

342.270 Application for resolution of claim -- Joinder -- Assignment to administrative law judge -- Administrative regulations for procedures for resolution of claims.

- (1) If the parties fail to reach an agreement in regard to compensation under this chapter, either party may make written application for resolution of claim. The application must be filed within two (2) years after the accident, or, in case of death, within two (2) years after the death, or within two (2) years after the cessation of voluntary payments, if any have been made. When the application is filed by the employee or during the pendency of that claim, he or she shall join all causes of action against the named employer which have accrued and which are known, or should reasonably be known, to him or her. Failure to join all accrued causes of action will result in such claims being barred under this chapter as waived by the employee.
- (2) Except with respect to claims for benefits by reason of pneumoconiosis, the commissioner shall issue notice of the filing to all parties and shall promptly assign the claim to an administrative law judge. The administrative law judge shall facilitate the exchange of information pertinent to the claim pursuant to administrative regulations promulgated by the commissioner. Within forty-five (45) days of the date of issuance of the notice required by this section, the employer or carrier shall file notice of claim denial or acceptance, setting forth specifically those material matters which are admitted, those which are denied, and the basis of any denial of the claim.
- (3) Within one hundred twenty (120) days of July 14, 2018, the commissioner shall promulgate or amend existing administrative regulations establishing procedures for the resolution of claims. The administrative regulations promulgated pursuant to the provisions of this subsection shall be effective on an emergency basis and be applied to all pending claims.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 40, sec. 7, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 1810, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 514, sec. 17, effective July 14, 2000. -- Amended 1996 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 12, effective December 12, 1996. -- Amended 1994 Ky. Acts ch. 181, Part 3, sec. 14, effective April 4, 1994. -- Amended 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 31, effective January 4, 1988. -- Amended 1974 Ky. Acts ch. 191, sec. 1. -- Amended 1970 Ky. Acts ch. 16, sec. 1. -- Amended 1964 Ky. Acts ch. 192, sec. 19. - - Amended 1948 Ky. Acts ch. 64, sec. 14. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4932.