

4123-21-02 Determination of coverage.

(A) An employer whose application for subscription to the coal-workers' pneumoconiosis fund has been approved by the administrator of workers's compensation shall be issued a coal-workers' pneumoconiosis fund insurance policy upon payment of the initial premium required for such policy.

(B) Coverage under a coal-workers' pneumoconiosis fund insurance policy shall not be effective until the initial premium is received by the bureau of workers' compensation or its designee.

(C) Any policy of insurance issued by the coal-workers' pneumoconiosis fund shall expire at midnight on the expiration date stated on the face of the policy. Any such policy may be renewed by payment of the renewal premium. Payment of renewal premium within sixty days after the stated expiration date shall be effective to continue the coverage of the insured.

(D) Notwithstanding paragraphs (A) to (C) of this rule, coverage with respect to claims filed with the United States department of labor or the social security administration prior to the effective date of this rule will be extended to any operator whose periods of active subscription to the fund coincides with any of the following:

- (1) Onset of disability as determined by a final order of the United States department of labor.
- (2) Date of filing claim with United States department of labor.
- (3) Claimant's employment with insured employer.
- (4) Claims alleging disability or death caused or aggravated by exposure causing the disease, which last occurred prior to July 1, 1973, shall be covered if the designated responsible operator was an active subscriber to the fund at the time the claim was first filed with the U.S. department of labor.

(E) Coverage with respect to claims filed on or after the effective date of this rule will be afforded in the following claims:

- (1) When the employer is an active subscriber to the coal-workers' pneumoconiosis fund at the time the claim is first filed with the United States department of labor.
- (2) When the claimant's last injurious exposure to the conditions causing the disease while in the employment of the subscriber, occurred during a period of active subscription to the coal-workers' pneumoconiosis fund.

Effective Date: 2/22/90
Prior Effective Dates: 6/3/82, 12/18/89 (Emer.)