304.13-415 Experience modification factor for workers' compensation -- Written explanation to workers' compensation policyholders -- Authority for administrative regulations.

(1) Every employer that is assigned an experience modification factor for workers' compensation in order to determine its workers' compensation premium shall be furnished without charge a complete copy of the data and calculations of the experience modification by the insurance company or any entity to which the insurance company may delegate the duty of calculating and promulgating the experience modification or, if applicable, by any self-insurance group of which the employer is a member.

(2) Experience modification shall be based upon all payrolls and claims experience for the applicable period regardless of whether the employer was insured by an insurance company, was a member of a self-insurance group, or was a member of the Kentucky Workers' Compensation Assigned Risk Plan for part or all of the period.

(3) For each workers' compensation insurance policy issued or renewed on or after May 1, 1997, the workers' compensation insurer or the licensed advisory organization shall provide, in accordance with subsection (1) of this section, the policyholder with a written explanation of the policyholder's experience modification factor and the data and methodology utilized in the calculation of the factor.

(4) The commissioner shall promulgate administrative regulations to establish the guidelines for application of the experience modification factors.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1148, effective July 15, 2010. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 52, effective December 12, 1996. -- Created 1994 Ky. Acts ch. 181, sec. 66, effective April 4, 1994.