

BILL SUMMARY
2nd Session of the 52nd Legislature

Bill No.:	HB2650
Version:	CCS
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Date:	5/26/2010
Impact:	\$0

Bill Summary

Research Analyst: Arnella Karges

The Conference Committee Substitute (CCS) for HB2650 amends provisions of the Workers' Compensation Act, relating to definitions, compensation schedules for injuries, and adds new sections. Definitions as used in the Workers' Compensation Act are amended as follows:

- amends the definition of "employee" to specifically exclude individuals who are party to a franchise agreement;
- amends the definition of "insurance carrier" to include CompSource Oklahoma;
- amends the definition of "major cause" to mean more than fifty percent of the resulting injury, disease or illness. A finding that the workplace was not a major cause of the injury shall not create a separate cause of action outside the workers' compensation title;
- amends the definition of "objective medical evidence" to include objective findings which means findings not under the voluntary control of the patient, listing medical tests that suffice;
- creates a definition for "surgery" to not include an injection.

For clarification, the CCS also creates definitions for "continuing medical maintenance," "evidence-based," "nationally recognized," "scientifically based," "peer review," and "state-developed."

The CCS exempts injuries occurring outside the course of employment from coverage under the act and outlines when an employee is considered in the course of employment.

The CCS requires that liability be exclusive of all other liability of the employer and any employees except in the case of an intentional tort or where the employer has failed to secure the payment of compensation for the injured employee.

The CCS specifies that in the event employers make a good faith effort to provide a light-duty position for the claimant's same rate of pay, and if the claimant refuses such work, the claimant is not entitled to temporary total disability.

The CCS prohibits continuing medical maintenance to be awarded by the Workers' Compensation Court (OWCC) unless recommended by the treating doctor or there is clear and convincing evidence to the contrary.

The CCS ends pay for permanent total disability cases once the employee reaches the age of 100 percent Social Security retirement or for a period of fifteen years, whichever is longer. The CCS provides for benefits to continue to the beneficiary for same period of time, in case of a death of the employee unrelated to workers' compensation injury or illness.

The CCS establishes new compensation schedules for permanent partial disability (PPD) for loss of digits, limbs, sight, or hearing, permanent disfigurement, hernia, and soft tissue injuries. The weekly compensation, based upon 70 percent of the employee's average weekly wages, shall not be less than \$150 per week, but not more than \$323 per week. After five years, PPD payments must be 70 percent of the employee's average weekly wages, but not more than fifty percent of the state's average weekly wage.

The CCS amends duties of the Physician Advisory Committee to design guidelines, as required, that will assist providers by offering a framework for the evaluation and treatment of injured workers. The CCS requires the OWCC to be bound by the findings and recommendations of the Committee regarding reasonable and necessary medical treatment, unless there is clear and convincing evidence to the contrary. Any order for medical care not consistent with the Committee's recommendations must include specific findings to support the deviation in care. The CCS strikes the requirement that the Committee must consider the standards found in the Occupational Medicine Practice Guidelines as developed by the American College of Occupational and Environmental Medicine.

The CCS creates the Task Force on Vocational Rehabilitation for Injured Workers to study methods to improve vocational rehabilitation programs. The 10-member Task Force shall be appointed by the Governor, Speaker, and President Pro Tempore, representing employees, employers, doctors, labor, insurance carriers and vocational experts. The CCS requires the Task Force to submit a report of its findings to the legislative leaders by November 31, 2010.

Fiscal Summary

Fiscal Analyst: Marilyn Anderson

The CCS for HB2650 exempts injuries occurring outside the course of employment; requires payments for permanent total disability cease one the employee becomes eligible for full social security retirement or a period of fifteen years, whichever is longer; establishes new compensation schedules for permanent partial disability; creates a task force to study methods to improve vocational rehabilitation programs; requires injured employees to select certain type of legal action; and prohibits immunity from liability in workers' compensation cases if an employer committed a conscious voluntary and deliberate act with the specific intent of causing injury to an employee.

Fiscal Analysis

The CCS for HB2650 has no significant fiscal impact.

Long Term Fiscal Considerations

None

Fiscal Analysis Reviewed By:

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