

WORKER'S COMPENSATION

Most employers in the state are required to carry Workers' Compensation Insurance on their employees. This is to cover expenses the employee might accumulate from any work-related injuries. The employer must have knowledge of the accident and a report must be filed with the employer within 60 days. Private insurance carriers and the State Insurance Fund actually provide the insurance for most employers. Assistive devices, equipment, and modifications to homes can all be paid under Workers' Compensation under certain conditions.

If a disability was acquired through a work-related accident or illness, you may seek funding through the employer's Workers' Compensation Insurance Carrier. When there is a permanent disability involved, workers' compensation carriers generally want to settle the claim as soon as possible. However, it is advisable not to be too hasty in settling the claim. Allow sufficient time to know the full extent of the disability, its impact on daily functioning and what types of assistive devices or equipment are needed and for how long. Let the insurance personnel know that you will not settle the claim or sign any waivers or release forms until there is ample medical evidence that the disability is permanent and unchanging. If there is an attorney involved, make sure he or she understands why the client may need certain AT devices and services. Be sure you know how the workers' compensation benefits are structured.

If a person is injured on the job, she or he is entitled to have ALL expenses paid that are a result of the injury. This could include any device, equipment, or modification that is determined to be needed as a result of the work related injury. The insurance company may question if a device is needed because of the injury or if it is needed because of some other reason unrelated to the injury. The carrier is generally more likely to fund items in cases of serious injury.

Claims and Appeals

The employee should report the injury to their employer immediately but not longer than 60 days from the date of the injury. The employer must file the first notice of injury with the Insurance Carrier and the Office of Workers Compensation Court within 10 days of being notified of the injury by the employee.

The injured worker can submit any requests for devices to the Insurance Carrier for purchase. If the carrier feels that the request is for an item that is needed by the individual because of the work-related injury, they will purchase it. The carrier may dispute the

claim as not being a necessary item or as not being necessary as a result of the work-related injury and deny the claim. The injured worker can then file a claim with the Office of Workers Compensation Court by contacting:

Office of Workers' Compensation Court
Counselors Program
1915 N. Stiles
Oklahoma City, OK 73105
(405) 557-7760
Counselors Program
440 South Houston
Tulsa, OK 74127
(918) 581-2714

Upon receiving notice from the employee, the Court will schedule a hearing to resolve the dispute.

Depending on the circumstances of the case and the need for a timely resolution, the hearing may be before an administrative assistant. If the administrative assistant is unable to resolve the issue, a hearing will be set before a judge who will decide the case. The individual will be given an opportunity to provide evidence that supports the claim and can use the testimony of a physician, rehabilitation specialist or other professional. The Insurance Carrier will then be given an opportunity to present contradicting evidence. The judge will issue a ruling on the case based on the evidence presented at this hearing. The judge's decision is final. The judge may agree that the AT device or equipment is needed, but may specify a cheaper alternative to what the injured worker has requested.

PIECES OF THE PUZZLE

- All devices and equipment purchased through Workers' Compensation must be needed due to a work-related accident or injury.
- If the carrier purchases AT devices and equipment for the individual, it becomes the individual's property as opposed to purchases made by some public or government agencies where the agency maintains "ownership".
- Depending on the circumstances, the carrier may choose to rent equipment for the individual rather than purchase it outright.
- The Insurance Carrier will often dispute a request of an injured worker which will necessitate a lengthy process that includes a hearing with the Workers' Compensation Court.
- If the claim of an injured worker is submitted to a hearing, the judge may specify a device other than what the individual requested, particularly if it is less expensive.