

1 **SENATE FLOOR VERSION**

2 March 31, 2011

3 ENGROSSED HOUSE
4 BILL NO. 2038

By: Sullivan and Sherrer of the
House

5 and

6 Sykes of the Senate

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8
9 An Act relating to workers' compensation; amending 85
10 O.S. 2001, Section 3.7, which relates to the powers
and duties of the Workers' Compensation Court
11 Administrator; and modifying duties.

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

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

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

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

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

22 3. To monitor "own-risk", self-insurer and group self-insurance
23 programs in accordance with the rules of the Court;

- 1 4. To establish a toll-free telephone number in order to
2 provide information and answer questions about the Court;
- 3 5. To hear and determine claims concerning disputed medical
4 bills;
- 5 6. To promulgate necessary rules subject to the approval of the
6 presiding judge;
- 7 7. Such other duties and responsibilities authorized by law or
8 as the judges of the Court may prescribe;
- 9 8. To adopt rules which require every insurance company, ~~the~~
10 ~~State Insurance Fund~~ Compsource Oklahoma and every self-insurer
11 authorized to transact workers' compensation insurance in this state
12 to report to the Administrator its statistical experience and its
13 experience regarding the utilization of independent medical
14 examiners in permanent disability cases during the period from July
15 1, 1995, to July 1, 1997. The information regarding utilization of
16 independent medical examiners shall include, but not be limited to,
17 the number of independent medical examiner appointments, the parties
18 requesting the independent medical examiner, the doctors
19 participating and the number of evaluations done by each, a summary
20 of awards and settlements, medical costs, and duration of temporary
21 total disability. The Administrator shall compile the information
22 collected and present a report of ~~his~~ the findings to the President
23 Pro Tempore of the Senate, the Speaker of the House of
24

1 Representatives, the Governor, the Advisory Council on Workers'
2 Compensation and the Physician Advisory Committee; ~~and~~

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

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

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

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

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

21 d. the percentage of cases in which magnetic resonance
22 imaging (MRI) or other advanced diagnostic tests are
23 performed,

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- 1 e. the percentage of cases which include physical
2 therapy,
3 f. the percentage of cases in which pain management is
4 ordered,
5 g. the percentage of cases in which the duration of
6 treatment exceeds the guidelines of the Physician
7 Advisory Committee, and
8 h. the percentage of cases in which vocational
9 rehabilitation is successful.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-29-11 - DO
11 PASS.