

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 988

By: Crain

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5  
6 AS INTRODUCED

7 An Act relating to workers' compensation; allowing  
8 certain requirements; limiting coverage; establishing  
9 resolution; providing codification; and providing an  
10 effective date.

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

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

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

20 B. An employer may require a covered employee to seek  
21 resolution of a workers' compensation claim through mediation only  
22 if the annual health care deductible required to be paid by the  
23 employee does not exceed One Thousand Dollars (\$1,000.00) and the  
24 co-pay does not exceed twenty percent (20%) of the charge for

1 medical services. The maximum annual out-of-pocket expense, not  
2 including any premium payment, for a covered employee shall not  
3 exceed Two Thousand Five Hundred Dollars (\$2,500.00).

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

7 D. If the mediated claim is not resolved, it shall go before  
8 the district court, in the county where the injury occurred, for  
9 resolution.

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

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

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

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17 52-1-47 MRB 3/6/2009 8:03:49 AM

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