

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3113

By: Peterson (Ron)

4
5
6 AS INTRODUCED

7 An Act relating to workers' compensation; amending 85
8 O.S. 2001, Section 14.2, as last amended by Section
9 16, Chapter 1, 1st Extraordinary Session, O.S.L. 2005
10 (85 O.S. Supp. 2007, Section 14.2), which relates to
11 workplace medical plans; providing for selection of
12 treating physician by employee if employer offers any
13 health benefit plan; defining term; providing for
14 payment of costs associated with change in physician;
15 and providing an effective date.

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

17 SECTION 1. AMENDATORY 85 O.S. 2001, Section 14.2, as
18 last amended by Section 16, Chapter 1, 1st Extraordinary Session,
19 O.S.L. 2005 (85 O.S. Supp. 2007, Section 14.2), is amended to read
20 as follows:

21 Section 14.2 A. ~~If~~ Except as provided in subsections C and D
22 of this section, if a self-insured employer, group self-insurance
23 association plan, an employer's workers' compensation insurance
24 carrier or an insured, which shall include any member of an approved
group self-insured association, policyholder or public entity,
regardless of whether such entity is insured by CompSource, has

1 contracted with a workplace medical plan that is certified by the
2 State Commissioner of Health as provided in Section 14.3 of this
3 title, the employer shall select for the injured employee a treating
4 physician from the physicians listed within the network of the
5 certified workplace medical plan. The claimant may apply to the
6 certified workplace medical plan for a one-time change of physician
7 to another appropriate physician within the network of the certified
8 workplace medical plan by utilizing the dispute resolution process
9 set out in the certified workplace medical plan on file with the
10 State Department of Health.

11 Notwithstanding any other provision of law, those employees who
12 are subject to such certified workplace medical plan shall receive
13 medical treatment in the manner prescribed by the plan.

14 B. The provisions of this section shall not preclude:

15 1. An employee, who has exhausted the dispute resolution
16 process of the certified workplace medical plan, from petitioning
17 the Workers' Compensation Court or the Administrator of the Workers'
18 Compensation Court for a change of treating physician within the
19 certified workplace medical plan or, if a physician who is qualified
20 to treat the employee's injuries is not available within the plan,
21 for a change of physician outside the plan, if the physician agrees
22 to comply with all the rules, terms and conditions of the certified
23 workplace medical plan; or

24

1 2. An employee from seeking emergency medical treatment as
2 provided in Section 14 of this title.

3 C. If an employer offers, issues or renews any health benefit
4 plan in this state, the employee shall select a treating physician
5 from the physicians listed within the network of the health benefit
6 plan. As used in this subsection, "health benefit plan" means group
7 hospital or medical insurance coverage, a not-for-profit hospital or
8 medical service or indemnity plan, a prepaid health plan, a health
9 maintenance organization plan, a preferred provider organization
10 plan, the State and Education Employees Group Health Insurance Plan,
11 and coverage provided by a Multiple Employer Welfare Arrangement
12 (MEWA) .

13 D. If the employer offers a health benefit plan as provided for
14 in subsection C of this section, and the employee changes physicians
15 or seeks an additional medical opinion, the employee shall be
16 responsible for any additional costs incurred as a result of the
17 change in physician, regardless of whether that physician is within
18 the network of listed physicians under the health benefit plan
19 offered by the employer.

20 E. The provisions of this section shall not apply to treatment
21 received by an employee for an accepted accidental injury or
22 occupational disease for which treatment began prior to November 4,
23 1994.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 2. This act shall become effective November 1, 2008.

51-2-8437 MMP 12/31/07