

## **Kentucky Workers' Compensation - Rights & Responsibilities**

### **Employee Rights:**

- Workers' compensation insurance coverage. This coverage should be furnished by your employer at no cost to you.
- Know the identity of the workers' compensation insurance carrier and the claim representative.
- Receive a courteous and reasonably prompt response from the carrier upon communication regarding a claim.
- Receive temporary income benefits while recuperating from a work related injury.
- Receive all necessary medical treatment for the occupational injury or disease without making a co-payment.
- Select a physician to treat a work-related injury or illness without interference from your employer. If the employer participates in an authorized managed care program, the choice must be from a physician who participates in the plan.
- Change the treating physician one time with no questions asked.
- Receive a card, which identifies the designated physician, employer and carrier.
- Be reimbursed for expenses paid in the process of receiving medical treatment, including travel expenses if request is made in a timely manner.
- Receive retraining if unable to return to suitable work.
- File a claim for permanent disability benefits within two years of the injury or the termination of temporary income benefits, whichever is later.

### **Employee Responsibilities:**

#### **Notify Supervisors of Injuries and Diseases.**

Employees must immediately (or "as soon as practicable") notify their supervisors of any injury. Notification should include information about the work occurrence and the body parts affected. Most employers have a written policy for reporting injuries; compliance with that policy will facilitate the payment of benefits. A claim may involve an occupational disease or gradual injury that is not readily viewed as being caused by work. In these circumstances as soon as an employee learns a condition may be work-related, notice should be given to the employer. Often employees acquire this knowledge from a physician who tells them of a work connection.

#### **Obtaining Medical Services.**

As soon as possible after a work-related injury occurs, the employee should obtain necessary medical services. The employee may choose the treating physician and can change that selection one time, no questions asked. If the employer has entered into an authorized managed care program, the employee must choose from among the participating medical providers. Employees must notify the employer and insurance carrier of the physician choice. The employer or insurance carrier should deliver to the employee a physician designation and identification card once it is known that the employee requires continuing medical care.

Employees should ask treating physicians to promptly report their status to the employer and insurance carrier. Prompt reporting speeds payment of benefits and helps employers and physicians in assisting employees to return to work.

#### **Maintaining Open Lines of Communication.**

In addition to promptly reporting injuries and medical status to employers, employees should keep lines of communication with the employer open. Generally, the employer is interested in the well being of the employee and wants workers' compensation benefits extended until the employee can return to work.

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### Employer Responsibilities

Employers who are not exempt from the Workers' Compensation Act must obtain workers' compensation insurance, post a notice showing insurance coverage and report injuries to the insurance carrier.

Employers should communicate with employees after an injury and attempt to informally resolve conflicts with employees. Model employers have created programs to return employees to work as soon as possible after injury.

Once insurance coverage is obtained, the carrier must provide the employer with a notice to post at the principal personnel office of the employer. The notice shall include all pertinent workers' compensation insurance information such as the name of the carrier, the policy number, a contact name and telephone number that can be accessed by injured employees.

Posting requirements for coal mine employers are required by the 2002 black lung law effective 7-15-02. A notice must be posted displaying the educational and retraining opportunities provided under the law if a miner contracts CWP (black lung). Notices for posting may be obtained from DWC.

**Form 113** - Within ten (10) days following the notice of a work related injury the employer or insurance carrier must send Form 113 (Notice of Designated Physician) to the employee who then has ten (10) days to complete and return the form.

After the form 113 is completed the insurance carrier will provide the injured employee with a printed card indicating: employee name, social security number, date of birth and the date of the work related injury or exposure; the name and telephone number of the physician selected by the employee; general information concerning Form 113 on the reverse side of the card and the employee must present this card when seeking additional medical services for the work related injury.