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April 11, 2023

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2375

By: Kannady of the House

and

Thompson (Roger) of the
Senate

[workers' compensation - compensable injury -
accidents - exclusive nature of remedy - liability
for intentional acts - permanent partial disability -
compensation for loss of certain scheduled members -
computation of certain benefit amounts - beneficiary
payments - travel reimbursement process - claims -
permanent disability - Oklahoma Workers' Compensation
Commission - independent medical examiner - Judges of
Workers' Compensation Court of Existing Claims -
effective date -

emergency]

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

SECTION 1. AMENDATORY 85A O.S. 2021, Section 2, is amended to read as follows:

Section 2. As used in the Administrative Workers' Compensation Act:

1. "Actually dependent" means a surviving spouse, a child or any other person who receives one-half (1/2) or more of his or her support from the employee;

1 2. "Carrier" means any stock company, mutual company, or
2 reciprocal or interinsurance exchange authorized to write or carry
3 on the business of workers' compensation insurance in this state.
4 Whenever required by the context, the term "carrier" shall be deemed
5 to include duly qualified self-insureds or self-insured groups;

6 3. "Case management" means the ongoing coordination, by a case
7 manager, of health care services provided to an injured or disabled
8 worker, including but not limited to systematically monitoring the
9 treatment rendered and the medical progress of the injured or
10 disabled worker; ensuring that any treatment plan follows all
11 appropriate treatment protocols, utilization controls and practice
12 parameters; assessing whether alternative health care services are
13 appropriate and delivered in a cost-effective manner based upon
14 acceptable medical standards; and ensuring that the injured or
15 disabled worker is following the prescribed health care plan;

16 4. "Case manager" means a person who is a registered nurse with
17 a current, active unencumbered license from the Oklahoma Board of
18 Nursing, or possesses one or more of the following certifications
19 which indicate the individual has a minimum number of years of case
20 management experience, has passed a national competency test and
21 regularly obtains continuing education hours to maintain
22 certification:

- 23 a. Certified Disability Management Specialist (CDMS),
- 24 b. Certified Case Manager (CCM),

- c. Certified Rehabilitation Registered Nurse (CRRN),
- d. Case Manager - Certified (CMC),
- e. Certified Occupational Health Nurse (COHN), or
- f. Certified Occupational Health Nurse Specialist (COHN-S);

5. "Certified workplace medical plan" means an organization of health care providers or any other entity, certified by the State Commissioner of Health, that is authorized to enter into a contractual agreement with an employer, group self-insurance association plan, an employer's workers' compensation insurance carrier, third-party administrator or an insured to provide medical care under the Administrative Workers' Compensation Act. Certified plans shall only include plans which provide medical services and payment for services on a fee-for-service basis to medical providers;

6. "Child" means a natural or adopted son or daughter of the employee under eighteen (18) years of age; or a natural or adopted son or daughter of an employee eighteen (18) years of age or over who is physically or mentally incapable of self-support; or any natural or adopted son or daughter of an employee eighteen (18) years of age or over who is actually dependent; or any natural or adopted son or daughter of an employee between eighteen (18) and twenty-three (23) years of age who is enrolled as a full-time student in any accredited educational institution. The term "child"

1 includes a posthumous child, a child legally adopted or one for whom
2 adoption proceedings are pending at the time of death, an actually
3 dependent stepchild or an actually dependent acknowledged child born
4 out of wedlock;

5 7. "Claimant" means a person who claims benefits for an injury
6 or occupational disease pursuant to the provisions of the
7 Administrative Workers' Compensation Act;

8 8. "Commission" means the Oklahoma Workers' Compensation
9 Commission;

10 9. a. "Compensable injury" means damage or harm to the
11 physical structure of the body, or damage or harm to
12 prosthetic appliances, including eyeglasses, contact
13 lenses, or hearing aids, of which the major cause is
14 either an accident, cumulative trauma or occupational
15 disease arising out of the course and scope of
16 employment. An "accident" means an event involving
17 factors external to the employee that:

18 (1) was unintended, unanticipated, unforeseen,
19 unplanned and unexpected,

20 (2) occurred at a specifically identifiable time and
21 place,

22 (3) occurred by chance or from unknown causes, ~~or~~

23 (4) was independent of sickness, mental incapacity,
24 bodily infirmity or any other cause, and

1 (5) was not as the result of an intentional act.

2 b. "Compensable injury" does not include:

3 (1) injury to any active participant in assaults or
4 combats which, although they may occur in the
5 workplace, are the result of non-employment-
6 related hostility or animus of one, both, or all
7 of the combatants and which assault or combat
8 amounts to a deviation from customary duties;
9 provided, however, injuries caused by horseplay
10 shall not be considered to be compensable
11 injuries, except for innocent victims,

12 (2) injury incurred while engaging in or performing
13 or as the result of engaging in or performing any
14 recreational or social activities for the
15 employee's personal pleasure,

16 (3) injury which was inflicted on the employee at a
17 time when employment services were not being
18 performed or before the employee was hired or
19 after the employment relationship was terminated,

20 (4) injury if the accident was caused by the use of
21 alcohol, illegal drugs, or prescription drugs
22 used in contravention of physician's orders. If
23 a biological specimen is collected within twenty-
24 four (24) hours of the employee being injured or

1 reporting an injury, or if at any time after the
2 injury a biological specimen is collected by the
3 ~~Oklahoma~~ Office of the Chief Medical Examiner if
4 the injured employee does not survive for at
5 least twenty-four (24) hours after the injury and
6 the employee tests positive for intoxication, an
7 illegal controlled substance, or a legal
8 controlled substance used in contravention to a
9 treating physician's orders, or refuses to
10 undergo the drug and alcohol testing, there shall
11 be a rebuttable presumption that the injury was
12 caused by the use of alcohol, illegal drugs, or
13 prescription drugs used in contravention of
14 physician's orders. This presumption may only be
15 overcome if the employee proves by clear and
16 convincing evidence that his or her state of
17 intoxication had no causal relationship to the
18 injury,

- 19 (5) any strain, degeneration, damage or harm to, or
20 disease or condition of, the eye or
21 musculoskeletal structure or other body part
22 resulting from the natural results of aging,
23 osteoarthritis, arthritis, or degenerative
24 process including, but not limited to,

1 degenerative joint disease, degenerative disc
2 disease, degenerative
3 spondylosis/spondylolisthesis and spinal
4 stenosis, ~~or~~

5 (6) any preexisting condition except when the
6 treating physician clearly confirms an
7 identifiable and significant aggravation incurred
8 in the course and scope of employment,

9 (7) any injury resulting from an idiopathic injury or
10 condition, or

11 (8) any injury resulting from an intentional act.

12 c. Where compensation is payable for an injury resulting
13 from cumulative trauma, the last employer in whose
14 employment the employee was last injuriously exposed to
15 the trauma during a period of at least ninety (90) days
16 or more, and the insurance carrier, if any, on the risk
17 when the employee was last so exposed under such
18 employer, shall alone be liable therefor, without
19 right to contribution from any prior employer or
20 insurance carrier. If there is no employer in whose
21 employment the employee was injuriously exposed to the
22 trauma for a period of at least ninety (90) days, then
23 the last employer in whose employment the employee was
24 last injuriously exposed to the trauma and the

1 insurance carrier, if any, on the risk when such
2 employee was last so exposed under such employer,
3 shall be liable therefor, with right to contribution
4 from any prior employer or insurance carrier.

5 d. A compensable injury shall be established by medical
6 evidence supported by objective findings as defined in
7 paragraph ~~31~~ 33 of this section.

8 ~~d.~~ e. The injured employee shall prove by a preponderance
9 of the evidence that he or she has suffered a
10 compensable injury.

11 ~~e.~~ f. Benefits shall not be payable for a condition which
12 results from a non-work-related independent
13 intervening cause following a compensable injury which
14 causes or prolongs disability, aggravation, or
15 requires treatment. A non-work-related independent
16 intervening cause does not require negligence or
17 recklessness on the part of a claimant.

18 ~~f.~~ g. An employee who suffers a compensable injury shall be
19 entitled to receive compensation as prescribed in ~~this~~
20 ~~act~~ the Administrative Workers' Compensation Act.
21 Notwithstanding other provisions of law, if it is
22 determined that a compensable injury did not occur,
23 the employee shall not be entitled to compensation
24

1 under ~~this act~~ the Administrative Workers'
2 Compensation Act;

3 10. "Compensation" means the money allowance payable to the
4 employee or to his or her dependents and includes the medical
5 services and supplies provided for in Section 50 of this title and
6 funeral expenses;

7 11. "Consequential injury" means injury or harm to a part of
8 the body that is a direct result of the injury or medical treatment
9 to the part of the body originally injured in the claim. The
10 Commission shall not make a finding of a consequential injury unless
11 it is established by objective medical evidence that medical
12 treatment for such part of the body is required;

13 12. "Continuing medical maintenance" means medical treatment
14 that is reasonable and necessary to maintain claimant's condition
15 resulting from the compensable injury or illness after reaching
16 maximum medical improvement. Continuing medical maintenance shall
17 not include diagnostic tests, surgery, injections, counseling,
18 physical therapy, or pain management devices or equipment;

19 13. "Course and scope of employment" means an activity of any
20 kind or character for which the employee was hired and that relates
21 to and derives from the work, business, trade or profession of an
22 employer, and is performed by an employee in the furtherance of the
23 affairs or business of an employer. The term includes activities
24 conducted on the premises of an employer or at other locations

1 designated by an employer and travel by an employee in furtherance
2 of the affairs of an employer that is specifically directed by the
3 employer. This term does not include:

- 4 a. an employee's transportation to and from his or her
5 place of employment,
- 6 b. travel by an employee in furtherance of the affairs of
7 an employer if the travel is also in furtherance of
8 personal or private affairs of the employee,
- 9 c. any injury occurring in a parking lot or other common
10 area adjacent to an employer's place of business
11 before the employee clocks in or otherwise begins work
12 for the employer or after the employee clocks out or
13 otherwise stops work for the employer unless the
14 employer owns or maintains exclusive control over the
15 area, or
- 16 d. any injury occurring while an employee is on a work
17 break, unless the injury occurs while the employee is
18 on a work break inside the employer's facility or in
19 an area owned by or exclusively controlled by the
20 employer and the work break is authorized by the
21 employee's supervisor;

22 14. "Cumulative trauma" means an injury to an employee that is
23 caused by the combined effect of repetitive physical activities
24 extending over a period of time in the course and scope of

1 employment. Cumulative trauma shall not mean fatigue, soreness or
2 general aches and pain that may have been caused, aggravated,
3 exacerbated or accelerated by the employee's course and scope of
4 employment. Cumulative trauma shall have resulted directly and
5 independently of all other causes;

6 15. "Death" means only death resulting from compensable injury
7 as defined in paragraph 9 of this section;

8 16. "Disability" means incapacity because of compensable injury
9 to earn, in the same or any other employment, substantially the same
10 amount of wages the employee was receiving at the time of the
11 compensable injury;

12 17. "Drive-away operations" includes every person engaged in
13 the business of transporting and delivering new or used vehicles by
14 driving, either singly or by towbar, saddle-mount or full-mount
15 method, or any combination thereof, with or without towing a
16 privately owned vehicle;

17 18. a. "Employee" means any person, including a minor, in the
18 service of an employer under any contract of hire or
19 apprenticeship, written or oral, expressed or implied,
20 but excluding one whose employment is casual and not
21 in the course of the trade, business, profession, or
22 occupation of his or her employer and excluding one
23 who is required to perform work for a municipality or
24 county or the state or federal government on having

1 been convicted of a criminal offense or while
2 incarcerated. "Employee" shall also include a member
3 of the Oklahoma National Guard while in the
4 performance of duties only while in response to state
5 orders and any authorized voluntary or uncompensated
6 worker, rendering services as a firefighter, law
7 enforcement officer or emergency management worker.
8 Travel by a police officer, fireman, or a member of a
9 first aid or rescue squad, in responding to and
10 returning from an emergency, shall be deemed to be in
11 the course of employment.

12 b. The term "employee" shall not include:

- 13 (1) any person for whom an employer is liable under
14 any Act of Congress for providing compensation to
15 employees for injuries, disease or death arising
16 out of and in the course of employment including,
17 but not limited to, the Federal Employees'
18 Compensation Act, the Federal Employers'
19 Liability Act, the Longshore and Harbor Workers'
20 Compensation Act and the Jones Act, to the extent
21 his or her employees are subject to such acts,
22 (2) any person who is employed in agriculture,
23 ranching or horticulture by an employer who had a
24 gross annual payroll in the preceding calendar

1 year of less than One Hundred Thousand Dollars
2 (\$100,000.00) wages for agricultural, ranching or
3 horticultural workers, or any person who is
4 employed in agriculture, ranching or horticulture
5 who is not engaged in operation of motorized
6 machines. This exemption applies to any period
7 of time for which such employment exists,
8 irrespective of whether or not the person is
9 employed in other activities for which the
10 exemption does not apply. If the person is
11 employed for part of a year in exempt activities
12 and for part of a year in nonexempt activities,
13 the employer shall be responsible for providing
14 workers' compensation only for the period of time
15 for which the person is employed in nonexempt
16 activities,

17 (3) any person who is a licensed real estate sales
18 associate or broker, paid on a commission basis,

19 (4) any person employed by an employer with five or
20 fewer total employees, all of whom are related
21 within the second degree by blood or marriage to
22 the employer, all of whom are dependents living
23 in the household of the employer, or all of whom
24 are a combination of such relatives and

dependents. If the employer is not a natural person such relative shall be related within the second degree by blood or marriage to a person who owns fifty percent (50%) or more of the employer, or such dependent shall be in the household of a person who owns fifty percent (50%) or more of the employer,

(5) any person employed by an employer which is a youth sports league which qualifies for exemption from federal income taxation pursuant to federal law,

(6) sole proprietors, members of a partnership, individuals who are party to a franchise agreement as set out by the Federal Trade Commission franchise disclosure rule, 16 CFR 436.1 through 436.11, members of a limited liability company who own at least ten percent (10%) of the capital of the limited liability company or any stockholder-employees of a corporation who own ten percent (10%) or more stock in the corporation, unless they elect to be covered by a policy of insurance covering benefits under the Administrative Workers' Compensation Act,

- 1 (7) any person providing or performing voluntary
2 service who receives no wages for the services
3 other than meals, drug or alcohol rehabilitative
4 therapy, transportation, lodging or reimbursement
5 for incidental expenses except for volunteers
6 specifically provided for in subparagraph a of
7 this paragraph,
- 8 (8) a person, commonly referred to as an owner-
9 operator, who owns or leases a truck-tractor or
10 truck for hire, if the owner-operator actually
11 operates the truck-tractor or truck and if the
12 person contracting with the owner-operator is not
13 the lessor of the truck-tractor or truck.
14 Provided, however, an owner-operator shall not be
15 precluded from workers' compensation coverage
16 under the Administrative Workers' Compensation
17 Act if the owner-operator elects to participate
18 as a sole proprietor,
- 19 (9) a person referred to as a drive-away owner-
20 operator who privately owns and utilizes a tow
21 vehicle in drive-away operations and operates
22 independently for hire, if the drive-away owner-
23 operator actually utilizes the tow vehicle and if
24 the person contracting with the drive-away owner-

operator is not the lessor of the tow vehicle.
Provided, however, a drive-away owner-operator
shall not be precluded from workers' compensation
coverage under the Administrative Workers'
Compensation Act if the drive-away owner-operator
elects to participate as a sole proprietor, and
(10) any person who is employed as a domestic servant
or as a casual worker in and about a private home
or household, which private home or household had
a gross annual payroll in the preceding calendar
year of less than Fifty Thousand Dollars
(\$50,000.00) for such workers;

19. "Employer" means a natural person, partnership,
association, limited liability company, corporation, and the legal
representatives of a deceased employer, or the receiver or trustee
of a person, partnership, association, corporation, or limited
liability company, departments, instrumentalities and institutions
of this state and divisions thereof, counties and divisions thereof,
public trusts, boards of education and incorporated cities or towns
and divisions thereof, employing a person included within the term
"employee" as defined in this section. Employer may also mean the
employer's workers' compensation insurance carrier, if applicable.
Except as provided otherwise, ~~this act~~ the Administrative Workers'

1 Compensation Act applies to all public and private entities and
2 institutions;

3 20. "Employment" includes work or labor in a trade, business,
4 occupation or activity carried on by an employer or any authorized
5 voluntary or uncompensated worker rendering services as a
6 firefighter, peace officer or emergency management worker;

7 21. "Evidence-based" means expert-based, literature-supported
8 and outcomes validated by well-designed randomized trials when such
9 information is available and which uses the best available evidence
10 to support medical decision making;

11 22. "Gainful employment" means the capacity to perform
12 employment for wages for a period of time that is not part-time,
13 occasional or sporadic;

14 23. "Idiopathic" means an injury or condition, where neither the
15 cause, nor the resulting injury bears any special relation to the
16 work or to the conditions under which the act was being performed and
17 though it occurs in the course of the employment, does not arise out
18 of the employment;

19 24. "Impaired self-insurer" means a private self-insurer or
20 group self-insurance association that fails to pay its workers'
21 compensation obligations, or is financially unable to do so and is
22 the subject of any proceeding under the ~~Federal~~ federal Bankruptcy
23 Reform Act of 1978, and any subsequent amendments or is the subject
24 of any proceeding in which a receiver, custodian, liquidator,

1 rehabilitator, trustee or similar officer has been appointed by a
2 court of competent jurisdiction to act in lieu of or on behalf of
3 the self-insurer;

4 ~~24.~~ 25. "Incapacity" means inadequate strength or ability to
5 perform a work-related task;

6 ~~25.~~ 26. "Insurance Commissioner" means the Insurance
7 Commissioner of the State of Oklahoma;

8 ~~26.~~ 27. "Insurance Department" means the Insurance Department
9 of the State of Oklahoma;

10 ~~27.~~ 28. "Intentional act" means an injury occurring only when
11 the employee is injured as a result of a willful, deliberate, and
12 specific intent to cause such injury and only when the act that was
13 the proximate cause of the injury was not normally within the
14 employer-employee relationship and was not an employment risk related
15 to the business of the employer. Knowledge that the injury was
16 substantially certain to result from the conduct shall not constitute
17 an intentional act;

18 29. "Major cause" means more than fifty percent (50%) of the
19 resulting injury, disease or illness. A finding of major cause
20 shall be established by a preponderance of the evidence. A finding
21 that the workplace was not a major cause of the injury, disease or
22 illness shall not adversely affect the exclusive remedy provisions
23 of ~~this act~~ the Administrative Workers' Compensation Act and shall
24

1 not create a separate cause of action outside ~~this act~~ the
2 Administrative Workers' Compensation Act;

3 ~~28.~~ 30. "Maximum medical improvement" means that no further
4 material improvement would reasonably be expected from medical
5 treatment or the passage of time;

6 ~~29.~~ 31. "Medical services" means those services specified in
7 Section 50 of this title;

8 ~~30.~~ 32. "Misconduct" shall include the following:

- 9 a. unexplained absenteeism or tardiness,
- 10 b. willful or wanton indifference to or neglect of the
- 11 duties required,
- 12 c. willful or wanton breach of any duty required by the
- 13 employer,
- 14 d. the mismanagement of a position of employment by
- 15 action or inaction,
- 16 e. actions or omissions that place in jeopardy the
- 17 health, life, or property of self or others,
- 18 f. dishonesty,
- 19 g. wrongdoing,
- 20 h. violation of a law, or
- 21 i. a violation of a policy or rule adopted to ensure
- 22 orderly work or the safety of self or others;

23 ~~31.~~

33. a. (1) "Objective findings" are those findings which cannot come under the voluntary control of the patient.

(2) (a) When determining permanent disability, a physician, any other medical provider, an administrative law judge, the Commission or the courts shall not consider complaints of pain.

(b) For the purpose of making permanent disability ratings to the spine, physicians shall use criteria established by the Sixth Edition of the American Medical Association "Guides to the Evaluation of Permanent Impairment".

(3) (a) Objective evidence necessary to prove permanent disability in occupational hearing loss cases may be established by medically recognized and accepted clinical diagnostic methodologies, including, but not limited to, audiological tests that measure air and bone conduction thresholds and speech discrimination ability.

(b) Any difference in the baseline hearing levels shall be confirmed by subsequent

1 testing; provided, however, such test shall
2 be given within four (4) weeks of the
3 initial baseline hearing level test but not
4 before five (5) days after being adjusted
5 for presbycusis.

6 b. Medical opinions addressing compensability and
7 permanent disability shall be stated within a
8 reasonable degree of medical certainty;

9 ~~32.~~ 34. "Official Disability Guidelines" or "ODG" means the
10 current edition of the Official Disability Guidelines and the ODG
11 Treatment in Workers' ~~Comp~~ Compensation as published by the Work
12 Loss Data Institute;

13 ~~33.~~ 35. "Permanent disability" means the extent, expressed as a
14 percentage, of the loss of a portion of the total physiological
15 capabilities of the human body as established by competent medical
16 evidence and based on the Sixth Edition of the American Medical
17 Association "Guides to the Evaluation of Permanent Impairment", if
18 the impairment is contained therein;

19 ~~34.~~ 36. "Permanent partial disability" means a permanent
20 disability or loss of use after maximum medical improvement has been
21 reached ~~which prevents the injured employee, who has been released~~
22 ~~to return to work by the treating physician, from returning to his~~
23 ~~or her pre-injury or equivalent job.~~ All evaluations of permanent
24 partial disability must be supported by objective findings;

1 ~~35.~~ 37. "Permanent total disability" means, based on objective
2 findings, incapacity, based upon accidental injury or occupational
3 disease, to earn wages in any employment for which the employee may
4 become physically suited and reasonably fitted by education,
5 training, experience or vocational rehabilitation provided under
6 ~~this act~~ the Administrative Workers' Compensation Act. Loss of both
7 hands, both feet, both legs, or both eyes, or any two thereof, shall
8 constitute permanent total disability;

9 ~~36.~~ 38. "Preexisting condition" means any illness, injury,
10 disease, or other physical or mental condition, whether or not work-
11 related, for which medical advice, diagnosis, care or treatment was
12 recommended or received preceding the date of injury;

13 ~~37.~~ 39. "Pre-injury or equivalent job" means the job that the
14 claimant was working for the employer at the time the injury
15 occurred or any other employment offered by the claimant's employer
16 that pays at least one hundred percent (100%) of the employee's
17 average weekly wage;

18 ~~38.~~ 40. "Private self-insurer" means a private employer that
19 has been authorized to self-insure its workers' compensation
20 obligations pursuant to ~~this act~~ the Administrative Workers'
21 Compensation Act, but does not include group self-insurance
22 associations authorized by ~~this act~~ the Administrative Workers'
23 Compensation Act, or any public employer that self-insures pursuant
24 to ~~this act~~ the Administrative Workers' Compensation Act;

1 ~~39.~~ 41. "Prosthetic" means an artificial device used to replace
2 a part or joint of the body that is lost or injured in an accident
3 or illness covered by ~~this act~~ the Administrative Workers'
4 Compensation Act;

5 ~~40.~~ 42. "Scheduled member" or "member" means hands, fingers,
6 arms, legs, feet, toes, and eyes. In addition, for purposes of the
7 Multiple Injury Trust Fund only, "scheduled member" means hearing
8 impairment;

9 ~~41.~~ 43. "Scientifically based" involves the application of
10 rigorous, systematic, and objective procedures to obtain reliable
11 and valid knowledge relevant to medical testing, diagnoses and
12 treatment; is adequate to justify the general conclusions drawn; and
13 has been accepted by a peer-review journal or approved by a panel of
14 independent experts through a comparably rigorous, objective, and
15 scientific review;

16 ~~42.~~ 44. "State average weekly wage" means the state average
17 weekly wage determined by the Oklahoma Employment Security
18 Commission in the preceding calendar year. If such determination is
19 not available, the Commission shall determine the wage annually
20 after reasonable investigation;

21 ~~43.~~ 45. "Subcontractor" means a person, firm, corporation or
22 other legal entity hired by the general or prime contractor to
23 perform a specific task for the completion of a work-related
24 activity;

1 ~~44.~~ 46. "Surgery" does not include an injection, or the forcing
2 of fluids beneath the skin, for treatment or diagnosis;

3 ~~45.~~ 47. "Surviving spouse" means the employee's spouse by
4 reason of a legal marriage recognized by the State of Oklahoma or
5 under the requirements of a common law marriage in this state, as
6 determined by the Oklahoma Workers' Compensation Commission;

7 ~~46.~~ 48. "Temporary partial disability" means an injured
8 employee who is temporarily unable to perform his or her job, but
9 may perform alternative work offered by the employer;

10 ~~47.~~ 49. "Time of accident" or "date of accident" means the time
11 or date of the occurrence of the accidental incident from which
12 compensable injury, disability, or death results; and

13 ~~48.~~ 50. "Wages" means money compensation received for
14 employment at the time of the accident, including the reasonable
15 value of board, rent, housing, lodging, or similar advantage
16 received from the employer and includes the amount of tips required
17 to be reported by the employer under Section 6053 of the Internal
18 Revenue Code and the regulations promulgated pursuant thereto or the
19 amount of actual tips reported, whichever amount is greater.

20 SECTION 2. AMENDATORY 85A O.S. 2021, Section 3, is
21 amended to read as follows:

22 Section 3. A. Every employer and every employee, unless
23 otherwise specifically provided in ~~this act~~ the Administrative
24 Workers' Compensation Act, shall be subject and bound to the

1 provisions of the Administrative Workers' Compensation Act and every
2 employer shall pay or provide benefits according to the provisions
3 of this act for the ~~accidental~~ compensable injury or death of an
4 employee arising out of and in the course of his or her employment,
5 without regard to fault for such injury, if the employee's contract
6 of employment was made or if the injury occurred within this state.
7 If an employee makes a claim for an injury in another jurisdiction,
8 the employee is precluded from his or her right of action under the
9 Administrative Workers' Compensation Act unless the Oklahoma
10 Workers' Compensation Commission determines that there is a change
11 in circumstances that creates a good cause to bring the claim under
12 the Administrative Workers' Compensation Act; provided, however,
13 that the employee may not receive duplicate benefits to those
14 received in the foreign jurisdiction and the employee's right to
15 bring a claim under this act shall be subject to the limitations
16 period for bringing a claim pursuant to paragraph 1 of subsection A
17 of Section 69 of this title. Nothing in ~~this act~~ the Administrative
18 Workers' Compensation Act shall be construed to conflict with any
19 valid Act of Congress governing the liability of employers for
20 injuries received by their employees.

21 B. The State of Oklahoma accepts the provisions of the Acts of
22 Congress designated as 40 U.S.C., Section 3172, formerly 40 U.S.C.,
23 Section 290, and hereby extends the territorial jurisdiction of the
24 Administrative Workers' Compensation Act of this state to all lands

1 and premises within the exterior boundaries of this state which the
2 Government of the United States of America owns or holds by deed or
3 act of cession, and to all purchases, projects, buildings,
4 constructions, improvements and property within the exterior
5 boundaries of this state belonging to the Government of the United
6 States of America, in the same manner and to the same extent as if
7 the premises were under the exclusive jurisdiction of this state,
8 subject only to the limitations placed thereon by the Acts of
9 Congress.

10 C. The Administrative Workers' Compensation Act shall apply
11 only to claims for injuries and death ~~based on accidents~~ which occur
12 on or after February 1, 2014.

13 D. The Workers' Compensation Code in effect before February 1,
14 2014, shall govern all rights in respect to claims for injuries and
15 death ~~based on accidents~~ occurring before February 1, 2014.

16 SECTION 3. AMENDATORY 85A O.S. 2021, Section 5, is
17 amended to read as follows:

18 Section 5. A. The rights and remedies granted to an employee
19 subject to the provisions of the Administrative Workers'
20 Compensation Act shall be exclusive of all other rights and remedies
21 of the employee, his legal representative, dependents, next of kin,
22 or anyone else claiming rights to recovery on behalf of the employee
23 against the employer, or any principal, officer, director, employee,
24 stockholder, partner, or prime contractor of the employer on account

1 of injury, illness, or death. Negligent acts of a co-employee may
2 not be imputed to the employer. No role, capacity, or persona of
3 any employer, principal, officer, director, employee, or stockholder
4 other than that existing in the role of employer of the employee
5 shall be relevant for consideration for purposes of ~~this act~~ the
6 Administrative Workers' Compensation Act, and the remedies and
7 rights provided by ~~this act~~ the Administrative Workers' Compensation
8 Act shall be exclusive regardless of the multiple roles, capacities,
9 or personas the employer may be deemed to have.

10 B. Exclusive remedy shall not apply if:

11 1. An employer fails to secure the payment of compensation due
12 to the employee as required by ~~this act~~ the Administrative Workers'
13 Compensation Act. An injured employee, or his or her legal
14 representative in case death results from the injury, may, at his or
15 her option, elect to claim compensation under ~~this act~~ the
16 Administrative Workers' Compensation Act or to maintain a legal
17 action in court for damages on account of the injury or death; or

18 2. The injury was caused by an intentional ~~tort~~ act committed
19 by the employer. An intentional ~~tort~~ act shall exist only when ~~the~~
20 ~~employee is injured as a result of willful, deliberate, specific~~
21 ~~intent of the employer to cause such injury. Allegations or proof~~
22 ~~that the employer had knowledge that the injury was substantially~~
23 ~~certain to result from the employer's conduct shall not constitute~~
24 ~~an intentional tort. The employee shall plead facts that show it is~~

1 ~~at least as likely as it is not that the employer acted with the~~
2 ~~purpose of injuring the employee~~ an employer who owns at least ten
3 percent (10%) of the business engages in or specifically directs the
4 act that is the proximate cause of the injury to the employee. An
5 employee or owner of less than ten percent (10%) of the business
6 shall not be released from liability pursuant to this section if he
7 or she engaged in an intentional act that was the proximate cause of
8 the injury or death. The issue of whether an act is ~~an~~ intentional
9 ~~text~~ shall be a question of law.

10 C. The immunity from civil liability described in subsection A
11 of this section shall apply regardless of whether the injured
12 employee is denied compensation or deemed ineligible to receive
13 compensation under ~~this act~~ the Administrative Workers' Compensation
14 Act.

15 D. If an employer has failed to secure the payment of
16 compensation for his or her injured employee as provided for in ~~this~~
17 ~~act~~ the Administrative Workers' Compensation Act, an injured
18 employee, or his or her legal representative if death results from
19 the injury, may maintain an action in the district court for damages
20 on account of such injury.

21 E. The immunity created by the provisions of this section shall
22 not extend to action against another employer, or its employees, on
23 the same job as the injured or deceased worker where such other
24 employer does not stand in the position of an intermediate or

1 principal employer to the immediate employer of the injured or
2 deceased worker.

3 F. The immunity created by the provisions of this section shall
4 not extend to action against another employer, or its employees, on
5 the same job as the injured or deceased worker even though such
6 other employer may be considered as standing in the position of a
7 special master of a loaned servant where such special master neither
8 is the immediate employer of the injured or deceased worker nor
9 stands in the position of an intermediate or principal employer to
10 the immediate employer of the injured or deceased worker.

11 G. This section shall not be construed to abrogate the loaned
12 servant doctrine in any respect other than that described in
13 subsection F of this section. Nothing in ~~this act~~ the
14 Administrative Workers' Compensation Act shall be construed to
15 relieve the employer from any other penalty provided for in ~~this act~~
16 the Administrative Workers' Compensation Act for failure to secure
17 the payment of compensation under ~~this act~~ the Administrative
18 Workers' Compensation Act.

19 H. For the purpose of extending the immunity of this section,
20 any architect, professional engineer, or land surveyor shall be
21 deemed an intermediate or principal employer for services performed
22 at or on the site of a construction project, but this immunity shall
23 not extend to the negligent preparation of design plans and
24 specifications.

1 I. If the employer has failed to secure the payment of
2 compensation as provided in ~~this act~~ the Administrative Workers'
3 Compensation Act or in the case of an intentional ~~to~~ act, the
4 injured employee or his or her legal representative may maintain an
5 action either before the Commission or in the district court, but
6 not both.

7 SECTION 4. AMENDATORY 85A O.S. 2021, Section 13, is
8 amended to read as follows:

9 Section 13. A. 1. A mental injury or illness is not a
10 compensable injury unless caused by a physical injury to the
11 employee, and shall not be considered an injury arising out of and
12 in the course and scope of employment or compensable unless
13 demonstrated by a preponderance of the evidence; provided, however,
14 that this physical injury limitation shall not apply to any victim
15 of a crime of violence.

16 2. No mental injury or illness under this section shall be
17 compensable unless it is also diagnosed by a licensed psychiatrist
18 or psychologist and unless the diagnosis of the condition meets the
19 criteria established in the ~~most current issue of the~~ Diagnostic and
20 Statistical Manual of Mental Disorders, Fifth Edition (DSM-5).

21 B. 1. Notwithstanding any other provision of ~~this act~~ the
22 Administrative Workers' Compensation Act, where a claim is for
23 mental injury or illness, the employee shall be limited to twenty-
24 six (26) weeks of disability benefits unless it is shown by clear

1 and convincing evidence that benefits should continue for a set
2 period of time, not to exceed a total of fifty-two (52) weeks.

3 2. a. In cases where death results directly from the mental
4 injury or illness within a period of one (1) year,
5 compensation shall be paid the dependents as provided
6 in other death cases under ~~this act~~ the Administrative
7 Workers' Compensation Act.

8 b. Death directly or indirectly related to the mental
9 injury or illness occurring one (1) year or more from
10 the incident resulting in the mental injury or illness
11 shall not be a compensable injury.

12 SECTION 5. AMENDATORY 85A O.S. 2021, Section 30, is
13 amended to read as follows:

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

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

19 2. The loss by amputation of the whole or a part of a member of
20 the body, or loss of use of more than thirty-five percent (35%) of a
21 member of the body proven by objective medical evidence; or

22 3. Any previous adjudications of compensable permanent partial
23 disability adjudged and determined by the Workers' Compensation
24

1 Court, the Workers' Compensation Court of Existing Claims or the
2 Oklahoma Workers' Compensation Commission.

3 B. This section shall apply to all adjudications of Multiple
4 Injury Trust Fund claims in which the last injury occurred on or
5 after July 1, 2019.

6 SECTION 6. AMENDATORY 85A O.S. 2021, Section 32, is
7 amended to read as follows:

8 Section 32. A. If an employee who is a "physically impaired
9 person" receives an accidental personal injury compensable under the
10 Administrative Workers' Compensation Act which results in additional
11 permanent disability so that the degree of disability caused by the
12 combination of both disabilities results in disability materially
13 greater than that which would have resulted from the subsequent
14 injury alone, the employee may proceed against the Multiple Injury
15 Trust Fund for permanent total disability. ~~Only disability due to~~
16 ~~an injury to the body as a whole at a subsequent employer shall be~~
17 ~~combinable with a prior body disability, except that disability to a~~
18 ~~member may be combined with disability to the body as a whole.~~ If
19 such combined disabilities constitute permanent total disability, as
20 defined in Section 2 of this title, the employee shall receive full
21 compensation as provided by law for the disability resulting
22 directly and specifically from the subsequent injury. In addition,
23 the employee shall receive compensation for permanent total
24 disability if the combination of injuries renders the employee

1 permanently and totally disabled. The employer shall be liable only
2 for the degree of percent of disability which would have resulted
3 from the subsequent injury if there had been no preexisting
4 impairment. The compensation rate for permanent total disability
5 awards from the Multiple Injury Trust Fund shall be the compensation
6 rate for permanent partial disability paid by the employer in the
7 last combinable compensable injury.

8 B. Permanent total disability awards from the Multiple Injury
9 Trust Fund shall be payable in periodic installments for a period of
10 eight (8) years or until the employee reaches sixty-five (65) years
11 of age, whichever period is longer.

12 C. Permanent total disability awards from the Multiple Injury
13 Trust Fund shall accrue from the file date of the order of the
14 Oklahoma Workers' Compensation Commission finding the claimant to be
15 permanently and totally disabled.

16 D. Before a physically impaired person can proceed against the
17 Multiple Injury Trust Fund, the previously adjudicated compensable
18 permanent partial disability adjudged and determined by the Workers'
19 Compensation Court, the Workers' Compensation Court of Existing
20 Claims or the Oklahoma Workers' Compensation Commission and the
21 permanent partial disability from the last injury must exceed fifty
22 percent (50%) to the body as a whole. However, amputations and loss
23 of use of a scheduled member qualifying as previous impairment under
24 paragraph 2 of subsection A of Section 30 of this title shall be

1 considered in lieu of previously adjudicated compensable permanent
2 partial disability.

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

5 F. Reopening any prior claim other than the last injury claim
6 against the employer shall not give a claimant the right to
7 additional Multiple Injury Trust Fund benefits.

8 G. The Multiple Injury Trust Fund shall have authority to
9 compromise a claim for less than the indicated amount of permanent
10 total disability. Orders shall be paid in periodic installments
11 beginning on the date of the award, unless commuted to a lump-sum
12 payment or payments, by agreement of the claimant and the Multiple
13 Injury Trust Fund. All offers made by the Multiple Injury Trust
14 Fund pursuant to this section shall be conveyed by the claimant's
15 attorney to the claimant within five (5) days of receipt of the
16 offer.

17 H. If an order is entered finding an employee to be permanently
18 totally disabled as a result of combined disability, and such order
19 is the result of a compromised settlement, the employee is
20 thereafter prohibited from making an additional claim against the
21 Multiple Injury Trust Fund. An attorney for a claimant against the
22 Multiple Injury Trust Fund shall be entitled to a fee equal to
23 twenty percent (20%) of permanent disability benefits awarded. The
24 attorney fee shall be paid in periodic installments by the attorney

1 receiving every fifth check. All benefits awarded to the attorney
2 shall be vested at the time the award becomes final.

3 I. In the event a claimant receiving benefits for permanent and
4 total disability from the Multiple Injury Trust Fund dies as a
5 result of his or her injury before the award has been fully paid,
6 payments shall continue to the surviving spouse for five (5) years
7 or upon remarriage, whichever occurs first. In no event shall
8 payments to the surviving spouse extend beyond the period of
9 benefits awarded to the claimant.

10 SECTION 7. AMENDATORY 85A O.S. 2021, Section 35, is
11 amended to read as follows:

12 Section 35. A. 1. Every employer shall secure compensation as
13 provided under ~~this act~~ the Administrative Workers' Compensation Act
14 to its employees for compensable injuries without regard to fault.

15 2. There shall be no liability for compensation under ~~this act~~
16 the Administrative Workers' Compensation Act where the injury or
17 death was ~~substantially occasioned by the willful intention as a~~
18 result of an intentional act of the injured employee ~~to bring about~~
19 ~~such compensable injury or death.~~

20 B. The primary obligation to pay compensation is on the
21 employer, and the procurement of a policy of insurance by an
22 employer to cover the obligation in respect to ~~this act~~ the
23 Administrative Workers' Compensation Act shall not relieve the
24 employer of the obligation.

1 SECTION 8. AMENDATORY 85A O.S. 2021, Section 40, is
2 amended to read as follows:

3 Section 40. A. 1. Any employer who fails to secure
4 compensation required under the Administrative Workers' Compensation
5 Act, upon conviction, shall be guilty of a misdemeanor and subject
6 to a fine of up to Ten Thousand Dollars (\$10,000.00) to be deposited
7 in the Workers' Compensation Commission Revolving Fund.

8 2. This subsection shall not affect any other liability of the
9 employer under the Administrative Workers' Compensation Act.

10 B. 1. Whenever the Oklahoma Workers' Compensation Commission
11 has reason to believe that any employer required to secure the
12 payment of compensation under the Administrative Workers'
13 Compensation Act has failed to do so, the Commission shall serve on
14 the employer a proposed judgment declaring the employer to be in
15 violation of the Administrative Workers' Compensation Act and
16 containing the amount, if any, of the civil penalty to be assessed
17 against the employer under paragraph 5 of this subsection.

18 2. a. An employer may contest a proposed judgment of the
19 Commission issued under paragraph 1 of this subsection
20 by filing with the Commission, within twenty (20) days
21 of receipt of the proposed judgment, a written request
22 for a hearing.

23 b. The request for a hearing does not need to be in any
24 particular form but shall specify the grounds on which

1 the person contests the proposed judgment, the
2 proposed assessment, or both.

3 c. If a written request for hearing is not filed with the
4 Commission within the time specified in subparagraph a
5 of this paragraph, the proposed judgment, the proposed
6 penalty or both, shall be a final judgment of the
7 Commission ~~and shall not be subject to further review~~
8 ~~by any court, except if the employer shows good cause~~
9 ~~why it did not timely contest the judgment or penalty~~
10 and terms of the proposed judgment shall be reflected
11 in an order signed by an administrative law judge of
12 the Commission.

13 d. ~~A proposed judgment by the Commission under this~~
14 ~~section shall be prima facie correct, and the burden~~
15 ~~is on the employer to prove that the proposed judgment~~
16 ~~is incorrect~~ If the employer objects to the proposed
17 judgment and requests a hearing, the Commission shall
18 prove by a preponderance of evidence each and every
19 allegation of law and fact contained in the proposed
20 judgment. The administrative law judge shall make
21 specific findings of fact and law.

22 3. a. If the employer alleges that a carrier has contracted
23 to provide it workers' compensation insurance coverage
24 for the period in question, the employer shall include

1 the allegation in its request for hearing and shall
2 name the carrier.

3 b. The Commission shall promptly notify the carrier of
4 the employer's allegation and of the date of hearing.

5 c. The carrier shall promptly, and no later than five (5)
6 days before the hearing, respond in writing to the
7 employer's allegation by providing evidence of
8 coverage for the period in question or by
9 affirmatively denying the employer's allegation.

10 4. Hearings under this section shall be procedurally conducted
11 as provided in Sections 69 through 78 of this title.

12 5. The Commission may assess a fine against an employer who
13 fails to secure the payment of compensation in an amount up to One
14 Thousand Dollars (\$1,000.00) per day of violation payable to the
15 Workers' Compensation Commission Revolving Fund, not to exceed a
16 total of Fifty Thousand Dollars (\$50,000.00) for the first
17 violation.

18 6. If an employer fails to secure the payment of compensation
19 or pay any civil penalty assessed against the employer after a
20 judgment issued under this section has become final by operation of
21 law or on appeal, the Commission may petition ~~the Oklahoma County~~
22 ~~District Court~~ or the district court of the county where the
23 employer's principal place of business is located for an order
24 enjoining the employer from engaging in further employment until

1 such time as the employer secures the payment of compensation or
2 makes full payment of all civil penalties.

3 7. Upon any penalty becoming final under this section, the
4 Commission may institute collection proceedings against any assets
5 of the employer independently or in district court including, but
6 not limited to, an asset hearing, garnishment of income and wages,
7 judgment lien or an intercept of an income tax refund consistent
8 with Section 205.2 of Title 68 of the Oklahoma Statutes. The
9 collection proceedings shall be filed in the county in which the
10 principal office of the employer is located. The clerk of the
11 Commission shall have the authority to certify a final order in
12 which a penalty has been assessed. Such certification shall be
13 necessary to invoke the jurisdiction of the district court.

14 8. Information subject to subsection A or B of Section 4-508 of
15 Title 40 of the Oklahoma Statutes may be disclosed to the employees
16 of the Commission for purposes of investigation and enforcement of
17 workers' compensation coverage requirements pursuant to this title,
18 and such information shall be admissible in any hearing before an
19 administrative law judge of the Commission.

20 9. Litigation files and investigatory reports of the Commission
21 arising from enforcement of the provisions of this section shall be
22 confidential pursuant to Section 24A.12 of Title 51 of the Oklahoma
23 Statutes.
24

1 SECTION 9. AMENDATORY 85A O.S. 2021, Section 45, is
2 amended to read as follows:

3 Section 45. A. Temporary Total Disability.

4 1. If the injured employee is temporarily unable to perform his
5 or her job or any alternative work offered by the employer, he or
6 she shall be entitled to receive compensation equal to seventy
7 percent (70%) of the injured employee's average weekly wage, but not
8 to exceed the state average weekly wage, for one hundred fifty-six
9 (156) weeks. Provided, there shall be no payment for the first
10 three (3) days of the initial period of temporary total disability.
11 If an administrative law judge finds that a consequential injury has
12 occurred and that additional time is needed to reach maximum medical
13 improvement, temporary total disability may continue for a period of
14 not more than an additional fifty-two (52) weeks. Such finding
15 shall be based upon a showing of medical necessity by clear and
16 convincing evidence. An employer shall have the right to recover
17 any overpayment of temporary total disability payments from a
18 subsequent permanent partial disability award if the offset is
19 deemed justified by the Oklahoma Workers' Compensation Commission.

20 2. When the injured employee is released from active medical
21 treatment by the treating physician for all body parts found by the
22 Commission to be injured, or in the event that the employee, without
23 a valid excuse, misses three consecutive medical treatment
24 appointments, fails to comply with medical orders of the treating

1 physician, or otherwise abandons medical care, the employer shall be
2 entitled to terminate temporary total disability by notifying the
3 employee, or if represented, his or her counsel. If, however, an
4 objection to the termination is filed by the employee within ten
5 (10) days of termination, the Commission shall set the matter within
6 twenty (20) days for a determination if temporary total disability
7 compensation shall be reinstated. The temporary total disability
8 shall remain terminated until such time as the employee complies
9 with medical orders of the treating physician. Notwithstanding the
10 provisions of this paragraph, benefits under this subsection shall
11 be permanently terminated by order of the Commission if the employee
12 is noncompliant or abandons treatment for sixty (60) days, or if
13 benefits under this subsection have been suspended under this
14 paragraph at least two times. The administrative law judge may
15 appoint an independent medical examiner to determine if further
16 medical treatment is reasonable and necessary. The independent
17 medical examiner shall not provide treatment to the injured worker,
18 unless agreed upon by the parties.

19 B. Temporary Partial Disability.

20 1. If the injured employee is temporarily unable to perform his
21 or her job, but may perform alternative work offered by the
22 employer, he or she shall be entitled to receive compensation equal
23 to seventy percent (70%) of the difference between the injured
24 employee's average weekly wage before the injury and his or her

1 weekly wage for performing alternative work after the injury, but
2 only if his or her weekly wage for performing the alternative work
3 is less than the temporary total disability rate. The injured
4 employee's actual earnings plus temporary partial disability
5 compensation shall not exceed the temporary total disability rate.

6 2. Compensation under this subsection may not exceed fifty-two
7 (52) weeks.

8 3. If the employee refuses to perform the alternative work
9 offered by the employee, he or she shall not be entitled to benefits
10 under subsection A of this section or under this section.

11 C. Permanent Partial Disability.

12 1. A permanent partial disability award or combination of
13 awards granted an injured worker may not exceed a permanent partial
14 disability rating of one hundred percent (100%) to any body part or
15 to the body as a whole. The determination of permanent partial
16 disability shall be the responsibility of the Commission through its
17 administrative law judges. Any claim by an employee for
18 compensation for permanent partial disability must be supported by
19 competent medical testimony of a medical doctor, osteopathic
20 physician, or chiropractor, and shall be supported by objective
21 medical findings, as defined in ~~this act~~ the Administrative Workers'
22 Compensation Act. The opinion of the physician shall include
23 employee's percentage of permanent partial disability and whether or
24 not the disability is job-related and caused by the accidental

1 injury or occupational disease. A physician's opinion of the nature
2 and extent of permanent partial disability to parts of the body
3 other than scheduled members must be based solely on criteria
4 established by the Sixth Edition of the American Medical
5 Association's "Guides to the Evaluation of Permanent Impairment". A
6 copy of any written evaluation shall be sent to both parties within
7 seven (7) days of issuance. Medical opinions addressing
8 compensability and permanent disability must be stated within a
9 reasonable degree of medical certainty. Any party may submit the
10 report of an evaluating physician.

11 2. Permanent partial disability shall not be allowed to a part
12 of the body for which no medical treatment has been received. A
13 determination of permanent partial disability made by the Commission
14 or administrative law judge which is not supported by objective
15 medical findings provided by a treating physician who is a medical
16 doctor, doctor of osteopathy, chiropractor or a qualified
17 independent medical examiner shall be considered an abuse of
18 discretion.

19 3. The examining physician shall not deviate from the Guides
20 except as may be specifically provided for in the Guides.

21 4. In cases of permanent partial disability, the compensation
22 shall be seventy percent (70%) of the employee's average weekly
23 wage, not to exceed Three Hundred Fifty Dollars (\$350.00) per week
24 which shall increase to Three Hundred Sixty Dollars (\$360.00) per

1 week on July 1, 2021~~7~~. Beginning on or after January 1, 2024,
2 compensation for permanent partial disability shall be seventy
3 percent (70%) of the employee's average weekly wage, not to exceed an
4 amount equal to forty percent (40%) of the state's average weekly
5 wage, rounded to the nearest dollar. Rates are to be subsequently
6 adjusted January 1, annually for injuries occurring on or after the
7 date of the adjustment. Rates shall be established for each claim
8 based upon the date of injury for a term not to exceed a total of
9 three hundred sixty (360) weeks for the body as a whole.

10 5. Assessments pursuant to Sections 31, 98 and 122 of this
11 title shall be calculated based upon the amount of the permanent
12 partial disability award.

13 6. Previous Disability: The fact that an employee has suffered
14 previous disability or received compensation therefor shall not
15 preclude the employee from compensation for a later accidental
16 personal injury or occupational disease. In the event there exists
17 a previous permanent partial disability, including a previous non-
18 work-related injury or condition which produced permanent partial
19 disability and the same is aggravated or accelerated by an
20 accidental personal injury or occupational disease, compensation for
21 permanent partial disability shall be only for such amount as was
22 caused by such accidental personal injury or occupational disease
23 and no additional compensation shall be allowed for the preexisting
24 disability or impairment. Any such reduction shall not apply to

1 temporary total disability, nor shall it apply to compensation for
2 medical treatment. If workers' compensation benefits have
3 previously been awarded through settlement or judicial or
4 administrative determination in Oklahoma, the percentage basis of
5 the prior settlement or award shall conclusively establish the
6 amount of permanent partial disability determined to be preexisting.
7 If workers' compensation benefits have not previously been awarded
8 through settlement or judicial or administrative determination in
9 Oklahoma, the amount of preexisting permanent partial disability
10 shall be established by competent evidence and determined by the
11 Commission.

12 7. No payments on any permanent partial disability order shall
13 begin until payments on any preexisting permanent partial disability
14 orders have been completed.

15 8. The whole body shall represent a maximum of three hundred
16 sixty (360) weeks.

17 9. The permanent partial disability rate of compensation for
18 amputation or permanent total loss of use of a scheduled member
19 specified in Section 46 of this title shall be seventy percent (70%)
20 of the employee's average weekly wage, not to exceed Three Hundred
21 Fifty Dollars (\$350.00), with an increase to Three Hundred Sixty
22 Dollars (\$360.00) ~~on July 1, 2021,~~. Beginning on or after January 1,
23 2024, compensation for permanent partial disability shall be seventy
24 percent (70%) of the employee's average weekly wage, not to exceed an

1 amount equal to forty percent (40%) of the state's average weekly
2 wage, rounded to the nearest dollar. Rates are to be subsequently
3 adjusted January 1, annually for injuries occurring on or after the
4 date of the adjustment. Rates shall be established for each claim
5 based upon the date of injury and multiplied by the number of weeks
6 set forth for the member in Section 46 of this title, regardless of
7 whether the injured employee is able to return to his or her pre-
8 injury or equivalent job.

9 10. An injured employee who is eligible for permanent partial
10 disability under this subsection shall be entitled to receive
11 vocational rehabilitation services provided by a technology center
12 or public secondary school offering vocational-technical education
13 courses, or a member institution of The Oklahoma State System of
14 Higher Education, which shall include retraining and job placement
15 to restore the employee to gainful employment. Vocational
16 rehabilitation services or training shall not extend for a period of
17 more than fifty-two (52) weeks.

18 D. Permanent Total Disability.

19 1. In case of total disability adjudged to be permanent,
20 seventy percent (70%) of the employee's average weekly wages, but
21 not in excess of the state's average weekly wage, shall be paid to
22 the employee during the continuance of the disability until such
23 time as the employee reaches the age of maximum Social Security
24 retirement benefits or for a period of fifteen (15) years, whichever

1 is longer. In the event the claimant dies of causes unrelated to
2 the injury or illness, benefits shall cease on the date of death.
3 Provided, however, any person entitled to revive the action shall
4 receive a one-time lump-sum payment equal to twenty-six (26) weeks
5 of weekly benefits for permanent total disability awarded the
6 claimant. If more than one person is entitled to revive the claim,
7 the lump-sum payment shall be evenly divided between or among such
8 persons. In the event the Commission awards both permanent partial
9 disability and permanent total disability benefits, the permanent
10 total disability award shall not be due until the permanent partial
11 disability award is paid in full. If otherwise qualified according
12 to the provisions of ~~this act~~ the Administrative Workers'
13 Compensation Act, permanent total disability benefits may be awarded
14 to an employee who has exhausted the maximum period of temporary
15 total disability even though the employee has not reached maximum
16 medical improvement.

17 2. The Oklahoma Workers' Compensation Commission shall annually
18 review the status of any employee receiving benefits for permanent
19 total disability against the last employer. The Commission shall
20 require the employee to annually file an affidavit under penalty of
21 perjury stating that he or she is not and has not been gainfully
22 employed and is not capable of gainful employment. Failure to file
23 such affidavit shall result in suspension of benefits; provided,
24

1 however, reinstatement of benefits may occur after proper hearing
2 before the Commission.

3 E. 1. The Oklahoma Workers' Compensation Commission may hire
4 or contract for a Vocational Rehabilitation Director to oversee the
5 vocational rehabilitation program of the Commission.

6 2. Upon the request of either party, an administrative law
7 judge shall determine if it is appropriate for a claimant to receive
8 vocational rehabilitation training or services. If appropriate, the
9 administrative law judge shall refer the employee to a qualified
10 expert for evaluation of the practicability of, need for and kind of
11 rehabilitation services or training necessary and appropriate in
12 order to restore the employee to gainful employment. The cost of
13 the evaluation shall be paid by the employer.

14 3. Upon receipt of such report, and after affording all parties
15 an opportunity to be heard, the administrative law judge shall order
16 that any rehabilitation services or training, recommended in the
17 report, or such other rehabilitation services or training as the
18 administrative law judge may deem necessary, provided the employee
19 elects to receive such services, shall be provided at the expense of
20 the employer. Except as otherwise provided in this subsection,
21 refusal to accept rehabilitation services by the employee shall in
22 no way diminish any benefits allowable to an employee.

23 4. The administrative law judge may order vocational
24 rehabilitation before the injured employee reaches maximum medical

1 improvement, if the treating physician believes that it is likely
2 that the employee's injury will prevent the employee from returning
3 to his or her former employment. In granting early benefits for
4 vocational rehabilitation, the Commission shall consider temporary
5 restrictions and the likelihood that such rehabilitation will return
6 the employee to gainful employment earlier than if such benefits are
7 granted after the permanent partial disability hearing in the claim.

8 5. Vocational rehabilitation services or training shall not
9 extend for a period of more than fifty-two (52) weeks. A request
10 for vocational rehabilitation services or training shall be filed
11 with the Commission by an interested party not later than sixty (60)
12 days from the date of receiving permanent disability that prevents
13 the injured employee from returning to his or her pre-injury or
14 equivalent position.

15 6. If rehabilitation requires residence at or near the facility
16 or institution which is away from the employee's customary
17 residence, reasonable cost of the employee's board, lodging, travel,
18 tuition, books and necessary equipment in training shall be paid for
19 by the insurer in addition to weekly compensation benefits to which
20 the employee is otherwise entitled under the Administrative Workers'
21 Compensation Act.

22 7. During the period when an employee is actively and in good
23 faith being evaluated or participating in a retraining or job
24 placement program for purposes of evaluating permanent total

1 disability status, the employee shall be entitled to receive
2 benefits at the same rate as the employee's temporary total
3 disability benefits for an additional fifty-two (52) weeks. All
4 tuition related to vocational rehabilitation services shall be paid
5 by the employer or the employer's insurer on a periodic basis
6 directly to the facility providing the vocational rehabilitation
7 services or training to the employee.

8 F. Disfigurement.

9 1. If an injured employee incurs serious and permanent
10 disfigurement to any part of the body, the Commission may award
11 compensation to the injured employee in an amount not to exceed
12 Fifty Thousand Dollars (\$50,000.00).

13 2. No award for disfigurement shall be entered until twelve
14 (12) months after the injury unless the treating physician deems the
15 wound or incision to be fully healed.

16 3. An injured employee shall not be entitled to compensation
17 under this subsection if he or she receives an award for permanent
18 partial disability to the same part of the body.

19 G. Benefits for a single-event injury shall be determined by
20 the law in effect at the time of injury. Benefits for a cumulative
21 trauma injury or occupational disease or illness shall be determined
22 by the law in effect at the time the employee knew or reasonably
23 should have known that the injury, occupational disease or illness
24

1 was related to work activity. Benefits for death shall be
2 determined by the law in effect at the time of death.

3 SECTION 10. AMENDATORY 85A O.S. 2021, Section 46, is
4 amended to read as follows:

5 Section 46. A. An injured employee who is entitled to receive
6 permanent partial disability compensation under Section 45 of this
7 title shall receive compensation for each part of the body in
8 accordance with the number of weeks for the scheduled loss set forth
9 below.

10 1. Arm amputated at the elbow, or between the elbow and
11 shoulder, two hundred seventy-five (275) weeks;

12 2. Arm amputated between the elbow and wrist, two hundred
13 twenty (220) weeks;

14 3. Leg amputated at the knee, or between the knee and the hip,
15 two hundred seventy-five (275) weeks;

16 4. Leg amputated between the knee and the ankle, two hundred
17 twenty (220) weeks;

18 5. Hand amputated, two hundred twenty (220) weeks;

19 6. Thumb amputated, sixty-six (66) weeks;

20 7. First finger amputated, thirty-nine (39) weeks;

21 8. Second finger amputated, thirty-three (33) weeks;

22 9. Third finger amputated, twenty-two (22) weeks;

23 10. Fourth finger amputated, seventeen (17) weeks;

24 11. Foot amputated, two hundred twenty (220) weeks;

12. Great toe amputated, thirty-three (33) weeks;

13. Toe other than great toe amputated, eleven (11) weeks;

14. Eye enucleated, in which there was useful vision, two hundred seventy-five (275) weeks;

15. Loss of hearing of one ear, one hundred ten (110) weeks;

16. Loss of hearing of both ears, three hundred thirty (330) weeks; and

17. Loss of one testicle, fifty-three (53) weeks; loss of both testicles, one hundred fifty-eight (158) weeks.

B. The permanent partial disability rate of compensation for amputation or permanent total loss of use of a scheduled member specified in this section shall be seventy percent (70%) of the employee's average weekly wage, not to exceed Three Hundred Fifty Dollars (\$350.00) with an increase to Three Hundred Sixty Dollars (\$360.00) on July 1, 2021~~7~~. Beginning on or after January 1, 2024, compensation for permanent partial disability shall be seventy percent (70%) of the employee's average weekly wage, not to exceed an amount equal to forty percent (40%) of the state's average weekly wage, rounded to the nearest dollar. Rates are to be subsequently adjusted January 1, annually for injuries occurring on or after the date of the adjustment. Rates shall be established for each claim based upon the date of injury and multiplied by the number of weeks as set forth in this section, regardless of whether or not the injured employee is able to return to his or her pre-injury job.

1 C. Other cases: In cases in which the Oklahoma Workers'
2 Compensation Commission finds an injury to a part of the body not
3 specifically covered by the foregoing provisions of this section,
4 the employee may be entitled to compensation for permanent partial
5 disability. The compensation ordered paid shall be seventy percent
6 (70%) of the employee's average weekly wage, not to exceed Three
7 Hundred Fifty Dollars (\$350.00) with an increase to Three Hundred
8 Sixty Dollars (\$360.00) on July 1, 2021~~7~~. Beginning January 1,
9 2024, an amount equal to forty percent (40%) of the state's average
10 weekly wage, rounded to the nearest whole dollar. Rates are to be
11 subsequently adjusted January 1, annually, for injuries occurring on
12 or after the date of the adjustment for the number of weeks which
13 the partial disability of the employee bears to ~~three hundred fifty~~
14 ~~(350)~~ three hundred sixty (360) weeks.

15 D. 1. Compensation for amputation of the first phalange of a
16 digit shall be one-half (1/2) of the compensation for the amputation
17 of the entire digit.

18 2. Compensation for amputation of more than one phalange of a
19 digit shall be the same as for amputation of the entire digit.

20 E. 1. Compensation for the permanent loss of eighty percent
21 (80%) or more of the vision of an eye shall be the same as for the
22 loss of an eye.

1 2. In all cases of permanent loss of vision, the use of
2 corrective lenses may be taken into consideration in evaluating the
3 extent of loss of vision.

4 F. Compensation for amputation or loss of use of two or more
5 digits or one or more phalanges of two or more digits of a hand or a
6 foot may be proportioned to the total loss of use of the hand or the
7 foot occasioned thereby but shall not exceed the compensation for
8 total loss of a hand or a foot.

9 G. Compensation for permanent total loss of use of a member
10 shall be the same as for amputation of the member.

11 H. The sum of all permanent partial disability awards,
12 excluding awards against the Multiple Injury Trust Fund, shall not
13 exceed ~~three hundred fifty (350)~~ three hundred sixty (360) weeks.

14 SECTION 11. AMENDATORY 85A O.S. 2021, Section 47, is
15 amended to read as follows:

16 Section 47. A. Time of death. If death does not result within
17 one (1) year from the date of the accident or within the first three
18 (3) years of the period for compensation payments fixed by the
19 compensation judgment, a rebuttable presumption shall arise that the
20 death did not result from the injury.

21 B. Common law spouse. A common law spouse shall not be
22 entitled to benefits under this section unless he or she obtains an
23 order from the Oklahoma Workers' Compensation Commission ruling that
24 a common law marriage existed between the decedent and the surviving

1 spouse. The ruling by the Commission shall be exclusive in regard
2 to benefits under this section regardless of any district court
3 decision regarding the probate of the decedent's estate.

4 C. Beneficiaries - Amounts. If an injury or occupational
5 illness causes death, weekly income benefits shall be payable as
6 follows:

7 1. If there is a surviving spouse, a lump-sum payment of One
8 Hundred Thousand Dollars (\$100,000.00) and seventy percent (70%) of
9 the lesser of the deceased employee's average weekly wage and the
10 state average weekly wage. In addition to the benefits theretofore
11 paid or due, two (2) years' indemnity benefit in one lump sum shall
12 be payable to a surviving spouse upon remarriage;

13 2. If there is a surviving spouse and a child or children, a
14 lump-sum payment of Twenty-five Thousand Dollars (\$25,000.00) and
15 fifteen percent (15%) of the lesser of the deceased employee's
16 average weekly wage and the state average weekly wage to each child.
17 If there are more than two children, each child shall receive a pro
18 rata share of Fifty Thousand Dollars (\$50,000.00) and thirty percent
19 (30%) of the deceased employee's average weekly wage;

20 3. If there is a child or children and no surviving spouse, a
21 lump-sum payment of Twenty-five Thousand Dollars (\$25,000.00) and
22 fifty percent (50%) of the lesser of the deceased employee's average
23 weekly wage and the state average weekly wage to each child. If
24 there are more than two children, each child shall receive a pro

1 rata share of one hundred percent (100%) of the lesser of the
2 deceased employee's average weekly wage and the state average weekly
3 wage. With respect to the lump-sum payment, if there are more than
4 six children, each child shall receive a pro rata share of One
5 Hundred Fifty Thousand Dollars (\$150,000.00);

6 ~~4. If there is no surviving spouse or children, each legal~~
7 ~~guardian, if financially dependent on the employee at the time of~~
8 ~~death, shall receive twenty five percent (25%) of the lesser of the~~
9 ~~deceased employee's average weekly wage and the state average weekly~~
10 ~~wage until the earlier of death, becoming eligible for Social~~
11 ~~Security, obtaining full-time employment, or five (5) years from the~~
12 ~~date benefits under this section begin~~ If there is no surviving
13 spouse or children, Five Thousand Dollars (\$5,000.00) shall be paid
14 to the parents and shall be divided to share and share alike;

15 5. If there is no surviving spouse, children, or parents, to
16 the brothers, sisters, grandparents, and grandchildren shall be paid
17 Five Thousand Dollars (\$5,000.00). If there should be more than one
18 of such dependents, the total benefits payable for the benefit of
19 such dependents shall be divided to share and share alike;

20 6. If there is no surviving spouse, children, parents,
21 brothers, sisters, grandparents, or grandchildren, to each legal
22 guardian, if financially dependent on the employee at the time of
23 death and upon proof of pecuniary loss shall receive an amount not
24 to exceed Five Thousand Dollars (\$5,000.00); and

1 ~~5-~~ 7. The employer shall pay the actual funeral expenses, not
2 exceeding the sum of Ten Thousand Dollars (\$10,000.00).

3 D. The weekly income benefits payable to the surviving spouse
4 under this section shall continue while the surviving spouse remains
5 unmarried. In no event shall this spousal weekly income benefit be
6 diminished by the award to other beneficiaries. The weekly income
7 benefits payable to any child under this section shall terminate on
8 the earlier of death, marriage, or reaching the age of eighteen
9 (18). However, if the child turns eighteen (18) and is:

10 1. Enrolled as a full-time student in high school or is being
11 schooled by other means pursuant to the Oklahoma Constitution;

12 2. Enrolled as a full-time student in any accredited
13 institution of higher education or vocational or technology
14 education; or

15 3. Physically or mentally incapable of self-support,
16 then he or she may continue to receive weekly income benefits under
17 this section until the earlier of reaching the age of twenty-three
18 (23) or, with respect to paragraphs 1 and 2 of this subsection, no
19 longer being enrolled as a student, and with respect to paragraph 3
20 of this subsection, becoming capable of self-support.

21 E. If any member of the class of beneficiaries who receive a
22 pro rata share of weekly income benefits becomes ineligible to
23 continue to receive benefits, the remaining members of the class
24

1 shall receive adjusted weekly income benefits equal to the new class
2 size.

3 F. To receive benefits under this section, a beneficiary ~~or his~~
4 ~~or her guardian, if applicable,~~ shall file a proof of loss form with
5 the Commission. All questions of dependency shall be determined as
6 of the time of the injury. The employer shall initiate payment of
7 benefits within fifteen (15) days of the Commission's determination
8 of the proper beneficiaries. The Commission shall appoint a
9 guardian ad litem to represent known and unknown minor children and
10 the guardian ad litem shall be paid a reasonable fee for his or her
11 services.

12 SECTION 12. AMENDATORY 85A O.S. 2021, Section 50, is
13 amended to read as follows:

14 Section 50. A. The employer shall promptly provide an injured
15 employee with medical, surgical, hospital, optometric, podiatric,
16 ~~chiropractic~~ and nursing services, along with any medicine,
17 crutches, ambulatory devices, artificial limbs, eyeglasses, contact
18 lenses, hearing aids, and other apparatus as may be reasonably
19 necessary in connection with the injury received by the employee.
20 The employer shall have the right to choose the treating physician
21 ~~or chiropractor~~.

22 B. If the employer fails or neglects to provide medical
23 treatment within five (5) days after actual knowledge is received of
24 an injury, the injured employee may select a physician ~~or~~

1 ~~chiropractor~~ to provide medical treatment at the expense of the
2 employer; provided, however, that the injured employee, or another
3 in the employee's behalf, may obtain emergency treatment at the
4 expense of the employer where such emergency treatment is not
5 provided by the employer.

6 C. Diagnostic tests shall not be repeated sooner than six (6)
7 months from the date of the test unless agreed to by the parties or
8 ordered by the Commission for good cause shown.

9 D. Unless recommended by the treating doctor ~~or chiropractor~~ at
10 the time claimant reaches maximum medical improvement or by an
11 independent medical examiner, continuing medical maintenance shall
12 not be awarded by the Commission. The employer or insurance carrier
13 shall not be responsible for continuing medical maintenance or pain
14 management treatment that is outside the parameters established by
15 the Physician Advisory Committee or ODG. The employer or insurance
16 carrier shall not be responsible for continuing medical maintenance
17 or pain management treatment not previously ordered by the
18 Commission or approved in advance by the employer or insurance
19 carrier.

20 E. An employee claiming or entitled to benefits under ~~the~~
21 ~~Administrative Workers' Compensation Act~~ this act, shall, if ordered
22 by the Commission or requested by the employer or insurance carrier,
23 submit himself or herself for medical examination. If an employee
24 refuses to submit himself or herself to examination, his or her

1 right to prosecute any proceeding under ~~the Administrative Workers'~~
2 ~~Compensation Act~~ this act shall be suspended, and no compensation
3 shall be payable for the period of such refusal.

4 F. For compensable injuries resulting in the use of a medical
5 device, ongoing service for the medical device shall be provided in
6 situations including, but not limited to, medical device battery
7 replacement, ongoing medication refills related to the medical
8 device, medical device repair, or medical device replacement.

9 G. The employer shall reimburse the employee for the actual
10 mileage in excess of twenty (20) miles round trip to and from the
11 employee's home to the location of a medical service provider for
12 all reasonable and necessary treatment, for an evaluation of an
13 independent medical examiner and for any evaluation made at the
14 request of the employer or insurance carrier. The rate of
15 reimbursement for such travel expense shall be the official
16 reimbursement rate as established by the State Travel Reimbursement
17 Act. In no event shall the reimbursement of travel for medical
18 treatment or evaluation exceed six hundred (600) miles round trip.

19 H. Fee Schedule.

20 1. The Commission shall conduct a review and update of the
21 Current Procedural Terminology (CPT) in the Fee Schedule every two
22 (2) years pursuant to the provisions of paragraph 14 of this
23 subsection. The Fee Schedule shall establish the maximum rates that
24 medical providers shall be reimbursed for medical care provided to

1 injured employees including, but not limited to, charges by
2 physicians, chiropractors, dentists, counselors, hospitals,
3 ambulatory and outpatient facilities, clinical laboratory services,
4 diagnostic testing services, and ambulance services, and charges for
5 durable medical equipment, prosthetics, orthotics, and supplies.
6 The most current Fee Schedule established by the Administrator of
7 the Workers' Compensation Court prior to February 1, 2014, shall
8 remain in effect, unless or until the Legislature approves the
9 Commission's proposed Fee Schedule.

10 2. Reimbursement for medical care shall be prescribed and
11 limited by the Fee Schedule. The director of the Employees Group
12 Insurance Division of the Office of Management and Enterprise
13 Services shall provide the Commission such information as may be
14 relevant for the development of the Fee Schedule. The Commission
15 shall develop the Fee Schedule in a manner in which quality of
16 medical care is assured and maintained for injured employees. The
17 Commission shall give due consideration to additional requirements
18 for physicians treating an injured worker under the Administrative
19 Workers' Compensation Act, including, but not limited to,
20 communication with claims representatives, case managers, attorneys,
21 and representatives of employers, and the additional time required
22 to complete forms for the Commission, insurance carriers, and
23 employers.

1 3. In making adjustments to the Fee Schedule, the Commission
2 shall use, as a benchmark, the reimbursement rate for each Current
3 Procedural Terminology (CPT) code provided for in the fee schedule
4 published by the Centers for Medicare and Medicaid Services of the
5 U.S. Department of Health and Human Services for use in Oklahoma
6 (Medicare Fee Schedule) on the effective date of this section,
7 workers' compensation fee schedules employed by neighboring states,
8 the latest edition of "Relative Values for Physicians" (RVP), usual,
9 customary and reasonable medical payments to workers' compensation
10 health care providers in the same trade area for comparable
11 treatment of a person with similar injuries, and all other data the
12 Commission deems relevant. For services not valued by CMS, the
13 Commission shall establish values based on the usual, customary and
14 reasonable medical payments to health care providers in the same
15 trade area for comparable treatment of a person with similar
16 injuries.

- 17 a. No reimbursement shall be allowed for any magnetic
18 resonance imaging (MRI) unless the MRI is provided by
19 an entity that meets Medicare requirements for the
20 payment of MRI services or is accredited by the
21 American College of Radiology, the Intersocietal
22 Accreditation Commission or the Joint Commission ~~on~~
23 ~~Accreditation of Healthcare Organizations~~. For all
24 other radiology procedures, the reimbursement rate

1 shall be the lesser of the reimbursement rate allowed
2 by the 2010 Oklahoma Fee Schedule and two hundred
3 seven percent (207%) of the Medicare Fee Schedule.

4 b. For reimbursement of medical services for Evaluation
5 and Management of injured employees as defined in the
6 Fee Schedule adopted by the Commission, the
7 reimbursement rate shall not be less than one hundred
8 fifty percent (150%) of the Medicare Fee Schedule.

9 c. Any entity providing durable medical equipment,
10 prosthetics, orthotics or supplies shall be accredited
11 by a CMS-approved accreditation organization. If a
12 physician provides durable medical equipment,
13 prosthetics, orthotics, prescription drugs, or
14 supplies to a patient ancillary to the patient's
15 visit, reimbursement shall be no more than ten percent
16 (10%) above cost.

17 d. The Commission shall develop a reasonable stop-loss
18 provision of the Fee Schedule to provide for adequate
19 reimbursement for treatment for major burns, severe
20 head and neurological injuries, multiple system
21 injuries, and other catastrophic injuries requiring
22 extended periods of intensive care. An employer or
23 insurance carrier shall have the right to audit the
24 charges and question the reasonableness and necessity

1 of medical treatment contained in a bill for treatment
2 covered by the stop-loss provision.

3 4. The right to recover charges for every type of medical care
4 for injuries arising out of and in the course of covered employment
5 as defined in the Administrative Workers' Compensation Act shall lie
6 solely with the Commission. When a medical care provider has
7 brought a claim to the Commission to obtain payment for services, a
8 party who prevails in full on the claim shall be entitled to
9 reasonable attorney fees.

10 5. Nothing in this section shall prevent an employer, insurance
11 carrier, group self-insurance association, or certified workplace
12 medical plan from contracting with a provider of medical care for a
13 reimbursement rate that is greater than or less than limits
14 established by the Fee Schedule.

15 6. A treating physician may not charge more than Four Hundred
16 Dollars (\$400.00) per hour for preparation for or testimony at a
17 deposition or appearance before the Commission in connection with a
18 claim covered by the Administrative Workers' Compensation Act.

19 7. The Commission's review of medical and treatment charges
20 pursuant to this section shall be conducted pursuant to the Fee
21 Schedule in existence at the time the medical care or treatment was
22 provided. The judgment approving the medical and treatment charges
23 pursuant to this section shall be enforceable by the Commission in
24

1 the same manner as provided in the Administrative Workers'
2 Compensation Act for the enforcement of other compensation payments.

3 8. Charges for prescription drugs dispensed by a pharmacy shall
4 be limited to ninety percent (90%) of the average wholesale price of
5 the prescription, plus a dispensing fee of Five Dollars (\$5.00) per
6 prescription. "Average wholesale price" means the amount determined
7 from the latest publication designated by the Commission.

8 Physicians shall prescribe and pharmacies shall dispense generic
9 equivalent drugs when available. If the National Drug Code, or
10 "NDC", for the drug product dispensed is for a repackaged drug, then
11 the maximum reimbursement shall be the lesser of the original
12 labeler's NDC and the lowest-cost therapeutic equivalent drug
13 product. Compounded medications shall be billed by the compounding
14 pharmacy at the ingredient level, with each ingredient identified
15 using the applicable NDC of the drug product, and the corresponding
16 quantity. Ingredients with no NDC area are not separately
17 reimbursable. Payment shall be based on a sum of the allowable fee
18 for each ingredient plus a dispensing fee of Five Dollars (\$5.00)
19 per prescription.

20 9. When medical care includes prescription drugs dispensed by a
21 physician or other medical care provider and the NDC for the drug
22 product dispensed is for a repackaged drug, then the maximum
23 reimbursement shall be the lesser of the original labeler's NDC and
24 the lowest-cost therapeutic equivalent drug product. Payment shall

1 be based upon a sum of the allowable fee for each ingredient plus a
2 dispensing fee of Five Dollars (\$5.00) per prescription. Compounded
3 medications shall be billed by the compounding pharmacy.

4 10. Implantables are paid in addition to procedural
5 reimbursement paid for medical or surgical services. A
6 manufacturer's invoice for the actual cost to a physician, hospital
7 or other entity of an implantable device shall be adjusted by the
8 physician, hospital or other entity to reflect, at the time
9 implanted, all applicable discounts, rebates, considerations and
10 product replacement programs and shall be provided to the payer by
11 the physician or hospital as a condition of payment for the
12 implantable device. If the physician, or an entity in which the
13 physician has a financial interest other than an ownership interest
14 of less than five percent (5%) in a ~~publically~~ publicly traded
15 company, provides implantable devices, this relationship shall be
16 disclosed to patient, employer, insurance company, third-party
17 commission, certified workplace medical plan, case managers, and
18 attorneys representing claimant and defendant. If the physician, or
19 an entity in which the physician has a financial interest other than
20 an ownership interest of less than five percent (5%) in a publicly
21 traded company, buys and resells implantable devices to a hospital
22 or another physician, the markup shall be limited to ten percent
23 (10%) above cost.
24

1 11. Payment for medical care as required by the Administrative
2 Workers' Compensation Act shall be due within forty-five (45) days
3 of the receipt by the employer or insurance carrier of a complete
4 and accurate invoice, unless the employer or insurance carrier has a
5 good-faith reason to request additional information about such
6 invoice. Thereafter, the Commission may assess a penalty up to
7 twenty-five percent (25%) for any amount due under the Fee Schedule
8 that remains unpaid on the finding by the Commission that no good-
9 faith reason existed for the delay in payment. If the Commission
10 finds a pattern of an employer or insurance carrier willfully and
11 knowingly delaying payments for medical care, the Commission may
12 assess a civil penalty of not more than Five Thousand Dollars
13 (\$5,000.00) per occurrence.

14 12. If an employee fails to appear for a scheduled appointment
15 with a physician or chiropractor, the employer or insurance company
16 shall pay to the physician or chiropractor a reasonable charge, to
17 be determined by the Commission, for the missed appointment. In the
18 absence of a good-faith reason for missing the appointment, the
19 Commission shall order the employee to reimburse the employer or
20 insurance company for the charge.

21 13. Physicians or chiropractors providing treatment under the
22 Administrative Workers' Compensation Act shall disclose under
23 penalty of perjury to the Commission, on a form prescribed by the
24 Commission, any ownership or interest in any health care facility,

1 business, or diagnostic center that is not the physician's or
2 chiropractor's primary place of business. The disclosure shall
3 include any employee leasing arrangement between the physician or
4 chiropractor and any health care facility that is not the
5 physician's or chiropractor's primary place of business. A
6 physician's or chiropractor's failure to disclose as required by
7 this section shall be grounds for the Commission to disqualify the
8 physician or chiropractor from providing treatment under the
9 Administrative Workers' Compensation Act.

10 14. a. Beginning on May 28, 2019, the Commission shall
11 conduct an evaluation of the Fee Schedule, which shall
12 include an update of the list of Current Procedural
13 Terminology (CPT) codes, a line item adjustment or
14 renewal of all rates, and amendment as needed to the
15 rules applicable to the Fee Schedule.

16 b. The Commission shall contract with an external
17 consultant with knowledge of workers' compensation fee
18 schedules to review regional and nationwide
19 comparisons of Oklahoma's Fee Schedule rates and date
20 and market for medical services. The consultant shall
21 receive written and oral comment from employers,
22 workers' compensation medical service and insurance
23 providers, self-insureds, group self-insurance
24 associations of this state and the public. The

1 consultant shall submit a report of its findings and a
2 proposed amended Fee Schedule to the Commission.

3 c. The Commission shall adopt the proposed amended Fee
4 Schedule in whole or in part and make any additional
5 updates or adjustments. The Commission shall submit a
6 proposed updated and adjusted Fee Schedule to the
7 President Pro Tempore of the Senate, the Speaker of
8 the House of Representatives and the Governor. The
9 proposed Fee Schedule shall become effective on July 1
10 following the legislative session, if approved by
11 Joint Resolution of the Legislature during the session
12 in which a proposed Fee Schedule is submitted.

13 d. Beginning on May 28, 2019, an external evaluation
14 shall be conducted and a proposed amended Fee Schedule
15 shall be submitted to the Legislature for approval
16 during the 2020 legislative session. Thereafter, an
17 external evaluation shall be conducted and a proposed
18 amended Fee Schedule shall be submitted to the
19 Legislature for approval every two (2) years.

20 I. Formulary. The Commission by rule shall adopt a closed
21 formulary. Rules adopted by the Commission shall allow an appeals
22 process for claims in which a treating doctor determines and
23 documents that a drug not included in the formulary is necessary to
24 treat an injured employee's compensable injury. The Commission by

1 rule shall require the use of generic pharmaceutical medications and
2 clinically appropriate over-the-counter alternatives to prescription
3 medications unless otherwise specified by the prescribing doctor, in
4 accordance with applicable state law.

5 SECTION 13. AMENDATORY 85A O.S. 2021, Section 67, is
6 amended to read as follows:

7 Section 67. A. Except as otherwise provided in this section,
8 notice of disability resulting from an occupational disease or
9 cumulative trauma shall be the same as in cases of accidental
10 injury.

11 B. Written notice shall be given to the employer of an
12 occupational disease or cumulative trauma by the employee, or a
13 representative of the employee in the case of incapacity or death,
14 within six (6) months after the first distinct manifestation of the
15 disease or cumulative trauma or within six (6) months after death.

16 C. The date of injury for cumulative trauma shall be the last
17 date of injurious exposure prior to the filing date of the
18 Employee's First Notice of Claim for Compensation.

19 SECTION 14. AMENDATORY 85A O.S. 2021, Section 69, is
20 amended to read as follows:

21 Section 69. A. Time for Filing. 1. A claim for benefits
22 under ~~this act~~ the Administrative Workers' Compensation Act, other
23 than an occupational disease, shall be barred unless it is filed
24 with the Oklahoma Workers' Compensation Commission within one (1)

1 year from the date of the injury or, if the employee has received
2 benefits under this title for the injury, six (6) months from the
3 date of the last ~~issuance of such benefits~~ payment of indemnity
4 benefits or date of service for medical treatment, whichever is
5 later. For purposes of this section, the date of the injury ~~shall~~
6 ~~be defined as~~ means the date an injury is caused by an accident as
7 set forth in paragraph 9 of Section 2 of this title, and date of
8 issuance of medical benefits means the date of service of the
9 medical benefit.

10 2. a. A claim for compensation for disability on account of
11 injury which is either an occupational disease or
12 occupational infection shall be barred unless filed
13 with the Commission within two (2) years from the date
14 of the last injurious exposure to the hazards of the
15 disease or infection.

16 b. A claim for compensation for disability on account of
17 silicosis or asbestosis shall be filed with the
18 Commission within one (1) year after the time of
19 disablement, and the disablement shall occur within
20 three (3) years from the date of the last injurious
21 exposure to the hazard of silicosis or asbestosis.

22 c. A claim for compensation for disability on account of
23 a disease condition caused by exposure to X-rays,
24 radioactive substances, or ionizing radiation only

1 shall be filed with the Commission within two (2)
2 years from the date the condition is made known to an
3 employee following examination and diagnosis by a
4 medical doctor.

5 3. A claim for compensation on account of death shall be barred
6 unless filed with the Commission within two (2) years of the date of
7 such a death.

8 4. If a claim for benefits has been timely filed ~~under~~
9 ~~paragraph 1 of this subsection~~ and the employee claimant does not:

10 a. make a good-faith request for a hearing to resolve a
11 dispute regarding the right to receive benefits,
12 including medical treatment, under this title within
13 six (6) months of the date the claim is filed, or

14 b. receive or seek benefits, including medical treatment,
15 under this title for a period of six (6) months,

16 then on motion by the employer, the claim shall be dismissed ~~with~~
17 without prejudice.

18 B. Failure to File. Failure to file a claim within the period
19 prescribed in subsection A of this section shall not be a bar to the
20 right to benefits hereunder unless objection to the failure is made
21 at the first hearing on the claim in which all parties in interest
22 have been given a reasonable notice and opportunity to be heard by
23 the Commission.

24 C. Persons under Disability.

1 1. Notwithstanding any statute of limitation provided for in
2 this act, when it is established that failure to file a claim by an
3 injured employee or his or her dependents was induced by fraud, the
4 claim may be filed within one (1) year from the time of the
5 discovery of the fraud.

6 2. Subsection A of this section shall not apply to a mental
7 incompetent or minor so long as the person has no guardian or
8 similar legal representative. The limitations prescribed in
9 subsection A of this section shall apply to the mental incompetent
10 or minor from the date of the appointment of a guardian or similar
11 legal representative for that person, and when no guardian or
12 similar representative has been appointed, to a minor on reaching
13 the age of majority.

14 D. A latent injury or condition shall not delay or toll the
15 limitation periods specified in this section. This subsection shall
16 not apply to the limitation period for occupational diseases
17 specified in paragraph 2 of subsection A of this section.

18 SECTION 15. AMENDATORY 85A O.S. 2021, Section 80, is
19 amended to read as follows:

20 Section 80. A. A final order for permanent disability is a
21 final adjudication of all issues pending in the claim unless
22 reserved in the order or by operation of law. Except where a joint
23 petition settlement has been approved, the Oklahoma Workers'

1 Compensation Commission may review any compensation judgment, award,
2 or decision.

3 1. Such review may be done upon application for a change of
4 condition for the worse at any time within six (6) months from the
5 date of the last order in which monetary benefits were awarded or
6 active medical treatment was provided, ~~on the Commission's own~~
7 ~~motion or on the application of any party in interest,~~ and unless
8 filed within such period of time shall be forever barred. On
9 review, the Commission may make a judgment or award ~~terminating,~~
10 continuing, decreasing, or increasing for the future the
11 compensation previously awarded, subject to the maximum limits
12 provided for in this title. An order denying an application to
13 reopen a claim shall not extend the period of time set out in this
14 title for reopening the claim. A failure to comply with a medical
15 treatment plan ordered by the Commission shall bar the reopening of
16 a claim.

17 2. The Oklahoma Workers' Compensation Commission may review any
18 compensation judgment, award, or decision at any time and without
19 limitation upon a filing of an application for a finding of a change
20 of condition for the better. Such review may be filed for good
21 cause shown. On review, the Commission may make a judgment or award
22 terminating, continuing, or decreasing for the future the
23 compensation previously awarded, subject to the limits provided for
24 in this act.

1 B. The review and subsequent award shall be made in accordance
2 with the procedure prescribed in Sections 69 through 78 of this
3 title. No review shall affect any compensation paid under a prior
4 order, judgment or award.

5 C. The Commission may correct any clerical error in any
6 compensation judgment or award within one (1) year from the date of
7 its issuance.

8 D. Aging and the effects of aging on a compensable injury are
9 not to be considered in determining whether there has been a change
10 in physical condition. Aging or the effect of aging on a
11 compensable injury shall not be considered in determining permanent
12 disability under this section or any other section in ~~this act~~ the
13 Administrative Workers' Compensation Act.

14 SECTION 16. AMENDATORY 85A O.S. 2021, Section 112, is
15 amended to read as follows:

16 Section 112. A. The Oklahoma Workers' Compensation Commission
17 shall create, maintain and review a list of licensed physicians who
18 shall serve as independent medical examiners from a list of licensed
19 physicians who have completed such course study as the Commission
20 may require. An independent medical examiner must agree to examine
21 an employee within forty-five (45) days of appointment. The
22 Commission shall, to the best of its ability, include the most
23 experienced and competent physicians in the specific fields of
24 expertise utilized most often in the treatment of injured employees.

1 The period of qualification shall be two (2) years. Physicians may
2 be qualified for successive two-year periods. Physicians serving as
3 independent medical examiners on ~~the effective date of this act~~
4 February 1, 2014, shall serve the remainder of their respective two-
5 year qualification periods and may reapply for successive
6 qualification periods. The Commission may remove an independent
7 medical examiner from the list for cause.

8 B. An administrative law judge may appoint an independent
9 medical examiner to assist in determining any issue before the
10 Commission. In the event surgery is recommended by a treating
11 physician, upon request of the employer or employee, an independent
12 medical examiner shall be appointed to determine the reasonableness
13 and necessity of the recommended surgery. The request of the
14 employer or employee for an independent medical examiner, and a
15 request for a deposition of the treating physician, shall be filed
16 within fifteen (15) days of the receipt of the recommendation for
17 surgery, or the recommended surgery shall be approved by the
18 Commission. The Commission shall set a request for an independent
19 medical examiner that is timely filed on an accelerated prehearing
20 docket within ten (10) days of the filing of the request. The
21 appointment with the independent medical examiner regarding the
22 reasonableness and necessity of a recommended surgery shall occur
23 within thirty (30) days of the appointment. Such independent
24 medical examiner shall be qualified to perform the type of surgery

1 recommended. In the event the independent medical examiner agrees
2 with the treating physician's recommendation for surgery, the
3 employer shall pay to the employee the sum of One Thousand Dollars
4 (\$1,000.00) for the delay in medical treatment in addition to other
5 benefits provided for in this act. If the employer fails to
6 schedule a requested deposition of either the treating physician or
7 the independent medical examiner within twenty (20) days of filing a
8 request for deposition, the employer shall pay to the employee the
9 sum of One Thousand Dollars (\$1,000.00) for the delay in medical
10 treatment in addition to other benefits provided for in this act.

11 C. An independent medical examiner shall be selected from the
12 list of independent medical examiners within ten (10) days when the
13 employer or the employee petitions the Commission for the selection
14 of an independent medical examiner. The independent medical
15 examiner shall be certified by a recognized specialty board in the
16 area or areas appropriate to the condition under review.

17 D. The Commission shall, to the best of its ability, maintain a
18 geographic balance of independent medical examiners.

19 E. Counsel for the employee and employer are responsible for
20 transmittal of the employee's medical records to the independent
21 medical examiner within ten (10) days of appointment.

22 F. After a physical examination and review of medical records
23 and other appropriate information, including depositions and
24 surveillance video, the independent medical examiner shall submit a

1 verified written report to the Commission and to the parties. In
2 the event the independent medical examiner determines that more
3 medical treatment is necessary, the employer shall designate a
4 treating physician to provide the indicated treatment.

5 G. Any independent medical examiner selected pursuant to the
6 provisions of this section shall be reimbursed for the medical
7 examination, reports and fees in a reasonable and customary amount
8 set by the Commission, and these costs shall be borne by the
9 employer.

10 H. The Commission shall create a review process to oversee on a
11 continuing basis the quality of performance and the timeliness of
12 the submission of medical findings by independent medical examiners.

13 I. If the Commission does not follow the opinion of the
14 independent medical examiner on any issue, the administrative law
15 judge or member of the Board of Review shall set out its reasons for
16 deviating from the opinion of the independent medical examiner. The
17 opinion of the independent medical examiner shall be followed unless
18 there is clear and convincing evidence to the contrary.

19 J. Upon receipt of an independent medical examiner's report,
20 any party shall have the right to object to the introduction of the
21 report into evidence. The objection and any request for a
22 deposition of the independent medical examiner must be made by
23 giving written notification to all parties and to the Commission
24 within ten (10) days after receipt of the report, subject to the

1 limitations set forth in subsection B of this section. The employer
2 shall be responsible for the reasonable charges of the physician for
3 such testimony, preparation time, and the expense of the deposition.

4 SECTION 17. AMENDATORY 85A O.S. 2021, Section 400, is
5 amended to read as follows:

6 Section 400. A. The Workers' Compensation Court shall be
7 renamed the Workers' Compensation Court of Existing Claims for the
8 purpose of hearing disputes relating to claims that ~~arise~~ arose
9 before February 1, 2014. The Court shall ~~consist of the existing~~
10 ~~judges for the remainder of his or her term.~~ Each judge of the
11 ~~Court shall continue to serve as the appointment to a designated~~
12 ~~position on the Court.~~ The terms of the judges by position number
13 ~~shall expire on the following dates:~~

14 ~~Position 4 shall expire 7-1-20.~~

15 ~~Position 5 shall expire 7-1-20.~~

16 ~~Position 8 shall expire 7-1-20.~~

17 ~~Position 9 shall expire 7-1-20.~~

18 B. Effective July 1, 2020, the Workers' Compensation Court of
19 Existing Claims shall consist of one judge to be appointed by the
20 Governor, with confirmation by the Senate. The term of the judge
21 ~~shall be appointed for a term to expire~~ serving on July 1, 2022, is
22 hereby extended to July 1, 2027. The ~~Governor shall select the~~
23 ~~judge from a list of three applicants submitted to the Governor by~~
24 ~~the Judicial Nominating Commission.~~ If the list is not acceptable

1 ~~to the Governor, the Governor may request from the Judicial~~
2 ~~Nominating Commission a list of names of three additional~~
3 ~~applicants. Any present judge of the Court of Existing Claims may~~
4 ~~apply to the Judicial Nominating Commission for appointment to fill~~
5 ~~any position authorized by this section.~~

6 C. A The judge may be removed for cause by the Court on the
7 Judiciary prior to the expiration of his or her term.

8 D. ~~Each~~ The judge shall receive a salary equal to that paid to
9 a district judge of this state, and shall devote full time to his or
10 her duties and shall not engage in the private practice of law
11 during the term in office.

12 E. If a vacancy occurs on the Court ~~of Existing Claims~~, the
13 Governor shall appoint a judge to serve the remainder of the term
14 ~~from a list of three applicants submitted to the Governor by the~~
15 ~~Judicial Nominating Commission, with confirmation of the State~~
16 advice and consent of the Senate. ~~If the list is not acceptable to~~
17 ~~the Governor, the Governor may request from the Judicial Nominating~~
18 ~~Commission a list of the names of three additional applicants.~~

19 F. 1. ~~Effective January 1, 2020, the~~ The Governor shall
20 appoint an Administrator of the Court of Existing Claims, who shall
21 serve at the pleasure of the Governor. The Administrator shall be
22 appointed by the Governor with the advice and consent of the Senate.
23 The compensation for the Administrator shall be set at ninety
24 percent (90%) of the compensation of a district court judge.

1 2. The Administrator shall employ and supervise the work of
2 employees of the Court and shall have the authority to expend funds
3 and contract on behalf of the Court. The Administrator may contract
4 with the Oklahoma Workers' Compensation Commission to provide
5 support services or personnel needs necessary to carry out the
6 purposes of the Court and shall supervise the work of any such
7 personnel as necessary to maintain the Court as a Court of Record.

8 G. The Court of Existing Claims shall contract with the
9 Oklahoma Workers' Compensation Commission to integrate its case
10 management and records Information Technology System into the system
11 of the Oklahoma Workers' Compensation Commission with such
12 integration to be completed on or before July 1, 2022. The Court
13 shall be entitled to any fees generated for the retrieval of such
14 data.

15 H. The Court shall operate by the rules adopted by the Workers'
16 Compensation Court prior to February 1, 2014.

17 I. The Court is hereby designated and confirmed as a court of
18 record, with respect to any matter within the limits of its
19 jurisdiction, and within such limits the judges thereof shall
20 possess the powers and prerogatives of the judges of the other
21 courts of record of this state including the power to punish for
22 contempt those persons who disobey a subpoena, or refuse to be sworn
23 or to answer as a witness, when lawfully ordered to do so.

1 J. The principal office of the Court shall be situated in the
2 City of Oklahoma City in quarters assigned by the Office of
3 Management and Enterprise Services. The Court may hold hearings in
4 any city of this state.

5 K. All county commissioners and presiding district judges of
6 this state shall make quarters available for the conducting of
7 hearings by a judge of the Court upon request by the Court.

8 L. Judges of the Workers' Compensation Court of Existing Claims
9 may punish for direct contempt pursuant to Sections 565, 565.1 and
10 566 of Title 21 of the Oklahoma Statutes.

11 M. The Court shall be vested with jurisdiction over all claims
12 filed pursuant to the Workers' Compensation Code or previous statute
13 in effect on the date of an injury that occurred before February 1,
14 2014. All claims so filed shall be heard by the judge sitting
15 without a jury. The Court shall have full power and authority to
16 determine all questions in relation to payment of claims for
17 compensation under the provisions of the Workers' Compensation Code
18 or previous statute in effect on the date of an injury that occurred
19 before February 1, 2014. The Court, upon application of either
20 party, shall order a hearing. Upon a hearing, either party may
21 present evidence and be represented by counsel. The decision of the
22 Court shall be final as to all questions of fact and law; provided,
23 the decision of the Court may be appealed to the Court en banc or
24 the Supreme Court as provided by the Workers' Compensation Code or

1 previous statute in effect on the date of an injury that occurred
2 before February 1, 2014. In the event that an insufficient number
3 of active judges are available to comprise the three-judge en banc
4 panel, retired or former judges of the district court, Workers'
5 Compensation Court or Workers' Compensation Court of Existing Claims
6 may be designated by the Presiding Judge of the Court of Existing
7 Claims as eligible to serve on such panel. The Governor shall
8 provide to the Court of Existing Claims a list of designated judges
9 eligible for service on the Court en banc. The decision of the
10 Court shall be issued within thirty (30) 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 N. For an injury occurring before February 1, 2014, all
17 benefits and procedures to obtain benefits shall be determined by
18 the workers' compensation law of this state in effect on the date of
19 the injury.

20 O. All accrued rights and penalties incurred pursuant to a
21 final order of the Workers' Compensation Court shall be preserved.
22 No accrued right, penalty incurred, or proceeding begun by virtue of
23 a statute repealed by ~~this act~~ the Administrative Workers'
24

1 Compensation Act shall be abrogated by the terms of ~~this act~~ the
2 Administrative Workers' Compensation Act.

3 P. Annually, on or before the first day of July, commencing
4 with July 2019, the Administrator shall prepare and submit a report
5 for the prior calendar year to the Governor, the Chief Justice of
6 the Supreme Court, the President Pro Tempore of the Senate and the
7 Speaker of the House of Representatives, and the chairs of the
8 Senate and House judiciary committees, which shall include a
9 statement of the number of awards made and the causes of the
10 accidents leading to the injuries for which the awards were made,
11 total work load data of the Court, a detailed report of the work
12 load of the judges of the Court, a detailed statement of the
13 expenses of the office of the Administrator of Workers' Compensation
14 Court of Existing Claims, the number of disposition dockets held,
15 the number of remaining claims, together with any other matter which
16 the Administrator deems proper to report to the Governor including
17 any recommendations he or she may desire to make.

18 Q. Subject to the availability of funds, the Judge of the Court
19 of Existing Claims may employ one at-will full- or part-time special
20 workers' compensation judge with jurisdiction to hear cases as set
21 forth in subsection M of this section and as may be assigned by the
22 Judge. The special workers' compensation judge shall receive
23 compensation for such services in accordance with the provisions of
24 Section 92.1A of Title 20 of the Oklahoma Statutes.

1 SECTION 18. Sections 1 through 12 of this act shall become
2 effective November 1, 2023.

3 SECTION 19. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE
8 April 11, 2023 - DO PASS AS AMENDED BY CS
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