**§ 3443. Workers' compensation and employers' liability insurance; optional policyholder deductibles.** An insurer issuing a workers' compensation and employers' liability insurance policy, may offer, as part of the policy or by endorsement, deductibles optional to the policyholder for benefits payable under the policy, subject to approval by the superintendent and subject to underwriting by the insurer, consistent with the following standards or factors:

(a) claimants' rights are properly protected and claimants' benefits are paid without regard to any such deductible;

(b) appropriate premium reductions reflect the type and level of any deductible approved by the superintendent and selected by the policyholder;

(c) premium reductions for deductibles are determined before application of any experience modification, premium surcharge, or premium discount;

(d) recognition is given to policyholder characteristics, including size, financial capabilities, nature of activities, and number of employees;

(e) if the policyholder selects a deductible, the policyholder is liable to the insurer for the deductible amount in regard to benefits paid for compensable claims;

(f) the insurer pays all of the deductible amount, applicable to a compensable claim, to the person or provider entitled to benefits and then seeks reimbursement from the policyholder for the applicable deductible amount; and

(g) failure to reimburse deductible amounts by the policyholder to the insurer is treated under the policy in the same manner as nonpayment of premiums.