

Workers Compensation Claim State Environmental Guide - Oklahoma

OKLAHOMA – <http://www.ok.gov/wcc/>

Indemnity issues

<p>Temporary Total Benefits</p>	<p>Min None For injuries prior to 02/01/2014: Max \$801.00 for injuries between 11/01/2013 and 02/01/2014. Waiting period – 7-day waiting period, this is reimbursed after the 21st day of disability. % of Average Weekly Wage: 70% Limited Aggregate of 156 weeks, with a possible 52 week extension for consequential injuries. For injuries on or after 02/01/2014: Max \$590.63 (through 10/3/18) Waiting period is 3 days, which is never reimbursed or paid. Only has to be met one time during course of claim, does not have to be met for each/every period of TTD. % of Average Weekly Wage: 70% Limited Aggregate of 104 weeks, with a possible 52 week extension for consequential injuries.</p>
<p>Temporary Partial Benefits</p>	<p>For injuries prior to 02/01/2014: Min None Max - Capped at 80% of AWW prior to injury Paid at 70% of the difference between AWW and earned wages. Waiting period–7-day waiting period which is reimbursed after 21 days of disability. Limited–Aggregate of 156 weeks, with a possible 52 week extension for consequential injuries. For injuries on or after 02/01/2014: 70% of the difference between the pre-injury AWW and earned wages. Only paid if weekly earned wages are less than the TTD rate and weekly TPD benefits are only paid up to the actual TTD rate when combined with light duty wages. In other words, light duty wages and TPD benefits may not exceed weekly TTD rate. Total TPD in aggregate may not exceed 52 weeks.</p>

Indemnity issues

<p>Permanent Partial Benefits</p>	<p>For injuries prior to 02/01/2014: Min \$150.00 Max \$323.00 as of 11/01/2011 % 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 last order in which monetary benefits or active medical treatment was awarded or a CS-339-B was approved must be filed indicating a change of condition. For injuries on or after 02/01/2014: Min: None Max \$323.00 % of Average Weekly Wage: 70% Body as a whole reduced from 500 weeks to 350 weeks. AMA – 6th Edition for injuries to the neck, back and shoulders only. It is to the physician’s discretion to use either AMA or other guidelines for rating of injuries to other body parts. Six (6) months to reopen a case for change of condition from date of last payment of court order, not file-stamped date of order.</p>
<p>Permanent Total Benefits</p>	<p>Min \$30.00 Max \$843.75 Once determined to be Permanent Total by court order, paid until the claimant reaches the age of maximum Social Security retirement benefits or for a period of fifteen (15) years, whichever is longer, or a subsequent determination that the employee is no longer Permanent Total. Upon the death of an employee who has been adjudicated permanently totally disabled, the surviving spouse and or dependent child under the age of 23 is entitled to one lump sum payment equal to 26 weeks of weekly benefits. No change in benefits under Administrative Workers’ Compensation Act.</p>

Indemnity issues

<p>Fatality Benefits</p>	<p>Min/Max–Varies depending upon the deceased’s AWW and Funeral Expense: Maximum Funeral Expense (with dependent): \$10,000. Maximum Funeral Expense (no dependents): \$10,000. Limited: 2 years of death benefits paid in a lump sum to spouse upon remarriage. Children up to the age 18 or no longer dependent. <i>If</i> 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. <i>If no</i> surviving spouse, but one 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 deceased employee’s average weekly wage up to state maximum. Spouse plus one child 70% to spouse and 15% to the child, two or more children 30% divided equally among the children. Children with no surviving spouse 50% of deceased’s average weekly wages for one child, 50% to each child when there are two children, and 100% of such wage divided equally among the children when there are three or more, subject to the maximum limits. One dependent parent 25% of the deceased’s AWW, both dependent parents 50% of the deceased’s AWW. Dependent grandparents, grandchildren, or siblings 25% of the deceased’s AWW to each such dependent, divided equally, subject to the maximum limits. <u>Limitations:</u> termination of benefits upon reaching age 18 and/or 23 years of age if enrolled in higher education or secondary school or no longer dependent. Maximum per week payout of death benefits not to exceed 100% of the deceased employee’s average weekly wage or the states average weekly wage (SAWW) rate at the time of death, currently \$843.75. Must have legal determination (court order) for common law spouse, if not formally married. No change in benefits under Administrative Workers’ Compensation Act. Employment or accident must be the major cause of the death of employee.</p>
<p>Vocational Rehabilitation</p>	<p>For injuries prior to 02/01/2014: 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, Retraining or Job Placement. For injuries on or after 02/01/2014: Is it required? Yes, if an injured employee cannot return to his pre-injury job or equivalent for the same employer or is entitled to PPD benefits.</p>
<p>Settlement Allowed</p>	<p>For injuries prior to 02/01/2014: Yes by way of a Compromise Settlement or Court Order For injuries on or after 02/01/2014: Yes, by way of a Joint Petition.</p>
<p>Cap on benefits, exceptions</p>	

Medical issues

<p>Initial Choice of Provider</p>	<p>For injuries prior to 02/01/2014: The Employer has choice of Physician; however, if treatment has not been provided within 7 days of actual knowledge of an injury, then the Injured Worker may choose a physician to treat with at the employer’s expense until the</p>
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Medical issues

	<p>employer designates a treating physician.</p> <p>For injuries on or after 02/01/2014: The Employer has choice of Physician; however, if treatment has not been provided within 5 days of actual knowledge of an injury, then the Injured Worker may choose a physician to treat with at the employer's expense until the employer designates a treating physician. The employer can lose some defenses if medical treatment is not provided within 5 day period.</p>
Change of Provider	<p>For injuries prior to 02/01/2014: The Injured Worker may request 2 changes of physician per claim, regardless of the number of body parts involved. Furthermore, the Injured Worker may not request a change of physician for a body part that authorized treatment has not been provided for a period of 180 days or more.</p> <p>For injuries on or after 02/01/2014: The Injured Worker may request 1 change of physician per claim, but most ALJ's interpret the statute to allow 1 change of physician per body part per claim. If the claimant requests a change of physician, the employer must submit 3 names of qualified physicians to treat the affected body part, and the claimant must pick one of the 3 names provided.</p>
Medical Fee Schedule	<p>Services are paid pursuant to the Oklahoma Fee Schedule which is typically at 150% of Medicare's fee schedule.</p>
Managed Care	<p>For more information, please refer to the <u>WC Managed Care Quick Reference Chart by State Guide</u>.</p>
Utilization Review	<p>For injuries prior to 02/01/2014: No, pre-authorization not necessary</p> <p>For injuries on or after 02/01/2014: Closed formulary: Preauthorization required for all compound drugs and drugs that are not preferred or addressed by the ODG. Physician providing review must be licensed in state of OK</p>
Treatment Guidelines	<p>Official Disability Guidelines (ODG) are mandatory for all injuries occurring after March 1, 2012, and used in conjunction with the Oklahoma Treatment Guidelines for treatment of the spine and narcotic pain management.</p> <p>For injuries on or after 02/01/2014: ODG is not mandatory, but it is the reference guide for reasonable and necessary medical treatment. The treating physician's opinion is given more weight and credibility than other medical opinions when it comes to reasonableness and necessity of medical treatment.</p>
Generic Drug Substitution	<p>Physicians shall prescribe and pharmacies shall dispense generic equivalent drugs when available.</p>
Medical Mileage Reimbursement Rate	<p>The injured worker is reimbursed for actual miles traveled in excess of 20 miles per roundtrip. The current rate as of 01/01/2018 is \$0.545.</p>
Network Information	<p>First Health (primary) & CorVel (secondary).</p>
Ability to Terminate Medical Treatment	<p>For injuries prior to 02/01/2014: If not reasonable and necessary, or if the treatment is outside the recommendations of the ODG or OTG. Can be terminated by Adjuster or by Judge with use of objective medical findings (IME / Court Ordered IME).</p> <p>For injuries on or after 02/01/2014: If not reasonable and necessary, or if the treatment is outside the recommendations of the ODG or OTG, it can be terminated by Adjuster or by Judge with use of objective medical findings (IME / Court Ordered IME). May</p>

Medical issues

	also terminate for failure to comply with treatment recommendations or abandonment of medical treatment.
Settlement Allowed	For injuries prior to 02/01/2014: Yes, Medical can be settled by way of a Compromise Settlement 339-A. For injuries on or after 02/01/2014: 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

WC Hearing Docket Speed	<p>For injuries prior to 02/01/2014: Form A must set within 10 days. Prehearing Conferences may take 3 to 6 weeks, and Trials may take 8 to 10 weeks, depending on the Judge. Judges are liberal in their interpretation of the law and outcomes are pro-employee.</p> <p>For injuries on or after 02/01/2014: Pre-hearing Conferences may take 3 to 4 weeks, and Trials may take 6 to 8 weeks. The ALJs, by Statute, are to apply a strict construction of the law.</p>
Staff Counsel	<p>Ayik & Associates (405-264-2140) 211 North Robinson Avenue, Suite 430 Oklahoma City, OK 73102</p>
Hearings require attorney or claim handler participation	<p>For injuries prior to 02/01/2014: Attorney representation at all hearings and Trials. Adjusters may be required to be available at all settlement conferences at the request of the Trial Judge and to ensure full authority for settlement purposes.</p> <p>For injuries on or after 02/01/2014: An individual may appear pro se or by an attorney. A corporation, limited liability company, insurance carrier, individual own risk employer, and group self-insurance association, may appear only by its attorney (See Rule 810:10-1-9-c)</p>
Occupational Diseases	<p>Only that disease or illness which is due to causes and conditions characteristic of or peculiar to the particular trade, occupation, process or employment in which the employee is exposed to such disease. Employment must be the major cause of the resulting occupational disease and such is supported by objective medical evidence.</p>
Second Injury Fund availability	<p>Multiple Injury Trust Fund (Created 11/01/99) (Reinstated as of 11/01/05)</p>
Other Offset Opportunities	<p>Apportionment, Subrogation, Subsequent intervening injuries/conditions</p>
EDI	<p>Not Applicable.</p>
In-State Adjusting Required	<p>No</p>
License or Certification Required	<p>Effective 11/1/2012 - Removes mandate for workers compensation adjusters to complete 6 hours of OK specific continuing educations. Non-resident adjusters are to complete CE as required in order to maintain the license in their resident state.</p>

END OF DOCUMENT
