

SB 988

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THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 988  
As Amended

SENATE BILL NO. 988 - By: Crain of the Senate and Sullivan of the House.

[ workers' compensation - requirements - coverage -  
codification - effective date ]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.12 of Title 85, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, an employer who pays at least seventy-five per cent (75%) of an employee's health insurance premium for medical expenses may require the employee to seek resolution of a workers' compensation claim through mediation.

B. An employer may require a covered employee to seek resolution of a workers' compensation claim through mediation only if the annual health care deductible required to be paid by the employee does not exceed One Thousand Dollars (\$1,000.00) and the co-pay does not exceed twenty percent (20%) of the charge for medical services. The maximum annual out-of-pocket expense, not including any premium payment, for a covered employee shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

1 C. The employer shall not be required to provide health  
2 insurance coverage to the spouse or dependants of the employee in  
3 order to compel mediation in a workers' compensation claim.

4 D. If the mediated claim is not resolved, it shall go before  
5 the district court, in the county where the injury occurred, for  
6 resolution.

7 E. The district court shall use the workers' compensation fee  
8 schedule, found in Section 22 of Title 85 of the Oklahoma Statutes,  
9 when determining the claim.

10 F. The court shall not allow for a jury trial in the resolution  
11 of a workers' compensation claim.

12 SECTION 2. This act shall become effective November 1, 2009.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO  
14 PASS, As Amended and Coauthored.