

Workers' Compensation Assigned Risk Plan

West Virginia employers are under a statutory obligation to maintain workers' compensation insurance. Generally, employers in West Virginia can purchase workers' compensation coverage through one of over 230 insurance companies that are currently providing workers' compensation insurance to West Virginia employers. However, eligible employers unable to obtain voluntary market coverage can purchase coverage through the Residual Market, also known as the "Assigned Risk Plan".

What is the Assigned Risk Plan?

- In order to ensure that all eligible employers have some means to comply with their statutory obligations, West Virginia has established an Assigned Risk Plan.
- The Assigned Risk Plan is the market of last resort.
- The Assigned Risk Plan provides a policyholder and their employees with the statutorily mandated medical benefits and compensation for lost wages due to injury, occupational disease, or death arising from their employment.
- The rates charged in the Assigned Risk Plan are often higher than what is available in the voluntary market. So, employers are required to contact multiple voluntary market carriers prior to applying to the Assigned Risk Plan.
- An employer must apply and have received declinations from at least two voluntary market carriers within 60 days prior to applying for Assigned Risk coverage.
- If the employer currently has coverage, but has received a notice of nonrenewal, the nonrenewal is considered one of the two declinations.
- The Assigned Risk Plan will provide workers' compensation coverage for eligible employers until such time an employer can find voluntary market coverage.

How to Apply for Assigned Risk Coverage

- West Virginia has named the National Council on Compensation Insurance (NCCI) as Plan Administrator for the Assigned Risk Plan.
- The Plan Administrator responsibilities include:
 - Assigned Risk Application Processing
 - Plan Eligibility & Noncompliance/Compliance
 - Assignment Administration
 - Depopulation Initiatives
 - Servicing Carrier Performance Audits

Workers' Compensation Assigned Risk Plan – (Continued)

- Information about the Assigned Risk Plan and application process can be provided by your agent or found at www.ncci.com.
- Applications can be made online at www.ncci.com utilizing the RMAPS® Online Application Services; this internet-based service is provided at no charge.
- Experienced NCCI customer service representatives are available to answer questions or assist with the online application process at 800-NCCI-123 (800-622-4123).

Eligibility Requirements

- Employers must be unable to obtain coverage in the voluntary market before becoming eligible for the Assigned Risk Plan. Records of declinations (minimum of 2) must be maintained during the policy period.
- Employer is presumed good faith eligible for the Plan in the absence of clear and convincing evidence to the contrary.
- Employer must not have any outstanding premium obligations or other monetary policy obligations (e.g. deductible program) on any previous workers' compensation insurance that is not subject to a bona fide premium dispute.
- Employer must comply with reasonable health, safety, premium audit, or loss prevention requirements.
- Employer must allow access to its records for audit or inspection under the policy.

Servicing Carriers in WV

- After NCCI processes the application, verifies eligibility and confirms receipt of premium deposit; the policy and paid deposit premium will be assigned to one of three servicing carriers for West Virginia.
 - Travelers Indemnity
 - American Mining Insurance
 - AmGuard Insurance Company
- Policy assignment is random and equitable to the servicing carriers and can not be requested by the policyholder.
- The servicing carrier will issue the policy on their paper and will provide all future policy services.
- Servicing carriers are audited to ensure consistent and equitable treatment of all Assigned Risk policyholders regardless the carrier.

Workers' Compensation Assigned Risk Plan – (Continued)

Important Information

- NCCI's Customer Service Center – 800-NCCI-123 (800-622-4123)
- NCCI's web address – www.NCCI.com
- Offices of the Insurance Commissioner's Consumer Services Division – 888-TRY-WVIC (888-879-9842)
- Offices of the Insurance Commissioner's web address – www.wvinsurance.gov
- A listing of licensed workers' compensation carriers for WV is located here - <http://www.wvinsurance.gov/LinkClick.aspx?fileticket=eiYwSDOITbQ%3d&tabid=73&mid=752>
- A listing of approved assigned risk rates- <http://www.wvinsurance.gov/LinkClick.aspx?fileticket=XBXi7PVrmkA%3d&tabid=73&mid=768>