

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 1. GENERAL INFORMATION**

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RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

810:1-1-2 [AMENDED]

810:1-1-6 [AMENDED]

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19-1029
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SUMMARY:

The proposed revisions provide a definition for "Electronic equivalent" to reflect the addition of electronic filing methods under the mandatory implementation of the Commission's Electronic Database Interchange System; a streamlined process for filing agency public information requests with either the Clerk of the Commission or the General Counsel; and the correction of two statutory citations, one to reflect a statutory change and one to correct an errant comma.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 22, 101, 120.

COMMENT PERIOD:

Persons may submit data, views, or arguments in writing before 5:00 p.m. on March 4, 2020, to the Oklahoma Workers' Compensation Commission, Attn: General Counsel at 1915 N. Stiles, Oklahoma City, OK 73105, or by email to rules@wcc.ok.gov.

PUBLIC HEARING:

A public hearing to afford a comment period for all interested persons to submit data, views, or arguments, orally will be held at 9:00 a.m. on Thursday, March 5, 2020, in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma. Interested parties must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lauren Hammonds Johnson at the above address on or before 5:00 p.m. on March 4, 2020.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public from the Workers' Compensation Commission, 1915 N. Stiles, Suite 231, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of 10 cents per page. The proposed rules will also be available at <http://www.ok.gov/wcc>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Workers' Compensation Commission at the above address beginning February 13, 2020.

CONTACT PERSON:

Lauren Hammonds Johnson, Commission General Counsel, 405-522-3222,
LaurenH.Johnson@wcc.ok.gov.

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 10. PRACTICE AND PROCEDURE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

810:10-1-3 [AMENDED]

810:10-1-9 [AMENDED]

Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners

Part 1. Commencement of Claims

810:10-5-2 [AMENDED]

810:10-5-3 [AMENDED]

810:10-5-7 [AMENDED]

Part 3. Subsequent Pleadings

810:10-5-15 [AMENDED]

810:10-5-16 [AMENDED]

810:10-5-17 [AMENDED]

810:10-5-18 [AMENDED]

Part 5. Prehearing Proceedings

810:10-5-30 [AMENDED]

Part 7. Initial and Subsequent Proceedings

810:10-5-49 [AMENDED]

Part 9. Post Order Relief

810:10-5-66 [AMENDED]

Part 15. Settlements

810:10-5-95 [AMENDED]

Part 17. Fees

810:10-5-105 [AMENDED]

SUMMARY:

The proposed rules: add a definition for "Electronic equivalent" to the Definitions section; add references regarding the ability to file certain forms through an electronic equivalent; remove the requirement to file in quadruplicate; correct language to reflect the current process for assigning a file number to claims for discrimination or retaliation, and provide that attorneys may provide an email address to receive electronic docket notices and orders, which reflect the addition of electronic filing methods under the mandatory implementation of the Commission's Electronic Database Interchange System.

The proposed revisions also reflect changes made by HB 2367 to: 85A O.S. § 7 which provide that the Commission retains exclusive jurisdiction to hear and decide claims related to employer discrimination or retaliation stemming from injuries occurring on or between February 1, 2014 and May 27, 2019; and also to 85A O.S. § 118, regarding the payment of the filing fee for Joint Petitions or medical fee disputes by the employer.

Other proposed revisions correct language regarding a Commission Vice Chair, and changes it to "an available Commissioner," since there is no designated Vice Chair at the Commission; update language regarding the retention and disposition of exhibits, since they are part of the

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record, and judges do not maintain a separate list; and provide procedure for when a party fails to appear at oral argument without leave of the Commission.

Other non-substantive revisions to correct formatting and grammar errors are included.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 7, 19, 22, 45, 50, 73, 86, 101, 118, 120; Oklahoma Attorney General Opinion 2019-10

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**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 15. MEDICAL SERVICES**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Independent Medical Examiners

810:15-9-1 [AMENDED]

810:15-9-5 [AMENDED]

SUMMARY:

The proposed revisions are designed to ensure the most experienced and competent physicians participate as independent medical examiners (IMEs) with the Commission. The proposed revisions would: remove the requirement that qualified IMEs hold an Oklahoma Bureau of Narcotics and Dangerous Drugs Control registration and a federal Drug Enforcement Agency registration; provide an exception to the set reimbursement rate for IME medical testimony when good cause is shown; and delete an errant comma in a statutory citation.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 22, 112

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**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements

810:25-7-1 [AMENDED]

810:25-7-2 [AMENDED]

SUMMARY:

The proposed revisions reflect changes to 85A O.S. § 40 made by HB 2367 for the enforcement of workers' compensation insurance coverage, specifically related to the cap on penalties for failing to maintain coverage and the Commission's ability to institute certain collection or garnishment proceedings. The proposed rule revisions also remove restrictions on what the Commission must consider to reduce a penalty, delete errant commas in statutory citations, and correct a grammar error.

AUTHORITY:

Workers' Compensation Commission; 85A O.S. §§ 19, 22, 40

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