

### **39F.170 Workers' compensation coverage -- Limitations -- Enrollment.**

Rescue squad organizations or members of them or individuals associated with them for the purposes of receiving workers' compensation benefits paid by the division shall be covered by those benefits when performing emergency preparedness, response, or recovery functions, with the following limitations:

- (1) Rescue squad organizations and individuals shall not be covered when performing fundraising functions, unless all proceeds of the function are to be dedicated to the administration or operation of the rescue squad organization.
- (2) Rescue squad organizations and individuals shall not be covered when involved in any law enforcement activity, including security or evidence recovery, except for traffic control at an accident scene or the recovery of evidence by diving or dragging when the assistance is requested by law enforcement authorities.
- (3) Rescue squad organizations and individuals shall not be covered when the primary purpose of the mission is the provision of emergency medical care or first aid. However, coverage shall be extended when:
  - (a) A rescue squad provides emergency medical transportation when inclement weather or rough terrain prevents a regular ambulance from providing transportation. Transportation may be provided only upon request of the appropriate emergency medical services agency. The distance of travel shall be restricted to the nearest appropriate medical facility or ambulance;
  - (b) Additional personnel or equipment are required to supplement existing emergency medical services which have been overtaxed at an incident which is subsequently declared as an emergency by any official authorized to make such a determination; or
  - (c) A rescue squad provides first aid, or emergency medical care is rendered as a necessary function during a rescue mission, and the primary purpose of the mission was the rescue and not the provision of emergency medical care.
- (4) Rescue squad organizations or individuals shall not be covered when engaging in firefighting unless the firefighting was performed as a secondary function to protect persons involved in a rescue mission.
- (5) Rescue squad organizations or individuals shall not be covered when engaging in hazardous materials response, containment, cleanup, or other operations related to hazardous materials, when operating at the hazardous materials technician or hazardous materials specialist level of operation as defined in 29 C.F.R. 1910.120.
- (6) No person shall be covered unless enrolled on a workers' compensation enrollment form and filed with the area manager of the division, except when the magnitude of an emergency, or a training exercise, is so great that a local emergency management director must solicit additional workers. At these times, the local director may develop and maintain a list of workers, to include names, Social Security account numbers, missions assigned, and dates covered and submit a copy of the list to the area manager of the division within twenty-four (24) hours of the conclusion of the emergency or the training exercise.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 226, sec. 99, effective July 15, 1998.