/medical claims are those for which income benefits are paid to compensate for lost wages, functional impairment or death. Medical service costs are paid in addition to those income benefits.

Most of the data in this report pertains to indemnity claims. For an injury to be compensable, it must be a direct result of the employee's work. To be considered for temporary total income benefits, an injured worker must miss more than seven days of work. Medical-only claims are those in which medical services are delivered but the employee does not qualify for income benefits.

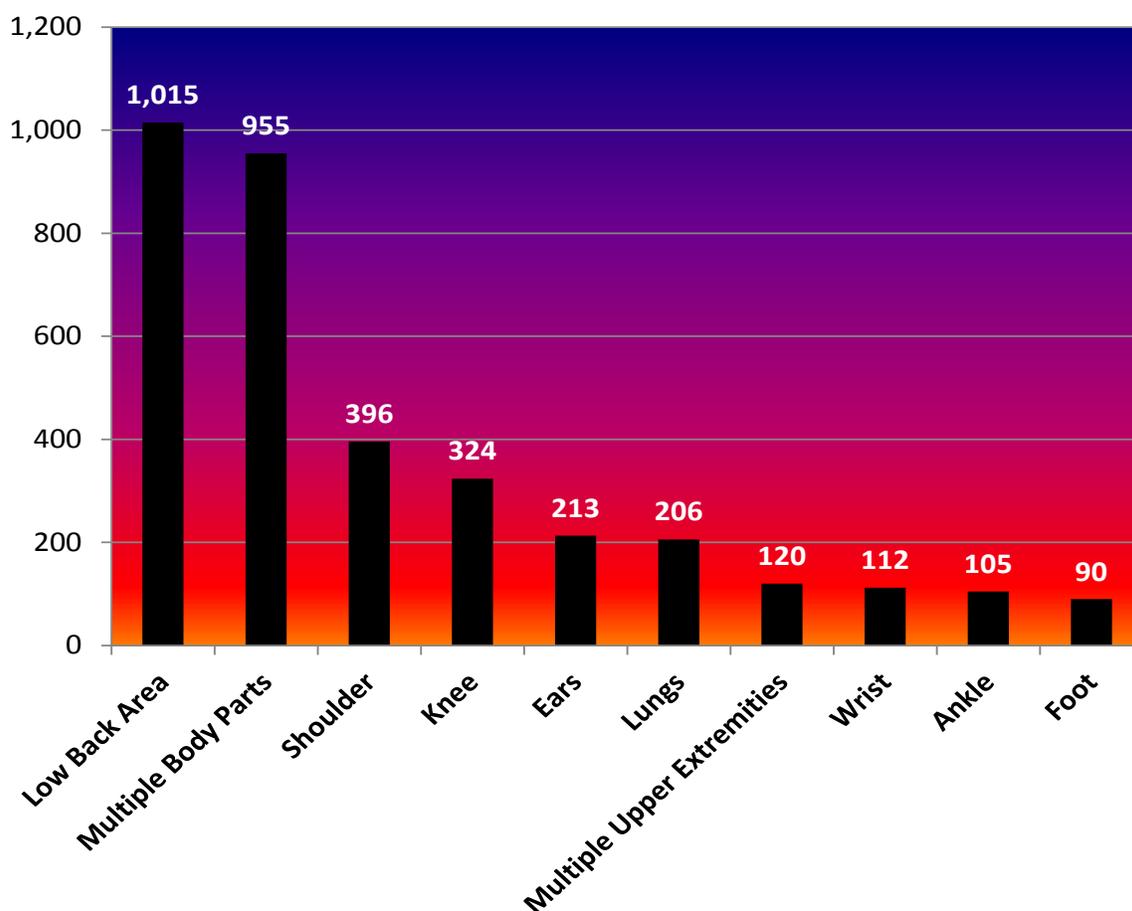
In fiscal year 2011-2012, there were 4,811 applications for resolution of claims filed with the Department of Workers' Claims.

## Claims by Fiscal Year 2011-2012



\*Prior to FY 2011/2012, OD included cumulative trauma, which should have been classified as injury.

# Distribution of Claims by Body Part Top Ten



Of the 4,811 claims that were filed this fiscal year, 1,523 claims were filed by females (32%) and 3,274 by males (68%). Fourteen claims failed to specify gender (less than 1%). The average age of those who filed claims with the DWC was 44 years.

The Standard Industrial Classification (SIC) category with the greatest number of claims filed was Unclassified (1,349); with Services a close second with 811. The remaining SIC categories had the following number of claims: Manufacturing (699), Mining (410), Retail Trade (396), Transportation/Public Utilities (368), Construction (315), Public Administration (220), Wholesale Trade (100), Finance, Insurance, Real Estate (88), and Agriculture (55).

In reviewing litigated injury claims, the three most common causes of injury during this reporting period were Strains (1,756), Falls, Slips or Trips (1,063) and Other Injury (NOC) (679).

## Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 11-12

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Adair	9,371	59	0.63%	4	6.78%
Allen	8,578	135	1.57%	6	4.44%
Anderson	10,828	92	0.85%	7	7.61%
Ballard	4,221	33	0.78%	5	15.15%
Barren	19,421	285	1.47%	29	10.18%
Bath	4,990	52	1.04%	7	13.46%
Bell	9,464	243	2.57%	65	26.75%
Boone	64,737	1,160	1.79%	107	9.22%
Bourbon	9,422	176	1.87%	19	10.80%
Boyd	22,808	367	1.61%	79	21.53%
Boyle	12,540	266	2.12%	26	9.77%
Bracken	4,243	19	0.45%	5	26.32%
Breathitt	5,520	67	1.21%	18	26.87%
Breckinridge	9,630	87	0.90%	3	3.45%
Bullitt	38,439	387	1.01%	37	9.56%
Butler	5,623	37	0.66%	2	5.41%
Caldwell	6,686	90	1.35%	10	11.11%
Calloway	18,119	340	1.88%	24	7.06%
Campbell	46,317	336	0.73%	32	9.52%
Carlisle	2,451	20	0.82%	0	0.00%
Carroll	5,574	105	1.88%	12	11.43%
Carter	13,470	101	0.75%	14	13.86%
Casey	7,363	96	1.30%	15	15.63%
Christian	26,470	678	2.56%	49	7.23%
Clark	16,765	297	1.77%	47	15.82%
Clay	7,082	87	1.23%	22	25.29%
Clinton	4,851	75	1.55%	7	9.33%
Crittenden	4,255	40	0.94%	1	2.50%
Cumberland	3,123	26	0.83%	1	3.85%
Daviess	49,493	715	1.44%	63	8.81%
Edmonson	5,148	18	0.35%	2	11.11%
Elliott	3,223	21	0.65%	1	4.76%
Estill	6,329	38	0.60%	9	23.68%
Fayette	152,998	2,438	1.59%	346	14.19%
Fleming	6,387	67	1.05%	4	5.97%
Floyd	15,131	335	2.21%	131	39.10%
Franklin	24,768	995	4.02%	88	8.84%
Fulton	2,549	61	2.39%	10	16.39%
Gallatin	4,154	39	0.94%	3	7.69%
Garrard	7,684	49	0.64%	9	18.37%
Grant	12,380	106	0.86%	12	11.32%
Graves	16,649	146	0.88%	23	15.75%

## Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 11-12

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Grayson	11,487	169	1.47%	9	5.33%
Green	5,610	42	0.75%	3	7.14%
Greenup	16,984	143	0.84%	12	8.39%
Hancock	4,232	90	2.13%	12	13.33%
Hardin	49,693	604	1.22%	54	8.94%
Harlan	10,680	484	4.53%	170	35.12%
Harrison	9,328	90	0.96%	3	3.33%
Hart	8,569	81	0.95%	7	8.64%
Henderson	23,348	394	1.69%	23	5.84%
Henry	7,447	70	0.94%	6	8.57%
Hickman	2,169	15	0.69%	4	26.67%
Hopkins	23,019	644	2.80%	37	5.75%
Jackson	4,493	18	0.40%	10	55.56%
Jefferson	364,514	6,483	1.78%	906	13.98%
Jessamine	23,352	403	1.73%	38	9.43%
Johnson	9,583	124	1.29%	30	24.19%
Kenton	85,017	983	1.16%	66	6.71%
Knott	6,311	87	1.38%	67	77.01%
Knox	12,248	99	0.81%	25	25.25%
Larue	6,983	41	0.59%	4	9.76%
Laurel	26,672	433	1.62%	109	25.17%
Lawrence	6,165	151	2.45%	25	16.56%
Lee	2,809	53	1.89%	4	7.55%
Leslie	3,767	26	0.69%	30	115.38%
Letcher	8,922	192	2.15%	85	44.27%
Lewis	5,522	39	0.71%	5	12.82%
Lincoln	10,417	86	0.83%	8	9.30%
Livingston	4,811	36	0.75%	6	16.67%
Logan	12,665	107	0.84%	14	13.08%
Lyon	3,483	64	1.84%	5	7.81%
Madison	44,467	776	1.75%	77	9.92%
Magoffin	4,378	39	0.89%	18	46.15%
Marion	10,305	271	2.63%	13	4.80%
Marshall	15,001	177	1.18%	26	14.69%
Martin	3,786	115	3.04%	50	43.48%
Mason	8,640	94	1.09%	12	12.77%
McCracken	31,994	560	1.75%	71	12.68%
McCreary	6,025	43	0.71%	10	23.26%
McLean	4,573	22	0.48%	0	0.00%
Meade	12,208	52	0.43%	4	7.69%
Menifee	2,488	21	0.84%	4	19.05%
Mercer	10,044	157	1.56%	18	11.46%

## Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 11-12

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Metcalfe	4,299	21	0.49%	2	9.52%
Monroe	4,783	78	1.63%	4	5.13%
Montgomery	12,717	295	2.32%	36	12.20%
Morgan	5,245	57	1.09%	10	17.54%
Muhlenberg	13,969	184	1.32%	19	10.33%
Nelson	21,570	357	1.66%	33	9.24%
Nicholas	3,209	15	0.47%	1	6.67%
Ohio	12,772	118	0.92%	13	11.02%
Oldham	28,511	301	1.06%	20	6.64%
Owen	5,339	54	1.01%	4	7.41%
Owsley	1,582	19	1.20%	3	15.79%
Pendleton	7,278	51	0.70%	5	9.80%
Perry	11,484	313	2.73%	157	50.16%
Pike	25,797	714	2.77%	285	39.92%
Powell	5,556	56	1.01%	14	25.00%
Pulaski	28,066	521	1.86%	80	15.36%
Robertson	1,046	3	0.29%	0	0.00%
Rockcastle	7,733	56	0.72%	4	7.14%
Rowan	12,741	182	1.43%	19	10.44%
Russell	8,468	193	2.28%	8	4.15%
Scott	23,580	847	3.59%	102	12.04%
Shelby	21,406	329	1.54%	19	5.78%
Simpson	9,123	182	1.99%	18	9.89%
Spencer	8,758	31	0.35%	6	19.35%
Taylor	14,203	178	1.25%	21	11.80%
Todd	5,516	55	1.00%	6	10.91%
Trigg	6,504	81	1.25%	6	7.41%
Trimble	4,146	10	0.24%	11	110.00%
Union	8,273	224	2.71%	24	10.71%
Warren	59,076	957	1.62%	92	9.61%
Washington	5,500	77	1.40%	6	7.79%
Wayne	8,405	97	1.15%	8	8.25%
Webster	6,358	123	1.93%	8	6.50%
Whitley	15,695	338	2.15%	63	18.64%
Wolfe	2,390	32	1.34%	14	43.75%
Woodford	12,975	284	2.19%	18	6.34%
Out-of-State		1,055		180	17.06%
Unknown				58	0.00%
<b>Grand Total</b>	<b>2,067,536</b>	<b>33,850</b>	<b>1.64%</b>	<b>4811</b>	<b>14.21%</b>

Workforce data provided by the Department of Workforce Investment.  
Agriculture is included in the total labor force numbers.  
Unknown numbers are due to insufficient reporting information.

# Injuries to Minors

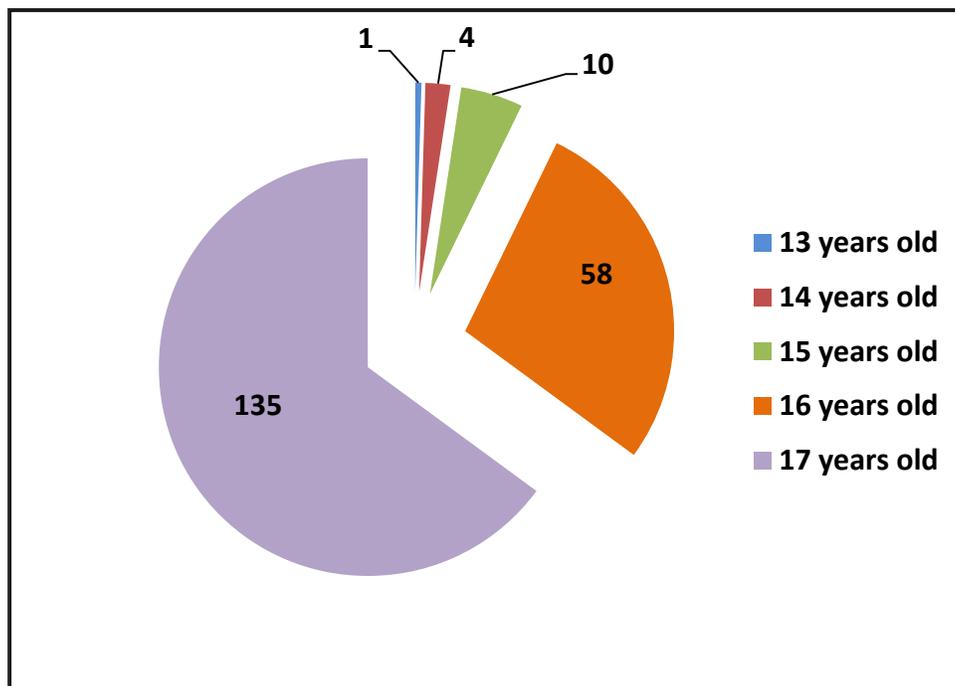
In fiscal year 2011-2012, there were 208 lost-time injuries to workers under the age of 18 reported to the Department of Workers' Claims.

According to electronic data submitted to the Department, one injury was reported for a worker 13 years of age; four injuries were reported for workers 14 years of age; 10 injuries were reported for workers 15 years of age; 58 injuries were reported for workers 16 years of age; and 135 injuries were reported in which the workers were 17.

Based on the standard industrial classification (SIC) codes represented on injuries to minors during this period, 102 injuries occurred in the Retail Trade sector and 62 occurred in the Services sector. The Transportation/Public Utilities sector reported 16. The Public Administration sector reported eight. Finance, Insurance and Real Estate reported five. Agriculture, Forestry, Fishing and Manufacturing all reported four each. Mining and Wholesale Trade each reported two. Three were reported as Unclassified.

The top three causes of injury to minors reported during this fiscal year were falls or slips (50), cut, puncture or scrape (29) and burns by steam or hot fluids (16). Accordingly, the top three body parts most frequently injured were fingers (32), hands (26) and multiple body parts which was reported in 18 instances.

## Distribution of Injuries to Minors by Age



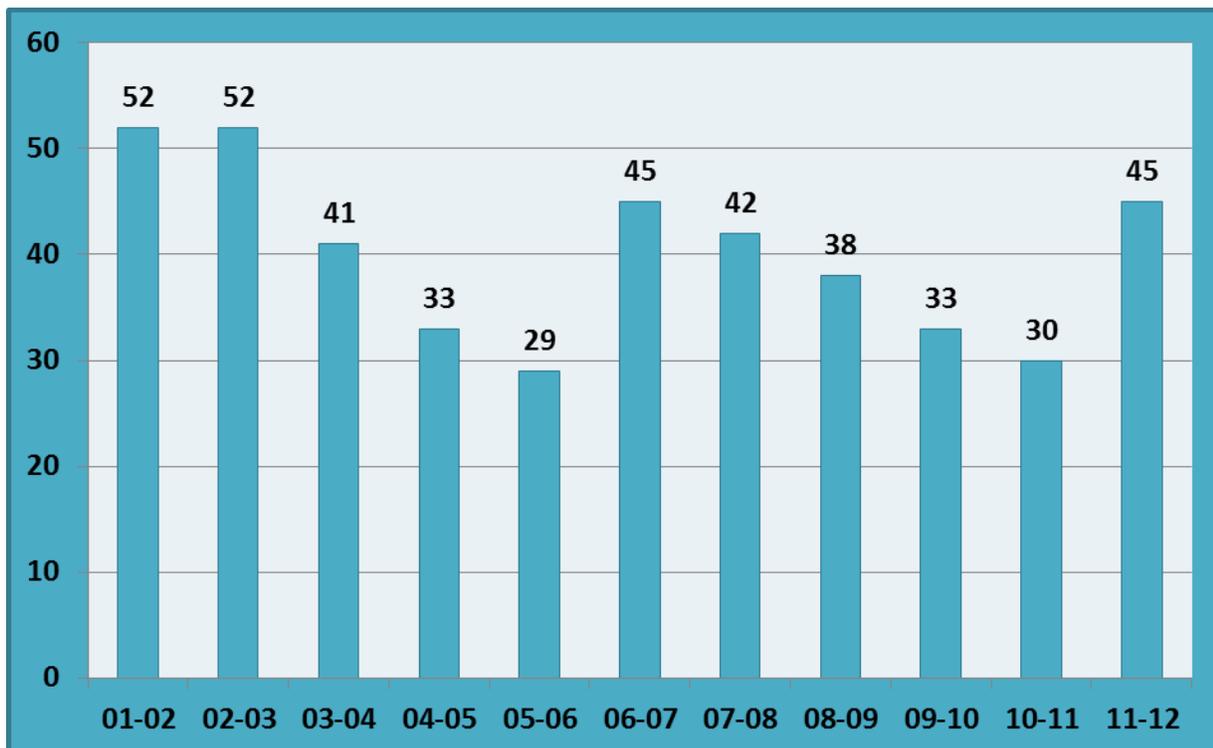
# Work-Related Fatalities

There were 101 workplace fatalities reported to the Department of Workers' Claims during this fiscal year. However, after investigation, 45 of the deaths were found to be clearly work-related. The remaining have been ruled not work-related (17), containing issues which have the case in a pending status (2), occurred outside of the specified time period (22), and (15) undetermined.

The youngest of the casualties was a 17 year-old male who died by being caught in a machine. The oldest worker was a 83-year-old female who died from a head injury. The most common causes of death this fiscal year were motor vehicles (14) and other injury (NOC) (4).

The fatalities reported to DWC occurred in a variety of industries ranging from local trucking, saw mills, plumbing, heating, air conditioning, concrete work, mining and lawn and garden.

## Distribution of Work-Related Fatalities



## Attorney Fees Awarded During FY 2011-2012

	Number of Fees Approved	Total Fees Awarded	Average Fee
Plaintiff	3,985	\$18,872,949.78	\$4,736.00
Defense	2,266	\$16,024,778.35	\$7,071.84



# Fiscal Performance

All the funding for the Department of Workers' Claims comes from a special fund assessment imposed upon the amount of workers' compensation premiums received by every insurance carrier writing workers' compensation insurance in the Commonwealth, and against the simulated premium of every employer carrying its own risk. These funds are collected and managed by the Workers' Compensation Funding Commission (KRS 342.122). These are restricted funds and no general fund dollars are appropriated for DWC operations.



# DWC PERSONNEL AD BUDGET HISTORY

## FY 1992-93 THROUGH 2011-12

FISCAL YEAR	PERSONNEL CAP	PERSONNEL ACTUAL	BUDGET ALLOTMENT (\$)	ACTUAL EXPENDITURES (\$)	DIFFERENCE (\$)	PERCENTAGE BUDGET
2011-2012	181	170	15,670,600	14,563,810	(1,106,790)	92.90%
2010-2011	181	172	15,229,700	14,827,465	(402,235)	97.4%
2009-2010	185	175	14,888,900	14,283,695	(605,205)	95.9%
2008-2009	174	167	14,170,100	13,373,435	(796,665)	94.4%
2007-2008	184	160	11,455,000	10,794,005	(660,995)	94.2%
2006-2007	184	167	10,211,700	9,840,070	(371,630)	96.4%
2005-2006	173	156	11,093,300	10,634,776	(458,524)	95.9%
2004-2005	173	163	9,498,700	9,182,865	(315,834)	96.7%
2003-2004	195	188	13,649,200	10,735,937	(2,913,263)	78.7%
2002-2003	242	201	16,397,700	13,384,935	(3,012,765)	81.6%
2001-2002	242	204	15,806,800	13,373,836	(2,432,963)	84.6%
2000-2001	242	208	14,942,300	12,716,927	(2,258,373)	85.1%
1999-2000	268	207	15,637,000	12,387,288	(3,249,712)	79.2%
1998-1999	268	208	14,994,000	12,606,188	(2,387,812)	84.1%
1997-1998	272	227	15,182,500	12,588,527	(2,593,973)	82.9%
1996-1997	272	229	12,137,900	11,057,391	(1,080,509)	91.0%
1995-1996	207	138	9,822,200	9,479,970	(342,230)	96.5%
1994-1995	210	120	9,757,200	8,586,716	(1,170,484)	88.0%
1993-1994	167	159	7,860,000	7,337,688	(522,312)	93.4%
1992-1993	167	160	7,505,100	7,004,561	(500,539)	93.0%

# Programs and Performance



# Office of Administrative Services

The Office of Administrative Services' responsibilities include ensuring all financial transactions and personnel actions comply with applicable laws and regulations; are executed in a timely manner; and are properly documented and allocated to the appropriate program budget unit. Some of the functions Administrative Services perform include: managing and executing the annual budget and all contracts and leases; responding to all requests for publications and forms; processing all incoming and outgoing mail; procuring supplies and equipment; maintaining infrastructure for 17 agency locations; coordinating DWC training; and providing daily assistance to all divisions of the Department of Workers' Claims.



The following publications are made available by the DWC:

Medical Fee Schedule for Physicians  
Commissioner's Report on "B" Readers  
Workers' Compensation Posting Notice  
Life Expectancy Tables  
Rehabilitation Pamphlet  
Compliance Inspection Pamphlet  
List of "B" Readers for CWP  
Acute Low Back Pain Booklet

Workers' Compensation Forms  
Hospital Fee Schedule  
Annual Report  
Benefits Schedule  
Quarterly Report  
Present Worth Table  
Workers' Compensation Guidebook

The following pages contain a list of forms that may be requested through Administrative Services or by accessing the Department of Workers' Claims web site at <http://www.labor.ky.gov/workersclaims/pages/forms.aspx>. The only exceptions to this are the Form 4 and Form 5 which can only be obtained by contacting Administrative Services.

# Forms

Checklist	Checklist for Petitioner's Brief
Checklist	Checklist for Respondent's Brief
Form AWW-1	Average Weekly Wage Certification
Form 11	Motion to Substitute Party and Continue Benefits
Form 101	Application for Resolution of Injury Claim
Form 102-OD	Application for Resolution of Occupational Disease Claim
Form 102-CWP	Application for Resolution of Coal Workers' Pneumoconiosis Claim
Form 103	Application for Resolution of Hearing Loss Claim
Form 104	Plaintiff's Employment History
Form 105	Plaintiff's Chronological Medical History
Form 106	Medical Waiver and Consent Form
Form 107-I	Physician's Medical Report-Injury
Form 107-P	Physician's Medical Report-Psychological
Form 108-CWP	Physician's Medical Report-Occupational Disease
Form 108-HL	Physician's Medical Report-Hearing Loss
Form 108-OD	Physician's Medical Report-Occupational Disease
Form 109	Attorney Fee Election
Form 110-CWP	Agreement as to Compensation and Order Approving Settlement for Coal Workers' Pneumoconiosis
Form 110-F	Agreement as to Compensation and Order Approving Settlement-Fatality
Form 110-I	Agreement as to Compensation and Order Approving Settlement-Injury
Form 110-OD	Agreement as to Compensation and Order Approving Settlement-Occupational Disease
Form 111-I-HL	Notice of Claim Denial or Acceptance-Injury and Hearing Loss
Form 111-OD	Notice of Claim Denial or Acceptance-Occupational Disease
Form 112	Medical Dispute
Form 113	Notice of Designated Physician
Form 114	Request for Payment for Services or Reimbursement for Compensable Expenses
Form 115	Social Security Release Form
Form 120EX	Request for Expedited Determination of Medical Issue
Form 150	Workers' Compensation Statistical Report
Form 375	Application for Split Coverage
Form 375 Wrap Up	Application for Split Coverage (Wrap Up)
Form EL1 and EL2	Employee Leasing Company Registration Form
Form MTR-1	Motion to Reopen by Employee
Form MTR-2	Motion to Reopen KRS 342.732 Benefits
Form MTR-3	Motion to Reopen by Defendant
Form NMRP	Notice of Filing Medical Report
Form Hearing Loss Stipulation	Workers' Compensation-Hearing Loss Stipulation
Form Injury Stipulation	Workers' Compensation-Injury Stipulation
Form Occupational Disease Stipulation	Workers' Compensation-Occupational Disease Stipulation
Form SI-01	Self-Insurers' Guarantee Agreement
Form SI-02	Self-Insurance Application
Form SI-02 Attachment	Self-Insurance Application Attachment
Form SI-03	Continuous Bond

# Forms

Form SI-03 Attachment	Surety Rider
Form SI-04	Letter of Credit
Form SI-08	Loss Report
IA-1*	IAIABC First Report of Injury Form
IA-2*	IAIABC Subsequent Report of Injury Form
Ky Drug-Free Workplace Application	Application/Affidavit/Checklist for Certification of Ky Drug-Free Workplace Program Pursuant to 803 KAR 25:280
Ky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Corporation or Partnership)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit.
Ky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Individual)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit.
Managed Care - UR Form	Managed Care - UR Form
MIR-1	Motion for Interlocutory Relief-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-2	Affidavit for Payment of Medical Expenses-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-3	Affidavit for Payment of Temporary Total Disability-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-4	Affidavit Regarding Rehabilitation Services-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
Service Contract Agreement	Service Contract Agreement
Open Records Request Form	Request for copies/inspection of DWC claim files.
Self-Insurance Open Records Request Form	Request for copies/inspection of Self-Insurance files.
Subpoena	Subpoena
Subpoena Duces Tecum	Subpoena Duces Tecum
Workers' Compensation Posting Notice	Workers' Compensation Posting Notice

\*The IA-1 and IA-2 forms are not accepted by the DWC in paper form. These must be submitted via EDI from your insurance carrier. IA-1 and IA-2 paper forms received by the DWC will be returned to sender.

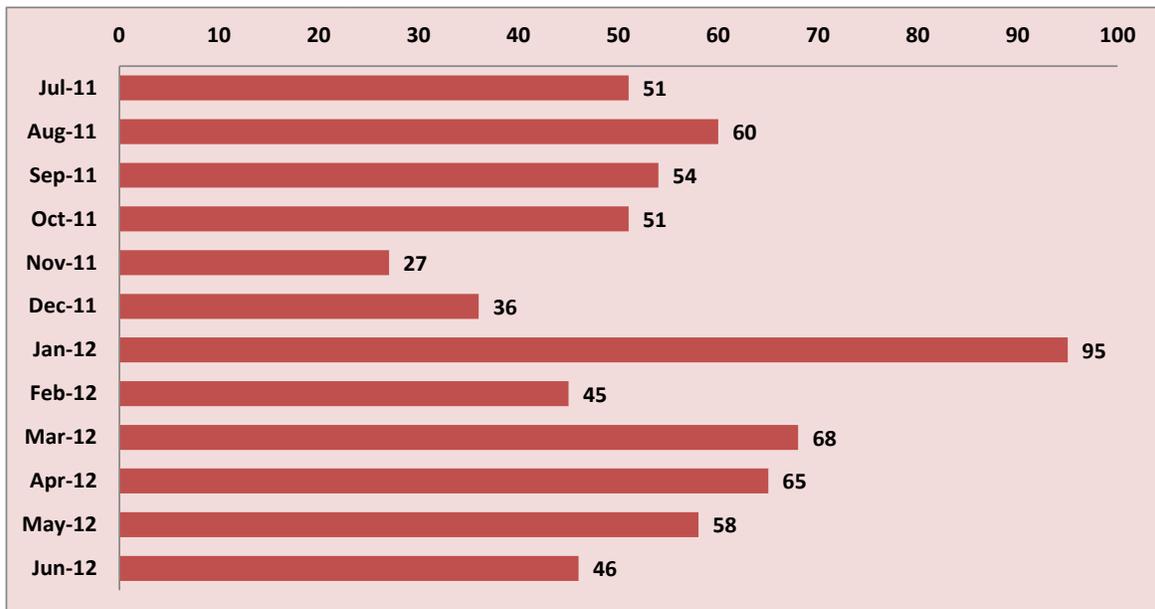
# Technical Support

## Distribution of Requests FY 2011-2012

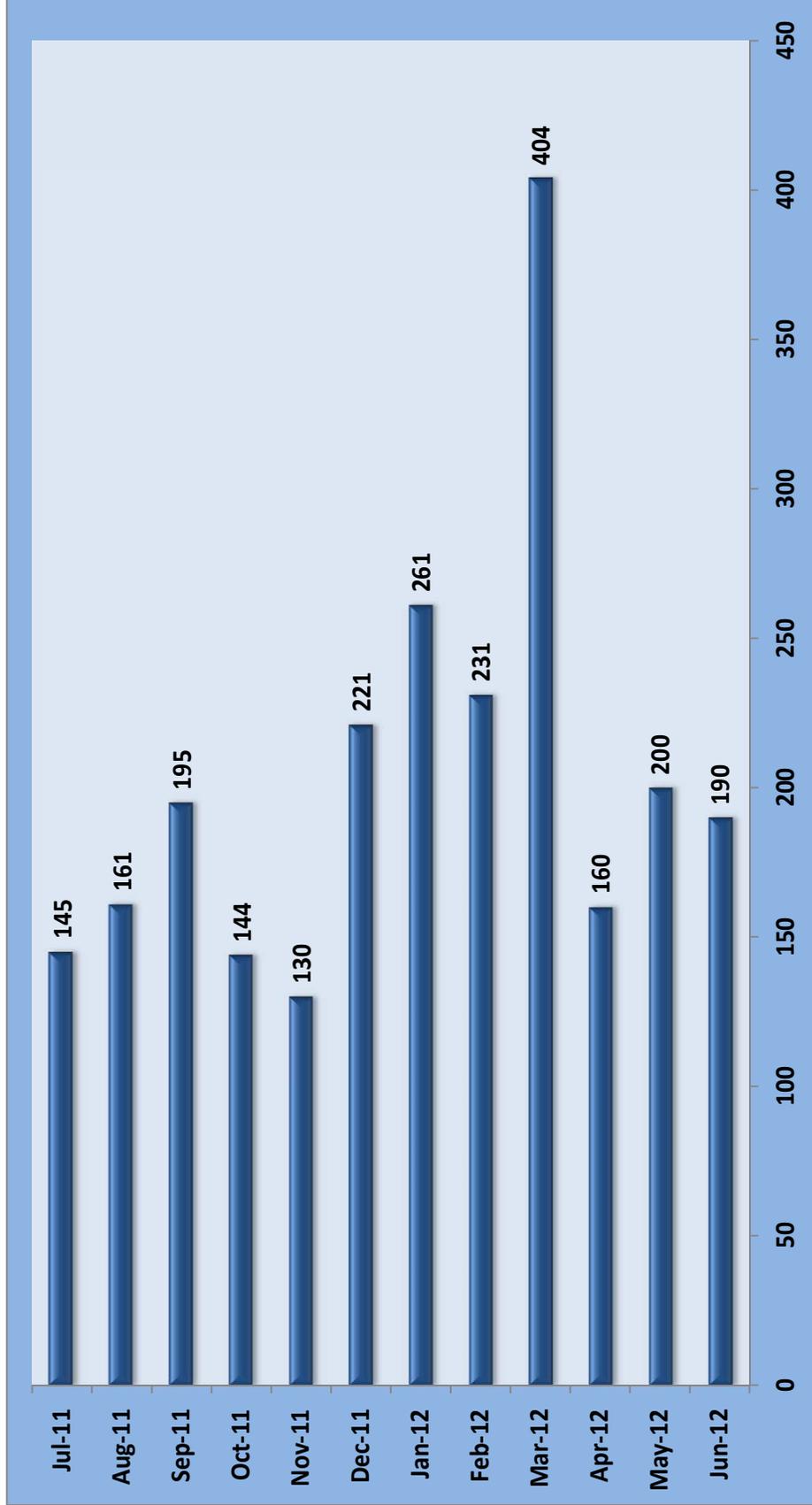
The Technical Support Section is responsible for the overall administration, support, management and maintenance of the agency's network infrastructure, voice over IP (VOIP) phone systems and related software, services and equipment. This serves the main office location in Frankfort, as well as twelve field office locations located across the Commonwealth. Additionally, related duties undertaken by this section include, but are not limited to; end-user support, research and implementation of IT hardware/software, equipment procurement/distribution, applications support, LAN/WAN design, telecommunication support, cabling, data backup/restoration and disaster recovery. The Technical Support Section responds to all technical needs for the Department of Workers' Claims. Staff monitors the helpdesk to provide user support on all computer related hardware, software and LAN/WAN connectivity issues. Technical staff performs complex analysis of work sites for installation of network, server and computer equipment. This includes the running of data/phone cabling and the installation of data jacks.

During this past fiscal year, the Technical Support Section responded to 656 helpdesk calls and 2,442 issues or requests for assistance. Staff placed a significant emphasis on the following projects: Completed first phase of virtual infrastructure with replication and offsite disaster recovery capability. Upgraded 47 computer systems to include PCs, laptops and tablets. Section staff equipped Louisville Administrative Law Judge office with a new VoIP phone system that integrates with the Department's CS1000. They also upgraded the network infrastructure in five field office locations. Technical Support created and configured virtual MS 2008 servers for SIMBA, EFT, Open Records online requests and testing. They upgraded Imaging section to Capture 5.2 for FileNet integration. Section staff completed Proof of Concept Administrative Law Judge video conferencing project. Technical Support compiled and submitted the Departments' technical biennial budget.

### Helpdesk Totals for July 1, 2011 - June 30, 2012



# Technical Support Total Requests Completed from July 2011-June 2012



# Design and Development Section

The Design and Development Section responds to all development and programming needs for the Department of Workers' Claims. Design and Development staff work to enhance the agency's Server-based System for Information Management and Business Application (SIMBA), Electronic Data Interchange (EDI) and Proof of Coverage (POC) programs to meet the evolving needs of the agency. Design and Development staff apply new features to SIMBA, EDI, POC, Reports and other applications for the agency.

During the past fiscal year, the Design and Development staff received 663 new test track issues, completed 623 test track issues and performed 306 builds, patches and updates. A major project for Design and Development Section was the designing, programming of screens/reports, data conversion and implementation of the RFA – Request for Assistance Program into SIMBA. Staff met with users to discuss enhancement requests, new screens and development for SIMBA/EDI/POC. Staff also met with sections on integrating Frankfort Motion Docket, Agreements, Claims Review and Claims Assignment stand-alone access databases into SIMBA. Issues and/or requests for SIMBA/EDI/POC were addressed in several builds and patches. SIMBA/EDI/POC screens, reports and form letters were modified to reflect change or modification requests. New status codes and FileNet codes were added to the system. User security accounts for SIMBA and FileNet were enabled and disabled as needed. Design and Development staff worked with Labor on testing of FileNet conversion to new server. Design and Development implemented the Child Support



Modernization Data Exchange Agreement to allow data sharing with Cabinet for Health and Family Services for their Information Search Exchange Portal Project. Staff worked with IAIABC on proposed revision to IRR 703 Initial and Current Dates. Section staff assisted vendors/trading partners with FROI/SROI & POC electronic filings. Staff applied the 2012 Workers' Compensation Benefit Schedule and Present Worth Table figures to the 992 Table Calculator program. Staff assisted users with KRONOS/KHRIS programs and created or modified KHRIS schedules. Staff ran error reports in KHRIS for timesheets, worked with users on corrections and submitted amended timesheets to GAPS. Staff attended meetings for the Online Open Records Project and made recommendations to vendor on design and functionality for this project. Custom queries were written and run when data was needed in addition to that supplied by existing programs and reports. Staff monitored and updated the CompLaw program with monthly board opinions. DWC Staff attended the IAIABC conference and other trainings throughout the year.

# Office of General Counsel

The Office of General Counsel is responsible for providing legal support services to the Department of Workers' Claims. The office advises the Commissioner's Office as to responsibilities with regard to personnel actions under KRS Chapter 18A and defends the agency in any actions, personnel or otherwise, that are filed against the department. Additionally, the office has responsibility for promulgating regulations required of the department and drafting



and reviewing legislation. The office provides assistance to the Enforcement Branch in ensuring compliance with workers' compensation laws for imposition of injunctions and fines against employers who neglect or refuse to provide workers' compensation coverage for their employees. In circumstances where an employee is injured and their employer has failed to provide insurance coverage, liens are filed against assets of uninsured employers pursuant to KRS 342.770. The office is responsible for reviewing open records requests in compliance with the state's open records law. The office investigates unfair claims practices and is responsible for issuing show cause orders and representing the department at hearings when it has been determined that an unfair claims practice has occurred.

During this past fiscal year, the Legal Services Division collected approximately \$1,383,073.48 in fines and penalties.

The office received 688 citation cases, 68 unfair claims settlement practice cases and one new fraud case. This office has filed restraining orders and collection actions in circuit court, held formal hearings and show cause hearings before administrative law judges and drafted agreed orders for settlements with regard to the above cases. The Office of General Counsel has also represented the agency, more specifically the Security and Compliance Division, in hearings with regard to self-insurance audits, bankruptcy proceedings and insurance company rehabilitation proceedings.

# Administrative Law Judges

The Department of Workers' Claims has 19 Administrative Law Judge (ALJ) positions allocated, 16 of which are currently filled. Each ALJ is appointed for a four-year term by the Governor and is subject to confirmation by the Kentucky State Senate. One of the ALJs is designated Chief Administrative Law Judge pursuant to KRS 342.230(8).

## Chief Administrative Law Judge

The Chief Administrative Law Judge regularly works from the Frankfort office. The CALJ presides over the Frankfort motion docket. In addition, the CALJ rules on settlement agreements in unassigned cases and regularly conducts dockets for coal workers' pneumoconiosis (CWP) cases, as well as conducts hearings in various enforcement actions. The CALJ supervises ALJ activities, prepares a rotation schedule for the ALJs, plans two adjudicator training sessions annually, takes initial assignment of all CWP claims and covers dockets for other ALJs on an emergency basis.



J. Landon Overfield  
B. A., Political Science, 1970,  
University of Kentucky  
J.D., 1972, University of Kentucky  
College of Law  
Initial appointment date: November 15, 1994  
Chief ALJ January 1, 2009 - June 30, 2009  
September 1, 2010-Present



Steven G. Bolton  
B.A. History, 1968 Hanover College  
J.D., 1973, University of Kentucky  
College of Law  
Initial Appointment Date: July 15, 2012



Scott Borders  
B.A., Business Administration, 1984,  
University of Kentucky  
J.D., 1987, Salmon P. Chase College of Law  
Initial appointment date: December 7, 2001



John Coleman  
B.A., 1986, Morehead State University  
J.D., 1992, Salmon P. Chase  
College of Law  
Initial appointment date: January 1998



Chris Davis  
B.A., 1994, University of Kentucky  
J.D., 1998, University of Kentucky  
College of Law  
L.L.M., 2000, Loyola Chicago  
Initial appointment date: January 12, 2007

# Administrative Law Judges



Douglas W. Gott  
B.A., 1987, Western Kentucky University  
J.D., 1991, University of Kentucky  
College of Law  
Initial appointment date: June 23, 2008



Edward D. Hays  
B.A., 1970, University of Kentucky  
J.D., 1973 University of Kentucky  
College of Law  
Initial appointment date: August 1, 2008



Allison Emerson Jones  
B.A., 1997, Transylvania University  
J.D., 2000, University of Kentucky  
Initial Appointment date: January 1, 2012



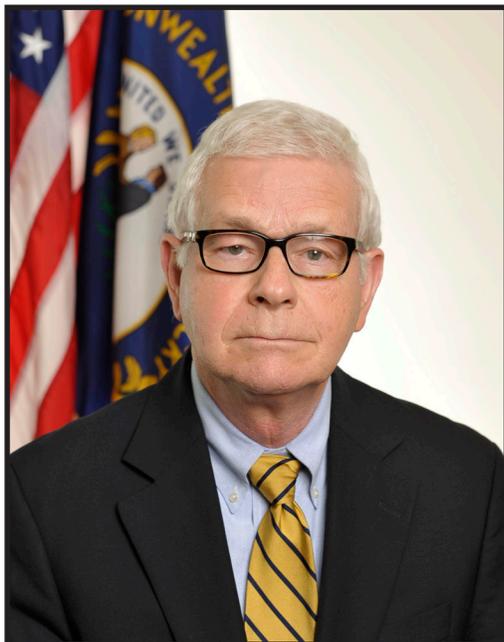
Jeanie O. Miller  
B.A., 1976, University of Kentucky  
M.P.A., 1981, University of Kentucky  
J.D., 1984, University of Kentucky  
Initial appointment date: January 1, 2010



Grant Roark  
B.S., 1992, University of Kentucky  
J.D., 1995, University of Louisville  
College of Law  
Initial appointment date: February, 2004



Thomas Polites  
B.S. 1981 Tulane University  
J.D. 1987 Salmon P. Chase College of Law  
Initial Appointment July 16, 2012



William Rudloff  
A.B., 1961, Western Kentucky University  
J.D., 1965, Vanderbilt University  
Initial Appointment Date: January 1, 2012



Robert L. Swisher  
A.B., 1976 University of Notre Dame  
J.D., 1979, University of Kentucky  
Initial appointment date: January 1, 2010

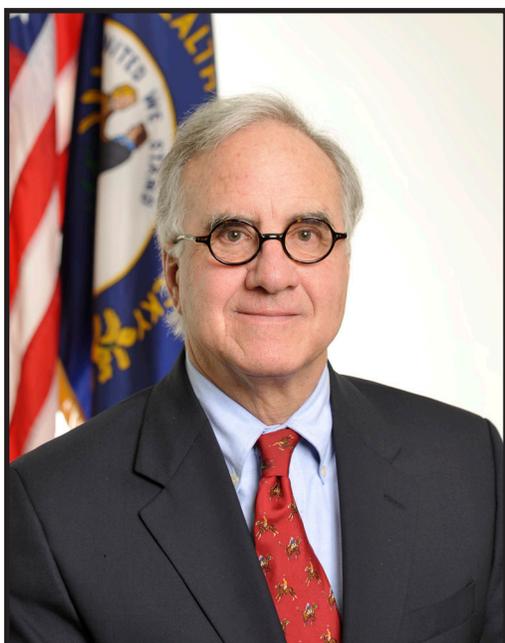
# Administrative Law Judges



Jonathan Weatherby  
B.A. Kentucky State University 1995  
J.D. University of Kentucky 1998  
Initial Appointment Date: January 1, 2012



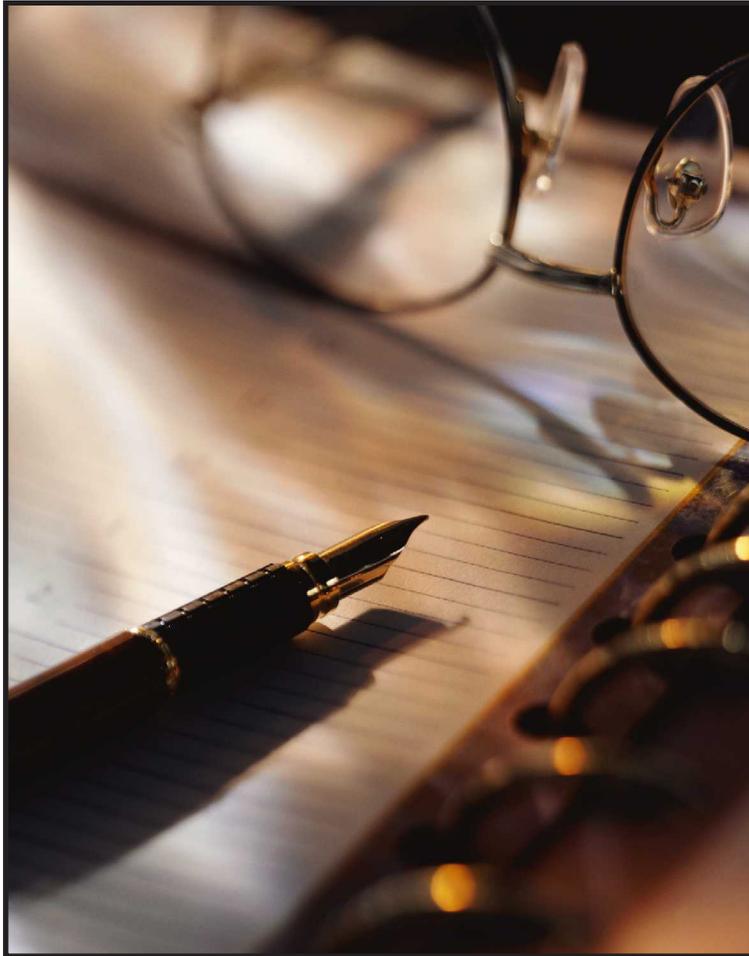
Jane Rice Williams  
B.A. 1992 University of Kentucky  
J.D. 1995 Salmon P. Chase, College of Law  
Initial Appointment Date: July 15, 2012



Otto Daniel Wolff IV  
B.A., 1970, University of Cincinnati  
J.D. 1974, University of Cincinnati  
Initial appointment date: July 15, 2008

# Administrative Law Judge Activity

Under the guidance and supervision of the Chief Administrative Law Judge, the ALJs oversee the adjudication of claims filed with the Department of Workers' Claims. The ALJs are required to conduct benefit review conferences and formal hearings in these claims.



Thereafter, they are required to issue decisions within 60 days of the hearing. These decisions must contain findings of fact and rulings of law and are subject to appeal to the Workers' Compensation Board, Court of Appeals and Supreme Court.

Benefit review conferences and hearings are held at 13 hearing sites in Kentucky maintained by the Department of Workers' Claims. These hearing sites are located in Ashland, Bowling Green, Florence, Frankfort, Hazard, Lexington, London, Louisville, Madisonville, Owensboro, Paducah, Pikeville and Pineville.

During the past fiscal year, the ALJs conducted 3,966 benefit review conferences. A substantial number of those cases were settled. Formal hearings were held in the remainder. The ALJs conducted 1,981 formal hearings and issued 1,685 opinions.

The ALJs also participated in two training sessions and attended and/or made presentations to various seminars and groups on workers' compensation topics.

# Summary of FY 2011-2012 Published Kentucky Supreme Court Workers' Compensation Cases

**Randy Lewis v. Ford Motor Company, 363 S.W.3d 340 (Ky. 2012)**

**Subject: Benefits – KRS 342.730(1)**

Where employee received three separate permanent partial disability awards, combined benefits during periods of overlap of the awards could not exceed the total disability rate.

**Gaines Gentry Thoroughbreds/Fayette Farms v. Mandujano, 366 S.W.3d 456 (Ky. 2012)**

**Subject: Coming and Going Rule**

Where employee went to New York to perform service for his employer, was allowed to stay there and perform work for other employers, and was subsequently injured during his return to Kentucky to resume work for the employer. This was pursuant to the dual purpose doctrine his travel was within the course and scope of his employment.

**Vision Mining, Inc. v. Gardner, 364 S.W.3d 455 (Ky. 2011)**

**Subject: Constitutionality – KRS 342.316**

The consensus procedure and “clear and convincing” evidence standard applicable to coal workers’ pneumoconiosis claims were held unconstitutional.

**Abel Verdon Const. V. Rivera, 348 S.W.3d (Ky. 2011)**

**Subject: Constitutionality – KRS 342.640(1)**

The Immigration Reform and Control Act of 1986 did not preempt KRS 342,640(1), which provides workers’ compensation coverage without regard to the legality of the employment relationship.

**UPS Airlines v. West, 366 S.W.3d 472 (Ky. 2012)**

**Subject: Credit – Employer Funded Plan**

An employer is entitled to credit for employer funded “loss of license” benefits that were the result of a collective bargaining agreement between pilots and the airline only to the extent the benefits overlapped workers’ compensation benefits. The claimant was entitled to any contractual excess.

**Graham v. TSL, Ltd., 350 S.W.3d 430 (Ky. 2011)**

**Subject: Extraterritorial Jurisdiction**

Where individual agreed to employment over the telephone while in Kentucky but the last act necessary for formation of the contract was performed in another state, the contract was made in the other state.

# Summary of FY 2011-2012 Published Kentucky Supreme Court Workers' Compensation Cases

**Sidney Coal Co., Inc. v. Kirk, 364 S.W.3d 168 (Ky. 2012)**

**Subject: Review by Board – KRS 342.310(1)**

Workers' Compensation Board had authority to sua sponte reverse administrative law judge's limitation of maximum combined benefit to 75% of the state's average weekly wage, where the ALJ did not commit an error of fact but a patent error in applying the law to the facts as found.

**Richey v. Perry Arnold, Inc., S.W.3d (Ky. 2012)**

**Subject: Sanctions – KRS 342.310(1)**

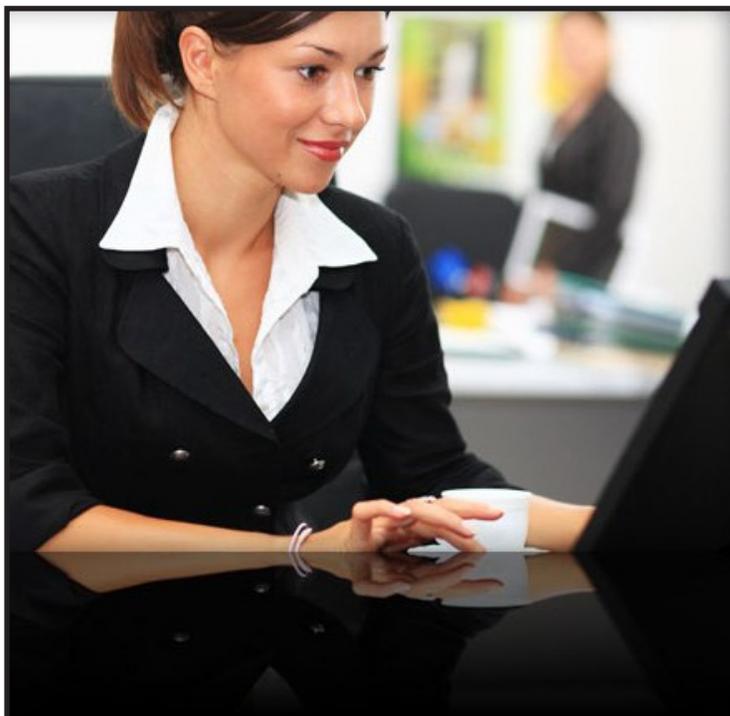
An ALJ has discretion to assess sanctions, regardless of whether a party asks for sanctions, when an employer fails to file a medical dispute of a post-award medical bill, fails to file a motion to reopen, continues to refuse to pay medical expenses and requires claimant to seek litigation of those benefits.



# Claims Processing & Appeals

The Division of Claims Processing and Appeals provides support to the Administrative Law Judges and the Workers' Compensation Board. The key responsibilities of this Division include timely processing of all Settlement Agreements and Applications for Resolution of Injury (Form 101), Occupational Disease (Form 102 and 102 CWP) and Hearing Loss (Form 103). Division staff also processes all appeals, from decisions of the Administrative Law Judges, to the Workers' Compensation Board. All processing in the Division must adhere to strict timelines.

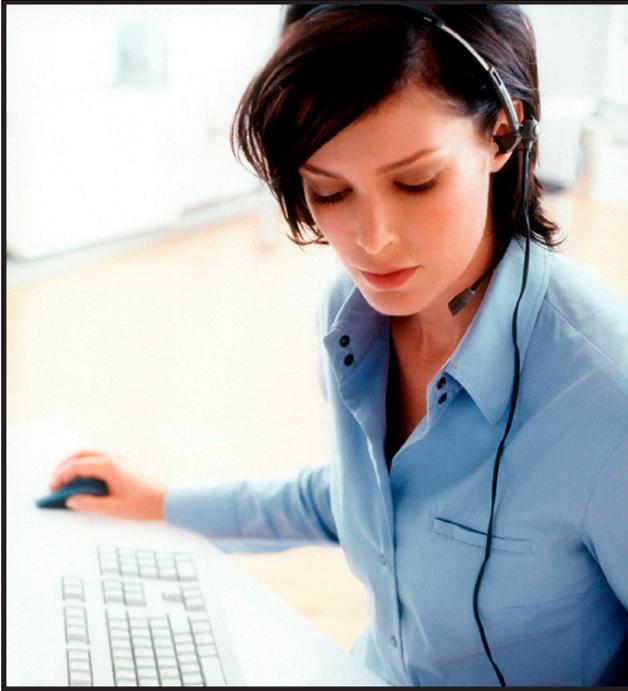
Once the Applications for Resolution of claim are filed with the Department of Workers' Claims, the claims are prepared, sorted into regions based on the county of residence of the plaintiff and assigned to an Administrative Law Judge. When the claims are ready to be scheduled, it is this Division's responsibility to ensure that all parties are notified the claim has been assigned to an Administrative Law Judge and scheduled for a Benefit Review Conference, at one of the 13 hearing sites across Kentucky. This conference is an informal meeting for the parties to define and narrow the issues of the claim, discuss settlement options and consider other relevant matters that may aid in the resolution of the claim.



# Claims Branch

The Division of Claims Processing and Appeals is not only the beginning point for these claims, but also for the many transactions that must occur on the claim's path to resolution, as well as the resting place of the resolved claims. The Division consists of the Claims Branch which includes four sections: Claims Review Section, Claims Assignment Section, Agreements Section and Appeals Section. Each of these sections serves a critical function in the life of a claim. The

following includes data for the fiscal year 2011-2012, accompanied by a brief narrative of each section's duties and responsibilities.



**The Claims Review Section** focuses on routing and the preparation involved in the processing of an Application for Resolution filing. This section reviews the claim for required elements, assembles the file, enters claim information such as parties and addresses into the Department's database, assigns a claim number and researches insurance coverage through the department's insurance database. In fiscal year 2011-2012, there were 3,729 new claims filed including 3,360 Applications for Resolution of Injury (Form 101), 202 Occupational Disease (Form 102, 102-CWP) and 167 Hearing Loss (Form 103). Of the 202 Occupational Disease Applications, 171 were coal workers' pneumoconiosis applications.

**The Claims Assignment Section** responsibilities begin with the assignment of new claims, older claims that have been reopened by order of the Chief Administrative Law Judge and medical disputes. Other duties include: routing motions on claims prior to assignment to an Administrative law Judge; scheduling court reporters and reserving hearing sites; serving as x-ray and exhibit custodians; and auditing resolved claims to confirm all information is contained in the electronic file before the physical file is purged. This fiscal year, 3,435 new and 939 reopened/motion docket claims were assigned to the Administrative law Judges and scheduled for a benefit review conference. The section audited and purged 4,658 physical files by the end of FY 2011-2012.

**The Agreement Section** processes and records all settlement agreements/Form 110s received by the Department. Pre-litigation agreements are reviewed by the Agreements staff for accuracy/completeness and approved by the Chief Administrative Law Judge if they meet the statutory/regulatory requirements. In FY 2011-2012, 3,489 of the 4,159 agreements received for approval by the Chief Administrative Law Judge were approved. The remaining deficient agreements were returned to the parties for corrections. In addition, this section received 2,789 approved agreements to be processed and recorded from all other Administrative Law Judges.

Motions to substitute party (widow's benefits) are also handled by the Agreement's section. A total of 88 motions for widow benefits were received, processed and approved by the Chief Administrative Law Judge in this fiscal year.

**The Appeals Section** is the other major area of concentration within this Division. The final awards, orders and decisions from the Administrative Law Judges that are challenged must



pass through this section to verify timeliness of filings, completeness of records, indexing, scheduling and ensuring compliance with the Administrative Regulations – all in preparation for the Workers' Compensation Board's (WCB) review and judgment. Motions are tracked daily and a docket prepared weekly. In the event the decision of the WCB is contested, section staff shall, upon request, ready and certify the files for review by the Court of Appeals and, in some cases, the Supreme Court.

The Appeals Section processed 347 appeals to the WCB during this fiscal year. A total of 486 motions were submitted for the board's consideration during weekly motion dockets.

The WCB rendered 291 opinions with Chairman Michael Alvey authoring 105 opinions and Board Member Franklin Stivers authoring 100 opinions. Board Member Bruce Cowden authored 44 opinions prior to the completion of his term which expired in December. Board Member Lawrence Smith, who was appointed to the Board in January, authored 42 opinions. A total of 358 cases were completed by the WCB during this fiscal year, either by opinion or final order.

Eighty-nine petitions for review were filed with the Kentucky Court of Appeals. During this fiscal year, 80 records were requested by the Court for review. Staff prepared, indexed and transferred the requested records to the Court of Appeals resulting in 52 opinions and three final orders being issued. Additionally, there were 27 appeals to the Kentucky Supreme Court, with the court rendering 30 opinions during this fiscal year.

# Information and Research

The duties of the Division of Information and Research include collection, storage and retrieval of data and the dissemination of information. The Division of Information and Research is organized into two branches, Records and Imaging. The Records Branch is primarily responsible for data entry, Electronic Data Interchange (EDI) Claims, EDI Proof of Coverage, publications, specific data extrapolation associated with open records requests, maintaining/updating the agency website and ensuring the validity and integrity of the DWC's databases. The duties of the Imaging Branch consist of imaging and verifying all hard copy documents as well as indexing them into the DWC's integrated information and optical image system. The Imaging Branch also responds to requests for claim and first report information as well as production of records in response to open records requests.



# Records Branch

**The Records Branch** is a fundamental part of the Department of Workers' Claims (DWC) and is divided into four sections: Data Entry, Electronic Data Interchange (EDI) Claims, EDI Proof of Coverage and the Research Section. These sections combine to ensure reliability, accuracy and integrity within the data that is submitted to the DWC.

**The Data Entry Section** receives and processes incoming mail, sorting and counting by document type. This section receives the majority of the documents filed with the Department. The section staff is charged with analyzing orders and opinions prepared by the Administrative Law Judges (ALJs) and pleadings filed by attorneys. The staff updates the database with numerous status codes to ensure the claim is in the proper disposition as these status codes are used by department personnel to ensure quality assistance to claimants, attorneys, employers and carriers. During this reporting period, the Data Entry Section received 91,135 pieces of mail, 29,175 orders and 1,681 awards from the ALJ's, as well as 3,674 docket orders. Each document received in the section receives personal attention to ensure data quality.

**The Electronic Data Interchange (EDI) Claims** system is used by carriers and self-insured employers to report data electronically. The information transferred via EDI is monitored by the **EDI Section**. The Kentucky DWC utilizes the IAIABC standard and is working on EDI Claims Release 3.0. EDI information is used for tracking purposes and as system triggers for the issuance of statute of limitations letters based on the date of injury, last receipt of temporary total disability benefits or date of death, whichever is pertinent per transmission. Information compiled by this section is utilized by the department as the claim progresses



throughout the adjudication process. During this fiscal year, the EDI Section received \*35,099 first reports through the EDI system. EDI numbers include 00s (Original), 04s (Denials) and AUs (Acquired) prior to manual rejections (for inaccurately reported information such as 'unknown').

\*This reflects section activity, not database statistics.

**The Proof of Coverage (POC)** section of the Department of Workers' Claims is charged with receiving and maintaining workers' compensation coverage filings for employers doing business in the state of Kentucky. DWC currently has about 440,000 companies with 1,040,000 locations in our database, with historical records going back to the 1970's. We receive roughly 492,000 proof of coverage transactions per year. The database is used by employers, employees, attorneys, the claims and enforcement section of the DWC and numerous other state and federal agencies. Our overall goal is to maintain a database that reflects correct workers' compensation information that can be utilized by the various individuals and organizations that rely on this data. This is achieved by daily monitoring of incoming transactions as well as daily "clean up" of erroneous files in the database. Section staff works with insurance carriers and several other organizations on data transmission. They continually improve procedures as well as making modifications to the computerized POC system. This is achieved by making internal changes to both guidelines and the database. This helps insurance carriers achieve and maintain a high acceptance rate for their transactions. At present, this section operates with a staff of 2 employees and maintains an average acceptance rate of around 90%. The POC section continues to strive to not only maintain a small workforce, but also improve the integrity of the workers' compensation database. A new procedure has recently been implemented to track late coverage reporting. This procedure allows the commissioner to issue fines to carriers that do not comply with KRS 342.340 which states that proof of workers' compensation coverage must be filed within 10 days after issuance of policy.



**The Research Section** collects, reviews and compares information pertinent to workers' compensation and the Kentucky Department of Workers' Claims. Specialized queries are developed to extract data from the Department's database system.

The Department of Workers' Claims Annual Report, the Link (Quarterly Activity Report) and the Workers' Compensation Guidebook are a few examples of the publications designed and developed by the Research staff. All of the current publications are being printed in black and white and bound in-house on an as-needed basis in an effort to be cost efficient. The agency publications are essential in providing constituents and the general public with the knowledge necessary to understand and utilize the workers' compensation system.

Statistical information is requested from a variety of sources such as governmental entities, health care representatives, attorneys, the media, legislators and private individuals. Data gathered by the research staff is used for assisting in filing a claim, preparation of safety/training programs and updating state and national data banks.

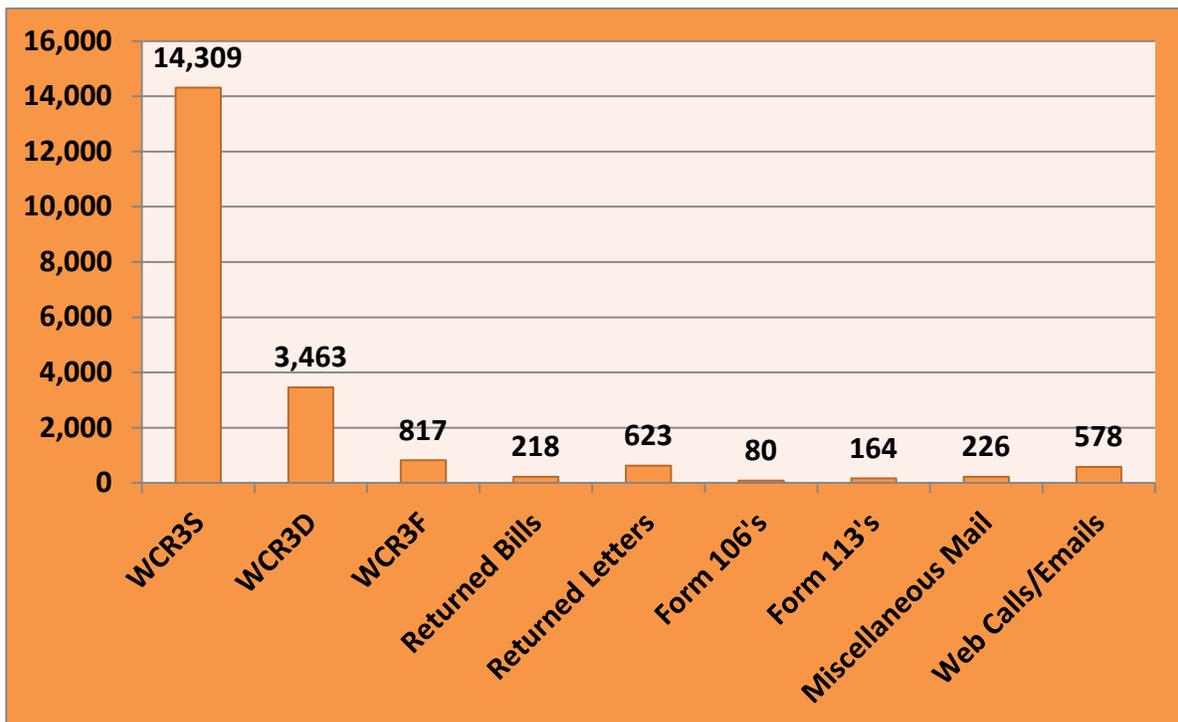
The Research Section maintains and manages the agency web site. Research staff serve as webmaster for inquiries from the web site and provide the requestor with information, answers to their questions or forwards the request to appropriate personnel for response. Section staff also create PowerPoint presentations for DWC personnel for conferences, speeches and seminars.

The Research Section continues to focus on insurance carrier performance. Reports are generated on timely filing of first reports, initial payment of benefits and termination of benefits. In addition, Bimonthly MTC Reports and Under Investigation MTCs are also being scrutinized.



During this time period, the Research staff processed statute letters (WC letters) and returned mail. WC letters are sent out for a variety of reasons: benefits terminated, untimely filing, denials and fatality letters. The mail totals for this fiscal year are outlined in the following chart.

## Distribution of Mail - Research Section



WCR3S-Suspension

WCR3D-Denials

WCR3F-Fatality

# The Imaging Branch

The Imaging Branch is comprised of two sections, Scanning and Open Records. It is the responsibility of this branch to input, maintain and disseminate claim litigation information for reference and adjudication by agency staff as well as constituents of the Commonwealth.

**The Scanning Section** is responsible for scanning and indexing all hard-copy claims and first report documentation into the agency's Filenet Imaging System, the Department of Workers' Claims storage medium. The documents are then verified for correctness via Filenet's Query and Retrieval (Q&R) application. The Q&R application is utilized throughout the agency and functions as a source of reference and method of reproduction. This fiscal year, 230,562 documents equaling 1,763,307 pages were scanned. Micrographics equipment is located within the branch offices and is available for use by agency staff as well as the general public by appointment. The number of microfilm pages printed from these machines during this fiscal year totaled 132,547.

The Imaging Branch Manager is currently responsible for maintaining the agency's records retention and destruction policy in accordance with the Kentucky Department for Library and Archives retention schedule.

**DIGITIZATION CONTINUES** – The Department of Workers' Claims through the technology of the Kentucky Department of Libraries and Archives (KDLA), continues the process of digitizing some 16,000 rolls of microfilm. Stored on these rolls are claims, agreement and first report information from 1995 back to 1917. (The Department of Workers' Claims retains litigated claims for a period not to exceed 75 years). Once digitized by KDLA, the information on the film is imported and staff indexes into the agency's Filenet Imaging System. As a result of this project, DWC staff will be able to access and print information previously stored on microfilm from their desktop computer.



**The Open Records Section** responds to requests for claim and first report information pursuant to KRS 61.872(2). Sources of requests include attorneys, insurance carriers, employers and federal and state agencies.

As a service to prospective employers, the Open Records Section provides, upon request, work history reports. These reports provide brief details concerning any injuries that potential employees have sustained subsequent to 1982. This service in years past was provided free of charge. For fiscal 2012-2013 this process has been revised and now requires pre-payment in the amount of \$2.00 for each report requested. In fiscal year 2011-2012 the number of pre-employment requests totaled 18,082.

New for fiscal 2012-2013, The Department of Workers' Claims is implementing an on-line service that is available 24/7 to electronically receive, fulfill and remit payment in the form of credit card or ACH Debit for Open Records Requests. The DWC is excited to extend this process to more expeditiously and more cost effectively provide service to the constituents of the Commonwealth. Requests will be processed manually for those not wishing to utilize the automated system. Update fees still apply with the exception of those for processing. The updated fees associated with our on-line process are now \$.15 per page for documents readily available through our Filenet Imaging System and \$.75 per page for materials retrieved from microfilm. Additional fees attached to this service include processing fees of \$2.50 for Imaged files, \$5.00 processing fee for microfilmed files and \$5.00 for certification. For fiscal 2011-2012 Open Records processed 10,100 written requests and received \$115,136.10 for requested materials.



# Security & Compliance

The focus of the Division of Security & Compliance is to ensure that non-exempt employers maintain workers' compensation coverage for their employees. This division is comprised of two branches. **The Self-Insurance Branch** audits the individual self-insured employers' claim files, monitors their financial strength and determines the surety requirements necessary to secure benefits for the self-insured employers' workforce. This branch provides analysis and recommendations concerning the propriety of self-insured status.

**The Compliance Branch** has two Sections, Administrative Processing and Enforcement. This branch investigates the status of Kentucky employer's insurance coverage through on-site visits to encourage compliance with the Workers' Compensation Act.



## Self-Insurance Branch

The Self-Insurance branch regulates companies that have been approved to pay their workers' compensation liabilities as opposed to buying an insurance policy. Currently there are 124 Kentucky employers that are self-insured. Only financially sound companies are approved for self-insurance. Annually staff reviews audited financial statements to determine if a company is currently financially strong enough to continue self-insurance status. This fiscal year branch staff reviewed 164 financial statements. The branch also deals with approximately 326 companies that were self-insured in the past.

In order to be self-insured a company is required to post surety. This is in the form of a surety bond or a letter of credit. The reason for this requirement is that if a company were to become insolvent and default on their workers' compensation liabilities, these monies would be used to pay the its workers' compensation liabilities. One of the main duties of the branch is establishing the amount of the surety.

Annually the current self-insurers submit updated loss data. The branch annually conducts an audit for each self-insured company using this loss data and in-house information to determine the amount of surety needed to cover workers' compensation liabilities for this company if it were to default.

Companies that have left self-insurance status may request a reduction in the amount of surety the branch is holding after a period of time has passed since they left self-insurance status. The branch will request updated loss data and audited financial statements. Self Insurance then conducts an audit to determine what will

be an adequate amount of surety to pay for any future workers' compensation liabilities. During this fiscal year, 26 such audits were conducted for former self-insured companies.

In order to have adequate surety, the loss data submitted must report adequate reserves. A reserve is the amount left to be paid on a given injury. There are basically two types of reserves, indemnity (reimbursement for lost wages) and medical. The branch conducts audits on the loss data to ensure that self-insurers are reporting adequate reserves based on known information. This fiscal year 33 such audits were conducted.



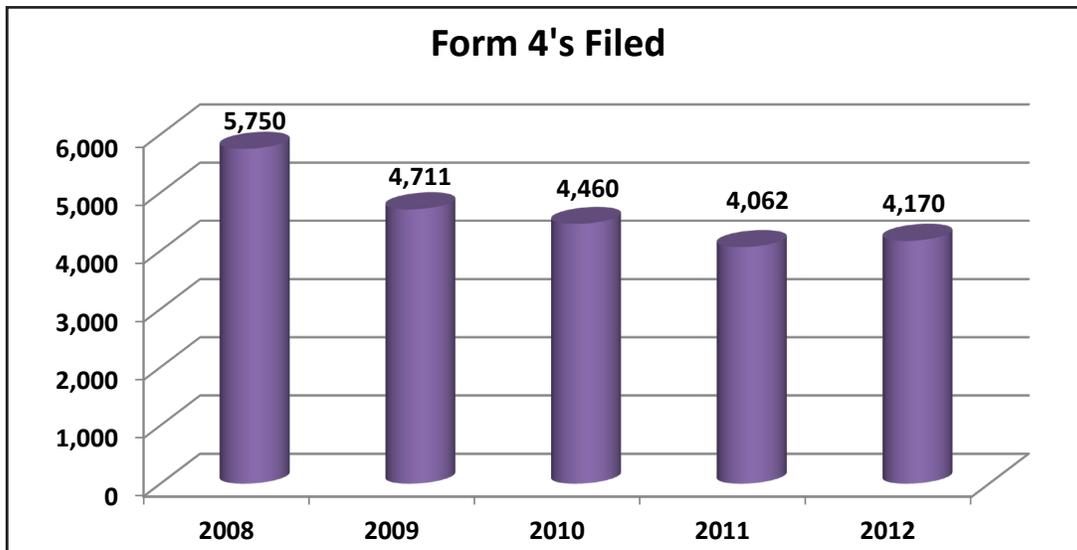
# Compliance Branch

**The Administrative Processing Section** provides general support services to the branch with the specific duties of: (1) Issuing certifications of coverage; (2) Registering Professional Employer Organizations (PEOs); (3) Processing mining and mine-related coverage; and (4) Processing “Split Coverage/Wrap-up’s” filings for employers with Owner or Contractor controlled Insurance Programs (“OCIPs” or “CCIPs”). Kentucky statutes require that every policy cover the entire liability of the employer - KRS 342.375. The statute permits the Commissioner to authorize a separate policy for specific locations – these are commonly called Spilt Coverage/Wrap-ups/OCIPs or CCIPs depending on how they are structured.

The section issued 174 “official” certifications of coverage to Administrative Law Judges, private attorneys and for open record requests. It also prepared 602 certifications of coal-mining risks and a daily notice of cancellations to the Kentucky Office of Mine Safety and Licensing. There were a total of 4,130 coal coverage transactions submitted with 3,948 manually processed and accepted.

Files on 229 currently registered Professional Employer Organizations (PEOs) are maintained by the section. Of those, 133 are active PEOs with 1,011 Kentucky clients. The section received 3,476 PEO coverage transactions during the fiscal year accepting 3,217 for filing. The section also received 1,435 additional coverage transactions involving multiple coverage locations for Spilt Coverage/Wrap-ups/OCIPs or CCIPs. Of those 1,428 were accepted for filing.

Another responsibility of this section is to maintain filings for Employee’s Written Notice of Rejection of the Workers’ Compensation Act (Form 4). Filing a properly completed and notarized Form 4 permits an employee to waive the right to protection under the Kentucky Workers’ Compensation Act. While it is permitted, the DWC recommends that the person carefully weigh options and consequences before voluntarily rejecting workers’ compensation benefits. In Fiscal Year 2012, the branch received and processed 4,170 Form 4s. The chart below shows the number of employees rejecting coverage for each of the past five fiscal years. The number of employees rejecting coverage initially declined at the beginning of this period and has since been consistent.



The Enforcement Section's primary function is to ensure employers subject to the Workers' Compensation Act comply. This is achieved, primarily, through the investigation efforts of its 10 enforcement officers and section supervisor. Those officers investigate leads generated by the Administrative Processing Section and conduct random on-site inspections of businesses. Officers also respond to referrals submitted by telephone and on-line through the DWC Web site. Referrals from the Attorney General's Office Uninsured Employer Fund (UEF) are investigated for compliance when injury claims are filed. The branch also encourages timely compliance through educational initiatives.

Enforcement officers cover each of Kentucky's 120 counties from field offices located throughout the state. Officers record every investigative contact onto a mobile tablet computer and electronically transmit the reports to the Frankfort office. Non-compliant employers are subject to citation and civil penalty by the Commissioner. Investigations, citations and penalties are logged and monitored through our legal tracking database by Administrative Processing Section staff. All penalties are forwarded to the Kentucky Workers' Compensation Funding Commission in accordance with the statute. The collected penalties are held for employees of self-insured employers injured before Guaranty funds were established and the security funds are insufficient.

During this fiscal year, the branch's enforcement officers conducted 9,574 on-site investigations of Kentucky businesses. As a result, the Commissioner issued 772 citations to non-complying employers. The branch processed \$1,360,663.48 in penalties. This includes penalties paid in full to the branch and collections received from contested citations by our Legal Division. For comparative purposes, the following chart illustrates the number of investigations and citations issued to non-complying employers during the previous five years.

### Investigation Analysis Fiscal Years 2007-2012

	FY 2007	FY 2008	FY2009	FY2010	FY2011	FY2012
Number of Investigations	10,049	10,415	10,798	11,400	10,497	9,574
Number of Citations	1,000	966	979	1,015	958	772
Penalties Collected	1,362,754	1,061,323	1,533,629	1,703,578	1,777,307	1,360,663

\*This includes penalties paid in full to Compliance and settlements collected by DWC Legal Division for processing and forwarding to KWCF.

# Division of Ombudsman & Workers' Compensation Specialist Services



This Division consists of the Specialist, Medical and Rehabilitation Sections and the Drug-Free Workplace Program. The Specialists Division provides a centralized source of information and assistance.

The Specialist Section assists in the prompt delivery of benefits. This is accomplished by facilitating communication and exchanging information between the injured worker, claims adjusters, employers and medical providers. This division also maintains a toll free telephone number (1-800-554-8601) and information can be found on the web site at [www.labor.ky.gov/workersclaims](http://www.labor.ky.gov/workersclaims).

The Medical Service Branch's primary focus is on cost containment. This branch oversees the approval of utilization review, medical bill audits and managed care plans; maintains the hospital and physicians medical fee schedules; and schedules university evaluations.

The Vocational Rehabilitation Services Section includes retraining and job placement opportunities for the injured workers.

The Drug-Free Workplace Program is a voluntary program that affords employers the opportunity to promote a drug free workplace for their employees. This program requires employers to implement a drug free workplace plan, complete the application and become certified by the Commissioner. Once the employer completes this process satisfactorily, they may be eligible for a 5% discount on their workers' compensation insurance premium.

## **Ombudsman and Workers' Compensation Specialist Branch**

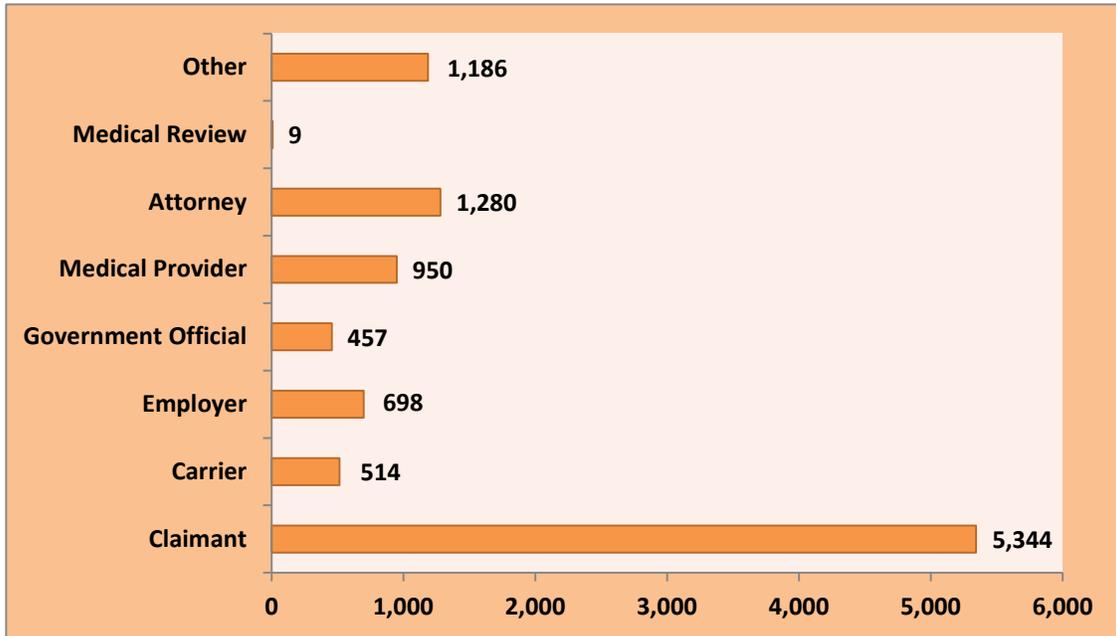
Established in 1994, the Ombudsman and Workers' Compensation Specialist Branch is now in its eighteenth year of operation. The Branch currently employs seven workers' compensation specialists throughout the state – six in Frankfort and one in a branch office in Pikeville.

Toll-free telephone assistance is available to callers on all workers' compensation topics of interest to the public, including how to report or file a claim, dispute resolution, benefit information, rights and procedures and other related issues. This branch also responds to constituent services requests from lawmakers and attorneys.

The primary daily activity of the workers' compensation specialists is to assist in the prompt delivery of benefits. This is done by facilitating communication and exchange of information between the injured worker and claims adjusters, employers and medical providers. Care is taken to remain impartial in dealings with all parties.



As demonstrated in the graph below, the specialists received 10,438 requests for assistance during the 2011-2012 fiscal year. They intervened in 947 cases and assisted in completing forms for 97 callers.



## Breakdown of Assistance

The table below outlines the subject matter of these requests. The category represented by ‘Other’ includes such things as the attorney of record, current mileage rate, carrier/insurance agent and questions of a general nature.

Topic	Number of Calls
Rights and Procedures	4,916
Claims Status Request	2,164
Coverage	357
Other	2,027
Form Request	670
Referrals to Outside Agencies	404
First Report of Injury	84
Medical Fee Schedule	69
Claim Filing Assistance	87
Medical Fee Dispute	35
Utilization Review	24
Fraud	19
Managed Care	6
Rehabilitation	6

## **Drug-Free Workplace**

803 KAR 25:280 sets forth the requirements for employers to obtain a certification of a drug-free workplace. These requirements include alcohol and substance abuse education and awareness training for employees and supervisors. All employees shall receive written material explaining the employer's policies and procedures with respect to the drug-free workplace program. All records of drug and alcohol test results written or otherwise received by the employer shall be confidential and shall not be disclosed by the employer.

The employer must implement drug testing, education/training and an employee assistance program (EAP). If the application is approved, the employer may be eligible for a 5% discount on its workers' compensation premium. The Department of Workers' Claims certified 21 new drug-free workplace programs this year and renewed 129 plans.

## **Medical Services Branch**

Cost containment and the administration of medically related services are the primary activities of this branch which encompasses the hospital and physician medical fees; managed care, utilization review and medical bill audit plans; and university evaluations.

## **Fee Schedules**

The allowable fees charged by a physician or hospital are governed by statutory and regulatory requirements.

The physician fee schedule was updated and became effective on March 4, 2011. The fee schedule utilizes updated coding, procedure description updates, revised reimbursement values and ground rules.

The hospital fee schedule (cost-to-charge ratio) governs the reimbursement for hospital charges in workers' compensation claims and these ratios are modified effective on April 1st of each year. Calculations are determined by using applicable figures taken from each facility's cost report (HCFA-2552) on file with the Cabinet for Health and Family Services. The Department of Workers' Claims promulgated the cost-to-charge for 112 in state and 195 out of state hospitals in FY 11-12. Out of state facilities, by regulation, are reimbursed in the same manner as Kentucky hospitals.

The managed care, utilization review and medical bill audit plans are required to be certified by the DWC. These processes are in place in an effort to provide quality medical care that is necessary and appropriate at an affordable price.

## Managed Care Section

The Managed Care Section is responsible for overseeing the approval of and operations of Managed Care Programs (MCPs) in Kentucky. During fiscal year 2011-2012, there were 37 approved managed care programs in operation.

Workers' compensation managed care is intended to enable employers to better regulate costs while also providing high quality medical care by utilizing gatekeeper and specialist physicians, permitting pre-certification of services, maintaining aggressive case management and ensuring coordination of medical treatment.

Approximately 39% of Kentucky's workforce (excluding agriculture) participated in workers' compensation MCPs this year. The 37 MCPs that were operational covered approximately 4,820 employers and 727,305 employees.

### Managed Care Plans

<b>Fiscal Year</b>	<b>Number of Kentucky Jobs</b>	<b>Covered Lives</b>	<b>Percent in MCP</b>
1997-1998	1,753,400	721,964	41%
1998-1999	1,795,800	681,213	38%
1999-2000	1,824,500	542,764	30%
2000-2001	1,804,700	600,522	33%
2001-2002	1,786,100	531,731	30%
2002-2003	1,782,900	499,038	28%
2003-2004	1,898,952	647,318	34%
2004-2005	1,878,341	783,077	42%
2005-2006	1,922,163	699,266	36%
2006-2007	1,944,983	700,194	36%
2007-2008	1,902,517	808,375	42%
2008-2009	1,878,891	812,226	43%
2009-2010	1,862,872	662,560	36%
2010-2011	1,769,800	774,068	43%
2011-2012	1,870,546	727,305	39%

## Utilization Review/Medical Bill Audit

Utilization Review/Medical Bill Audit is governed by 803 KAR 25:190 and is a review of the medical necessity and appropriateness of medical treatment and services. It was implemented as a cost-containment measure and for managing quality assurances in the delivery of medical services to injured workers.

Workers' compensation claims are automatically selected for utilization review when they meet the following criteria:

- Upon a medical provider's request for pre-authorization
- Upon notification of a surgical procedure
- When total medical costs exceed \$3,000
- When total lost work days exceed 30
- An Administrative Law Judge orders a review

During the 2011-2012 fiscal year, the Department of Workers' Claims certified 61 Utilization Review/Medical Bill Audit Plans.

## University Evaluations

Per statutes and regulations, the DWC has contracted with the University of Louisville and the University of Kentucky medical schools to perform hearing loss and occupational disease evaluations. The physicians also provide the Administrative Law Judge (ALJ) with assistance as needed to resolve medical issues in a case. See the chart on the following page.

During the 2011-2012 fiscal year, there were a total of 236 claims that were referred for university evaluations. Of those, 172 were scheduled at the University of Kentucky and 64 at the University of Louisville. Timely scheduling of university evaluations by the universities and preparing and sending reports are elements that are critical to the success of the program.



Occupational disease and hearing loss claims are referred for evaluations upon the filing of a claim for benefits. In injury claims, an Administrative Law Judge may order evaluations on their own or upon request by the plaintiff or defendant.

## Evaluations Scheduled from 7/1/2011 - 6/30/2012

	<u>University of Kentucky</u>	<u>University of Louisville</u>	<u>TOTAL</u>
<b>Injury Claims</b>	<b>16</b>	<b>31</b>	<b>47</b>
<b>Hearing Loss Claims</b>	<b>139</b>	<b>22</b>	<b>161</b>
<b>Pulmonary Claims</b>	<b>17</b>	<b>11</b>	<b>28</b>
<b>Total</b>	<b>172</b>	<b>64</b>	<b>236</b>

Due to two recent Supreme Court decisions, coal worker pneumoconiosis cases will no longer be referred to B-reader panelists. These claims will be referred for University Evaluations in the same manner as the occupational disease claim.

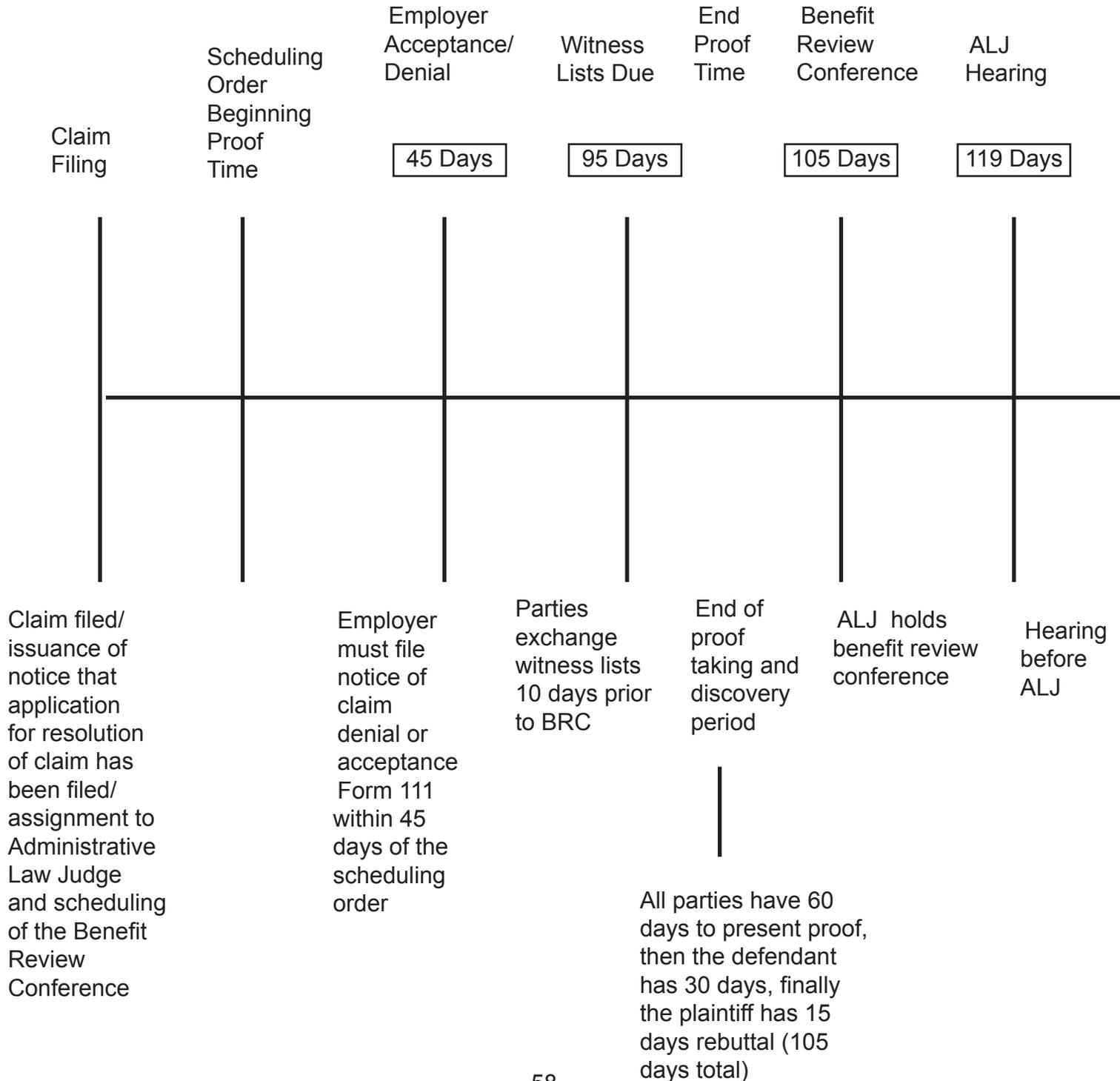
### Vocational Rehabilitation Section

The statute KRS 342.710 provides retraining benefits for those who are unable to perform work for which they have previous training or experience due to the effects of the work-related injury. Most often, injured employees are referred to this office by an Administrative Law Judge for a referral to a vocational evaluation facility. Evaluations are scheduled to determine aptitude, educational level and employment interest. Once the evaluation is complete, our office provides the test results to all parties and offers assistance to the injured worker by providing information on educational opportunities. Our office will also intervene with the carrier to determine if they will voluntarily pay for the retraining. Most injured workers complete the evaluation but do not request or complete the retraining process.

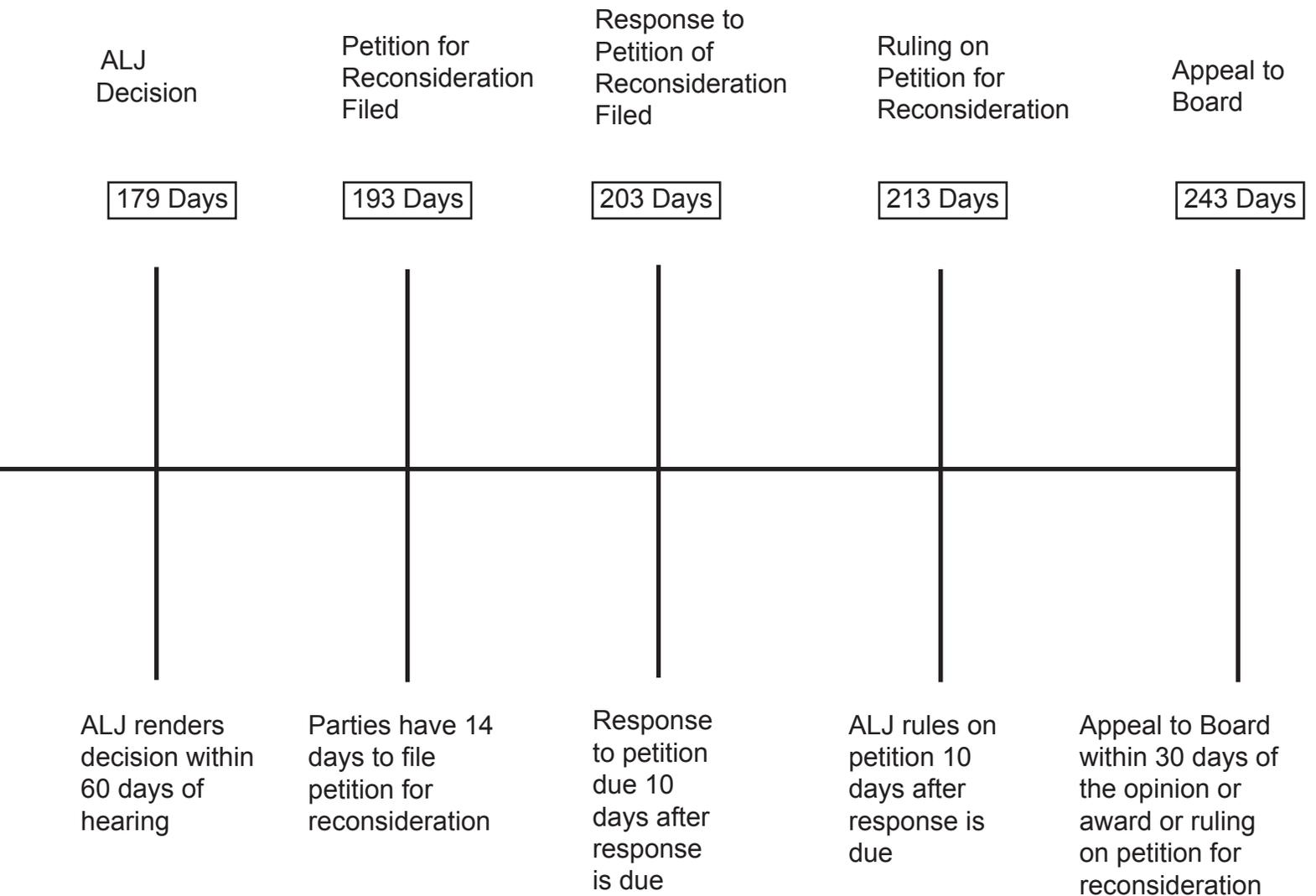
In FY 2011-2012, the Vocational Rehabilitation Section opened 81 new cases. Of these, 76 were ordered by an Administrative Law Judge. Ten claimants were in training during this time period.

Injured workers seeking vocational rehabilitation may be referred for a vocational evaluation and can be tested in one of 13 authorized vocational evaluation facilities located throughout the state.

# Kentucky Workers' Adjudication



# Compensation Timeline



# SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

## TYPE OF DISABILITY SECTION OF STATUTE

## FOR INJURIES OCCURRING

	01-01-08 thru 12-31-08	01-01-09 thru 12-31-09	01-01-10 thru 12-31-10	01-01-11 thru 12-31-11	01-01-12 thru 12-31-12	01-01-13 thru 12-31-13
<b>APPLICABLE AVERAGE WEEKLY WAGE OF THE STATE</b>	<b>\$670.02</b> (2006)	<b>\$694.30</b> (2007)	<b>\$711.79</b> (2008)	<b>\$721.97</b> (2009)	<b>\$736.19</b> (2010)	<b>\$752.69</b> (2011)

### DEATH (KRS 342.750)

a. Widow or widower with no children-50% of average weekly wage of deceased-subject to the following:						
<b>MAXIMUM</b>	\$335.02	\$347.16	\$355.91	\$361.00	\$368.11	\$376.36
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
b. Widow or widower with children living in the home-45% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
c. Widow or widower with children <b>not</b> living in home-40% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
d. One child, <b>no</b> widow or widower-50% of average weekly wage of deceased-subject to the following:						
<b>MAXIMUM</b>	\$335.02	\$347.16	\$355.91	\$361.00	\$368.11	\$376.36
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
d(1)More than one child, <b>no</b> widow or widower-50% of average weekly wage of deceased for the first child with an additional 15% of average weekly wage of deceased for each additional child-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
e. Dependent parents-25% of average weekly wage of deceased to each parent-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
f. Dependent brothers, sisters, grandparents and grandchildren-25% of average weekly wage of deceased to each dependent-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54

The above is subject to the maximum of 75% of the average weekly wage of the deceased.

# SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

TYPE OF DISABILITY SECTION OF STATUTE	FOR INJURIES OCCURRING					
	01-01-08 thru 12-31-08	01-01-09 thru 12-31-09	01-01-10 thru 12-31-10	01-01-11 thru 12-31-11	01-01-12 thru 12-31-12	01-01-13 thru 12-31-13
<b>LUMP SUM DEATH BENEFIT INCREASE KRS 342.750(6)</b>	\$65,813.60	\$68,198.54	\$69,916.52	\$70,916.46	\$72,313.24	\$73,933.98
<b>TEMPORARY AND PERMANENT TOTAL KRS 342.730(1)(a)</b> 66 2/3% of average weekly wage of employee-subject to the following:						
<b>MAXIMUM</b>	\$670.02	\$694.30	\$711.79	\$721.97	\$736.19	\$752.69
<b>MINIMUM</b>	134.00	138.86	142.36	144.40	147.24	150.54
<b>RETRAINING INCENTIVE BENEFITS KRS 342.732(1)(a)</b> 66 2/3% of average weekly wage of employee-subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE
<b>PERMANENT PARTIAL FOR INJURIES OCCURRING AFTER 12-11-96 KRS 342.730(1)(b), (1)(c)2,&amp;(1)(d)</b> 99% of 66 2/3% of average weekly wage of employee subject to the following:						
<b>MAXIMUM</b>	\$502.51	\$520.72	\$533.84	\$541.47	\$552.13	\$564.52
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE
<b>PERMANENT PARTIAL FOR INJURIES OCCURRING AFTER 12-11-96 KRS 342.730(1)(c)1,&amp; (1)(d)</b> When the employee does not retain physical capacity to return to type of work performed at time of injury- 99% of 66 2/3% of average weekly wage of employee subject to the following:						
<b>MAXIMUM</b>	\$670.02	\$694.30	\$711.79	\$721.97	\$736.19	\$752.69
<b>MINIMUM</b>	NONE	NONE	NONE	NONE	NONE	NONE

# Publications



**Why not change your direction?**

There are many avenues open to coal miners who are ready to leave the mines. If you have been awarded retraining incentive benefits there are numerous training/education routes available, you may even receive income benefits while you continue your education, plus possible bonuses upon completion. If you are ready to strike out in a new direction you should...

**Explore new opportunities!**

Call the Department of Workers' Claims at 1-800-554-8601

**Classes are available across the state!**

For more information on post secondary educational programs in your area contact:

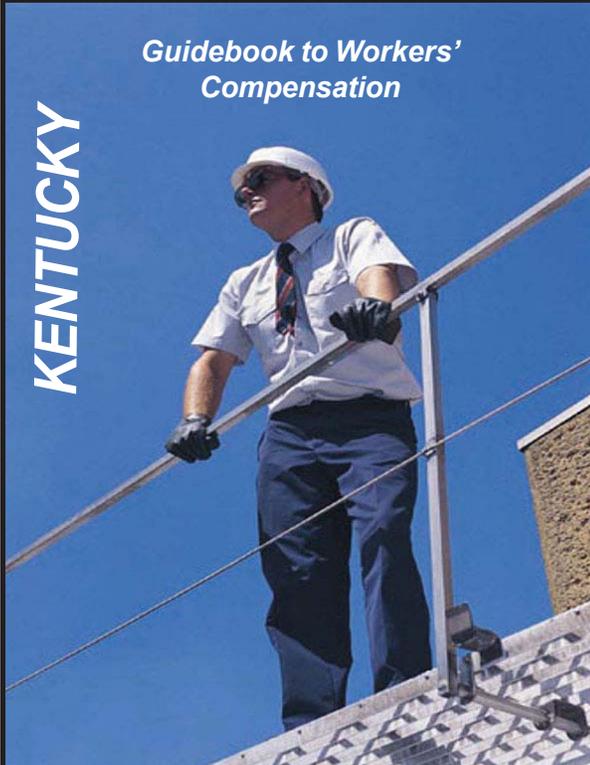
<b>Kentucky Higher Education Assistance Authority</b> 1-800-928-8926 www.kheaa.org	<b>Kentucky Community and Technical College System</b> 1-877-528-2748 www.kctcs.net
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Under this program, you can qualify for up to 17 weeks of GED or other remedial training if needed prior to the post secondary training. For more information on GED and other adult education programs at a location close to you contact:

<b>Kentucky School Boards Association</b> 1-800-372-2962 www.ksba.org	<b>Kentucky Department for Adult Education and Literacy</b> 1-800-928-7323 www.kyae.ky.gov
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These publications may be accessed through the agency Web site at <http://www.labor.ky.gov/workersclaims> or by calling the Department of Workers' Claims at 800-554-8601.

## Coal Workers' Pneumoconiosis Poster

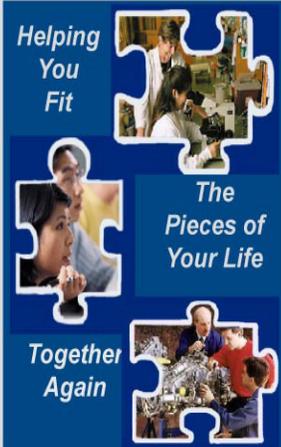


**KENTUCKY**

**Guidebook to Workers' Compensation**

## Workers' Compensation Guidebook

**Kentucky Department of Workers' Claims**



**Helping You Fit**

**The Pieces of Your Life**

**Together Again**

**An Injured Worker's Guide to Vocational Rehabilitation**

## Vocational Rehabilitation Brochure

## Key Personnel\*

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Wayne Logan, Deputy Commissioner (502) 782-4428  
Brenda Majcher, Senior Staff Advisor (502) 782-4439  
J. Landon Overfield, Chief Administrative Law Judge (502) 782-4535  
Charlie Lowther, General Counsel (502) 782-4464  
Derrick Hill, Technical Support Section (502) 782-4440  
Yvonne Creech, Design and Development Section (502) 782-4479  
Steve Mason, EDI Administrator (502) 782-4540

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Connie Morris, Claims Branch Manager (502) 782-4407  
Diana Morgan, Appeals Section Supervisor (502) 782-4457

### **Division of Information & Research**

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Cam Lawson, Acting Records Branch Manager, POC Supervisor (502) 782-4486  
Carol Stevens, Imaging Branch Manager (502) 782-4557  
Ashley Estep, Open Records Supervisor (502) 782-4429  
Sharon Anderson, EDI Supervisor (502) 782-4416  
Terri Robinson, Data Entry Supervisor (502) 782-4402  
Kim McKenzie, Web Administrator (502) 782-4484

### **Division of Ombudsman & Medical Specialist Services**

Lucretia Johnson, Director (502) 782-4559  
John Mann, Attorney/Chief Specialist (502) 782-4532  
Pam Knight, Medical Cost Containment Supervisor (502) 782-4449  
Kelly Tharpe, Utilization Review (502) 782-4445  
Marilyn Chastain, Managed Care (502) 782-4539  
Tara Aziz, Vocational Rehabilitation & Drug Free Workplace Coordinator (502) 782-4555  
Toll Free Specialist Line (800) 554-8601

### **Division of Security and Compliance**

Scott Gasser, Director (502) 782-4534  
Mike Watts, Self-Insurance Branch Manager (502) 782-4510  
Tom Powell, Compliance Branch Manager (502) 782-4450

### **DWC Fax Numbers:**

Commissioner's Office	(502) 564-5934	Claims	(502) 564-3792
Administrative Services	(502) 564-8250	EDI	(502) 696-5096
Ombuds & WC Specialist	(502) 564-9533	Security & Compliance	(502) 564-0916
Open Records	(502) 564-5732	WC Board Offices	(859) 246-2779
Medical Schedulers	(502) 564-5741	Rehabilitation	(502) 564-5741

\* at end of fiscal year

**No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Labor Cabinet.**

**This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provision of services.**

