

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2038

By: Sullivan

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8 COMMITTEE SUBSTITUTE

9 An Act relating to workers' compensation; amending 85
10 O.S. 2001, Section 3.7, which relates to the powers
11 and duties of the Workers' Compensation Court
12 Administrator; modifying duties; providing an
13 effective date; and declaring an emergency.

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

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

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

19 1. To hear and approve settlements pursuant to direction by the
20 judges of the Court;

21 2. To review and approve "own-risk" applications and group
22 ~~Self insurance~~ self-insurance associations applications;

- 1 3. To monitor "own-risk", self-insurer and group self-insurance
2 programs in accordance with the rules of the Court;
- 3 4. To establish a toll-free telephone number in order to
4 provide information and answer questions about the Court;
- 5 5. To hear and determine claims concerning disputed medical
6 bills;
- 7 6. To promulgate necessary rules subject to the approval of the
8 presiding judge;
- 9 7. Such other duties and responsibilities authorized by law or
10 as the judges of the Court may prescribe;
- 11 8. To adopt rules which require every insurance company, ~~the~~
12 ~~State Insurance Fund~~ Compsource Oklahoma and every self-insurer
13 authorized to transact workers' compensation insurance in this state
14 to report to the Administrator its statistical experience and its
15 experience regarding the utilization of independent medical
16 examiners in permanent disability cases during the period from July
17 1, 1995, to July 1, 1997. The information regarding utilization of
18 independent medical examiners shall include, but not be limited to,
19 the number of independent medical examiner appointments, the parties
20 requesting the independent medical examiner, the doctors
21 participating and the number of evaluations done by each, a summary
22 of awards and settlements, medical costs, and duration of temporary
23 total disability. The Administrator shall compile the information

1 collected and present a report of ~~his~~ the findings to the President
2 Pro Tempore of the Senate, the Speaker of the House of
3 Representatives, the Governor, the Advisory Council on Workers'
4 Compensation and the Physician Advisory Committee; ~~and~~

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

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

12 a. the percentage of cases which result in one surgery,
13 in two surgeries and in more than two surgeries,

14 b. the average length of temporary total disability in
15 cases in which the claimant has an attorney compared
16 to cases in which the claimant is not represented by
17 an attorney,

18 c. the amount of permanent partial disability awards in
19 cases in which the claimant is represented by an
20 attorney compared to the amount of permanent partial
21 disability awards in cases in which the claimant is
22 not represented by an attorney,

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- 1 d. the percentage of cases in which magnetic resonance
2 imaging (MRI) or other advanced diagnostic tests are
3 performed,
- 4 e. the percentage of cases which include physical
5 therapy,
- 6 f. the percentage of cases in which pain management is
7 ordered,
- 8 g. the percentage of cases in which the duration of
9 treatment exceeds the guidelines of the Physician
10 Advisory Committee, and
- 11 h. the percentage of cases in which vocational
12 rehabilitation is successful.

13 SECTION 2. This act shall become effective July 1, 2011.

14 SECTION 3. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-01-2011 - DO
20 PASS, As Amended.