

OKLAHOMA ADMINISTRATIVE CODE

Title 303 - Individual Self-Insured Guaranty Fund Board

Chapter 1 Organization and Administration
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Chapter 1 - Organization and Administration

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[Authority: 85 O.S., § 66.1]
 [Source: Codified 7/26/93]

303:1-1-1. Purpose

This chapter describes the organization of the Individual Self-Insured 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 4053, eff 7-26-93]

303:1-1-2. Definitions

The Individual Self-Insured 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 Individual Self-Insured Guaranty Fund Board.

"Claim" means a written request for payment from the Individual Self-Insured 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 Individual Self-Insured Guaranty Fund.

"Employer" is further defined and limited to those approved as an individual self-insured or individual 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.

"Fund" means the Individual Self-Insured Guaranty Fund.

[Source: Added at 10 Ok Reg 4053, eff 7-26-93]

303:1-1-3. Composition and powers of the Board

(a) The Individual Self-Insured Guaranty Fund Board was created and exists by virtue of 85 O.S. Section 66.1. The Board shall consist of not less than three (3) nor more than nine (9) members. Each member shall be employed by an organization 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 Individual Self-Insured Guaranty Fund in the event that an employer who was approved by the Administration 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 execution is levied and returned unsatisfied in whole or in part.

[Source: Added at 10 Ok Reg 4053, eff 7-26-93]

303:1-1-4. Meeting procedures

The Board 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 Meeting 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 4053, eff 7-26-93]

303:1-1-5. 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 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 4053, eff 7-26-93]

Chapter 10 - Procedures for Requesting Payment

<u>Section 303:10-1-1</u>	<u>Purpose</u>
<u>Section 303:10-1-2</u>	<u>Definitions</u>
<u>Section 303:10-1-3</u>	<u>Prerequisites for filing a claim</u>
<u>Section 303:10-1-4</u>	<u>Claim Procedures</u>
<u>Section 303:10-1-5</u>	<u>Hearing Procedures</u>

303:10-1-1. Purpose

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

[Source: Added at 10 Ok Reg 4055, eff 7-26-93]

303:10-1-2. Definitions

The Individual Self-Insured 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 Individual Self-Insured Guaranty Fund Board.

"Claim" means a written request for payment from the Individual Self-Insured 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 Individual Self-Insured Guaranty Fund.

"Employer" is further defined and limited to those approved as an individual self-insured or individual 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.

"Fund" means the Individual Self-Insured Guaranty Fund.

[Source: Added at 10 Ok Reg 4055, eff 7-26-93]

303:10-1-3. Prerequisites for filing a claim

At least one of the following conditions must be met in order for a Claim to be reviewed by the Board:

- (1) The employer has filed a petition in bankruptcy;
- (2) The claimant makes a motion for default judgment against the employer in the Workers' Compensation Court;
- (3) The claimant makes a motion to revoke the employer's own risk permit based on the employer's failure to pay a claim;
- (4) The claimant makes any motion in the Workers' Compensation Court against the employer for the employer's failure to pay a claim; or
- (5) Judgment is rendered against the employer in the Workers' Compensation Court and execution of the judgment is levied and returned unsatisfied in whole or in part.

[Source: Added at 10 Ok Reg 4055, eff 7-26-93]

303:10-1-4. 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 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 may be filed with the Board in the following manner:

- (1) The Claimant shall file a Claim with the Board within sixty (60) days of the claimant's notification that the employer has filed a petition in bankruptcy. The Claimant shall submit all such bankruptcy filings to the Board.
- (2) The Claimant's motion for default, motion to revoke own risk permit or other applicable motion should be filed with the Board simultaneously with the filing of the motion in the Workers' Compensation Court. The motion should be accompanied by a written claim.
- (3) All other claims shall be made within one year of receiving notice that execution of a judgment in the Workers' Compensation Court is returned unsatisfied in whole or in part.

[Source: Added at 10 Ok Reg 4055, eff 7-26-93]

303:10-1-5. 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 on a form provided by the Board for such purpose. 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 employers. The Board is not required to pay the total amount of the liability of the employer, but may use its discretion in determining the amount to be paid to the Claimant.

[Source: Added at 10 Ok Reg 4055, eff 7-26-93]

