Workers Compensation Benefit Overview – Oklahoma

Major Developments: Last major legislation in 2004 (SB899), affected indemnity rates, disability rating, medical treatment, medical-legal disputes, penalties, and apportionment. 2007 legislation affects caps on TD and post-surgical treatments.

Indemnity Issues

Temporary Total Benefits	Min $30.00 Max $**683** as of **11/01/2008**, Waiting period – 3 day waiting period not reimbursed % of Average Weekly Wage: 70% Limited Aggregate of 300 weeks
Temporary Partial Benefits	Min $30.00 Max - Capped at 80% of AWW prior to injury Paid at 70% of the difference between AWW and earned wages. waiting period – 3 day waiting period not reimbursed Limited– Aggregate of 300 weeks including TTD benefits
Permanent Partial Benefits	Min $30.00 Max $**342.00** as of **11/01/2008** % of Average Weekly Wage: 70% Limited to the scheduled body part Scheduled body parts - AMA – 5th Edition 3 years to re-open from the date of the PPD order or a Form 14 must be filed indicating a change of condition.
Permanent Total Benefits	Min $30.00 Max $**683.00** (same as TTD rate) Once determined to be Permanent Total by court order, paid to death or subsequent determination of no longer Permanent Total.

© 2009 The Travelers Companies, Inc. All rights reserved. CE-10204 New 8-09

Fatality Benefits	Min/Max – Varies depending upon the deceased's AWW and Funeral Expense: Maximum Funeral Expense (with dependant): $10,000. Maximum Funeral Expense (no dependants): $8,000. Limited: 2 years of TTD benefits paid in a lump sum to spouse upon remarriage. Children up to the age 18 or no longer dependent. ***If*** surviving spouse and children immediate lump sum of $100,000 to spouse and $25,000 for one minor child, two minor children or more, $50,000. to be divided equally. ***If no*** surviving spouse, but 1 or more surviving minor children, immediate payment of $25,000 per child up to a maximum of $150,000 to be divided equally among children. **Weekly benefits:** for spouse 70% of TTD rate. Spouse plus children 15% per child, remainder to spouse. 2 years indemnity benefits paid to spouse upon remarriage. Children with no surviving spouse 50% of TTD rate for 1 child, 70% TTD rate for 2 children divided equally, 90% TTD rate for 3 children divided equally, divide TTD rate by number of children if 4 or more. One dependent parent 25% of TTD rate, both dependant parents 50% of TTD rate. Dependent grandparents, grandchildren, or siblings 25% of TTD rate, if more than one dependant, divided equally, subject to the maximum TTD rate of $**683**. **Limitations:** termination of benefits upon reaching age 18 or no longer dependent. **Maximum** per week payout of death benefits not to exceed **$683.00**.
Vocational Rehabilitation	Is it required? An employee who has suffered an accidental injury or occupational disease covered by the Act shall be entitled to prompt and reasonable physical rehabilitation services. When, as a result of the injury, the employee is unable to perform the same occupational duties he was performing prior to the injury. What are the benefits? Evaluation and Retraining
Settlement Allowed	Yes by way of Joint Petition, Compromised Agreement and Court Order

Medical Issues

Initial Choice of Provider	The Employer has choice of Physician within the first 3 days, otherwise, the Injured Worker may indicate personal choice.
Change of Provider	The Injured Worker may request 1 change of physician per body part
Medical Fee Schedule	Yes
Managed Care	Yes
Utilization Review	No, pre-authorization not necessary

© 2009 The Travelers Companies, Inc. All rights reserved. CE-10204 New 8-09

Treatment Guidelines	Does the state mandate the use of evidence based guidelines? Jurisdictional guidelines are used if available. If so, which one? Depending on body part. Official Disability Guideline, Official Treatment Guideline, or ACOEM
Medical Mileage Reimbursement Rate	The injured worker is reimbursed for mileage outside of city limits. The current rate as of **01/01/09 is $.505**
Ability to Terminate Medical Treatment	If not reasonable and necessary. Can be terminated by Adjuster or by Judge with utilization of objective findings (IME / Court Ordered IME).
Settlement Allowed	Yes, Medical can be settled by way of a Joint Petition
Cap on benefits, exceptions	As of 11/01/05, disfigurement cap is $50,000.

Other Issues

Staff Counsel	Panel counsel only (Looney, Nichols, & Johnson - Perrine McGivern Law Firm- **McGivern Law Firm (Jim Filosa and Karen McGivern Curthoys only**)
Hearings require attorney or claim handler participation	Attorney representation at Preheating Conferences and Trials. Adjusters may be required to attend settlement conferences at the request of the Trial Judge.
Occupational Diseases	Only that disease or illness which is due to causes conditions characteristic or of peculiar to the particular trade, occupation, process or employment in which the employee is exposed to such disease.
Second Injury Fund availability	Multiple Injury Trust Fund (Created 11/01/99) (Reinstated as of 11/01/05)
Other Offset Opportunities	Apportionment, Subrogation

State workers compensation website link:

http://www.owcc.state.ok.us/index.htm

The Travelers Indemnity Company
and its property casualty affiliates
One Tower Square
Hartford, CT 06183

travelers.com

This material does not amend, or otherwise affect, the provisions or coverages of any insurance policy or bond issued by Travelers. It is not a representation that coverage does or does not exist for any particular claim or loss under any such policy or bond. Coverage depends on the facts and circumstances involved in the claim or loss, all applicable policy or bond provisions, and any applicable law. Availability of coverage referenced in this document can depend on underwriting qualifications and state regulations.

© 2009 The Travelers Companies, Inc. All rights reserved. CE-10204 New 8-09