

**BILL SUMMARY**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB2367</b>
<b>Version:</b>	<b>CCRC</b>
<b>Request Number:</b>	<b>8965</b>
<b>Author:</b>	<b>Kannady (H), Daniels (S)</b>
<b>Date:</b>	<b>5/20/2019</b>
<b>Impact:</b>	<b>Please see previous summary of this measure</b>

**Research Analysis**

The CCR C to HB 2367 modifies numerous sections of the Administrative Workers' Compensation Act.

Section 1: Modifies definitions *compensable injury, course and scope of employment, cumulative trauma, employee, employer, and objective findings*.

Section 2: Extends applicability of the Administrative Worker's Compensation Act to federally-owned lands. Precludes employees making a claim in another jurisdiction to pursue benefits under the Administrative Workers' Compensation Act.

Section 7: Allows Commission to send notice to health care providers regarding compensability of injury electronically.

Section 8: Removes prohibition that Commissioners may not receive an increase in salary.

Section 11: Authorizes Commission to take certain actions regarding meetings and administrative business.

Section 16: Caps first time violation of employers to seek workers' compensation coverage to \$50,000. Authorizes Commission to institute a collection proceeding against an employer's assets.

Section 17: Extends temporary total disability benefits to 156 weeks. States that employee's temporary total disability benefits will be permanently terminated if he/she abandons treatment for 60 days. Increases permanent partial disability benefits to \$350/week and then \$360/week beginning in 2021. Extends permanent partial disability benefits to 360 weeks. Removes provisions related to reductions of awards.

Section 20: Directs Commission to update the Fee Schedule, in conjunction with consultants, every two years and report amended Fee Schedule to Governor and Legislature.

Section 27: Modifies provisions related to filing requirements.

Section 28: Allows for hearings to occur in any county in the state.

Section 31: Provides that each party shall be responsible for legal services and expenses.

Section 35: Allows incarcerated persons to receive medical benefits.

Section 56: Provides that Workers' Compensation Court of Existing Claims will consist of one judge beginning in 2020 to be appointed by the Governor. Allows for Governor to appoint Administrator of the Court and provides duties, including submitting an annual report regarding awards made to the Governor, Supreme Court, and Legislature. Directs the Court of Existing Claims to contract with the Commission in order to integrate records, to be completed in 2022.

Section 57: Authorizes Commission to hold executive sessions.

Section 60: Modifies provisions related to assessments against employers for the purpose of providing secure funding sources for Multiple Injury Trust Fund. Increases maximum assessment rate against insurers to 7% for a three-year period. Allows Commission to assess uninsured employers a temporary assessment. Provides that annually \$1 million will be transferred from the Multiple Injury Trust Fund to the Oklahoma Department of Labor for the purpose of administering the Oklahoma Occupational Health and Safety Standards Act.

Sections 61-62: Provides conditions and filing requirements employee must meet in order to file a claim against the Multiple Injury Trust Fund.

Section 63: Authorizes Multiple Injury Trust Fund Director to hire necessary employees and provide results of audit reports to the Commission annually.

Section 64: Allows for \$4 million to be transferred to the Workers' Compensation Commission Revolving Fund from the Multiple Injury Trust Fund. Allows for \$1.75 million to be transferred to the Worker's Compensation Administrative Fund from the Multiple Injury Trust Fund.

Sections 65-66: Repeals guidelines related to annual reports by the Attorney General to the Workers' Compensation Commission regarding fraud investigations, by the Workers' Compensation Commission to the Legislature and Governor for evaluation of administration of act. Repeals stipulation that contractor shall be liable for a subcontractor's employees. Repeals Oklahoma Employee Injury Benefit Act.

Prepared By: Anna Rouw

### **Fiscal Analysis**

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

### **Other Considerations**

None.