

PROPOSED REGULATION
FRIVOLOUS AND UNFAIR CONTROVERSION

8 AAC 45.182 is amended to read:

8 AAC 45.182. **Controversion.**

(d) After hearing a party's claim alleging an insurer or self-insured employer frivolously or unfairly controverted compensation due, the board will file a decision and order determining whether an insurer or self-insured employer frivolously or unfairly controverted compensation due. Under this subsection,

- (1) if the board determines an insurer frivolously or unfairly controverted compensation due, the board will provide a copy of the decision and order at the time of filing **to the director** [THE DIVISION OF INSURANCE] for action under AS 23.30.155(o); or
- (2) if the board determines a self-insured employer frivolously or unfairly controverted compensation due, the board will, at the time its decision and order are filed, provide a copy of the decision and order to the commissioner's designee [FOR THE SELF-INSURED EMPLOYER RECORDS] for consideration in the self-insured employer's [ITS] renewal application for self-insurance.

(Eff ___/___/___, Register _____)

Authority: AS 23.30.005 AS 23.30.155