

5/11/2011
Date Submitted

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

4:00 pm

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2652

By: Sullivan of the House and Coffey of the Senate

Title: Workers' compensation; relating to definitions; reporting requirements; Supreme Court authority; employer notices; disability requirements; compensation schedules; prohibits attorneys from withholding portion of judgment or settlement; revocation of workers' compensation license; Advisory Council on Workers' Compensation membership. Effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Senate Amendment No. 1; and
2. That the following Conference Committee Amendment be adopted on Page 1, Line 8, restore the Title to read as follows:

"An act relating to workers' compensation; amending 85 O.S. 2001, Section 3, as last amended Section 9, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 3), which relates to definitions; modifying definitions; amending 85 O.S. 2001, Section 3.1, which relates to death benefit definitions; modifying definitions; providing for compensation of certain alien nonresident dependents; limiting certain benefits to nonresident dependents; amending 85 O.S. 2001, Section 3.4, which relates to procedure for commencing workers' compensation claims; requiring certain employees to report injuries to employer in writing within a certain period providing that failure to report injuries shall relieve employer of duty to provide benefits to employee; requiring employers to develop certain reporting procedures; providing that certain signed statements shall bar employee from compensation; prohibiting employee remedies in certain circumstances; authorizing Workers' Compensation Court to promulgate certain rules for preliminary conferences; requiring claimants be advised of rights; authorizing Court to facilitate settlement of claims; providing for payment of certain fees; providing for the application of certain rules of evidence; specifying burden of proof; specifying the use of certain reports and deposition by Court; amending 85 O.S. 2001, Section 3.6, which relates to appellate procedures for worker compensation claims; restricting Supreme Court authority to reverse certain decisions to specific issues or grounds; authorizing Supreme Court to require a bond in certain cases; amending 85 O.S. 2001, Section 3.7, which relates to powers and duties of the Workers' Compensation Administrator; modifying authority of the Administrator; amending 85 O.S. 2001, Section 11, as

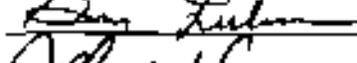
amended by Section 77, Chapter 264, O.S.L. 2006 (85 O.S. Supp. 2009, Section 11), which relates to employer payment of certain compensation; modifying compensation requirement; amending 85 O.S. 2001, Section 12, as amended by Section 14, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 12), which relates to employer liability; specifying applicability to certain employers; modifying scope of immunity; providing penalty for failure to secure compensation; authorizing Court to serve certain orders for certain violations; providing employers opportunity to contest certain Court orders; allowing for hearings to contest certain orders; specifying burden of employer to overturn certain orders; providing for hearings in certain disputes between employers and insurers; requiring Court to notify insurer of certain hearings; requiring insurer to respond to certain notice of hearing within a certain period; authorizing Court to assess certain fines for certain violations; providing Court authority to petition district court in certain circumstances; authorizing Court to seek certain injunction; requiring employers to post certain notices; specifying notice requirements; specifying that employers shall not be liable for certain injuries; amending 85 O.S. 2001, Section 14, as last amended by Section 15, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 14), which relates to the provision of medical services after an injury; providing for the limitation of certain medical treatments; providing for the ongoing service and replacement of certain medical devices; amending 85 O.S. 2001, Section 14.3, as amended by Section 17, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 14.3), which relates to certified workplace medical plans; extending period an insured may contract with an independent insurer in certain circumstances; requiring employees to obtain written confirmation that dispute resolution has been exhausted; specifying that certain medical evaluations shall not be admissible if certain conditions have not been met; requiring all state agencies to adopt and implement certain certified workplace plan; amending 85 O.S. 2001, Section 15, which relates to employer requirement of providing prosthetic devices in certain circumstances; clarifying language; amending 85 O.S. 2001, Section 16, as amended by Section 18, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 16), which relates to vocational rehabilitation and job placement services; requiring Court to hire a Vocational Rehabilitation Director; establishing qualifications of Vocational Rehabilitation Director; specifying duties of Vocational Rehabilitation Director; authorizing the request of vocational rehabilitation services by parties to a compensation claim under certain circumstances; authorizing Vocational Rehabilitation Director to issue certain administrative orders; providing that such administrative orders are appealable to Court; authorizing Director to assign certain vocational rehabilitation counselors in certain circumstances; providing certain services to be paid by employer; authorizing concurrent medical treatment and vocational rehabilitation services; extending duration of vocational rehabilitation services or training; specifying that vocational rehabilitation services shall be payable only to rehabilitating provider; extending time frame for certain vocational rehabilitation services; prohibiting the inclusion of certain payments for vocational rehabilitation services in calculation of legal fees; extending time frame for receipt of certain benefits; amending 85 O.S. 2001, Section 22, as last amended by Section 1, Chapter 172, O.S.L. 2009 (85 O.S. Supp. 2009, Section 22), which relates to compensation schedules for specific injuries; providing that the loss of certain body parts shall constitute total disability; prohibiting the receipt of both permanent total disability and any other benefit simultaneously; authorizing annual certification of continuing disability; providing authority to Court to refer certain cases to fraud unit; modifying eligibility for extension of benefits for certain soft tissue injuries; establishing partial disability rates for injuries incurred on or after certain date; specifying that the odd-lot doctrine shall not apply in permanent disability cases; providing for the receipt of certain benefits for injuries incurred prior to certain date; providing the maximum amount of compensation to be paid for certain disabilities; amending 85 O.S. 2001, Section 24.2, which relates to notice requirements for certain injuries; modifying notice requirements; amending 85 O.S. 2001, Section 26, as amended by Section 22, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 26), which relates to specific notice requirements; removing

requirement that Administrator or certain judges approve certain settlements; removing requirement that Court promulgate certain rules with respect to compromise settlements; removing authority of Court to make certain rulings with respect to payment of certain compromise settlements; removing authority of Court to make certain final decisions; authorizing Court to review any compensation order, decision or award; providing for the review by the Court of certain terminated benefits for certain reasons; authorizing Court to make certain determinations upon review of certain compensation orders; authorizing Court to correct certain clerical errors; amending 85 O.S. 2001, Section 30, as amended by Section 23, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 30), which relates to certain costs and penalties; modifying certain settlement offer requirements; extending certain settlement deadlines; limiting amount claimant's attorney may be compensated in certain settlement agreements; removing authority of Court to award certain attorney fees; prohibiting claimant attorney from deducting or withholding certain portions of settlement proceeds from claimant for certain uses; amending 85 O.S. 2001, Section 41, which relates to the payment of certain permanent partial or permanent total awards; removing authority for certain injured persons to receive lump-sum awards; amending 85 O.S. 2001, Section 41.1, which relates to deductions and credits for certain awards; authorizing employers or insurers to deduct certain payments made from certain permanent disability awards; removing authority of certain self-insured employers to receive credit for certain overpayments; amending 85 O.S. 2001, Section 42, which relates to the nonpayment or failure to pay awards under certain circumstances; modifying applicable interest rate; amending 85 O.S. 2001, Section 43, as amended by Section 24, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 43), which relates to time limitations of injury or death claims; reducing amount of time a claimant may claim certain compensation after injury; restricting the filing of certain claims after last medical treatment; reducing amount of time a claimant may seek compensation for certain repeated trauma injuries; reducing amount of time a claimant may make certain claims after termination of employment; reducing amount of time a claimant may pursue a hearing on certain claims; reducing amount of time claims may be heard after termination of payments; authorizing Court to reopen certain claims; amending 85 O.S. 2001, Section 44, as amended by Section 25, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 44), which relates to certain claims against third parties; removing prohibition against employer or insurer pursuing the right of subrogation in certain circumstances; eliminating cause of action against third parties in certain circumstances; amending 85 O.S. 2001, Section 45, which relates to the determination of certain benefits; providing that the unemployment laws of any other state shall not result in duplicative payment of certain benefits; amending 85 O.S. 2001, Section 47.1, which relates to waiver of compensation by employees in certain circumstances; updating agency designation; amending 85 O.S. 2001, Section 64, as last amended by Section 79, Chapter 264, O.S.L. 2006 (85 O.S. Supp. 2009, Section 64), which relates to insurance policy requirements; requiring that insurers have complete settlement authority to attend certain dispute resolution proceedings; specifying that certain violations shall be subject to certain penalties in dispute resolution proceedings; amending 85 O.S. 2001, Section 110, as amended by Section 1, Chapter 338, O.S.L. 2002 (85 O.S. Supp. 2009, Section 110), which relates to inquiry into an employee's prior claims; providing that an employee's failure to answer truthfully certain inquiries into past injuries shall subject the employee to discharge; amending 85 O.S. 2001, Section 112, which relates to the Advisory Council on Workers' Compensation; modifying membership and requirements for appointments; providing for selection of a chair; prohibiting certain professionals from serving on the Advisory Council; modifying quorum requirement of the Advisory Council; amending 85 O.S. 2001, Section 201.1, as last amended by Section 31, Chapter 1, 1st Extraordinary Session, O.S.L. 2005 (85 O.S. Supp. 2009, Section 201.1), which relates to the creation of a Physician Advisory Committee; modifying duties; defining terms; repealing 85 O.S. 2001, Section 21, which relates to certain wage computations; repealing 85 O.S. 2001, Section 28, which relates to authority of court to modify awards; repealing

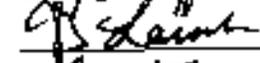
85 O.S. 2001, Section 122, which relates to right of employees to recover certain damages; repealing 85 O.S. 2001, Section 201.2, which relates to the development of certain Physician Advisory Committee recommendations; providing for codification; and providing an effective date.

Respectfully submitted,

HOUSE CONFEREES

Sullivan 
McDaniel (Randy) 
McCullough 
Liebmann 
Carey 
Lemons 

SENATE CONFEREES

Coffee 
Lamb 
Coates 
Laster _____
Burrage _____