

CONFERENCE COMMITTEE REPORT SUMMARY

Measure HB 2367

Principal Authors: Representative Kannady
Senator Daniels

General Subject Matter: Workers' compensation

General Description of **Major Differences** between the current report and the version last seen and voted on in the House and the sections in which such differences are located:

√ Changes from engrossed House measure which were made in the Senate and contained in conference committee report/substitute (applies *only* to House measures):

Section 1: Changes definitions of *compensable injury, cumulative trauma, objective findings, and scheduled member*. Makes the 6th edition of the American Medical Association's "Guides to the Evaluation of Permanent Impairment" the Official Disability Guidelines.

Section 4: Allows Commission to include statement on all forms that persons who commit workers' compensation fraud shall be guilty of a felony.

Section 7: Removes ability of Commission to deviate from Official Disability Guidelines if necessary to avoid unreasonable risk to the health or life of the employee.

Section 18: Relates to disability compensation rates and periods. Extends temporary total disability to 156 weeks. Adds that if an employee is non-compliant with treatment for 60 days or benefits have been suspended that benefits will be permanently terminated.

Section 21: Removes provision that employer must pay for examination travel expenses. Directs the Workers' Compensation Commission to conduct an evaluation of the Fee Schedule, including codes, and submit a report of findings to the Legislature and Governor beginning in 2020.

Section 31: States that no hearing shall be continued without extraordinary circumstances determined by the Workers' Compensation Commission. Provides stipulations for a reviver.

Section 47: Extends \$3 million priority from Tax Commission to Multiple Injury Trust Fund to 2020.

Section 63: Provides procedure for appointment when a vacancy of the court occurs. Allows the Governor to appoint the Presiding Judge and Administrator of the court. Deems Court of Existing Claims resolved on June 30, 2020.

√ Changes made in conference:

Section 4: Exempts forms submitted Electronic Data Interchange system from containing disclosure statements related to fraud.

Section 7: Directs Workers' Compensation Commission to conduct an evaluation of the Official Disability Guidelines.

Section 12: Provides that communication among Commissioners and staff relating to quasi-judicial duties shall be considered confidential.

Section 17: Limits the fine for a first violation of an employer not securing compensation to \$50,000. Allows the Commission to institute a collection proceeding against an employer's assets.

Section 18: Increases rate of permanent partial disability to \$355/week and increasing to \$365/week in 2021.

Section 21: Provides that each fee in the Fee Schedule shall be increased by 1% until the amended Fee Schedule becomes effective.

Section 30: Modifies procedures related to filing for subsequent benefits/

Section 62: Allows for Governor to appoint judges for the Court of Existing Claims with Senate approval. Provides procedure for Governor appointing judge in event of vacancy. Directs the Court of Existing Claims to contract with the Commission to integrate court records into an electronic system to be completed by July 1, 2022.

Section 66: Relates to assessments against employers. Increases maximum assessment rate to 7% for a 3-year period. Provides that annually \$1 million of the Multiple Injury Trust Fund shall be transferred to the Oklahoma Department of Labor Revolving Fund. Sets interest rate for unpaid compensation in the Multiple Injury Trust Fund.

Section 67: Modifies definition of *physically impaired person*. Prohibits persons found permanently totally disabled from making additional claims against the Multiple Injury Trust Fund.

Section 68: Modifies deadlines for filing claim for compensation from the Multiple Injury Trust Fund. Grants duties and authorities to Multiple Injury Trust Fund Director.

Date Prepared: May 15, 2019

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