

OKLAHOMA ADMINISTRATIVE CODE

TITLE 302 - Group Self-Insurance Association Guaranty Fund Board

Chapter 1 Organization and Administration

Chapter 10 Procedures for Requesting Payment

Chapter 1 - Organization and Administration

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[Authority: 85 O.S., § 66.2]

[Source: Codified 7/12/93]

302:1-1-1. Purpose

This chapter describes the organization of the Group Self-Insurance Association Guaranty Fund Board and states its general course and methods of operation and the methods whereby the public may obtain information or make submissions or requests.

[Source: Added at 10 Ok Reg 3563, eff 7-12-93]

302:1-1-2. Definitions

The Group Self-Insurance Association Guaranty Fund Board hereby adopts the definitions provided in 85 O.S. Section 3, except as otherwise specifically stated. In addition, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Group Self-Insurance Association Guaranty Fund Board.

"Claim" means a written request for payment from the Group Self-Insurance Association Guaranty Fund on a form provided by the Board.

"Claimant" means any person, partnership, association or corporation making a claim or request for payment from the Group Self-Insurance Association Guaranty Fund.

"Employer" is further defined and limited to a member of a group self-insurance association that is

approved as a self-insurer or own risk carrier by the Administrator of the Workers' Compensation Court on the date of the claiming employee's last hazardous exposure or accidental injury as determined by the Workers' Compensation Court. The term "employer" specifically does not include any state entity or political subdivision of the State.

"Group Self-Insurance Association" means an association organized by two or more employers having a common interest which have entered into agreements to pool their liabilities under the Oklahoma Workers' Compensation Act.

"Fund" means the Group Self-Insurance Association Guaranty Fund.

[Source: Added at 10 Ok Reg 3563, eff 7-12-93]

302:1-1-3. Composition and powers of the Board

(a) The Group Self-Insurance Association Guaranty Fund Board was created and exists by virtue of 85 O.S. Section 66.2. The Board shall consist of not less than three (3) nor more than nine (9) members. Each member shall be an administrator of a Group Self- Insurance Association which has been approved by the Workers' Compensation Court as an own risk carrier or self-insured risk.

(b) The Board authorizes payment from the Group Self-Insurance Association Guaranty Fund in the event that a group self-insurance association that was approved by the Administrator of the Worker's Compensation Court as a self-insured or own risk carrier is unable to make payment of an award and judgment is rendered against such employer and/or a group self-insurance association and execution is levied and returned unsatisfied in whole or in part.

[Source: Added at 10 Ok Reg 3563, eff 7-12-93]

302:1-1-4. Meeting procedures

The Chairman of the Board, or three (3) members of the Board by written request to the Chairman, shall call Special Meetings as often as deemed necessary to conduct the business of the Board and shall file notice with the Secretary of State of the State of Oklahoma and post a copy of said notice and agenda as required by the Open Meetings Act. All meetings of the Board shall be conducted in compliance with the applicable provisions of the Oklahoma Open Meeting Act, 25 O.S. Section 301 et seq.

[Source: Added at 10 Ok Reg 3563, eff 7-12-93]

302:1-1-5. Public access to records

All official records of the Board not otherwise specifically privileged from disclosure by law shall be of public record, available for inspection and review in the office of the Board under reasonable circumstances and at reasonable times during normal business hours. Official records of the Board may not be removed from the office of the Board.

[Source: Added at 10 Ok Reg 3563, eff 7-12-93]

Chapter 10 - Procedures for Requesting Payment

<u>Section 302:10-1-1</u>	<u>Purpose</u>
<u>Section 302:10-1-2</u>	<u>Definitions</u>
<u>Section 302:10-1-3</u>	<u>Prerequisites for filing a claim</u>
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[Authority: 85 O.S., § 66.2]

[Source: Codified 7/12/93]

302:10-1-1. Purpose

This chapter describes the procedures for filing a claim for payment from the Fund and hearing procedures.

[Source: Added at 10 Ok Reg 3565, eff 7-12-93]

302:10-1-2. Definitions

The Group Self-Insurance Association Guaranty Fund Board hereby adopts the definitions provided in 85 O.S. Section 3, except as otherwise specifically stated. In addition, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Group Self-Insurance Association Guaranty Fund Board.

"Claim" means a written request for payment from the Group Self-Insurance Association Guaranty Fund on a form provided by the Board.

"Claimant" means any person, partnership, association or corporation making a claim or request for payment from the Guaranty Fund.

"Employer" is further defined and limited to members of a group self-insurance association approved as a self-insured or own risk carrier by the Administrator of the Workers' Compensation Court on the date of the claiming employee's last hazardous exposure or accidental injury as determined by the Workers' Compensation Court. The term "employer" specifically does not include any state entity or political subdivision of the State.

"Group Self-Insurance Association" means an association organized by two or more employers having a common interest which have entered into agreements to pool their liabilities under the Oklahoma Workers' Compensation Act.

"Fund" means the Group Self-Insurance Association Guaranty Fund.

[Source: Added at 10 Ok Reg 3565, eff 7-12-93]

302:10-1-3. Prerequisites for filing a claim

Judgment must be rendered against the employer in the Workers' Compensation Court and certified to the District Court and execution of the judgment must be levied and returned unsatisfied in whole or in part before a claim may be considered by the Board.

[Source: Added at 10 Ok Reg 3565, eff 7-12-93]

302:10-1-4. Claim procedures

(a) The claim shall be in writing on a form provided by the Board for such purpose or in writing by the claimant and shall contain the following information:

- (1) Name of claimant, Social Security number, if applicable, and address;
- (2) Name of employer and group self-insurance association and claim number of Workers' Compensation claim;
- (3) Nature of claim, whether temporary total disability, permanent partial disability, medical expenses, mileage or attorney fees;
- (4) A statement of the amount of the claim;
- (5) Copies of all pleadings filed in the Workers' Compensation claim; and
- (6) Copies of all pleadings filed in District Court in an effort to execute on a judgment of the Workers' Compensation Court, if applicable.

(b) A claim in writing shall be filed with the Board within one year of notice that execution of a judgment by the District Court's order resulting from the certification of workers' compensation award is returned unsatisfied in whole or in part.

[Source: Added at 10 Ok Reg 3565, eff 7-12-93]

302:10-1-5. Hearing procedures

Any Claimant aggrieved regarding the payment of a claim by the Board may request a hearing before the Board within twenty (20) days of being notified of the Board's determination. The request for hearing shall be in writing. The hearing will be held in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. Section 250.1 et seq. The Board will review claims in an effort to compensate claimants for liabilities of insolvent group self-insurance associations. The Board is not required to pay the total amount of the liability of the employer and/or group self-insurance association, but may use its discretion in determining the amount to be paid to the Claimant.

[Source: Added at 10 Ok Reg 3565, eff 7-12-93]