

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3717 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin Wallace

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3717

By: Wallace and Casey of the
House

and

David and Fields of the
Senate

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to workers' compensation; creating the Multiple Injury Trust Fund Recovery Act; stating purpose; amending Section 6, Chapter 208, O.S.L. 2013, as amended by Section 1, Chapter 390, O.S.L. 2015, Section 30, Chapter 208, O.S.L. 2013, Section 31, Chapter 208, O.S.L. 2013, as amended by Section 3, Chapter 344, O.S.L. 2015, Sections 32, 33, 34 and 82, Chapter 208, O.S.L. 2013 and Section 165, Chapter 208, O.S.L. 2013, as amended by Section 4, Chapter 344, O.S.L. 2015 (85A O.S. Supp. 2017, Sections 6, 30, 31, 32, 33, 34, 82 and 122), which relate to the Administrative Workers' Compensation Act; updating reference to certain fund; eliminating certain funding to the Workers' Compensation Fraud Investigation Unit; modifying definition of physically impaired person; modifying duration of permanent disability payments; modifying application to certain adjudications; modifying assessment procedure for the Multiple Injury Trust Fund; providing definitions; modifying maximum amount of certain assessments; requiring the Oklahoma Tax Commission to assess and collect certain assessments; modifying fine; establishing interest rate for accrued and unpaid compensation from the Multiple Injury Trust Fund; modifying appointment authority

1 for MITF Director; providing for permanent total
2 disability awards from the Multiple Injury Trust Fund
3 for physically impaired persons; providing certain
4 requirements; requiring offers to be conveyed within
5 a certain time; prohibiting subsequent claims in
6 certain circumstances; clarifying when attorney
7 awards vest; modifying statute of limitations;
8 modifying authority of the MITF Director; modifying
9 administration of the Multiple Injury Trust Fund;
10 modifying definition of controverted claim; modifying
11 procedure required for payment of legal fees;
12 modifying apportionments from the Multiple Injury
13 Trust Fund; amending Section 169, Chapter 208, O.S.L.
14 2013 (85A O.S. Supp. 2017, Section 400), which
15 relates to the Workers' Compensation Court of
16 Existing Claims; modifying certain terms of office;
17 changing manner in which vacancies are filled;
18 providing duties and responsibilities of the
19 Presiding Judge; clarifying scope of jurisdiction of
20 the Court; changing appeal process; eliminating
21 certain duties and powers of administrative law
22 judges; repealing Section 15, Chapter 208, O.S.L.
23 2013 (85A O.S. Supp. 2016, Section 15), which relates
24 to a Fraud Investigation funding report; providing
for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

Sections 3 through 9 of this act shall be known and may be cited
as the "Multiple Injury Trust Fund Recovery Act". The purpose of
this act is to change eligibility criteria for claims against the
Multiple Injury Trust Fund and to provide additional funding for
said Fund from nongovernment sources to minimize legislative

1 appropriation to secure the Fund as a general obligation of the
2 State of Oklahoma.

3 SECTION 2. AMENDATORY Section 6, Chapter 208, O.S.L.
4 2013, as amended by Section 1, Chapter 390, O.S.L. 2015 (85A O.S.
5 Supp. 2016, Section 6), is amended to read as follows:

6 Section 6.

7 A. 1. a. Any person or entity who makes any material false
8 statement or representation, who willfully and
9 knowingly omits or conceals any material information,
10 or who employs any device, scheme, or artifice, or who
11 aids and abets any person for the purpose of:

12 (1) obtaining any benefit or payment,

13 (2) increasing any claim for benefit or payment, or

14 (3) obtaining workers' compensation coverage under
15 this act,

16 shall be guilty of a felony punishable pursuant to
17 Section 1663 of Title 21 of the Oklahoma Statutes.

18 b. A material false statement or representation includes,
19 but is not limited to, attempting to obtain treatment
20 or compensation for body parts that were not injured
21 in the course and scope of employment.

22 c. Fifty percent (50%) of any criminal fine imposed and
23 collected under this section shall be paid and
24 allocated in accordance with applicable law to the

Workers' Compensation Commission Revolving Fund
administered by the Workers' Compensation Commission.

2. Any person or entity with whom any person identified in division (1) of subparagraph a of paragraph 1 of this subsection has conspired to achieve the proscribed ends shall, by reason of such conspiracy, be guilty as a principal of a felony.

B. A copy of division (1) of subparagraph a of paragraph 1 of subsection A of this section shall be included on all forms prescribed by the Commission for the use of injured employees claiming benefits and for the use of employers in responding to employees' claims under this act.

C. Where the Commission or the Attorney General finds that a violation of division (1) of subparagraph a of paragraph 1 of subsection A of this section has been committed, or that any other criminal violations in furtherance of this act were committed, the chair of the Commission or the Attorney General shall refer the matter for appropriate action to the prosecuting attorney having criminal jurisdiction over the matter.

D. 1. a. There shall be established within the Office of the Attorney General a Workers' Compensation Fraud Investigation Unit, ~~funded by the Commission~~. The Attorney General shall appoint a Director of the Workers' Compensation Fraud Investigation Unit, who may also serve as the director of any other designated

1 insurance fraud investigation division within the
2 Attorney General's office.

3 b. (1) The Unit shall investigate workers' compensation
4 fraud, any additional criminal violations that
5 may be related to workers' compensation fraud,
6 and any other insurance fraud matters as may be
7 assigned at the discretion of the Attorney
8 General.

9 (2) The Attorney General shall designate the
10 personnel assigned to the Unit, who, on meeting
11 the qualifications established by the Oklahoma
12 Council on Law Enforcement Education and
13 Training, shall have the powers of specialized
14 law enforcement officers of the State of Oklahoma
15 for the purpose of conducting investigations
16 under this subparagraph. Personnel hired as
17 specialized law enforcement officers shall have a
18 minimum of three (3) years of certified law
19 enforcement experience or its equivalent in
20 national or military law enforcement experience
21 as approved by the Oklahoma Council on Law
22 Enforcement Education and Training.

23 2. The Attorney General and his or her deputies and assistants
24 and the Director of the Workers' Compensation Fraud Investigation

1 Unit and his or her deputies and assistants shall be vested with the
2 power of enforcing the requirements of this section.

3 3. It shall be the duty of the Unit to assist the Attorney
4 General in the performance of his or her duties. The Unit shall
5 determine the identity of employees in this state who have violated
6 division (1) of subparagraph a of paragraph 1 of subsection A of
7 this section and report the violation to the Office of the Attorney
8 General and the Commission. The Attorney General shall report the
9 violation to the prosecuting attorney having jurisdiction over the
10 matter.

11 4. a. In the course of any investigation being conducted by
12 the Unit, the Attorney General and his or her deputies
13 and assistants and the Director and his or her
14 deputies and assistants shall have the power of
15 subpoena and may:

- 16 (1) subpoena witnesses,
17 (2) administer oaths or affirmations and examine any
18 individual under oath, and
19 (3) require and compel the production of records,
20 books, papers, contracts, and other documents.

21 b. The issuance of subpoenas for witnesses shall be
22 served in the same manner as if issued by a district
23 court.
24

- 1 c. (1) Upon application by the commissioner or the
2 Director of the Unit, the district court located
3 in the county where a subpoena was served may
4 issue an order compelling an individual to comply
5 with the subpoena to testify.
- 6 (2) Any failure to obey the order of the court may be
7 punished as contempt.
- 8 d. If any person has refused in connection with an
9 investigation by the Director to be examined under
10 oath concerning his or her affairs, then the Director
11 is authorized to conduct and enforce by all
12 appropriate and available means any examination under
13 oath in any state or territory of the United States in
14 which any officer, director, or manager may then
15 presently be to the full extent permitted by the laws
16 of the state or territory.
- 17 e. In addition to the punishments described in paragraph
18 1 of subsection A of this section, any person
19 providing false testimony under oath or affirmation in
20 this state as to any matter material to any
21 investigation or hearing conducted under this
22 subparagraph, or any workers' compensation hearing,
23 shall upon conviction be guilty of perjury.
24

1 5. Fees and mileage of the officers serving the subpoenas and
2 of the witnesses in answer to subpoenas shall be as provided by law.

3 6. a. Every carrier or employer who has reason to suspect
4 that a violation of division (1) of subparagraph a of
5 paragraph 1 of subsection A of this section has
6 occurred shall be required to report all pertinent
7 matters to the unit.

8 b. No carrier or employer who makes a report for a
9 suspected violation of division (1) of subparagraph a
10 of paragraph 1 of subsection A of this section by an
11 employee shall be liable to the employee unless the
12 carrier or employer knowingly and intentionally
13 included false information in the report.

14 c. (1) Any carrier or employer who willfully and
15 knowingly fails to report a violation under
16 division (1) of subparagraph a of paragraph 1 of
17 subsection A of this section shall be guilty of a
18 misdemeanor and on conviction shall be punished
19 by a fine not to exceed One Thousand Dollars
20 (\$1,000.00).

21 (2) Fifty percent (50%) of any criminal fine imposed
22 and collected under this subparagraph shall be
23 paid and allocated in accordance with applicable
24 law to the fund administered by the Commission.

1 d. Any employee may report suspected violations of
2 division (1) of subparagraph a of paragraph 1 of
3 subsection A of this section. No employee who makes a
4 report shall be liable to the employee whose suspected
5 violations have been reported.

6 E. 1. For the purpose of imposing criminal sanctions or a fine
7 for violation of the duties of this act, the prosecuting attorney
8 shall have the right and discretion to proceed against any person or
9 organization responsible for such violations, both corporate and
10 individual liability being intended by this act.

11 2. The prosecuting attorney of the district to whom a suspected
12 violation of subsection A of this section, or any other criminal
13 violations that may be related thereto, have been referred shall,
14 for the purpose of assisting him or her in such prosecutions, have
15 the authority to appoint as special deputy prosecuting attorneys
16 licensed attorneys-at-law in the employment of the Unit or any other
17 designated insurance fraud investigation division within the
18 Attorney General's office. Such special deputy prosecuting
19 attorneys shall, for the purpose of the prosecutions to which they
20 are assigned, be responsible to and report to the prosecuting
21 attorney.

22 F. Notwithstanding any other provision of law, investigatory
23 files as maintained by the Attorney General's office and by the Unit
24 shall be deemed confidential and privileged. The files may be made

1 open to the public once the investigation is closed by the Director
2 of the Workers' Compensation Fraud Investigation Unit with the
3 consent of the Attorney General.

4 G. The Attorney General, with the cooperation and assistance of
5 the Commission, is authorized to establish rules as may be necessary
6 to carry out the provisions of this section.

7 H. Nothing in this section shall be deemed to create a civil
8 cause of action.

9 I. The Commission shall include a statement on all forms for
10 notices and instructions to employees, employers, carriers and
11 third-party administrators that any person who commits workers'
12 compensation fraud, upon conviction, shall be guilty of a felony
13 punishable by imprisonment, a fine or both.

14 J. If an injured employee is charged with workers' compensation
15 fraud, any pending workers' compensation proceeding, including
16 benefits, shall be stayed after the preliminary hearing is concluded
17 and the claimant is bound over and shall remain stayed until the
18 final disposition of the criminal case. All notice requirements
19 shall continue during the stay.

20 K. If the Attorney General's Office is in compliance with the
21 discovery provisions of Section 258 of Title 22 of the Oklahoma
22 Statutes, medical records created for the purpose of treatment and
23 medical opinions obtained during the investigation shall be
24 admissible at the preliminary hearing without the appearance of the

1 medical professional creating such records or opinions. However,
2 when material evidence dispositive to the issues of whether there
3 was probable cause the crime was committed and whether the defendant
4 committed the crime, was not included in a report or opinion
5 admitted at preliminary hearing, but might be presented at a
6 pretrial hearing by a medical professional who created such report
7 or opinion, the judge may, upon the motion of either party, order
8 the appearance of the medical professional creating such report or
9 opinion. Questions of fact regarding the conduct of the defendant
10 that conflict with the findings of the medical professional
11 evaluating the defendant shall not constitute material evidence. In
12 the event of such motion, notice shall be given to the Attorney
13 General's Workers Compensation Fraud and Investigation and
14 Prosecution Unit. A hearing shall be held and, if the motion is
15 granted, the evidence shall not be presented fewer than five (5)
16 days later.

17 L. Any person or entity who, in good faith and exercising due
18 care, reports suspected workers' compensation fraud or insurance
19 fraud, or who allows access to medical records or other information
20 pertaining to suspected workers' compensation or insurance fraud, by
21 persons authorized to investigate a report concerning the workers'
22 compensation and insurance fraud, shall have immunity from any civil
23 or criminal liability for such report or access. Any such person or
24 entity shall have the same immunity with respect to participation in

1 any judicial proceeding resulting from such reports. For purposes
2 of any civil or criminal proceeding, there shall be a presumption of
3 good faith of any person making a report, providing medical records
4 or providing information pertaining to a workers' compensation or
5 insurance fraud investigation by the Attorney General, and
6 participating in a judicial proceeding resulting from a subpoena or
7 a report.

8 SECTION 3. AMENDATORY Section 30, Chapter 208, O.S.L.
9 2013 (85A O.S. Supp. 2017, Section 30), is amended to read as
10 follows:

11 Section 30. A. For the purposes of Sections 31 through 35 of
12 this ~~act~~ title, the term "physically impaired person" means a person
13 who, as a result of accident, disease, birth, military action, or
14 any other cause, has suffered:

15 1. The loss of the sight of one eye;

16 2. The loss by amputation of the whole or a part of a member of
17 the body; or

18 3. ~~The loss of use or partial loss of use of a member such as~~
19 ~~is obvious and apparent from observation or examination by a person~~
20 ~~who is not skilled in the medical profession; or~~

21 4. Any previous adjudications of compensable permanent partial
22 disability adjudged and determined by the Workers' Compensation
23 Court, the Workers' Compensation Court of Existing Claims, or the
24 Workers' Compensation Commission ~~or any disability resulting from~~

1 ~~separately adjudicated injuries and adjudicated occupational~~
2 ~~diseases even though arising at the same time. Provided, that any~~
3 ~~adjudication of preexisting disability to a part of the body shall~~
4 ~~not be combinable for purposes of the Multiple Injury Trust Fund~~
5 ~~unless that part of the body was deemed to have been injured in the~~
6 ~~claim being adjudicated.~~

7 B. This section shall apply to all adjudications of Multiple
8 Injury Trust Fund claims ~~heard by the Commission on or after the~~
9 ~~effective date of this act~~ in which the last injury occurred on or
10 after the effective date of this act.

11 SECTION 4. AMENDATORY Section 31, Chapter 208, O.S.L.
12 2013, as amended by Section 3, Chapter 344, O.S.L. 2015 (85A O.S.
13 Supp. 2017, Section 31), is amended to read as follows:

14 Section 31. A. The Multiple Injury Trust Fund shall be derived
15 from the following additional sources:

16 1. As soon as practicable after January 1 of each year, the
17 commissioners of the Workers' Compensation Commission shall
18 establish an assessment rate applicable to each mutual or
19 interinsurance association, stock company, ~~CompSource Oklahoma,~~ or
20 other insurance carrier writing workers' compensation insurance in
21 this state, each employer carrying its own risk, and each group
22 self-insurance association, including the Consolidated Workers'
23 Compensation Program authorized by Section 85.58A of Title 74 of the
24 Oklahoma Statutes, and operated by the Office of Management and

1 Enterprise Services, for amounts for purposes of computing the
2 assessment authorized by this section necessary to pay the annual
3 obligations of the Multiple Injury Trust Fund determined on or
4 before December 31 of each year by the MITF Director, provided for
5 in subsection P of this section, to be outstanding for the next
6 calendar year, ~~and to pay the allocations provided for in subsection~~
7 ~~I of this section.~~ The rate shall be equal for all parties required
8 to pay the assessment. ~~If CompSource begins operating as a mutual~~
9 ~~insurance company, the~~ The Board of Directors for CompSource Mutual
10 Insurance Company shall have the power to disapprove the rate
11 established by the MITF Director until the Multiple Injury Trust
12 Fund repays in full the amount due on any loan from CompSource
13 Mutual Insurance Company or its predecessor CompSource Oklahoma. If
14 the MITF Director and CompSource Mutual Insurance Company have not
15 agreed on the assessment rate within thirty (30) days, the Workers'
16 Compensation Commission shall set an assessment rate sufficient to
17 cover all foreseeable obligations of the Multiple Injury Trust Fund,
18 including interest and principal owed by the Fund on any loan. ~~The~~
19 ~~rate in effect on the effective date of this act shall remain~~
20 ~~effective through June 30, 2014;~~

21 2. ~~The Oklahoma Tax Commission shall assess and collect from~~
22 ~~any uninsured employer a temporary assessment at the rate of five~~
23 ~~percent (5%) of the total compensation for permanent total~~
24 ~~disability awards, permanent partial disability awards, and death~~

1 ~~benefits paid out during each quarter of the calendar year by the~~
2 ~~employers;~~

3 ~~3.~~ The assessments shall be paid to the Oklahoma Tax
4 Commission. Insurance carriers, self-insurers, and group self-
5 insurance associations ~~and CompSource Oklahoma~~ shall pay the
6 assessment in four equal installments not later than the fifteenth
7 day of the month following the close of each quarter of the calendar
8 year of the assessment. Assessments shall be determined based upon
9 gross direct written premiums before deductible credits are applied,
10 normal premiums or actual paid losses of the paying party, as
11 applicable, during the calendar quarter for which the assessment is
12 due. Uninsured employers shall pay the assessment not later than
13 the fifteenth day of the month following the close of each quarter
14 of the calendar year of the assessment. For purposes of this
15 section, "uninsured employer" means an employer required by law to
16 carry workers' compensation insurance but who has failed or
17 neglected to do so.

18 a. The assessment authorized in this section shall be
19 determined using a rate equal to the proportion that
20 the sum of the outstanding obligations of the Multiple
21 Injury Trust Fund as determined pursuant to paragraph
22 1 of this subsection ~~and the allocations provided for~~
23 ~~in subsection I of this section~~ bear to the combined
24 gross direct written premiums of all such insurers;

1 all actual paid losses of all individual self-
2 insureds; and the normal premium of all group self-
3 insurance associations, for the year period from
4 January 1 to December 31 preceding the assessment.

5 b. For purposes of this subsection:

6 (1) "actual paid losses" means all medical and
7 indemnity payments, including temporary
8 disability, permanent disability, and death
9 benefits, and excluding loss adjustment expenses
10 and reserves, and

11 (2) "direct gross written premium" for insurance
12 companies means all consideration, whether
13 designated as premium or otherwise, for workers'
14 compensation insurance paid to an insurance
15 company or its representative, including on
16 insurance policies with provisions for
17 deductibles, the calculated cost for coverage,
18 including experience modification and premium
19 surcharge or discount prior to any reduction for
20 deductibles, and

21 (3) "normal premium" means a standard premium less
22 any discounts;

23 ~~4.~~ 3. By April 15 of each year, the Insurance Commissioner, the
24 MITF Director and each individual and group self-insured shall

1 provide the Workers' Compensation Commission with such information,
2 including annual deductible recoveries received, as the Commission
3 may determine is necessary to effectuate the purposes of this
4 section;

5 ~~5.~~ 4. Each mutual or interinsurance association, stock company,
6 ~~CompSource Oklahoma,~~ or other insurance carrier writing workers'
7 compensation insurance in this state, and each employer carrying its
8 own risk, including each group self-insurance association, shall be
9 notified by the Workers' Compensation Commission in writing of the
10 rate for the assessment on or before May 1 of each year in which a
11 rate is determined. The rate determined by the Commission shall be
12 in effect for four calendar quarters beginning July 1 following
13 determination by the Commission. The Commission may amend its
14 previously determined rate on or after the effective date of this
15 act. Parties affected by the amended rate shall be notified by the
16 Commission in writing as is reasonable. The amended rate shall be
17 in effect beginning October 1, 2018, for the remainder of fiscal
18 year 2019; and

19 ~~6.~~ 5. a. No mutual or interinsurance association, stock
20 company, ~~CompSource Oklahoma,~~ or other insurance
21 carrier writing workers' compensation insurance in
22 this state may be assessed in any year an amount
23 greater than ~~six percent (6%)~~ seven percent (7%) of
24 the gross direct written premiums of that insurer.

1 b. No employer carrying its own risk may be assessed in
2 any year an amount greater than ~~six percent (6%)~~ seven
3 percent (7%) of the total actual paid losses of that
4 individual self-insured.

5 c. No group self-insurance association may be assessed in
6 any year an amount greater than ~~six percent (6%)~~ seven
7 percent (7%) of the normal premium of that group self-
8 insurance association;

9 6. The Oklahoma Tax Commission shall assess and collect from
10 any uninsured employer a temporary assessment at the rate of five
11 percent (5%) of the total compensation for permanent total
12 disability awards, permanent partial disability awards, and death
13 benefits paid out during each quarter of the calendar year by
14 employers. For the purpose of this paragraph, "uninsured employer"
15 means an employer required by law to secure its workers'
16 compensation obligations but who has failed or neglected to do so;

17 7. The Oklahoma Tax Commission shall assess and collect from
18 claimants a temporary assessment as follows:

19 a. if an award has been made by the Workers' Compensation
20 Court of Existing Claims or the Workers' Compensation
21 Commission for permanent partial disability or
22 permanent total disability, or if a Compromise
23 Settlement or Joint Petition has been approved, the
24 employer or insurance carrier shall pay to such

1 employee the amount of the award less the assessment.

2 The assessment shall be paid to the Oklahoma Tax
3 Commission no later than the fifteenth day of the
4 month following the close of each quarter of the
5 calendar year in which compensation is paid or became
6 payable,

7 b. the payments provided for in this subsection shall be
8 payable at the time the award becomes final,
9 regardless of whether or not the award made to the
10 claimant is paid, and

11 c. in making and entering awards for compensation for
12 permanent total disability or permanent partial
13 disability, the Workers' Compensation Commission and
14 the Workers' Compensation Court of Existing Claims
15 shall determine and fix the amounts that shall be paid
16 to the Tax Commission under paragraph 8 of this
17 subsection. The total amount of the deduction so
18 determined and fixed shall have the same force and
19 effect as an award for compensation, and all
20 provisions relating to the collection of awards shall
21 apply to such judgments; and

22 d.

23 8. If the ~~maximum assessment does not provide~~ revenue in any
24 one year ~~an amount sufficient~~ is insufficient to make all necessary

1 payments for obligations of the Multiple Injury Trust Fund and for
2 the allocations provided for in subsection I of this section, the
3 unpaid portion shall be paid as soon thereafter as funds become
4 available.

5 B. The Multiple Injury Trust Fund is hereby authorized to
6 receive and expend monies appropriated by the Legislature.

7 C. It shall be the duty of the Tax Commission to collect the
8 payments provided for in this act. The Tax Commission is hereby
9 authorized to bring an action for the recovery of any delinquent or
10 unpaid payments required in this section.

11 D. Any mutual or interinsurance association, stock company, or
12 other insurance company, which is subject to regulation by the
13 Insurance Commissioner, ~~or CompSource Oklahoma,~~ failing to make
14 payments required in this act promptly and correctly, and failing to
15 report payment of the same to the Insurance ~~Commission~~ Commissioner
16 within ten (10) days of payment shall be subject to administrative
17 penalties as allowed by law, including but not limited to a fine in
18 the amount of Five Hundred Dollars (\$500.00) or an amount equal to
19 one percent (1%) of the unpaid amount, whichever is greater, to be
20 paid to the Insurance Commissioner.

21 E. Any employer carrying its own risk, or group self-insurance
22 association failing to make payments required in this act promptly
23 and correctly, and failing to report payment of the same to the
24 Commission within ten (10) days of payment shall be subject to

21, administrative penalties as allowed by law, including but not limited to a fine in the amount of ~~Five Hundred Dollars (\$500.00)~~ Two Hundred Fifty Dollars (\$250.00) for each day following the due date for which payment is not paid or an amount equal to one percent (1%) of the unpaid amount, whichever is greater, to be paid to the Commission.

F. 1. On or before the first day of April of each year, the State Treasurer shall advise the Commission, the MITF Director and the Tax Commission of the amount of money held as of March 1 of that year by the State Treasurer to the credit of the Multiple Injury Trust Fund. On or before the first day of November of each year, the State Treasurer shall advise the Commission, the MITF Director and the Tax Commission of the amount of money held as of October 1 of that year by the State Treasurer to the credit of the Multiple Injury Trust Fund.

2. Until such time as the Multiple Injury Trust Fund fully satisfies any loan obligation payable to CompSource Mutual Insurance Company or its predecessor CompSource Oklahoma, the State Treasurer shall:

- a. advise the Chief Executive Officer of CompSource Mutual Insurance Company on or before the first day of April of the money held as of March 1 of that year by the State Treasurer to the credit of the Multiple Injury Trust Fund, and

1 b. advise the Chief Executive Officer of CompSource
2 Mutual Insurance Company on or before the first day of
3 November of the money held as of October 1 of that
4 year by the State Treasurer to the credit of the
5 Multiple Injury Trust Fund.

6 G. Eighty percent (80%) of all sums held by the State Treasurer
7 to the credit of the Multiple Injury Trust Fund may by order of the
8 MITF Director be invested in or loaned on the pledge of any of the
9 securities in which a state bank may invest the monies deposited
10 therein by the State Treasurer; or may be deposited in state or
11 national banks or trust companies upon insured time deposit bearing
12 interest at a rate no less than currently being paid upon insured
13 savings accounts in the institutions. As used in this section,
14 "insured" means insurance as provided by an agency of the federal
15 government. All such securities or evidence of indebtedness shall
16 be placed in the hands of the State Treasurer, who shall be the
17 custodian thereof, who shall collect the principal and interest when
18 due, and pay the same into the Multiple Injury Trust Fund. The
19 State Treasurer shall pay by vouchers drawn on the Multiple Injury
20 Trust Fund for the making of such investments, when signed by the
21 MITF Director, upon delivery of such securities or evidence of
22 indebtedness to the State Treasurer. The MITF Director may sell any
23 of such securities, the proceeds thereof to be paid over to the
24 State Treasurer for the Multiple Injury Trust Fund.

1 H. The refund provisions of Sections 227 through 229 of Title
2 68 of the Oklahoma Statutes shall be applicable to any payments made
3 to the Multiple Injury Trust Fund. Refunds shall be paid from and
4 out of the Multiple Injury Trust Fund.

5 I. The Tax Commission shall pay, monthly, to the State
6 Treasurer to the credit of the Multiple Injury Trust Fund all monies
7 collected pursuant to the provisions of this section. The State
8 Treasurer shall pay out of the Multiple Injury Trust Fund only upon
9 the order and direction of the Workers' Compensation Commission
10 acting under the provisions hereof.

11 J. The Commission shall promulgate rules as the Commission
12 deems necessary to effectuate the provisions of this section.

13 K. The Insurance Commissioner shall promulgate rules relating
14 to insurers as defined in Title 36 of the Oklahoma Statutes, as the
15 Insurance Commissioner deems necessary to effectuate the provisions
16 of this section.

17 L. The MITF Director shall have authority to fulfill all
18 payment obligations of the Multiple Injury Trust Fund.

19 M. The Multiple Injury Trust Fund may enter into an agreement
20 with any reinsurer licensed to sell reinsurance by the Insurance
21 Commissioner pursuant to a competitive process administered by the
22 Director of Central Purchasing in the Office of Management and
23 Enterprise Services.
24

1 N. Any dividend, rebate, or other distribution, payable by
2 CompSource ~~Oklahoma~~ Mutual Insurance Company or any other workers'
3 compensation insurance carrier, to a state agency policyholder shall
4 be paid to the State Treasurer, and shall be credited as follows:

5 1. In the event of failure of the Multiple Injury Trust Fund to
6 meet all lawful obligations, the monies shall be credited to the
7 Multiple Injury Trust Fund and shall be used by the Multiple Injury
8 Trust Fund to meet all lawful obligations of the Multiple Injury
9 Trust Fund; and

10 2. Otherwise, all future dividends made by ~~CompSource Oklahoma~~
11 ~~or~~ any workers' compensation insurance carrier, on behalf of state
12 agencies, shall be deposited to the credit of the General Revenue
13 Fund of the State Treasury.

14 O. The Workers' Compensation Commission shall be charged with
15 the administration and protection of the Multiple Injury Trust Fund.

16 P. The person serving as the Administrator of the Multiple
17 Injury Trust Fund on the date of passage and approval of this act
18 shall serve as the initial MITF Director, provided such person is
19 serving as the Administrator of the Multiple Injury Trust Fund on
20 the effective date of this act. The MITF Director shall be
21 appointed by and serve at the pleasure of the ~~Governor~~ Workers'
22 Compensation Commission.

23 Q. Any party interested shall have a right to bring a
24 proceeding in the Supreme Court to review an award of the Workers'

1 Compensation Commission affecting such Multiple Injury Trust Fund,
2 in the same manner as is provided by law with reference to other
3 awards by the Commission.

4 R. The State Treasurer shall allocate to the Commission out of
5 the Multiple Injury Trust Fund sufficient funds for administration
6 expenses thereof in amounts to be fixed and approved by the
7 ~~Administrator~~ Director for the Multiple Injury Trust Fund, unless
8 rejected by the Workers' Compensation Commission.

9 S. On or after the effective date of this act, accrued and
10 unpaid compensation from the Multiple Injury Trust Fund shall bear
11 simple interest only at the percentage rate applicable under Section
12 727.1 of Title 12 of the Oklahoma Statutes from the day an award is
13 made by the Workers' Compensation Court of Existing Claims or the
14 Workers' Compensation Commission.

15 SECTION 5. AMENDATORY Section 32, Chapter 208, O.S.L.
16 2013 (85A O.S. Supp. 2017, Section 32), is amended to read as
17 follows:

18 Section 32. A. ~~For actions in which the subsequent injury~~
19 ~~occurred on or after November 1, 2005, if~~ If an employee who is a
20 physically impaired person and who receives an accidental personal
21 injury compensable under the Workers' Compensation Act, the Workers'
22 Compensation Code, or the Administrative Workers' Compensation Act
23 which results in additional permanent disability so that the degree
24 of disability caused by the combination of both disabilities results

1 in disability materially greater than that which would have resulted
2 from the subsequent injury alone, the employee may proceed against
3 the Multiple Injury Trust Fund for permanent total disability. Only
4 disability due to an injury to the body as a whole at a subsequent
5 employer shall be combinable with a prior body disability, except
6 that disability to a member may be combined with disability to the
7 body as a whole. If such combined disabilities constitute permanent
8 total disability, as defined in Section 2 of this ~~act~~ title, the
9 employee shall receive full compensation as provided by law for the
10 disability resulting directly and specifically from the subsequent
11 injury. In addition, the employee shall receive compensation for
12 permanent total disability if the combination of injuries renders
13 the employee permanently and totally disabled. The employer shall
14 be liable only for the degree of percent of disability which would
15 have resulted from the subsequent injury if there had been no
16 preexisting impairment. The compensation rate for permanent total
17 disability awards from the Multiple Injury Trust Fund shall be the
18 compensation rate for permanent partial disability paid by the
19 employer in the last combinable compensable injury.

20 B. Permanent total disability awards from the Multiple Injury
21 Trust Fund shall be payable in periodic installments for a period of
22 ~~fifteen (15)~~ ten (10) years or until the employee reaches sixty-five
23 (65) years of age, whichever period is longer.

1 C. Permanent total disability awards from the Multiple Injury
2 Trust Fund shall accrue from the file date of the order of the
3 Workers' Compensation Commission finding the claimant to be
4 permanently and totally disabled.

5 D. Before a physically impaired person can proceed against the
6 Multiple Injury Trust Fund, the previously adjudicated compensable
7 permanent partial disability adjudged and determined by the Workers'
8 Compensation Court, the Workers' Compensation Court of Existing
9 Claims, or Workers' Compensation Commission, and the permanent
10 partial disability from the last injury must exceed sixty percent
11 (60%) to the body as a whole. However, amputations and loss of use
12 of a scheduled member qualifying as previous impairment under
13 paragraph 2 of subsection A of Section 30 of this title shall be
14 considered in lieu of previously adjudicated compensable permanent
15 partial disability.

16 E. Awards under this section shall abate upon the death, from
17 any cause, of the employee.

18 ~~E.~~ F. Reopening any prior claim other than the last injury
19 claim against the employer shall not give a claimant the right to
20 additional Multiple Injury Trust Fund benefits.

21 ~~F.~~ G. The Multiple Injury Trust Fund shall have authority to
22 compromise a claim for less than the indicated amount of permanent
23 total disability. ~~An order entered after the effective date of this~~
24 ~~act may~~ Orders shall be paid in periodic installments beginning on

1 the date of the award, ~~or may be~~ unless commuted to a lump-sum
2 payment or payments, by agreement of the claimant and the Multiple
3 Injury Trust Fund. All offers made by the Multiple Injury Trust
4 Fund pursuant to this section shall be conveyed by the claimant's
5 attorney to the claimant within five (5) days of receipt of the
6 offer.

7 G. H. If an order is entered finding an employee to be
8 permanently totally disabled as a result of combined disability, and
9 such order is compromised, the employee is thereafter prohibited
10 from making an additional claim against the MITF. An attorney for a
11 claimant against the Multiple Injury Trust Fund shall be entitled to
12 a fee equal to twenty percent (20%) of permanent disability benefits
13 awarded. ~~For awards entered after the effective date of this act,~~
14 ~~the~~ The attorney fee shall be paid in periodic installments by the
15 attorney receiving every fifth check. All benefits awarded to the
16 attorney shall be vested at the time the award becomes final.

17 ~~H. In the event a claimant receiving benefits for permanent and~~
18 ~~total disability from the Multiple Injury Trust Fund dies as a~~
19 ~~result of his or her injury before the award has been fully paid,~~
20 ~~payments shall continue to the surviving spouse for five (5) years~~
21 ~~or upon remarriage, whichever occurs first. In no event shall~~
22 ~~payments to the surviving spouse extend beyond the period of~~
23 ~~benefits awarded to the claimant.~~

1 SECTION 6. AMENDATORY Section 33, Chapter 208, O.S.L.

2 2013 (85A O.S. Supp. 2017, Section 33), is amended to read as
3 follows:

4 Section 33. A. The right to claim compensation for benefits
5 from the Multiple Injury Trust Fund shall be forever barred unless a
6 Notice of Claim, on a form prescribed by the Workers' Compensation
7 Commission, shall be filed with the Commission within two (2) years
8 of the date of the last order for permanent partial disability
9 arising from the latest claim against the last employer.

10 B. When a claim for benefits from the Multiple Injury Trust
11 Fund is filed, unless claimant shall in good faith request a hearing
12 and final determination thereon within ~~three (3)~~ two (2) years of
13 the filing thereof, the same shall be barred.

14 C. An attorney who represents a respondent or insurance carrier
15 in a claim against the last employer shall not represent the
16 employee in a subsequent claim against the Multiple Injury Trust
17 Fund.

18 SECTION 7. AMENDATORY Section 34, Chapter 208, O.S.L.

19 2013 (85A O.S. Supp. 2017, Section 34), is amended to read as
20 follows:

21 Section 34. A. The MITF Director shall be charged with the
22 administration and protection of the Multiple Injury Trust Fund and
23 shall be notified by the Workers' Compensation Commission of all
24 proceedings which may affect such fund.

1 B. The MITF Director shall have authority to conduct all
2 business affairs relating to administration of the Multiple Injury
3 Trust Fund, including, but not limited to, appointment of
4 assistants, accountants, attorneys and other employees as may be
5 necessary.

6 C. The MITF Director shall have standing and the authority to
7 appear in any case before the Commission in which the Commission is
8 considering an award from the Multiple Injury Trust Fund.

9 ~~E. D.~~ Any party interested shall have a right to bring a
10 proceeding in the Supreme Court to review an award of the Commission
11 affecting such Multiple Injury Trust Fund, in the same manner as is
12 now provided by law with reference to other awards by the
13 Commission.

14 ~~D. The State Treasurer shall allocate to the MITF Director~~
15 ~~sufficient funds for administration expenses thereof in amounts to~~
16 ~~be fixed and approved by the Administrator for the Multiple Injury~~
17 ~~Trust Fund, unless rejected by the Governor and Attorney General.~~

18 SECTION 8. AMENDATORY Section 82, Chapter 208, O.S.L.
19 2013 (85A O.S. Supp. 2017, Section 82), is amended to read as
20 follows:

21 Section 82.

22 A. 1. a. Fees for legal services rendered in a claim shall not
23 be valid unless approved by the Commission.

1 b. An attorney representing an injured employee may only
2 recover attorney fees up to ten percent (10%) of any
3 temporary total disability or temporary partial
4 disability compensation and twenty percent (20%) of
5 any permanent partial disability, permanent total
6 disability, or death compensation awarded to an
7 injured employee by the Commission from a controverted
8 claim. If the employer makes a written offer to
9 settle permanent partial disability, permanent total
10 disability, or death compensation and that offer is
11 rejected, the employee's attorney may not recover
12 attorney fees in excess of thirty percent (30%) of the
13 difference between the amount of any award and the
14 settlement offer.

15 (1) Attorney fees may not be collected for recovery
16 on noncontroverted claims.

17 (2) Attorney fees shall not be awarded on medical
18 benefits or services.

19 (3) The fee for legal services rendered by an
20 attorney representing an employee in connection
21 with a change of physician requested by the
22 injured employee, controverted by the employer,
23 and awarded by the Commission, shall be Two
24 Hundred Dollars (\$200.00).

1 (4) Attorney fees may include not more than ten
2 percent (10%) of the value, or reasonable
3 estimate thereof, of vocational rehabilitation
4 services.

5 c. A "controverted claim" means that ~~there has been a~~
6 ~~contested hearing before the Commission over the~~
7 employer or its insurance carrier has controverted
8 whether there has been a compensable injury or whether
9 the employee is entitled to temporary total
10 disability, temporary partial disability, permanent
11 partial disability, permanent total disability, or
12 death compensation. A request for a change in
13 physician shall not trigger a controverted claim for
14 purposes of recovering any attorney fees except the
15 fees under division 3 of subparagraph b of this
16 paragraph. A controverted claim shall not exist if
17 the employee or his or her representative has withheld
18 pertinent information in his or her possession related
19 to the claim from the employer or has violated the
20 provisions of Section 6 of this ~~act~~ title.

21 2. ~~Any person who or entity that brings a controverted claim~~
22 ~~against the State Treasurer, as a custodian of the Multiple Injury~~
23 ~~Trust Fund, shall provide notice of the claim to the Commission.~~
24 ~~Thereafter, the Commission shall direct fees for legal services be~~

1 ~~paid from the Fund, in addition to any compensation award. The fees~~
2 ~~shall be authorized only on the difference between the amount of~~
3 ~~compensation controverted and the amount awarded from the Fund.~~

4 ~~3.~~ In any case where attorney fees are allowed by the
5 Commission, the limitations expressed in subparagraph b of paragraph
6 1 of this subsection shall apply.

7 ~~4.~~ 3. Medical providers may voluntarily contract with the
8 attorney for the employee to recover disputed charges, and the
9 provider may charge a reasonable fee for the cost of collection.

10 B. An attorney representing an employee under this act may not
11 recover fees for services except as expressly provided in this
12 section.

13 SECTION 9. AMENDATORY Section 165, Chapter 208, O.S.L.
14 2013, as amended by Section 4, Chapter 344, O.S.L. 2015 (85A O.S.
15 Supp. 2017, Section 122), is amended to read as follows:

16 Section 122. A. The Workers' Compensation Commission Revolving
17 Fund established by Section ~~2~~ 28.1 of this ~~act~~ title shall be used
18 for the costs of administering this act and for other purposes as
19 authorized by law.

20 B. For the purpose of providing funds for the Workers'
21 Compensation Commission Revolving Fund, for the Workers'
22 Compensation Administrative Fund created in Section ~~5~~ 401.1 of this
23 ~~act~~ title, for the Multiple Injury Trust Fund created in Section 28
24

1 of this title, and to fund other provisions within this title, the
2 following tax rates shall apply:

3 1. Each mutual or interinsurance association, stock company,
4 ~~CompSource Oklahoma~~ or other insurance carrier writing workers'
5 compensation insurance in this state shall pay to the Oklahoma Tax
6 Commission an assessment at a rate of one percent (1%) of all gross
7 direct premiums written during each quarter of the calendar year for
8 workers' compensation insurance on risks located in this state after
9 deducting from such gross direct premiums, return premiums,
10 unabsorbed portions of any deposit premiums, policy dividends,
11 safety refunds, savings and other similar returns paid or credited
12 to policyholders. Such payments to the Tax Commission shall be made
13 not later than the fifteenth day of the month following the close of
14 each quarter of the calendar year in which such gross direct premium
15 is collected or collectible. Contributions made by insurance
16 carriers ~~and CompSource Oklahoma~~, under the provisions of this
17 section, shall be considered for the purpose of computing workers'
18 compensation rates; and

19 2. When an employer is authorized to become a self-insurer, the
20 Commission shall so notify the Tax Commission, giving the effective
21 date of such authorization. The Tax Commission shall then assess
22 and collect from the employers carrying their own risk an assessment
23 at the rate of two percent (2%) of the total compensation for
24 permanent total disability awards, permanent partial disability

1 awards and death benefits paid out during each quarter of the
2 calendar year by the employers. Such assessment shall be payable by
3 the employers and collected by the Tax Commission according to the
4 provisions of this section regarding payment and collection of the
5 assessment created in paragraph 1 of this subsection.

6 C. It shall be the duty of the Tax Commission to collect the
7 payments provided for in this title. The Tax Commission is hereby
8 authorized to bring an action for the recovery of any delinquent or
9 unpaid payments required in this section. The Tax Commission may
10 also enforce payments by proceeding in accordance with the
11 provisions of Section 98 of this title.

12 D. The Tax Commission shall pay monthly to the State Treasurer
13 to the credit of the Multiple Injury Trust Fund all monies collected
14 under the provisions of this section less the annual amounts which
15 shall be apportioned by the Oklahoma Tax Commission as follows:

16 1. Five Million Dollars (\$5,000,000.00) shall be payable in
17 equal monthly installments to the credit of the Workers'
18 Compensation Commission Revolving Fund established in Section ~~2~~ 28.1
19 of this ~~act for the fiscal year ending June 30, 2016, and Three~~
20 ~~Million Dollars (\$3,000,000.00) title~~ for the fiscal year ending
21 June 30, ~~2017~~ 2019, and for all subsequent years to be used to
22 implement the provisions of this title; and

23 2. ~~Four Million Dollars (\$4,000,000.00)~~ Three Million Five
24 Hundred Thousand Dollars (\$3,500,000.00) shall be payable in equal

1 monthly installments to the credit of the Workers' Compensation
2 Administrative Fund established in Section 5 401.1 of this ~~act for~~
3 ~~the fiscal year ending June 30, 2016, Three Million Five Hundred~~
4 ~~Thousand Dollars (\$3,500,000.00) for the fiscal year ending June 30,~~
5 ~~2017, Three Million Five Hundred Thousand Dollars (\$3,500,000.00)~~
6 ~~for the fiscal year ending June 30, 2018, Three Million Dollars~~
7 ~~(\$3,000,000.00) title~~ for the fiscal year ending June 30, 2019, and
8 ~~Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for the~~
9 ~~fiscal year ending June 30, 2020~~ Three Million Dollars
10 (\$3,000,000.00) for all subsequent years as long as the Workers'
11 Compensation Court of Existing Claims is authorized by the
12 Legislature. Monies deposited in the Workers' Compensation
13 Administrative Fund shall be used by the Workers' Compensation Court
14 of Existing Claims to implement provisions provided for in this
15 title.

16 E. The refund provisions of Sections 227 through 229 of Title
17 68 of the Oklahoma Statutes shall be applicable to any payments made
18 pursuant to this section.

19 SECTION 10. AMENDATORY Section 169, Chapter 208, O.S.L.
20 2013 (85A O.S. Supp. 2017, Section 400), is amended to read as
21 follows:

22 Section 400. A. The Workers' Compensation Court shall be
23 renamed the Workers' Compensation Court of Existing Claims for the
24 purpose of hearing disputes relating to claims that arise before

1 February 1, 2014. The Court shall consist of the existing judges
2 for the remainder of his or her term. Each judge of the Court shall
3 continue to serve as the appointment to a designated numbered
4 position on the Court. The positions shall be numbered one through
5 ten. The terms of the judges by position number shall expire on the
6 following dates:

7 Position 1 shall expire 7-1-14.

8 Position 2 shall expire 7-1-14.

9 Position 3 shall expire 7-1-14.

10 Position 4 shall expire 7-1-~~20~~ 28.

11 Position 5 shall expire 7-1-~~20~~ 23.

12 Position 6 shall expire 7-1-16.

13 Position 7 shall expire 7-1-16.

14 Position 8 shall expire 7-1-~~20~~ 23.

15 Position 9 shall expire 7-1-~~20~~ 23.

16 Position 10 shall expire 7-1-14.

17 Provided, judges who are serving unexpired terms on the Workers'
18 Compensation Court on the effective date of this section shall serve
19 on the Court created by this section until their respective terms
20 expire as provided in this act. Thereafter, each position shall be
21 dissolved. After a judge serves this term, such judge shall be
22 eligible to reapply for an administrative law judge with the
23 Workers' Compensation Commission.

24

1 B. When a vacancy on the Court occurs or is certain to occur,
2 the ~~Workers' Compensation Commission shall assign administrative law~~
3 ~~judges from the Commission to assist in the duties of the Workers'~~
4 ~~Compensation Court of Existing Claims~~ Governor shall appoint a judge
5 to serve the remainder of the term from a list of three applicants
6 submitted to the Governor by the Judicial Nominating Commission.
7 The Presiding Judge of the Court on the effective date of this act
8 shall continue to serve for the duration of the Court and shall
9 perform supervisory duties as the needs of the Court may require and
10 supervise the work of all employees of the Court and handle,
11 oversee, and be responsible for all administrative affairs of the
12 Court. In addition, the Presiding Judge shall be authorized to
13 contract with the Workers' Compensation Commission or other
14 individuals or entities for services and shared services.

15 ~~B.~~ C. A judge may be removed for cause by the Court on the
16 Judiciary prior to the expiration of his or her term.

17 ~~C.~~ D. Each judge shall receive a salary equal to that paid to a
18 district judge of this state, and shall devote full time to his or
19 her duties and shall not engage in the private practice of law
20 during the term in office.

21 ~~D.~~ E. The Court shall operate by the rules adopted by the
22 Workers' Compensation Court prior to the effective date of this act.

23 ~~E.~~ F. The Court is hereby designated and confirmed as a court
24 of record, with respect to any matter within the limits of its

1 jurisdiction, and within such limits the judges thereof shall
2 possess the powers and prerogatives of the judges of the other
3 courts of record of this state, including the power to punish for
4 contempt those persons who disobey a subpoena, or refuse to be sworn
5 or to answer as a witness, when lawfully ordered to do so.

6 ~~F.~~ G. The principal office of the Court shall be situated in
7 the City of Oklahoma City in quarters assigned by the Office of
8 Management and Enterprise Services. The Court may hold hearings in
9 any city of this state.

10 ~~G.~~ H. All county commissioners and presiding district judges of
11 this state shall make quarters available for the conducting of
12 hearings by a judge of the Court upon request by the Court.

13 ~~H.~~ I. Judges of the Workers' Compensation Court of Existing
14 Claims may punish for direct contempt pursuant to Sections 565,
15 565.1 and 566 of Title 21 of the Oklahoma Statutes.

16 ~~I.~~ J. The Court shall be vested with jurisdiction over all
17 claims filed pursuant to the Workers' Compensation Code or previous
18 statute in effect on the date of an injury that occurred before
19 February 1, 2014. All claims so filed shall be heard by the judge
20 sitting without a jury. The Court shall have full power and
21 authority to determine all questions in relation to payment of
22 claims for compensation under the provisions of the Workers'
23 Compensation Code. The Court, upon application of either party,
24 shall order a hearing. Upon a hearing, either party may present

1 evidence and be represented by counsel. The decision of the Court
2 shall be final as to all questions of fact and law; provided, the
3 decision of the Court may be appealed to the ~~Commission~~ Court en
4 Banc or the Supreme Court as provided by the Workers' Compensation
5 Code. In the event that an insufficient number of active judges are
6 available to comprise the three-judge en Banc panel, retired or
7 former judges of the district court, Workers' Compensation Court, or
8 Workers' Compensation Court of Existing Claims may be designated by
9 the Presiding Judge to serve on such panel. ~~The~~ Any decision of the
10 Court shall be issued within sixty (60) days following the
11 submission of the case by the parties. The power and jurisdiction
12 of the Court over each case shall be continuing and it may, from
13 time to time, make such modifications or changes with respect to
14 former findings or orders relating thereto if, in its opinion, it
15 may be justified.

16 ~~J. Any appeal of an order by the Workers' Compensation Court of~~
17 ~~Existing Claims shall be heard by the Commission en banc. The~~
18 ~~Commission shall review the decision using an abuse of discretion~~
19 ~~standard of review. Orders by the Commission may be appealed in~~
20 ~~accordance with Section 78 of this act.~~

21 ~~K. To protect the integrity of the transition from the Workers'~~
22 ~~Compensation Court to the administrative system created by this act,~~
23 ~~and to protect all rights and privileges of parties to claims~~
24 ~~adjudicated by the Workers' Compensation Court, the Commission shall~~

1 ~~retain all remedies and responsibilities of the Workers'~~
2 ~~Compensation Court for as long as cases involving claims for~~
3 ~~compensation accruing before the effective date of this act but~~
4 ~~filed thereafter or which were pending before or adjudicated by the~~
5 ~~Workers' Compensation Court shall remain open.~~

6 ~~L. For an injury occurring before the effective date of this~~
7 ~~act, all benefits and procedures to obtain benefits shall be~~
8 ~~determined by the workers' compensation law of this state in effect~~
9 ~~on the date of the injury. Administrative law judges of the~~
10 ~~Commission shall enforce all final orders of the Workers'~~
11 ~~Compensation Court in a manner to secure for all parties the due~~
12 ~~process and equal protection guarantees of the Constitution of the~~
13 ~~State of Oklahoma.~~

14 ~~M. L. All accrued rights and penalties incurred pursuant to a~~
15 ~~final order of the Workers' Compensation Court shall be preserved.~~
16 ~~Administrative law judges of the Commission shall be authorized to~~
17 ~~issue orders and conduct legal proceedings to enforce all such~~
18 ~~accrued rights and penalties incurred. No accrued right, penalty~~
19 ~~incurred, or proceeding begun by virtue of a statute repealed by~~
20 ~~this act shall be abrogated by the terms of this act.~~

21 SECTION 11. REPEALER Section 15, Chapter 208, O.S.L.
22 2013 (85A O.S. Supp. 2016, Section 15), is hereby repealed.

23 SECTION 12. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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