

AN AGENT MAY NOT CHARGE OR ACCEPT COMPENSATION FOR REPRESENTING A CLAIMANT IN A PROCEEDING BEFORE A HEARING EXAMINER, SPECIAL EXAMINER, OR THE BOARD OF APPEALS EXCEPT THAT A LAWYER MAY CHARGE AND ACCEPT COMPENSATION IN AN AMOUNT NOT GREATER THAN THAT APPROVED BY THE BOARD OF APPEALS.

(C) REPRESENTATION OF EMPLOYER.

IN A PROCEEDING BEFORE A HEARING EXAMINER, SPECIAL EXAMINER, OR THE BOARD OF APPEALS, AN EMPLOYER MAY APPEAR FOR ITSELF OR BE REPRESENTED BY A LAWYER OR ANOTHER AGENT AUTHORIZED BY THE EMPLOYER.

(D) PROHIBITION ON SOLICITATION.

A PERSON MAY NOT SOLICIT, FOR THAT PERSON OR ANOTHER PERSON, THE BUSINESS OF APPEARING ON BEHALF OF A CLAIMANT IN A PROCEEDING BEFORE A HEARING EXAMINER, SPECIAL EXAMINER, OR THE BOARD OF APPEALS.

REVISOR'S NOTE: This section is new language derived without substantive change from the second through fourth sentences of former Art. 95A, § 16(b).

In subsections (a), (b), and (c) of this section, the word "lawyer" is substituted for the former words "counsel" and "attorney-at-law", to conform to terminology used in the Business Occupations and Professions Article.

In subsection (c) of this section, the reference to a "special examiner" is added since the omission of a reference to a "special examiner" did not appear to be deliberate and the same standards apply to proceedings before a special examiner as before a hearing examiner or the Board of Appeals.

In subsection (d) of this section, the former words "firm" and "corporation" are deleted as included in "person".

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that subsection (d) of this section may be an unconstitutional restriction on commercial speech in light of Shapero v. Kentucky Bar Association, 108 S.Ct. 1916 (1988).

Defined terms: "Board of Appeals" § 8-101

"Employer" § 8-101

"Person" § 1-101

8-508. REFERRAL OF CLAIMS TO BOARD OF APPEALS.

(A) WHEN REQUIRED.

THE SECRETARY SHALL REFER A CLAIM FOR BENEFITS TO THE BOARD OF APPEALS IF THE DETERMINATION OF THE CLAIM INVOLVES: