

ENROLLED HOUSE
BILL NO. 2038

By: Sullivan and Sherrer of the
House

and

Sykes of the Senate

An Act relating to workers' compensation; amending 85 O.S. 2001, Section 3.7, which relates to the powers and duties of the Workers' Compensation Court Administrator; and modifying duties.

SUBJECT: Workers' Compensation Court Administrator

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

SECTION 1. AMENDATORY 85 O.S. 2001, Section 3.7, is amended to read as follows:

Section 3.7 The Administrator shall have the following powers and duties:

1. To hear and approve settlements pursuant to direction by the judges of the Court;
2. To review and approve "own-risk" applications and group ~~Self-insurance~~ self-insurance associations applications;
3. To monitor "own-risk", self-insurer and group self-insurance programs in accordance with the rules of the Court;
4. To establish a toll-free telephone number in order to provide information and answer questions about the Court;
5. To hear and determine claims concerning disputed medical bills;

6. To promulgate necessary rules subject to the approval of the presiding judge;

7. Such other duties and responsibilities authorized by law or as the judges of the Court may prescribe;

8. To adopt rules which require every insurance company, ~~the State Insurance Fund~~ Compsource Oklahoma and every self-insurer authorized to transact workers' compensation insurance in this state to report to the Administrator its statistical experience and its experience regarding the utilization of independent medical examiners in permanent disability cases during the period from July 1, 1995, to July 1, 1997. The information regarding utilization of independent medical examiners shall include, but not be limited to, the number of independent medical examiner appointments, the parties requesting the independent medical examiner, the doctors participating and the number of evaluations done by each, a summary of awards and settlements, medical costs, and duration of temporary total disability. The Administrator shall compile the information collected and present a report of ~~his~~ the findings to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Governor, the Advisory Council on Workers' Compensation and the Physician Advisory Committee; ~~and~~

9. To adopt rules which impose an administrative penalty of One Hundred Dollars (\$100.00) for each day an insurance company or self-insurer fails to provide the information required pursuant to paragraph 8 of this section; and

10. To track, compile and report annually to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives the following information:

- a. the percentage of cases which result in one surgery, in two surgeries and in more than two surgeries,
- b. the average length of temporary total disability in cases in which the claimant has an attorney compared to cases in which the claimant is not represented by an attorney,
- c. the amount of permanent partial disability awards in cases in which the claimant is represented by an attorney compared to the amount of permanent partial

disability awards in cases in which the claimant is not represented by an attorney,

- d. the percentage of cases in which magnetic resonance imaging (MRI) or other advanced diagnostic tests are performed,
- e. the percentage of cases which include physical therapy,
- f. the percentage of cases in which pain management is ordered,
- g. the percentage of cases in which the duration of treatment exceeds the guidelines of the Physician Advisory Committee, and
- h. the percentage of cases in which vocational rehabilitation is successful.

Passed the House of Representatives the 17th day of March, 2011.

Presiding Officer of the House of
Representatives

Passed the Senate the 11th day of April 2011.

Presiding Officer of the Senate