1. **Review of PA Code Title 34, Chapter 129, Subchapter C** (Department of Labor and Industry’s regulations concerning Workers’ Compensation Health and Safety)

[**http://www.pacode.com/secure/data/034/chapter129/chap129toc.html**](http://www.pacode.com/secure/data/034/chapter129/chap129toc.html)

**Purpose**

This subchapter interprets the requirements of the Workers’ Compensation Act that an individual self-insured employer must maintain to remain compliant with the standard. The subchapter establishes the criteria that the Bureau of Workers’ Compensation (BWC) will employ in determining the adequacy of an accident and illness prevention program (AIPP).

**Program Requirements**

1. **Accident Illness Prevention Program Elements**
   1. Title 34, Chapter 129 expands on the requirements established by the Workers’ Compensation Act. The regulation contains 16 required program elements that must be maintained as part of an adequate AIPP.
   2. A list of the program elements is found in section 3; page 2 of the Annual Report of Accident and Illness Prevention Program Status (LIBC-220E). A copy of the LIBC-220E form is provided in section VII, and the commonwealth’s requirements for each of the program elements are covered in section IV of this orientation.
2. **Recordkeeping** 
   1. An individual self-insured employer shall maintain an adequate AIPP and maintain records for this program for the 3 most current and complete fiscal years.
   2. Individual self-insured employers shall also maintain data used to evaluate the effectiveness of the AIPP for the most current complete fiscal year and 2 preceding consecutive fiscal years. Those records shall contain at a minimum:
      1. The annual calculated rates for the methods chosen.
      2. A copy of the calculations used to determine the annual rates.
      3. A copy of the sources containing the complete data used in calculating the annual rates.

**Service Provider Requirements**

1. AIPP service providers employed by an individual self-insured employer or serving through a contract to perform AIPP services shall meet the requirements in Subchapter E of the PA code Title 34 Chapter 129*. (A list of service provider qualifications is available in item 6; page 12 of the Annual Report of Accident and Illness Prevention Program Status (LIBC-220E) form in section VII of your Orientation Manual).*
2. The Bureau may require that the individual self-insured employer provide documentation or evidence to support that the requirements for accident and illness prevention services providers have been met by each individual providing accident and illness prevention services, whether employed or under contract, based on the criteria in Subchapter E and outlined above.

**Reporting Requirements**

1. All self-insured employers must complete and submit Form LIBC-220E, Annual Report of Accident and Illness Prevention Program Status, which provides detailed information about a self-insured employer's prevention program. *(A copy of LIBC-220E is provided in section VII of your orientation manual)*.
2. Upon receipt of the annual reports, the BWC will review the data and make a final determination of program adequacy or an initial determination of inadequacy.
3. An inadequate determination may result in an audit before a final determination is made. The Bureau will provide notification to the employer of its final determination.

**Recordkeeping Requirements**

1. Individual self-insured employers shall maintain records of accident and illness prevention program services for the most complete fiscal year and 2 preceding consecutive fiscal years which include:
   1. Number and dates of surveys conducted.
   2. Proposed corrective actions and their disposition.
   3. Training programs conducted.
   4. Consultations held.
   5. Analyses of accident causes.
   6. Industrial hygiene services provided.
   7. Industrial health services provided.
   8. Qualified service providers utilized to provide program services whether contracted or employed.

**Audit Requirements**

1. The Bureau may audit an individual self-insured employer's accident and illness prevention program at least once every 2 years.
2. A combined audit may be conducted for affiliated companies of an individual self-insured employer if the same facilities, accident and illness prevention program, and accident and illness prevention services providers are used by each of the companies.
3. The Bureau may audit an individual self-insured employer's accident and illness prevention program if the individual self-insured employer fails to file an AIPP annual report by specified time frames or fails to meet the requirements of this subchapter.
4. The notice of the audit will include the reasons for audit.
5. At least 60 calendar days prior to an audit, the Bureau will notify the individual self-insured employer in writing of the date on which the audit will occur.