

An Act relating to workers' compensation; authorizing use of certain rates prior to filing; requiring filing within certain time; amending 36 O.S. 2001, Section 2007, which relates to the Property and Casualty Insurance Guaranty Association; modifying obligation of the Property and Casualty Insurance Guaranty Association; amending 40 O.S. 2001, Section 554, which relates to drug testing by employers; modifying circumstances under which certain testing may occur; amending 68 O.S. 2001, Section 2358, as last amended by Section 14, Chapter 322, O.S.L. 2004 (68 O.S. Supp. 2004, Section 2358), which relates to adjustments to taxable income; providing income tax deduction for certain employers that utilize a certain program offered by the Oklahoma Department of Labor; providing amount of exemption; amending 74 O.S. 2001, Section 18m-2, which relates to workers' compensation fraud; authorizing civil suit under certain circumstances; amending 85 O.S. 2001, Sections 3, as amended by Section 60, Chapter 329, O.S.L. 2003, 3.5, 11, 14, as amended by Section 1, Chapter 215, O.S.L. 2002, 14.2, 14.3, 16, 17, as amended by Section 2, Chapter 215, O.S.L. 2002, 22, 24.1, 26, 30, 43 and 44 (85 O.S. Supp. 2004, Sections 3, 14 and 17), which relate to definitions, places hearings to be held, medical attention, certified workplace medical plans, rehabilitation and job placement services, determination of disability, schedule of compensation, reports, notice forms, costs, and claims against third parties; adding definitions; removing definitions; modifying venue; authorizing Workers' Compensation Court to elect hearing site under certain circumstances; limiting hearing sites; requiring specified schools to provide quarters and technology for certain hearings; requiring certain persons to appear by videoconference; establishing mandatory Ombudsman Program; stating purpose; providing for rules; providing for filing of employer's first notice of injury; requiring mediation of certain claims; specifying time period for mediation; providing consequences if partially disabled employee refuses suitable employment; modifying process for selecting certain physicians; authorizing one change of physician; requiring certain process for change of physician; eliminating certain certified workplace medical plan enrollment option; requiring use of generic drugs under certain circumstances; limiting certain prescriptions; requiring certain employers to participate in certain plan; requiring implementation of site visit protocol; adding requirement for retraining; providing for noncompliance; providing requirements for medical testimony; providing burden of proof; requiring Court to give deference to certain testimony for specific purpose; providing that certain injuries, illnesses or deaths are not compensable, with exceptions; providing procedure for compensation for hearing; denying compensation to certain persons, with exception; providing for certain soft tissue injuries; modifying certain benefits; requiring certain evidence for award of specific benefit; stating exception; requiring Court to appoint independent medical examiner in certain circumstances; increasing certain benefits; making certain filings confidential; authorizing certain lump-sum payment; specifying payment period for certain award; requiring certain evidence for award of specified benefit; authorizing employers to collect attorney fees in certain circumstances; setting time limit for post-termination claims; modifying time for reopening claims; providing right of subrogation in certain circumstances; requiring CompSource Oklahoma to become a private, mutual company by a certain date; providing requirement for CompSource Oklahoma beginning on certain date; providing for transition coordinators and a transition team; providing duties; amending 85 O.S. 2001, Sections 172, 173, as amended by Section 4, Chapter 31, O.S.L.

2002, and 175, as amended by Section 3, Chapter 145, O.S.L. 2002 (85 O.S. Supp. 2004, Sections 173 and 175), which relate to the Multiple Injury Trust Fund; providing that for certain actions payment from the Multiple Injury Trust Fund shall be for permanent total disability; clarifying language; providing CompSource Oklahoma shall have standing and authority to appear in certain cases; repealing 36 O.S. 2001, Section 902.1, as last amended by Section 5, Chapter 519, O.S.L. 2004 (36 O.S. Supp. 2004, Section 902.1), which relates to workers' compensation insurance rates; repealing 85 O.S. 2001, Sections 3.9 and 3.10, which relate to a workers' compensation counselor program and voluntary mediation; providing for codification; providing for noncodification; and providing effective dates.