

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1544

By: Mass and Bonny of the House

and

Haney and Hobson of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the Workers' Compensation Court; making appropriations thereto; stating purposes; authorizing certain lease-purchase agreement acquisition; providing maximum term of lease-purchase agreement; stating certain budget categories; providing duties and compensation of employees; providing budgetary limitations on full-time-equivalent employees and expenditures; amending 85 O.S. 1991, Section 110, as amended by Section 8, Chapter 248, O.S.L. 2000 (85 O.S. Supp. 2000, Section 110), which relates to an employer inquiring into employee's previous workers' compensation claims; establishing search fee; modifying exceptions to request requirements; making appropriations nonfiscal; providing lapse dates; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. There is hereby appropriated to the Workers' Compensation Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Four Million Two Hundred Seventy-two Thousand Six Hundred Ninety-one Dollars (\$4,272,691.00) or so much thereof as may be necessary to perform the duties imposed upon the Workers' Compensation Court by law.

SECTION 2. There is hereby appropriated to the Workers' Compensation Court from any monies not otherwise appropriated from the Special Cash Fund of the State Treasury the sum of One Hundred

Thousand Dollars (\$100,000.00) or so much thereof as may be necessary to perform the duties imposed upon the Workers' Compensation Court by law.

SECTION 3. There is hereby appropriated to the Workers' Compensation Court from any monies not otherwise appropriated from the General Revenue Fund of the State Treasury for the fiscal year ending June 30, 2002, the sum of Two Hundred Twenty-three Thousand Thirty-two Dollars (\$223,032.00) or so much thereof as may be necessary to implement an Informal Dispute Resolution Program and to implement other reforms to the Workers' Compensation System as required.

SECTION 4. Pursuant to the requirements of paragraphs 3 and 4 of subsection K of Section 85.4 of Title 74 of the Oklahoma Statutes, the Workers' Compensation Court is hereby authorized to acquire a computer system by lease-purchase agreement. Further, the term of the lease-purchase agreement may be in excess of three (3) years but not to exceed five (5) years.

SECTION 5. For the fiscal year ending June 30, 2002, the Workers' Compensation Court shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
General Court Operations	\$4,247,936.00	\$5,630,026.00
Data Processing	<u>347,787.00</u>	<u>1,100,731.00</u>
TOTAL	\$4,595,723.00	\$6,684,776.00

SECTION 6. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Workers' Compensation Court by law shall be set by the Administrator. The Workers' Compensation Court for the fiscal year ending June 30, 2002, shall be subject to the following budgetary limitations on full-time-equivalent employees, excluding active retired judges, and expenditures, excluding expenditures for capital

and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

<u>Budgetary Limitation</u>	<u>Amount</u>
Full-time-equivalent Employees	113.0

SECTION 7. AMENDATORY 85 O.S. 1991, Section 110, as amended by Section 8, Chapter 248, O.S.L. 2000 (85 O.S. Supp. 2000, Section 110), is amended to read as follows:

Section 110. A. Except as otherwise provided by state or federal law and subject to the provisions of this section, an employer may inquire about previous workers' compensation claims paid to an employee while the employee was employed by a previous employer. If the employee fails to answer truthfully about any previous permanent partial disability awards made pursuant to workers' compensation claims, the employee shall be subject to discharge by the employer.

B. 1. All requests made to the Workers' Compensation Court for information on prior workers' compensation claims involving a worker, including written inquiries about prior claims and requests to access a worker's compensation claim file, must be in writing, on a form prescribed by the Administrator, and accompanied by a fee of One Dollar (\$1.00) per search request, not to exceed One Dollar (\$1.00) per claims record of a particular worker. The fee shall be deposited to the credit of the Administrator of Workers' Compensation Revolving Fund created by Section 95 of this title. The form shall require identification of the person requesting the information, and the person for whom a search is being made if different from the requester. The form must contain an affidavit signed by the requester under penalty of perjury that the information sought is not requested for a purpose in violation of state or federal law. The form must be used by all repositories of archived Workers' Compensation Court claim files. All request forms shall be maintained by the Administrator as a public record,

together with a record of a worker's written authorization permitting a search indexed by the worker's social security number as required by Section 3113 of Title 74 of the Oklahoma Statutes. The request forms and authorizations shall be indexed alphabetically by the last name of the worker.

2. This subsection shall not apply:

- a. to requests for claims information made by a public officer or by a public employee in the performance of his or her duties on behalf of a governmental entity or as may be allowed by law;
- b. to requests for claims information made by an insurer, self-insured employer, third-party claims administrator, or a legal representative thereof, when necessary to process or defend a worker's compensation claim;
- c. when a worker or the worker's representative requests review of the worker's claims information;
- d. when the disclosure is made for educational or research purposes and in such a manner that the disclosed information cannot be used to identify any worker who is the subject of a claim; and
- e. to requests for claims information made by a health care or rehabilitation provider or the provider's legal representative when necessary to process payment of health care or rehabilitation services rendered to a worker.

~~C. The Administrator shall develop recommendations for legislation and rules governing electronic and telephonic inquiries about information in workers' compensation claims files. The recommendations shall be submitted to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate no later than February 1, 2001.~~

SECTION 8. Appropriations made by this act, not including appropriations made for capital outlay purposes, may be budgeted for the fiscal year ending June 30, 2002 (hereafter FY-02) or may be budgeted for the fiscal year ending June 30, 2003 (hereafter FY-03). Funds budgeted for FY-02 may be encumbered only through June 30, 2002, and must be expended by November 15, 2002. Any funds remaining after November 15, 2002, and not budgeted for FY-03, shall lapse to the credit of the proper fund for the then current fiscal year. Funds budgeted for FY-03 may be encumbered only through June 30, 2003. Any funds remaining after November 15, 2003, shall lapse to the credit of the proper fund for the then current fiscal year. These appropriations may not be budgeted in both fiscal years simultaneously. Funds budgeted in FY-02, and not required to pay obligations for that fiscal year, may be budgeted for FY-03, after the agency to which the funds have been appropriated has prepared and submitted a budget work program revision removing these funds from the FY-02 budget work program and after such revision has been approved by the Office of State Finance.

SECTION 9. This act shall become effective July 1, 2001.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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