



Workers Compensation Claim State Environmental Guide - Oklahoma

OKLAHOMA – <http://www.ok.gov/wcc/>

Indemnity issues

Temporary Total Benefits	<p>Min None</p> <p>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.</p> <p>For injuries from 02/01/2014 to 5-27-19: Max \$607.40 (through 5/27/19) Max \$867.71 for dates of injury 5/28/19 - 12/31/19 Max \$898.63 for dates of injury 1/1/20 – 12/31/20 Max \$923.52 for dates of injury 1/1/21 – 12/31/21 Max \$953.18 for dates of injury 1/1/22-12/31/22Waiting 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>
Temporary Partial Benefits	<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.</p> <p>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. 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>



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Indemnity issues

<p>Permanent Total Benefits</p>	<p>Min \$30.00 Max \$867.71 for dates of injury 1/1/19 – 12/31/19 Max \$898.63 for dates of injury 1/1/20 – 12/31/20 Max \$923.52 for dates of injury 1/1/21 – 12/31/21 Max 4953.18 for dates of injury 1/1/22-12/31/22 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>
<p>Fatality Benefits</p>	<p>For injuries on or after 02/01/2014: Min/Max–Varies depending upon the deceased's date of death, AWW and Funeral Expense: Maximum Funeral Expense (with or without dependent): \$10,000. Surviving spouse only, \$100,000 lump sum plus weekly benefits. Limited: 2 years of death benefits paid in a lump sum to spouse upon remarriage. <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 divided equally among children. <i>If no</i> surviving spouse, but 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. <u>Limitations:</u> termination of child benefits upon child's death, marriage, or reaching 18. Can receive benefits until 23 years of age if enrolled in high school or higher education. If child physically or mentally incapable of self-support, receives weekly benefits until becoming capable of self-support. 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 \$867.71. Must have order from Commission finding common law spouse for common law spouse to receive benefits.</p>

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Vocational Rehabilitation	<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.</p> <p>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>For injuries after 05/28/2019: No presumption in favor of vocational rehabilitation services or training for certain occupations. No deduction from benefits for the cost of vocational rehabilitation training or tuition.</p>
Settlement Allowed	<p>For injuries prior to 02/01/2014: Yes by way of a Compromise Settlement or Court Order</p> <p>For injuries on or after 02/01/2014: Yes, by way of a Joint Petition.</p>
Cap on benefits, exceptions	<p>See above for maximum rates and maximum number of weeks one can receive temporary benefits.</p>

Medical issues

Initial Choice of Provider	<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 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.</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>Yes</p>
Utilization Review	<p>For injuries prior to 02/01/2014: No, pre-authorization not necessary</p>

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Medical issues

	<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 01/01/22 is \$0.585.</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 Claim Partner or by Judge with use of objective medical findings (IME / Court Ordered IME).</p>
Settlement Allowed	<p>For injuries prior to 02/01/2014: Yes, Medical can be settled by way of a Compromise Settlement 339-A.</p> <p>For injuries on or after 02/01/2014: Yes, medical can be settled by way of a Joint Petition.</p>
Cap on benefits, exceptions	<p>As of 11/01/05, disfigurement awards are capped at \$50,000.</p>

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 10 to 12 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: If an objection to the termination of TTD is filed by claimant within 10 days of termination, the Commission shall set the matter within 20 days for a determination if TTD shall be reinstated. Pre-hearing Conferences may take 3 to 4 weeks, and Trials may take 6 to 8 weeks.</p>
Staff Counsel	<p>Ayik & Associates (405-264-2140) Physical address: 211 North Robinson Avenue, Suite 430 Oklahoma City, OK 73102 Mailing address: P.O. Box 64093 St. Paul, MN 55164-0093</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>For injuries on or after 02/01/2014: occupational disease means any disease that results in disability or death and arises out of and in the course of the occupation or employment or naturally follows or unavoidably results from an injury. A causal connection between the occupation or employment and the occupational disease shall be established by a preponderance of the evidence. Employer not liable unless the disease is due to the nature of an employment in which the hazards of the disease actually exist and are characteristic thereof and peculiar to the trade, occupation, process, or employment and is actually incurred in the course and scope of employment.</p>
Second Injury Fund availability	Multiple Injury Trust Fund (Created 11/01/99) (Reinstated as of 11/01/05)
Other Offset Opportunities	Apportionment, Subrogation, Subsequent intervening injuries/conditions
EDI	As of 9-1-18, the following forms must be filed electronically: CC-Form-2 CC-Form-4 CC-Form-2A CC-Form-2A Extension
In-State Adjusting Required	No
License or Certification Required	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 to maintain the license in their resident state.

