

Part 1 Chapter 40: (2011-1) Establishment of Insurer Safety Programs

Rule 40.01: Authority

This regulation is promulgated by the Commissioner of Insurance (hereinafter "Commissioner") pursuant to the authority granted to him by Miss. Code Ann. §71-3-121 (Rev. 2000).

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.02: Purpose

The purpose of this Regulation is to implement the requirements of Miss. Code Ann. §71-3-121 (Rev. 2000).

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.03: Scope

This Regulation shall apply to all insurance companies authorized in this state to provide coverage for an employer's liability for injuries, disability or death to persons in their employment, without regard to fault, as prescribed by state worker's compensation laws.

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.04: Definitions

For the purposes of this Regulation, the definitions found in Miss. Code Ann. §§71-3-3 and 71-7-1, as they may be amended from time to time, will control.

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.05: Safety Program Required

- A. Every insurer shall establish a safety program for the health and benefit of the employees of its insureds. An insurer may use any reasonable methods to notify its insureds of the availability of the materials that comprise its program, and deliver those materials upon the request of an insured.

- B. Insurer safety programs shall include an explanation of an employee's rights under the Workers' Compensation Law, Miss. Code Ann. §71-3-1, et seq., and the Rules of the Mississippi Workers' Compensation Commission which the insureds may make readily available to their employees.
- C. Insurer safety programs shall make available to insured employers notice of the employer's right to implement and maintain a written policy for drug and alcohol workplace. The notice shall inform the employer that such policy shall comply with the requirements of Miss. Code Ann. §§71-7-1 et seq. and the rules and regulations for drug and alcohol testing of employees and job applicants by public and private employers promulgated by the Mississippi State Board of Health. Pursuant to §71-7-1, *et seq.*, the election of a public or private employer to conduct drug and alcohol testing is voluntary.

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.06: Filings

Within 120 days of the effective date of this Regulation, each insurer shall file a copy of its safety program with the Commissioner of Insurance, for informational purposes only, in order to verify compliance with this regulation.

Source: Miss. Code Ann. § 71-3-121 (Rev. 2011)

Rule 40.07: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. § 83-5-1 (Rev. 2011)

Rule 40.08: Effective Date

This Regulation shall become effective upon adoption.

Source: Miss. Code Ann. § 25-43-3.113 (Rev. 2010)