

State of Oklahoma



ANNUAL REPORT

2011

**Workers'
Compensation
Court**

June 2012

This publication is issued by the Oklahoma Workers' Compensation Court. Copies have not been printed but are available through the Court's website at: http://www.owcc.state.ok.us/annual_reports.htm.

This report is authorized by requirements of 85 O.S. §367 and is compliant with Oklahoma Statutes.

Michael J. Harkey
Presiding Judge

*Eric W. Quandt
Vice Presiding Judge

Gene Prigmore
Judge

Cherri Farrar
Judge

John M. McCormick
Judge



STATE OF OKLAHOMA

WORKERS' COMPENSATION COURT

1915 NORTH STILES AVENUE
OKLAHOMA CITY, OK 73105-4918
(405) 522-8600

C. Kent Eldridge
Judge

Bob Lake Grove
Judge

William R. Foster, Jr.
Judge

*Eric W. Quandt
Judge

*Owen T. Evans
Judge

Michael Clingman
Administrator

June 30, 2012

Honorable Mary Fallin
Governor of Oklahoma

Honorable Steven W. Taylor
Chief Justice of the Oklahoma Supreme Court

Honorable Brian Bingman
President Pro Tempore of the Oklahoma State Senate

Honorable Kris Steele
Speaker of the Oklahoma House of Representatives

Members of the 53rd Oklahoma Legislature

Dear Governor Fallin, Chief Justice Taylor, President Pro Tempore Bingman, Speaker Steele and Legislators:

I have the privilege of submitting to you the 2011 Annual Report of the Oklahoma Workers' Compensation Court, prepared in accordance with the provisions and requirements of Title 85 O.S., Section 367. The Court is relying on its Internet website and e-mail capabilities to disseminate this report in a cost-effective manner.

Respectfully,

A handwritten signature in cursive script, appearing to read "Michael Clingman".

Michael Clingman
Court Administrator

STATE OF OKLAHOMA
Workers' Compensation Court

ANNUAL REPORT
2011

Michael J. Harkey
PRESIDING JUDGE

Eric W. Quant
VICE PRESIDING JUDGE

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JUDGE

Bob Lake Grove
JUDGE

Cherri Farrar
JUDGE

William R. Foster, Jr.
JUDGE

John Michael McCormick
JUDGE

Owen T. Evans
JUDGE

Kent Eldridge
JUDGE

David P. Reid
JUDGE

Michael Clingman
ADMINISTRATOR

June 30, 2012



The Workers' Compensation Court of Oklahoma

2011

(back row)

**The Honorable
Owen T. Evans**

**The Honorable
C. Kent Eldridge**

**The Honorable
Bob Lake Grove**

**The Honorable
Cherri Farrar**

**The Honorable
David P. Reid**

**The Honorable
William R. Foster, Jr.**

(front row)

**The Honorable
Gene Prigmore**

**The Honorable
Michael J. Harkey
Presiding Judge**

**The Honorable
Eric W. Quandt
Vice Presiding Judge**

**The Honorable
John M. McCormick**

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Introduction

This report is prepared annually by the Oklahoma Workers' Compensation Court in accordance with the provisions and requirements of Title 85 O.S., Section 367. It provides injury statistics and benefit payment, workload and expenditure data.

The information in this report on injuries, illnesses and deaths is derived from documents filed in calendar year 2011, by the employer, worker or the dependents of a deceased worker. Injury characteristics are from the first report of injury filed by the employer or claimant, and are not necessarily based on a medical diagnosis. The employer's first report of injury is used when the matter before the Court is a compromise settlement (Form 1X) or provider's claim for compensation (2/19 claim), and there is no first report of injury filed by the worker or the dependents of a deceased worker.

Information about the development and use of the North American Classification System (NAICS) can be found at the web site of the US Census Bureau, <http://www.census.gov/eos/www/naics>.

General Information

History

The Legislature initially enacted laws pertaining to workers' compensation in 1915. The State Industrial Commission administered the process until 1959. In 1959, the Legislature created and transferred jurisdiction to the State Industrial Court. By a vote of the people in 1967, the State Industrial Court became part of the Judicial Department of government. In 1978, the Legislature created the Workers' Compensation Act and transferred its jurisdiction to the newly created Workers' Compensation Court, a court of record with exclusive jurisdiction for workers' compensation issues. The Court consisted of 7 judges. The Legislature added 1 judge in 1981, another in 1985, and brought the total number to 10 judges in 1994. In 2010, the Legislature reduced the number of judges from 10 to 8. The law provided that the reduction would occur through attrition with the first two judicial vacancies after enactment of the law. The law provided that following gubernatorial nomination, nominees were subject to Senate consideration and requiring confirmation by advice and consent.

In 2011, the Legislature repealed the Workers' Compensation Act and enacted the Workers' Compensation Code. The Code became effective August 26, 2011. Among its many provisions, the Code repealed the 2010 law that reduced the number of judges to 8 and restored the total number of judges to 10. No judicial vacancies occurred prior to enactment of the Code.

Subsequent report sections contain additional information pertaining to changes implementing provisions of the Workers' Compensation Code.

Mission

The mission of the Workers' Compensation Court is to provide fair and timely procedures for the informal and formal resolution of disputes and identification of issues involving work-related injuries. To this end the Court dedicates itself to carry out this responsibility and to serve the public promptly, courteously and impartially.

Organization

With enactment of the Workers' Compensation Code, the Court consists of ten judges. Qualified persons apply for consideration to the Judicial Nominating Commission. The Commission submits three names to the Governor for consideration. The Governor nominates one person and submits the name to the Senate for consideration and requiring confirmation by advice and consent. If the Senate confirms the appointment, the person is sworn in when the judge position is open. Judges appointed pursuant to the Code serve an eight-year term. Judges appointed pursuant to the Workers' Compensation Act did not require Senate confirmation and serve a six-year term.

The Governor appoints a presiding judge to a two-year term. The presiding judge has overall authority for Court functions. The presiding judge may appoint another judge to serve in the absence, infirmity or death of the presiding judge.

The Workers' Compensation Court has offices in Oklahoma City and Tulsa and may conduct hearings in any location in the state. The Code requires assignment of a minimum of three judges to the Tulsa Court with the rest assigned to the Oklahoma City Court. All judges have caseloads that include Oklahoma City and Tulsa venues.

Workers' compensation law provides a remedy for persons injured within the course and scope of their employment. It is an exclusive remedy that does not require proof of negligence. It provides for medical treatment, rehabilitation and compensation for lost wages resulting from a work-related injury. Injuries may result from a single incident, cumulative trauma or occupational illness. It applies to most employment types.

Workers' Compensation Court orders are final and conclusive. A party may appeal an order to the Court sitting en banc or to the Supreme Court. A party may appeal an en banc order to the Supreme Court.

The Administrator is chief administrative officer of the Court. The Administrator generally supervises Court programs and staff, including Court budget, personnel, self-insurance regulation, and approving settlements.

The Court Clerk receives Court filings, certifies documents, prepares and transmits records on appeal, accepts appeal bonds, serves as record custodian and manages the record retention schedule.

The Records Department manages and maintains Court files, processes mail and provides public access to Court files and records, as authorized by law.

The Form 3 Department receives and processes employee first notice of injury forms, creates files, enters data and issues acknowledgments. It processes compromise settlement orders.

The Docket Office processes requests for hearings and trials creating judges' daily dockets. It issues notices of hearings and trials to all parties.

The Order Processing Office prepares judges' orders for distribution to all parties.

The Insurance Department maintains workers' compensation insurance proof of coverage records for employers in the state. Under authority of the Administrator, it regulates and monitors self-insured employers, self-insured group employers and third-party administrators. Department staff reviews applications, determines financial solvency and reviews claims history.

The Counselor Program provides information to the public regarding Court functions, programs and activities. It assists with Court publications, website and workshops. It manages the Court mediator certification program.

The Data Processing and Management Information Services Department develops and maintains the Court client-server system, develops applications, coordinates information technology activities with vendors and state agencies and enhances productivity of Court functions through use of technology.

The Court employs court reporters, staff attorneys, administrative personnel and support staff. The positions assist judges, provide support to advisory bodies, process bankrupt self-insured employer claims and manage independent medical examiner, case manager and vocational rehabilitation case manager systems.

In 2011, judicial secretaries and support staff processed 204 physician applications for participation in the independent medical examiner system, processed 12 applications for participation in the case manager system, and prepared a total of 2,587 orders appointing independent medical examiners, medical case managers, and vocational rehabilitation experts as directed by the Court.

Activities in 2011

The Court engaged in activities to implement provisions of the Workers' Compensation Code.

The Court revised its forms to conform to Code requirements. It determined proportional distribution of cases by counties to assign cases by county to Tulsa or Oklahoma City venues. It initiated processes to implement revisions to the Schedule of Medical Fees to achieve an overall medical cost reduction of 5%. It provided an on-line posting of all persons who filed a workers' compensation claim during the last 10 years.

Educational Conference

The Court and the Oklahoma Bar Association Workers' Compensation Section conducted an educational conference. Programs provided overviews of Court process changes both in effect and in implementation stages resulting from enactment of the Workers' Compensation Code. Attendees included professionals from the medical, legal, insurance, government, business and labor sectors.

Insurance

Workers' compensation insurance is mandatory in Oklahoma except as otherwise provided by law. The Court maintains a Workers' Compensation Insurance Coverage Verification System on its website to allow the public to verify insurance coverage information of employers that have purchased a workers' compensation insurance policy. This information comes from policy information reported to the National Conference on Compensation Insurance (NCCI).

Searches may be conducted by going to http://www.owcc.state.ok.us/ncci_coverage.htm. During calendar year 2011, 13,229 persons connected to the link and performed 64,654 coverage searches.

Medical

The Physician Advisory Committee serves as an advisory group to the Court regarding treatment of workers' compensation injuries. The Workers' Compensation Code directs the Committee to adopt Oklahoma Treatment Guidelines that the Court would utilize in place of or in combination with the American Medical Association "Guides to the Evaluation of Permanent Impairment." In 2011, the Committee began work on the Guidelines.

Multiple Injury Trust Fund Assessment

The Workers' Compensation Act and the Workers' Compensation Code require the state Insurance Commissioner, Board of Managers of CompSource Oklahoma, self-insured employers and self-insured employer groups to submit data to the Court Administrator annually by April 15. The Administrator uses the data to determine an annual assessment rate for payment to the Multiple Injury Trust Fund and other entities as the law requires. For the fiscal year ending June 30, 2011, the rate was 2.59% of gross direct written premium or actual paid losses. For the fiscal year beginning July 1, 2011, the assessment rate is 1.98%. The Court provided notice of the rate to payors in advance of the May 1 deadline, as the law requires.

In addition to activities listed above for calendar year 2011, the Court performs routine duties on a regular basis, as noted in the "Organization" section of this Annual Report. The activities of the Court during calendar year 2011, are described in greater detail in the following pages of this Annual Report, together with basic statistics regarding filings made during calendar year 2011.

Profiles of the Judges

Judges serving on the Court during calendar year 2011, include the following: The Honorable Michael J. Harkey, The Honorable Eric W. Quandt, The Honorable Gene Prigmore, The Honorable Cherri Farrar, The Honorable John Michael McCormick, The Honorable Kent Eldridge, The Honorable Bob Lake Grove, The Honorable William R. Foster, Jr., The Honorable Owen T. Evans and The Honorable David P. Reid.

Each Judge hears matters involving workers' compensation disputes, records case dispositions and issues final orders based upon the evidence presented. Judges also approve settlements negotiated between the parties; conduct prehearing conferences and judicial settlement conferences; appoint Independent Medical Examiners (IMEs), medical case managers, vocational rehabilitation evaluators and mediators; oversee the IME, case manager, and court mediation systems; review medical progress reports; participate weekly on three-judge appeal panels; and participate in educational seminars, including periodic conferences sponsored by the Court.

During 2011, 28,593 cases were scheduled for trial, and 47,112 prehearing conferences were docketed. In addition, 1,119 cases involving medical treatment and/or temporary disability were set on temporary issue dockets to promote informal resolution before trial or determine the status of the case for scheduling purposes. During this period, 1,206 cases were set before the court en banc. Judges issued 27,775 orders and approved 8,134 settlements.

Judges

The Honorable Michael J. Harkey

Judge Harkey graduated from The University of Oklahoma in 1973, and received his Juris Doctorate from the Oklahoma City University School of Law in 1976.

He is a member of the Oklahoma State and County Bar Associations. Prior to his appointment to the Workers' Compensation Court in 2006 Judge Harkey was in the private practice of law. Judge Harkey currently serves as Presiding Judge of the Workers' Compensation Court.

The Honorable Judge Eric W. Quandt

Judge Quandt received his Bachelor of Arts degree from the University of Wisconsin, Madison in 1985. In 1988, he received his Juris Doctorate from the University of Tulsa College of Law.

He is a member of the Oklahoma Bar Association and the Tulsa County Bar Association. Prior to his appointment to the Court, he was in private practice for 20 years, 17 years as a sole practitioner.

In July 2008, Judge Quandt was appointed to the Workers' Compensation Court by Governor Brad Henry.

The Honorable Gene Prigmore

Judge Prigmore was born in Freedom, Oklahoma, attended public school in Alva, and in 1966, graduated with a Bachelor of Arts degree from Northwestern State College in Alva. Judge Prigmore then served two years in the U.S. Army, 24th Infantry Division, 1966-68. After completing his military service he spent the next ten years teaching, counseling and coaching in various Kansas and Oklahoma public school systems including head football and track coach at Capitol Hill High School. He earned a Masters Degree in Counseling from Central State University in 1973. In 1978, he began his legal education and received his Juris Doctorate from the University of Oklahoma College of Law in 1980.

Judge Prigmore served on the Oklahoma City Board of Education from 1986 to 1989. He served as an Adjunct Professor in the Paralegal Program at Rose State College in 1989 - 1990. Judge Prigmore has been a member of the Oklahoma Bar Association since 1980, and the Oklahoma County Bar Association since 2001.

Judge Prigmore was in private practice with an emphasis in sports and workers' compensation law until 1992, when he became General Counsel for the Oklahoma Special Indemnity Fund (now known as the Multiple Injury Trust Fund).

In November 1998, Judge Prigmore was appointed to the Oklahoma Workers' Compensation Court by Governor Frank Keating to complete an unexpired term. In July 2000, he was reappointed by Governor Frank Keating for a six-year term. In December 2004, Governor Brad Henry appointed Judge Prigmore for a two-year term as Presiding Judge of the Workers' Compensation Court, effective January 1, 2005. In July 2006, Judge Prigmore was appointed by Governor Brad Henry for an additional six-year term.

In 2012 Judge Prigmore was nominated and accepted as A Fellow of the College of Workers' Compensation Lawyers. Judge Prigmore is one of only three Oklahoma lawyers accepted to this prestigious national College. Judge Prigmore retired July 1, 2012 and will continue his service to the State of Oklahoma as an Active Retired Judge.

The Honorable Cherri Farrar

Cherri Farrar was originally appointed as a judge of the Workers' Compensation Court by the Honorable Frank Keating in June 2000. In July 2006, Judge Farrar was reappointed for another six-year term. Prior to her appointment to the Court, Judge Farrar was in private practice.

Judge Farrar received her Juris Doctorate from the University of Oklahoma College of Law in 1986. She is the recipient of certifications from the National Institute of Trial Advocacy and the National Association of Criminal Defense Lawyers for studies in advanced trial techniques.

She received a Bachelor of Arts degree in Political Science from Central State University in 1982.

Judge Farrar is a Master of the Bench of the William J. Holloway, Jr., American Inn of Court (currently inactive), and is a member of the Oklahoma Bar Association and Oklahoma County Bar Association.

The Honorable John Michael McCormick

John McCormick was born in Oklahoma City in 1947. He attended old Central High School in downtown Oklahoma City and graduated in 1966. Judge McCormick served 3 years active military duty in the U. S. Army from February 1967, to February 1970; he served one tour of duty in Vietnam from August 1967, to September 1968, and was later a member of the U.S. Army Judge Advocate General Corps. Judge McCormick received his Bachelor of Arts from the University of Oklahoma in 1974, and his Juris Doctorate from Oklahoma City University School of Law in 1978.

Judge McCormick served the State of Oklahoma as an Assistant Attorney General under Attorney General W.A. Drew Edmondson from 1997, until his appointment to the bench in 2006. His prior law practice includes service as Deputy General Counsel of the Oklahoma City Public Schools, and Deputy General Counsel for the Department of Human Services.

Judge McCormick also has public service as an elected official. In 1985, he was elected to a four-year term to the Metro Tech School Board, Vocational District 22, Seat 2. Before joining the Workers' Compensation Court, Judge McCormick served as an adjunct professor for 18 years at Rose State College and Oklahoma City Community College.

The Honorable Kent Eldridge

Judge Eldridge earned his B.A. in Political Science from the University of Oklahoma. Following graduation from the University of Oklahoma School of Law (1976), he served as a Public Defender. He then became a solo practitioner in 1981, and maintained a trial practice of criminal and civil litigation in state and federal courts and administrative tribunals, including many jury and non-jury trials.

Professional affiliations include the Oklahoma Bar Association, Oklahoma County Bar Association, and Ruth Bader Ginsburg Inn of Court (Master). Judge Eldridge has spoken at many law seminars, and while in private practice served as an expert witness on numerous occasions.

Judge Eldridge is an active member of St. Paul's Episcopal Cathedral and is serving on the Vestry. He also serves on the Board of the Oakerhater Episcopal Center home to the Whirlwind Mission in Watonga, Oklahoma. Judge Eldridge served as an Assistant Scoutmaster, Westminster Presbyterian Church, Troop 4, Oklahoma City, 1996 - 2005. His marriage to Lea Crawford Eldridge and his children Julie, Jim and Jackson are his greatest accomplishments.

Governor Brad Henry appointed Judge Eldridge to the Workers' Compensation Court in July 2006. In May 2009, Governor Brad Henry appointed Judge Eldridge as Presiding Judge of the Workers' Compensation Court, effective May 22, 2009.

The Honorable Bob Lake Grove

Born in Poteau, Oklahoma in the far eastern segment of our state, Bob Lake Grove was raised and educated 9 miles therefrom in Panama, Oklahoma. His father, Lake Grove, was a businessman and his mother, Helen, a classroom teacher for over 40 years.

After graduation from high school, he attended the University of Oklahoma, graduating with a BA, and the University of Oklahoma School of Law, graduating with a Juris Doctorate. He was active in student government and served both in the Student Senate and as Chairman of the University Judicial Board.

In his first position as an attorney, he handled almost exclusively workers' compensation litigation. Following, he served as Assistant District Attorney of Oklahoma County for nearly five years as a felony trial prosecutor. During this time he also instructed at the Oklahoma City Police Academy and acted as a spokesman for the District Attorney for the release of prosecution information.

Following his tenure as a prosecutor, he was engaged exclusively in litigation in the fields of criminal defense, matrimonial law, child custody, business litigation, probate contests and workers' compensation. His representation included appearances and trials in federal, state and municipal courts throughout the state, as well as arguments before the Supreme Court and Court of Criminal Appeals in Oklahoma. In addition, he has spoken at many law seminars and for various civic groups, and while in private practice, made public appearances and participated in television productions and radio shows.

In 2007, he accepted a position of trial counsel for CompSource Oklahoma. Thereafter, Governor Brad Henry appointed him to a six-year term to the Worker's Compensation Court commencing in 2008.

The Honorable William R. Foster, Jr.

Judge Foster graduated from Arkansas State University in 1989, with a Bachelor of Arts in Political Science. In 1992, Judge Foster received his Juris Doctorate from the University of Arkansas. Upon graduation from law school Judge Foster entered private practice in Nashville, Tennessee with the law office of Lionel R. Barrett.

Judge Foster is currently admitted to practice law in Oklahoma, Tennessee and Pennsylvania (currently inactive). From 1993 to 1999, he worked as an attorney for the Oklahoma Indigent

Defense System. Following this, and prior to his appointment as a judge to the Workers' Compensation Court, Judge Foster clerked part time for the Honorable Charles S. Chapel, from April, 1999 to August, 2008, former judge of the Oklahoma Court of Criminal Appeals.

The Honorable David P. Reid

Judge Reid is originally from Tulsa, Oklahoma, and attended high school in Broken Arrow, Oklahoma. He obtained a Bachelor of Arts degree in Business Administration from Dallas Baptist University in 1976, where he majored in accounting. Judge Reid received his Juris Doctorate from the University of Oklahoma College of Law in 1979, and served on the Law Review and was selected for the *Order of the Coif*.

Judge Reid was a Judicial Legal Intern for the Oklahoma Supreme Court while in law school and subsequently served as a law clerk for the United States Bankruptcy Court, Eastern District of Oklahoma. In addition he also served as a Workers' Compensation Court certified mediator. Judge Reid was in the private practice of law for 30 years in Tulsa and Okmulgee, Oklahoma. During the first 13 years of practice he represented both individuals and employers. During the remaining 17 years, his representation before the Workers' Compensation Court was focused primarily on the representation of employers.

Judge Reid has been admitted to practice before the United States Court of Appeals, Tenth Circuit Court in Denver, Colorado, as well as the United States District Courts for the Northern and Eastern Districts of Oklahoma.

Judge Reid resides in Tulsa, Oklahoma, where his wife Charlene teaches school and his son Brett attends college. He was appointed by Governor Brad Henry to the Workers' Compensation Court on September 10, 2010, having been sworn into office on September 15, 2010.

The Honorable Owen T. Evans

Owen T. Evans was born in Dubuque, Iowa, in 1957. Judge Evans was raised in Bradford, Pennsylvania, and in 1979, received a Bachelor of Science degree from Syracuse University.

Judge Evans and his wife Lori moved to Tulsa, Oklahoma in 1982. He received his Juris Doctorate from the University of Tulsa College of Law in 1985.

Judge Evans practiced Workers' Compensation defense law for 20 years before being appointed to the bench by Governor Brad Henry in September, 2010. Judge Evans served as chairman of the Court's Rules Committee which revised and rewrote many court rules following the legislative enactment of the 2011 Workers' Compensation Code.

Judge Evans and Lori are members and Elders of John Knox Presbyterian Church in Tulsa, Oklahoma. They have two adult children, Bryn Robert of Fort Collins, Colorado, and Megan Kathryn of Tulsa, Oklahoma.

Section I - Overview

Table 1
Rate of Claims Filed Per 100 Employed: 1989 - 2011

Year	Employer's First Notice of Injury (Form 2) Filings ¹	Claimant Filings ²	State Employment Levels ³	Rate of Claims Filed Per 100 Workers ⁴	Rate of Employer's First Notice of Injury (Form 2) Filings Per 100 Workers ⁵
1989	97,912	20,311	1,163,800	1.75	8.41
1990	122,988	23,530	1,195,922	1.97	10.28
1991	94,195	24,654	1,211,000	2.04	7.78
1992	84,259	24,748	1,221,700	2.03	6.90
1993	84,757	25,863	1,199,600	2.16	7.07
1994	92,594	27,959	1,234,400	2.26	7.50
1995	100,363	25,817	1,272,500	2.03	7.89
1996	92,937	24,167	1,309,700	1.85	7.10
1997	88,892	21,959	1,347,800	1.63	6.60
1998	84,756	20,832	1,396,300	1.49	6.07
1999	83,289	19,999	1,416,500	1.41	5.88
2000	82,920	19,086	1,437,000	1.33	5.77
2001	75,462	19,553	1,463,200	1.34	5.16
2002	67,190	18,474	1,434,905	1.29	4.68
2003	61,452	17,390	1,405,900	1.24	4.37
2004	58,065	16,933	1,424,300	1.19	4.08
2005	55,844	15,670	1,464,500	1.07	3.81
2006	54,237	14,853	1,507,100	0.99	3.60
2007	51,197	14,888	1,521,100	0.98	3.37
2008	52,477	15,364	1,550,300	0.99	3.38
2009	51,715	15,765	1,492,100	1.06	3.47
2010	50,054	14,656	1,475,700	0.99	3.39
2011	44,216	13,906	1,500,900	0.93	2.95

¹ Reflects the number of Form 2 (Employer's First Notice of Injury) filings made by an employer when there is a work-related injury which results in the loss of time beyond the shift or which requires medical attention away from the work site, fatal or otherwise, received by the employer's employees. Form 2s filed with the Court are confidential and not subject to public disclosure except as authorized by law.

² Beginning in 2005, reflects claims for compensation filed by a worker (Form 3, 3A, 3B). Death filings are included in the count. Prior to 2005, claimant filings also included claims for compensation filed by a medical or rehabilitation provider (2/19 claims) when there is a notice of injury filed by the employer (Form 2) but no claim for compensation filed by the worker (Form 3, 3A, 3B). Separate counting of 2/19 claims began in 1990. 2/19 claims data for 1990 through 2011, are as follows: 1990=1; 1991=2; 1992=1; 1993=12; 1994=22; 1995=45; 1996=96; 1997=51; 1998=27; 1999=38; 2000=33; 2001=88; 2002=151; 2003=172; 2004=196; 2005=61; 2006=58; 2007=79; 2008=56, 2009=73, 2010=123 and 2011=54.

³ State Employment Data is provided by the Bureau of Labor Statistics, Quarterly Census of Employment and Wages, QCEW Labor Force Data, reporting Statewide Non-farm Payroll. Federal Government employees have been excluded since 1993.

⁴ Represents the number of injuries and illnesses per 100 workers, calculated as $(C/EL \times 100)$ where C = number of injuries and illnesses reflected by claimant filings and EL = state employment level.

⁵ Represents the number Employer's First Notice of Injury filings (Form 2) per 100 workers, calculated as $(E/EL \times 100)$ where E = number of Form 2 filings and EL = state employment level.

Table 2
Filings Compared to Employment by County of Injury
2011

County	Average Annual Employment ¹	Percent of Employment	All Filings		Percent of Employment Making Filing ³	Number of Death Filings ⁴
			Count ²	Percent		
Adair	10,235	0.61%	23	0.16%	0.22%	0
Alfalfa	2,407	0.14%	15	0.11%	0.62%	0
Atoka	5,661	0.34%	26	0.19%	0.45%	0
Beaver	3,255	0.19%	15	0.11%	0.46%	0
Beckham	12,638	0.76%	94	0.67%	0.74%	1
Blaine	4,336	0.26%	41	0.29%	0.94%	0
Bryan	18,927	1.13%	106	0.76%	0.56%	1
Caddo	11,955	0.71%	60	0.43%	0.50%	1
Canadian	53,007	3.18%	181	1.30%	0.34%	3
Carter	26,413	1.58%	323	2.31%	0.87%	3
Cherokee	23,355	1.40%	101	0.72%	0.43%	1
Choctaw	6,746	0.40%	29	0.21%	0.42%	0
Cimarron	1,183	0.07%	14	0.10%	1.18%	1
Cleveland	118,846	7.15%	502	3.60%	0.42%	0
Coal	2,484	0.14%	19	0.14%	0.76%	1
Comanche	44,927	2.70%	397	2.84%	0.88%	3
Cotton	3,286	0.19%	8	0.06%	0.24%	0
Craig	6,572	0.39%	64	0.46%	0.97%	0
Creek	28,019	1.69%	154	1.10%	0.54%	2
Custer	15,703	0.94%	84	0.60%	0.53%	1
Delaware	18,410	1.10%	69	0.49%	0.37%	0
Dewey	2,887	0.17%	21	0.15%	0.72%	0
Ellis	2,456	0.14%	19	0.14%	0.77%	0
Garfield	31,638	1.90%	195	1.40%	0.61%	0
Garvin	14,162	0.85%	133	0.95%	0.93%	2
Grady	21,833	1.31%	129	0.92%	0.59%	1
Grant	2,567	0.15%	18	0.13%	0.70%	1

Table 2 (continued)

County	Average Annual Employment ¹	Percent of Employment	All Filings		Percent of Employment Making Filing ³	Number of Death Filings ⁴
			Count ²	Percent		
Greer	1,856	0.11%	15	0.11%	0.80%	0
Harmon	1,303	0.07%	9	0.06%	0.69%	0
Harper	1,903	0.11%	12	0.09%	0.63%	1
Haskell	5,465	0.32%	29	0.21%	0.53%	0
Hughes	5,131	0.30%	45	0.32%	0.87%	0
Jackson	11,631	0.69%	70	0.50%	0.60%	0
Jefferson	2,283	0.13%	15	0.11%	0.65%	0
Johnston	4,595	0.27%	30	0.21%	0.65%	0
Kay	20,959	1.26%	204	1.46%	0.97%	1
Kingfisher	7,639	0.45%	38	0.27%	0.49%	1
Kiowa	3,838	0.23%	23	0.16%	0.59%	0
Latimer	3,841	0.23%	38	0.27%	0.98%	1
LeFlore	17,964	1.08%	93	0.67%	0.51%	0
Lincoln	13,700	0.82%	80	0.57%	0.58%	1
Logan	18,167	1.09%	77	0.55%	0.42%	1
Love	5,460	0.32%	22	0.16%	0.40%	0
McClain	14,867	0.89%	92	0.66%	0.61%	1
McCurtain	14,186	0.85%	111	0.80%	0.78%	1
McIntosh	8,150	0.49%	35	0.25%	0.42%	1
Major	4,226	0.25%	22	0.16%	0.52%	0
Marshall	6,183	0.37%	49	0.35%	0.79%	0
Mayes	16,871	1.01%	129	0.92%	0.76%	1
Murray	8,883	0.53%	73	0.52%	0.82%	3
Muskogee	29,354	1.76%	229	1.64%	0.78%	1
Noble	5,597	0.36%	58	0.42%	1.03%	1
Nowata	4,728	0.28%	21	0.15%	0.44%	0
Okfuskee	4,336	0.26%	25	0.18%	0.57%	0
Oklahoma	306,412	18.43%	3,406	24.40%	1.11%	10
Okmulgee	14,448	0.86%	121	0.87%	0.83%	1

Table 2 (continued)

County	Average Annual Employment ¹	Percent of Employment	All Filings		Percent of Employment Making Filing ³	Number of Death Filings ⁴
			Count ²	Percent		
Osage	18,802	1.13%	85	0.61%	0.45%	0
Ottawa	17,218	1.03%	74	0.53%	0.42%	0
Pawnee	6,627	0.39%	36	0.26%	0.54%	0
Payne	33,473	2.01%	322	2.31%	0.96%	1
Pittsburg	22,354	1.34%	167	1.20%	0.74%	0
Pontotoc	19,911	1.19%	133	0.95%	0.66%	0
Pottawatomie	32,264	1.94%	241	1.73%	0.74%	2
Pushmataha	5,160	0.31%	18	0.13%	0.34%	0
Roger Mills	2,107	0.12%	26	0.19%	1.23%	1
Rogers	37,447	2.25%	204	1.46%	0.54%	0
Seminole	10,276	0.61%	106	0.76%	1.03%	1
Sequoyah	15,449	0.92%	67	0.48%	0.43%	2
Stephens	21,431	1.28%	168	1.20%	0.78%	0
Texas	7,388	0.44%	130	0.93%	1.75%	1
Tillman	3,243	0.19%	26	0.19%	0.80%	0
Tulsa	269,996	16.24%	2,863	20.51%	1.06%	5
Wagoner	31,791	1.91%	77	0.55%	0.24%	0
Washington	26,812	1.61%	99	0.71%	0.36%	0
Washita	5,978	0.35%	25	0.18%	0.41%	1
Woods	4,523	0.27%	32	0.23%	0.70%	0
Woodward	11,709	0.70%	110	0.79%	0.93%	2
Out of State ⁵			357	2.56%		11
Other ⁶			583	4.18%		2
TOTALS⁷	1,661,839	100%	13,960	100%		77

¹ Source: Bureau of Labor Statistics, Local Area Unemployment Statistics, LAUS Labor Force Data. Includes agricultural and federal employment.

² Death filings are included in the count of all filings.

³ Represents the percentage of filings made per county of injury, calculated as C/EL where C = count of all filings for the county and EL = county employment level.

⁴ Subset of all filings.

⁵ "Out of State" includes injuries, illnesses and deaths occurring out of state or overseas.

⁶ "Other" includes place unknown and missing data.

⁷ Percentage totals may differ due to rounding.

Table 3
Filings by Month of Accident
2011

Month	All Filings¹	% of Filings	Death Filings
January	1,175	8.4%	5
February	1,122	8.0%	1
March	1,209	8.7%	4
April	1,153	8.3%	3
May	1,172	8.4%	11
June	1,216	8.7%	7
July	1,198	8.6%	12
August	1,277	9.1%	5
September	1,142	8.2%	9
October	1,259	9.0%	10
November	992	7.1%	3
December	1,045	7.5%	7
TOTALS²	13,960	100%	77

¹ Death filings are included in the count of all filings.

² Percentage totals may differ due to rounding.

Table 4
Filings by Day of Week of Accident
2011

Day of Week	All Filings¹	% of Filings	Death Filings
Monday	2,432	17.4%	17
Tuesday	2,480	17.8%	14
Wednesday	2,382	17.1%	10
Thursday	2,380	17.0%	10
Friday	2,343	16.8%	13
Saturday	1,122	8.0%	9
Sunday	821	5.9%	4
TOTALS²	13,960	100%	77

¹ Death filings are included in the count of all filings.

² Percentage totals may differ due to rounding.

Table 5
Filings by Average Weekly Wage of Injured Worker
2011

Amount of Weekly Wages	All Filings ¹	Percent	Death Filings
Under \$150	84	0.6%	1
\$150 - \$199	100	0.7%	0
\$200 - \$249	201	1.4%	1
\$250 - \$299	346	2.5%	0
\$300 - \$349	650	4.7%	2
\$350 - \$399	640	4.6%	2
\$400 - \$449	887	6.4%	3
\$450 - \$499	690	4.9%	2
\$500 - \$549	847	6.1%	2
\$550 - \$599	552	4.0%	3
\$600 - \$649	719	5.2%	4
\$650 - \$699	465	3.3%	1
\$700 - \$749	512	3.7%	0
\$750 - \$799	379	2.7%	3
\$800 - \$849	409	2.9%	0
\$850 - \$899	254	1.8%	3
\$900 - \$949	272	1.9%	1
\$950 - \$999	189	1.4%	0
\$1,000 - \$1,999	1,326	9.5%	14
\$2,000 - \$2,999	65	0.5%	2
\$3,000 - \$3,999	12	0.1%	0
\$4,000 - \$4,999	2	0.0%	0
\$5,000 or more	4	0.0%	0
Unknown	4,355	31.2%	33
TOTALS²	13,960	100%	77

¹ Death filings are included in the count of all filings.

² Percentage totals may differ due to rounding.

Section II - Filings by Part of Body Injured

Table 6
Distribution of Filings by Part of Body Injured
2011

Body Part	Count¹	Percent	Death Filings
Abdomen	83	0.6%	0
Ankle(s)	287	2.06%	2
Arm(s)	583	4.18%	0
Back	2,852	20.4%	3
Body Systems	28	0.2%	1
Brain	18	0.1%	0
Chest	81	0.6%	3
Circulatory System	46	0.3%	13
Digestive System	10	0.1%	0
Ear, inner	218	16.3%	0
Ear, outer	8	0.1%	0
Ear, unspecified	4	0.0%	0
Elbow(s)	188	1.3%	0
Excretory System	2	0.0%	0
Eye(s)	114	0.8%	0
Face	81	0.6%	0
Feet	558	3.9%	0
Finger(s)	532	3.8%	0
Forearm	28	0.2%	0
Hand(s)	1,551	11.1%	0
Head	493	3.5%	9
Hip(s)	212	1.5%	1
Jaw	11	0.1%	0
Knee(s)	1,539	11.0%	0
Leg(s)	584	4.1%	0
Lower Body	0	0.0%	0
Mouth	29	0.2%	0
Multiple Parts	47	0.3%	20
Muscular/Skeletal System	6	0.0%	0
Neck	1,038	7.4%	1
Nervous System	32	0.2%	2
Nose	13	0.1%	0
Other Systems	0	0.0%	0
Respiratory System	183	1.3%	8
Scalp	0	5.6%	0
Shoulder(s)	2,017	13.0%	1
Side	10	0.1%	0
Skull	1	0.0%	0
Thigh(s)	7	0.0%	0
Toe(s)	17	0.1%	0
Trunk	2	0.0%	1
Upper Extremities	9	0.1%	0
Wrist(s)	395	2.8%	0
Nonclassifiable	3	0.0%	1
Unspecified	40	0.2%	11
TOTALS²	13,960	100%	77

¹ Death filings are included in the count of all filings.

² Percentage totals may differ due to rounding.

Section III - Filings by Cause of Injury

Table 7
Rank-Order Distribution of Filings by Nature of Injury and Gender
2011

Injury Cause	All Filings ¹		Gender ²		Female	
	Count	Percent ³	Count	Percent ⁴	Count	Percent ⁵
Fall, Slip Or Trip Injury	3,608	25.8%	2,046	22.7%	1,561	31.6%
Repetitive Motion	2,276	16.3%	1,195	13.2%	1,081	21.9%
Strain Or Injury By	1,044	7.5%	753	8.3%	291	5.9%
Cut, Puncture, Scrape	1,801	12.9%	1,191	13.2%	610	12.4%
Miscellaneous Not Otherwise Classified	1,490	10.7%	1,054	11.7%	434	8.8%
Struck Or Injured By	1,699	12.2%	1,155	12.8%	544	11.0%
Caught In, Under or Between	760	5.4%	636	7.0%	124	2.5%
Motor Vehicle	694	5.0%	530	5.9%	164	3.3%
Burn or Scald - Heat Or Cold Exposures	287	2.1%	225	2.5%	62	1.3%
Striking Against Or Stepping On	301	2.2%	237	2.6%	64	1.3%
TOTALS⁶	13,960	100%	9,022	100%	4,935	100%

¹ Death filings are included in the count of all filings.

² There were three (3) filings which did not indicate the gender of the injured worker.

³ Represents the percentage of total filings by injury cause.

⁴ Represents the percentage of male gender filings by injury cause.

⁵ Represents the percentage of female gender filings by injury cause.

⁶ Percentage totals may differ due to rounding.

Table 8
Filings by Nature of Injury, Cause of Injury and Gender (Detail)
2011

Injury Cause	All Filings ¹		Gender ²			
	Count	Percent ³	Count	Percent ⁴	Male	Female
BURN OR SCALD—HEAT OR COLD EXPOSURES	287	2.1%	225	2.5%	62	1.3%
Chemicals	68	0.5%	51	0.6%	17	0.3%
Contact, Hot Object or Substances	80	0.6%	60	0.7%	20	0.4%
Cold Objects or Substances	0	0.0%	0	0.0%	0	0.0%
Temperature Extremes	40	0.3%	35	0.4%	5	0.1%
Fire or Flame	7	0.1%	6	0.1%	1	0.0%
Steam or Hot Fluids	1	0.0%	1	0.0%	0	0.0%
Dust, Gases, Fumes	46	0.3%	33	0.4%	13	0.3%
Welding Operations	8	0.1%	6	0.1%	2	0.0%
Radiation	3	0.0%	3	0.0%	0	0.0%
Abnormal Air Pressure	0	0.0%	0	0.0%	0	0.0%
Electrical Current	33	0.2%	29	0.3%	4	0.1%
Contact With NOC	1	0.0%	1	0.0%	0	0.0%
CAUGHT IN, UNDER OR BETWEEN Machinery	760	5.4%	636	7.0%	124	2.5%
Object Handled	114	0.8%	81	0.9%	33	0.7%
Collapsing Materials	8	0.1%	7	0.1%	1	0.0%
Caught In/Between NOC	620	4.4%	530	5.9%	90	1.8%
CUT, PUNCTURE, SCRAPE	1,801	12.9%	1,191	13.2%	610	12.4%
Cut/Scrape by Broken Glass	0	0.0%	0	0.0%	0	0.0%
Hand Tool, Not Powered	61	0.4%	49	0.5%	12	0.2%
Object Being Lifted or Handled	1,638	11.7%	1,056	11.7%	582	11.8%
Powered Hand Tool	42	0.3%	37	0.4%	5	0.1%
Cut/Puncture/Scrape NOC	60	0.4%	49	0.5%	11	0.2%
FALL, SLIP OR TRIP INJURY	3,608	25.8%	2,046	22.7%	1,561	31.6%
Fall/Slip—Different Level	732	5.2%	568	6.3%	164	3.3%
Fall/Slip—From Ladder, Scaffold	290	2.1%	245	2.7%	45	0.9%
Fall/Slip—From Liquid Grease spills	357	2.6%	114	1.3%	243	4.9%
Fall/Slip—Into Opening	154	1.1%	118	1.3%	36	0.7%
Fall/Slip—On Same Level	2	0.0%	1	0.0%	1	0.0%
Slipped, Did Not Fall	11	0.1%	9	0.1%	2	0.0%
Fall/Slip—On Ice or Snow	331	2.4%	200	2.2%	131	2.7%
Fall/Slip—On Stairs	213	1.5%	96	1.1%	117	2.4%
Fall/Slip/Trip NOC	1,518	10.9%	695	7.7%	822	16.7%

Table 8 (continued)
Filings by Nature of Injury, Cause of Injury and Gender (Detail)
2011

Injury Cause	All Filings ¹		Gender ²			
	Count	Percent ³	Count	Percent ⁴	Male	Female
MOTOR VEHICLE	694	5.0%	530	5.9%	164	3.3%
Crash of Water Vehicle	2	0.0%	2	0.0%	0	0.0%
Crash of Rail Vehicle	4	0.0%	4	0.0%	0	0.0%
Motor Vehicle/Collision	631	4.5%	474	5.3%	157	3.2%
Fixed Object/Collision	0	0.0%	0	0.0%	0	0.0%
Airplane Crash	0	0.0%	0	0.0%	0	0.0%
Vehicle Upset	53	0.4%	47	0.5%	6	0.1%
Motor Vehicle NOC	4	0.0%	3	0.0%	1	0.0%
STRAIN OR INJURY BY	1,044	7.5%	753	8.3%	291	5.9%
Continual Noise	216	1.5%	201	2.2%	15	0.3%
Twisting	190	1.4%	129	1.4%	61	1.2%
Jumping	39	0.3%	34	0.4%	5	0.1%
Holding or Carrying	5	0.0%	4	0.0%	1	0.0%
Lifting	109	0.8%	64	0.7%	45	0.9%
Pushing or Pulling	450	3.2%	298	3.3%	152	3.1%
Reaching	23	0.2%	13	0.1%	10	0.2%
Using Tool or Machine	10	0.1%	8	0.1%	2	0.0%
Welding/Throwing	2	0.0%	2	0.0%	0	0.0%
Repetitive Motion	0	0.0%	0	0.0%	0	0.0%
Strain/Injury NOC	0	0.0%	0	0.0%	0	0.0%
STRIKING AGAINST OR STEPPING ON	301	2.2%	237	2.6%	64	1.3%
Striking/Stepping on Moving Parts	4	0.0%	4	0.0%	0	0.0%
Lifted/Handled Object	55	0.4%	40	0.4%	15	0.3%
Sand, Scrape, Clean OPR	1	0.0%	1	0.0%	0	0.0%
Stationary Object	0	0.0%	0	0.0%	0	0.0%
Step on Sharp Object	11	0.1%	11	0.1%	0	0.0%
Strike Against/Step on NOC	230	1.6%	181	2.0%	49	1.0%
STRUCK OR INJURED BY	1,699	12.2%	1,155	12.8%	544	11.0%
Person (Not in Act of Crime)	129	0.9%	29	0.3%	100	2.0%
Struck/Injured by Falling Object	504	3.6%	389	4.3%	115	2.3%
Hand Tool/Machine In Use	22	0.2%	22	0.2%	0	0.0%
Motor Vehicle	85	0.6%	70	0.8%	15	0.3%
Machine Moving Parts	36	0.3%	30	0.3%	6	0.1%
Lifted or Handled Obj	572	4.1%	347	3.8%	225	4.6%
Object Handled by Others	21	0.2%	16	0.2%	5	0.1%
Animal or Insect	70	0.5%	46	0.5%	24	0.5%
Explosion/Flare Back	32	0.2%	32	0.4%	0	0.0%
Struck/Injured by NOC	228	1.6%	174	1.9%	54	1.1%

Table 8 (continued)
Filings by Nature of Injury, Cause of Injury and Gender (Detail)
2011

Injury Cause	All Filings ¹		Gender ²			
	Count	Percent ³	Count	Percent ⁴	Count	Percent ⁵
REPETITIVE MOTION	2,276	16.3%	1,195	13.2%	1,081	21.9%
MISCELLANEOUS CAUSES	1,490	10.7%	1,054	11.7%	434	8.8%
Absorption/Ingestion/Inhalation NOC	79	0.6%	45	0.5%	34	0.7%
Foreign Body in Eye	66	0.5%	58	0.6%	8	0.2%
Person (Criminal Act)	131	0.9%	82	0.9%	49	1.0%
Other than Physical	0	0.0%	0	0.0%	0	0.0%
Cumulative (All Others)	5	0.0%	4	0.0%	1	0.0%
Other Misc. Causes	1,209	8.7%	865	9.6%	342	6.9%
TOTALS⁶	13,960	100%	9,022	100%	4,935	100%

¹ Death filings are included in the count of all filings.

² There were three (3) filings which did not indicate the gender of the injured worker.

³ Represents the percentage of total filings by major and minor injury cause.

⁴ Represents the percentage of male gender filings by major and minor injury cause.

⁵ Represents the percentage of female gender filings by major and minor injury cause.

⁶ Percentage totals may differ due to rounding.

**Section IV - North American Industry
Classification System (NAICS)**

Table 9
NAICS Sectors Compared to Non-Farm Employment: 2007 - 2011

Average Annual Employment: 2007-2011¹

NAICS Sectors ²	2007	2008	2009	2010	2011
Mining	46,500	51,800	43,400	43,300	51,000
Utilities	10,400	10,800	11,500	11,200	11,200
Construction	71,300	75,600	68,800	66,900	68,300
Manufacturing	150,200	150,700	129,600	123,100	129,000
Wholesale Trade	59,700	59,900	56,500	55,200	58,200
Retail Trade	171,100	173,100	169,300	168,100	169,500
Transportation & Warehousing	47,700	45,800	43,500	42,000	42,200
Information	28,800	28,900	27,500	25,000	24,200
Finance & Insurance	559,700	59,500	58,800	58,300	58,100
Real Estate, Rental & Leasing	24,100	23,600	22,400	21,700	21,400
Professional, Scientific & Technical Services	62,900	64,600	62,100	61,700	64,100
Management of Companies & Enterprises	13,200	13,700	13,200	15,100	14,900
Administrative, Support, Waste Management & Remediation Services	104,800	106,500	90,200	92,300	93,900
Educational Services	18,900	19,500	19,900	20,200	21,200
Health Care & Social Assistance	173,700	178,700	181,700	183,700	185,000
Arts, Entertainment & Recreation	17,300	18,800	14,400	14,300	14,400
Accommodation & Food Services	122,600	125,200	125,700	124,100	127,800
Other Services (except Public Administration)	62,900	63,500	62,000	60,700	59,900
Public Administration	275,300	280,100	291,600	289,000	286,600
TOTALS	1,521,100	1,550,300	1,492,100	1,475,700	1,500,900

¹ Source: Bureau of Labor Statistics, Quarterly Census of Employment and Wages, Bureau of Labor Statistics, QCEW Labor Force Data. Excludes agricultural and federal employment. Figures are rounded.

² Source: Office of Management and Budget, *North American Industry Classification System, United States, 2007*.

Table 10
Filings by NAICS Sectors
2011

NAICS Sectors ³	All Filings ¹		Gender ²			
	Count	Percent	Male	Female	Count	Percent
Agriculture, Forestry, Fishing & Hunting	221	1.5%	168	1.8%	53	1.0%
Mining	684	4.8%	674	7.4%	10	0.2%
Utilities	132	0.9%	123	1.3%	8	0.1%
Construction	1,196	8.5%	1,134	12.5%	61	1.2%
Manufacturing	2,079	14.8%	1,633	18.1%	446	9.0%
Wholesale Trade	475	3.4%	382	4.2%	93	1.8%
Retail Trade	1,562	11.1%	765	8.4%	797	16.1%
Transportation & Warehousing	801	5.7%	680	7.5%	120	2.4%
Information	164	1.1%	94	1.04%	70	1.4%
Finance & Insurance	145	1.0%	57	0.6%	88	1.7%
Real Estate, Rental & Leasing	220	1.5%	148	1.6%	72	1.4%
Professional, Scientific & Technical Services	226	1.6%	121	1.3%	105	2.1%
Management of Companies & Enterprises	32	0.2%	20	0.2%	12	0.2%
Administrative, Support, Waste Management & Remediation Services	840	6.0%	620	6.8%	220	4.4%
Educational Services	80	0.5%	41	0.4%	39	0.7%
Health Care & Social Assistance	1,369	9.8%	239	2.6%	1,130	22.8%
Arts, Entertainment & Recreation	116	0.8%	64	0.7%	52	1.0%
Accommodation & Food Services	620	4.4%	224	2.4%	396	8.0%
Other Services (except Public Administration)	310	2.2%	174	1.9%	136	2.7%
Public Administration	2,306	16.5%	1,369	15.1%	937	18.9%
Nonclassifiable and invalid codes	382	2.7%	292	3.2%	90	1.8%
TOTALS⁴	13,960	100.0%	9,022	64.6%	4,935	35.4%

¹ Death filings are included in the count of all filings.

² There were three (3) filings which did not indicate the gender of the injured worker.

³ Source: Office of Management and Budget, *North American Industry Classification System, United States, 2007*.

⁴ Percentage totals may differ due to rounding.

Table 11
Percent Distribution of Filings by NAICS Subsectors
2011

NAICS Subsectors ¹	All Filings ²	Percent
AGRICULTURE, FORESTRY, FISHING HUNTING		
Crop Production	41	18.6%
Animal Production	59	26.7%
Forestry & logging	32	14.5%
Fishing, Hunting & Trapping	77	34.8%
Support Activities for Agriculture & Forestry	12	5.4%
Subtotal	221	1.6%
MINING		
Oil & Gas Extraction	126	18.4%
Mining (except Oil & Gas)	30	4.4%
Support Activities for Mining	528	77.2%
Subtotal	684	4.9%
UTILITIES		
Utilities	160	100.0%
Subtotal	160	1.1%
CONSTRUCTION		
Construction of Buildings	259	21.6%
Heavy & Civil Engineering Construction	178	14.8%
Specialty Trade Contractors	762	63.6%
Subtotal	1,199	8.6%
MANUFACTURING		
Food Manufacturing	278	13.4%
Beverage & Tobacco Product	86	4.1%
Textile Mills	8	0.4%
Textile Product Mills	5	0.2%
Apparel Manufacturing	9	0.4%
Leather & Allied Product Manufacturing	5	0.2%
Wood Product Manufacturing	30	1.4%
Paper Manufacturing	40	1.9%
Printing & Related Support Activities	25	1.2%
Petroleum & Coal Products Manufacturing	33	1.6%
Chemical Manufacturing	37	1.8%

Table 11 (continued)

NAICS Subsectors¹	All Filings²	Percent
MANUFACTURING - continued		
Plastics & Rubber Products Manufacturing	219	10.5%
Nonmetallic Mineral Product Manufacturing	144	6.9%
Primary Metal Manufacturing	104	5.0%
Fabricated Metal Product Manufacturing	269	12.9%
Machinery Manufacturing	340	16.3%
Computer & Electronic Product Manufacturing	43	2.1%
Electrical Equipment, Appliance & Component Manufacturing	48	2.3%
Transportation Equipment Manufacturing	299	14.4%
Furniture & Related Product Manufacturing	25	1.2%
Miscellaneous Manufacturing	34	1.6%
Subtotal	2,081	15.0%
WHOLESALE TRADE		
Merchant Wholesalers, Durable Goods	214	45.1%
Merchant Wholesalers, Nondurable Goods	247	52.0%
Wholesale Electronic Markets, Agents & Brokers	14	2.9%
Subtotal	475	3.4%
RETAIL TRADE		
Motor Vehicle & Parts Dealers	230	14.7%
Furniture & Home Furnishings Stores	42	2.7%
Electronics & Appliance Stores	46	2.9%
Building Material, Garden Equipment & Supplies Dealers	160	10.2%
Food & Beverage Stores	258	16.5%
Health & Personal Care Stores	31	2.0%
Gasoline Stations	52	3.3%
Clothing & Clothing Accessories Stores	32	2.0%
Sporting Goods, Hobby, Book & Music Stores	72	4.6%
General Merchandise Stores	538	34.4%
Miscellaneous Store Retailers	76	4.9%
Nonstore Retailers	25	1.6%
Subtotal	1,562	11.2%
TRANSPORTATION & WAREHOUSING		
Air Transportation	248	30.8%
Rail Transportation	1	0.1%
Water Transportation	0	0.0%
Truck Transportation	343	42.6%
Transit & Ground Passenger Transportation	41	5.1%
Pipeline Transportation	12	1.5%
Scenic & Sightseeing Transportation	0	0.0%
Support Activities for Transportation	53	6.6%
Postal Service	0	0.0%
Couriers & Messengers	88	10.9%
Warehousing & Storage	20	2.5%
Subtotal	806	5.8%

Table 11 (continued)

NAICS Subsectors ¹	All Filings ²	Percent
INFORMATION		
Publishing Industries (except Internet)	32	19.5%
Motion Picture & Sound Recording Industries	5	3.0%
Broadcasting (except Internet)	54	32.9%
Internet Publishing & Broadcasting	0	0.0%
Telecommunications	53	32.3%
Internet Service Providers, Web Search Portals & Data Processing Services	18	11.0%
Other Information Services	2	1.2%
Subtotal	164	1.2%
FINANCE & INSURANCE		
Monetary Authorities-Central Bank	10	6.3%
Credit Intermediation & Related Activities	51	32.1%
Securities, Commodity Contracts, Other Financial Investments & Related Activities	19	11.9%
Insurance Carriers & Related Activities	72	45.3%
Funds, Trusts & Other Financial Vehicles	7	4.4%
Subtotal	159	1.1%
REAL ESTATE, RENTAL & LEASING		
Real Estate	165	74.0%
Rental & Leasing Services	58	26.0%
Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	0	0.0%
Subtotal	223	1.6%
PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES		
Professional, Scientific & Technical Services	228	100.0%
Subtotal	228	1.6%
MANAGEMENT OF COMPANIES & ENTERPRISES		
Management of Companies & Enterprises	32	100.0%
Subtotal	32	0.2%
ADMINISTRATIVE, SUPPORT, WASTE MANAGEMENT & REMEDIATION SERVICES		
Administrative & Support Services	794	93.1%
Waste Management & Remediation Services	59	6.9%
Subtotal	853	6.1%
EDUCATIONAL SERVICES		
Educational Services	779	100.0%
Subtotal	779	5.6%
HEALTH CARE & SOCIAL ASSISTANCE		
Ambulatory Health Care Services	506	31.2%
Hospitals	483	29.8%
Nursing & Residential Care Facilities	450	27.7%
Social Assistance	183	11.3%
Subtotal	1,622	11.6%

Table 11 (continued)

NAICS Subsectors ¹	All Filings ²	Percent
ARTS, ENTERTAINMENT & RECREATION		
Performing Arts, Spectator Sports & Related Industries	27	23.1%
Museums, Historical Sites & Similar Institutions	5	4.3%
Amusement, Gambling & Recreation Industries	85	72.6%
Subtotal	117	0.8%
ACCOMMODATION & FOOD SERVICES		
Accommodation	130	20.6%
Food Services & Drinking Places	502	79.4%
Subtotal	632	4.5%
OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)		
Repair & Maintenance	121	38.5%
Personal & Laundry Services	102	32.5%
Religious, Grantmaking, Civic, Professional & Similar Organizations	90	28.7%
Private Households	1	0.3%
Subtotal	314	2.2%
PUBLIC ADMINISTRATION		
Executive, Legislative & Other General Government Support	891	70.4%
Justice, Public Order & Safety Activities	310	24.5%
Administration of Human Resource Programs	29	2.3%
Administration of Environmental Quality Programs	8	0.6%
Administration of Housing Programs, Urban Planning & Community Development	22	1.7%
Administration of Economic Programs	4	0.3%
Space Research & Technology	0	0.0%
National Security & International Affairs	2	0.2%
Subtotal	1,266	9.1%
NONCLASSIFIABLE		
Nonclassifiable and invalid codes	383	100.0%
Subtotal	383	2.7%
TOTALS³	13,960	100%

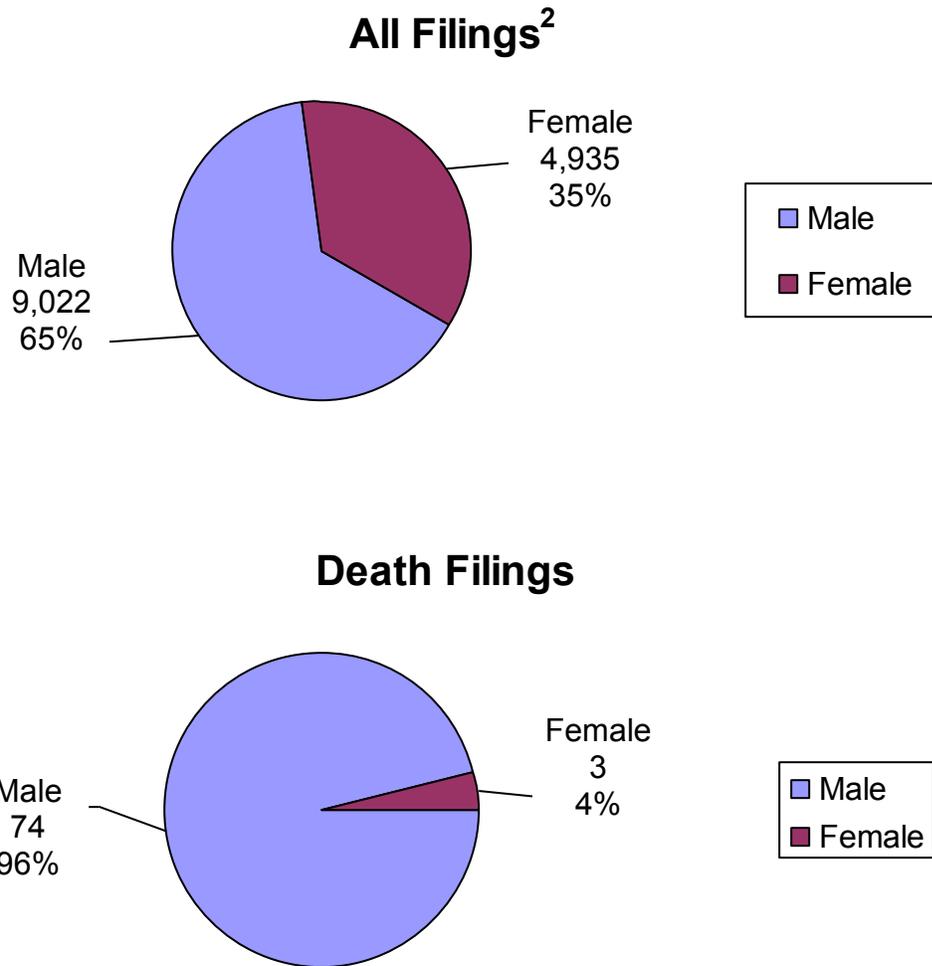
¹ Source: Office of Management and Budget, *North American Industry Classification System, United States, 2007*.

² Death filings are included in the count of all filings.

³ Percentage totals may differ due to rounding.

Section V - Filings by Gender

Figure 1
Percent Distribution of Filings by Gender¹
2011



¹ There were three (3) filings which did not indicate the gender of the injured worker.

² Death filings are included in the count of all filings.

³ Percentage totals may differ due to rounding.

Section VI - Filings by Age

Table 12
Percent Distribution of Filings by Age and Gender
2011

Age Group	All Filings ²		Gender ¹			
	Count	Percent ³	Male Count	Male Percent ⁴	Female Count	Female Percent ⁵
15 Years or Less	5	0.0%	4	0.0%	1	0.0%
16 - 17 Years	25	0.2%	19	0.2%	6	0.1%
18 - 19 Years	132	0.9%	83	0.9%	49	1.0%
20 - 24 Years	735	5.3%	510	5.6%	224	4.5%
25 - 34 Years	2,462	17.6%	1,717	19.0%	745	15.0%
35 - 44 Years	3,278	23.5%	2,159	23.9%	1,119	22.6%
45 - 54 Years	4,347	31.1%	2,738	30.3%	1,608	32.5%
55 - 64 Years	2,412	17.3%	1,462	16.2%	949	19.2%
65 Years or More	439	3.1%	243	2.6%	196	4.0%
Unknown	125	0.9%	87	0.9%	38	0.8%
TOTALS⁶	13,960	100%	9,022	100%	4,935	100%

¹ There were three (3) filings which did not indicate the gender of the injured worker.

² Death filings are included in the count of all filings.

³ Represents the percentage of total filings by age.

⁴ Represents the percentage of male gender filings by age.

⁵ Represents the percentage of female gender filings by age.

⁶ Percentage totals may differ due to rounding.

Table 13
Filings by Age of Worker and NAICS Sectors
2011

NAICS Sectors ¹	Age of Worker										Total
	15 or less	16-17	18-19	20-24	25-34	35-44	45-54	55-64	65 +	Unk	
Agriculture, Forestry, Fishing & Hunting	1	0	3	15	38	38	74	47	3	2	221
Mining	0	0	3	50	206	165	176	69	12	2	684
Utilities	0	0	1	4	14	32	54	26	1	0	132
Construction	0	4	11	88	289	313	341	116	19	15	1,196
Manufacturing	1	0	17	87	357	509	672	372	41	23	2,079
Wholesale Trade	0	0	6	24	87	123	147	72	8	8	475
Retail Trade	0	10	26	121	249	357	448	270	68	13	1,562
Transportation & Warehousing	0	0	5	20	79	186	291	181	37	2	801
Information	0	0	0	8	31	53	48	19	4	1	164
Finance & Insurance	0	0	1	4	22	44	47	23	2	2	145
Real Estate, Rental & Leasing	0	0	2	10	35	42	74	46	9	2	220
Professional, Scientific & Technical Services	0	0	3	11	46	47	73	35	10	1	226
Management of Companies & Enterprises	0	0	0	2	5	5	9	11	0	0	32
Administrative, Support, Waste Management & Remediation Services	0	2	10	73	170	202	233	125	18	7	840
Educational Services	0	0	0	0	13	11	25	26	3	2	80
Health Care & Social Assistance	0	1	13	72	257	293	430	225	69	9	1,369
Arts, Entertainment & Recreation	0	0	0	7	27	21	23	25	9	4	116
Accommodation & Food Services	1	7	15	52	146	151	163	72	6	7	620
Other Services (except Public Administration)	1	1	2	11	43	73	91	65	20	3	310
Public Administration	1	0	9	50	277	517	815	530	87	20	2,306
Nonclassifiable and invalid codes	0	0	5	26	71	96	113	57	13	1	382
TOTALS	5	25	132	735	2,462	3,278	4,347	2,412	439	125	13,960

¹ Source: Office of Management and Budget, *North American Industry Classification System, United States, 2007*.

Section VII - Death Filings

Table 14
Percent Distribution of Death Filings by Gender and
By NAICS Sectors
2011

NAICS Sectors ¹	Total Death Filings		Gender			
	Count	Percent ²	Count	Percent ³	Count	Percent ⁴
Agriculture, Forestry, Fishing & Hunting	0	0.0%	0	0.0%	0	0.0%
Mining	16	20.8%	16	21.6%	0	0.0%
Utilities	1	1.3%	1	1.4%	0	0.0%
Construction	11	14.3%	11	14.9%	0	0.0%
Manufacturing	5	6.5%	5	6.8%	0	0.0%
Wholesale Trade	3	3.9%	3	4.1%	0	0.0%
Retail Trade	4	5.2%	3	4.1%	1	33.3%
Transportation & Warehousing	5	6.5%	5	6.8%	0	0.0%
Information	0	0.0%	0	0.0%	0	0.0%
Finance & Insurance	0	0.0%	0	0.0%	0	0.0%
Real Estate, Rental & Leasing	2	2.6%	2	2.7%	0	0.0%
Professional, Scientific & Technical Services	2	2.6%	2	2.7%	0	0.0%
Management of Companies & Enterprises	0	0.0%	0	0.0%	0	0.0%
Administrative, Support, Waste Management & Remediation Services	10	13.0%	9	12.2%	1	33.3%
Educational Services	0	0.0%	0	0.0%	0	0.0%
Health Care & Social Assistance	1	1.3%	1	1.4%	0	0.0%
Arts, Entertainment & Recreation	1	1.3%	1	1.4%	0	0.0%
Accommodation & Food Services	1	1.3%	0	0.0%	1	33.3%
Other Services (except Public Administration)	4	5.2%	4	5.4%	0	0.0%
Public Administration	10	13.0%	10	13.5%	0	0.0%
Nonclassifiable and invalid codes	1	1.3%	1	1.4%	0	0.0%
TOTALS⁴	77	100%	74	100%	3	100%

¹ Source: Office of Management and Budget, *North American Industry Classification System, United States, 2007*.

² Represents the percentage of total death claim filings by NAICS Sector.

² Represents the percentage of male gender filings by NAICS Sector.

³ Represents the percentage of female gender filings by NAICS Sector.

⁴ Percentage totals may differ due to rounding.

Table 15
**Percent Distribution of Death Filings by Gender and
Part of Body Injured
2011**

Body Part	Total Death Filings		Gender			
	Count	Percent¹	Male Count	Male Percent²	Female Count	Female Percent³
Abdomen	0	0.0%	0	0.0%	0	0.0%
Ankle	2	2.5%	1	1.4%	1	33.3%
Arm(s)	0	0.0%	0	0.0%	0	0.0%
Back	3	3.8%	2	2.7%	1	33.3%
Body Systems	11	14.2%	1	1.4%	0	0.0%
Brain	0	0.0%	0	0.0%	0	0.0%
Chest	3	3.8%	3	4.7%	0	0.0%
Circulatory System	13	16.8%	13	17.6%	0	0.0%
Face	0	0.0%	0	0.0%	0	0.0%
Feet	0	0.0%	0	0.0%	0	0.0%
Head	0	0.0%	9	12.2%	0	0.0%
Hip(s)	1	1.2%	0	0.0%	1	33.3%
Leg(s)	0	0.0%	0	0.0%	0	0.0%
Multiple Parts	20	25.9%	20	27.0%	0	0.0%
Neck	1	1.2%	1	1.4%	0	0.0%
Nervous System	2	2.5%	2	2.7%	0	0.0%
Respiratory System	8	10.3%	8	10.8%	0	0.0%
Shoulder(s)	1	1.2%	1	1.4%	0	0.0%
Skull	0	0.0%	0	0.0%	0	0.0%
Trunk	1	1.2%	1	1.4%	0	0.0%
Nonclassifiable	0	0.0%	1	1.4%	0	0.0%
Unspecified	11	14.2%	11	14.3%	0	0.0%
TOTALS⁴	77	100%	74	100%	3	100%

¹ Represents the percentage of total filings by part of body injured.

² Represents the percentage of male gender filings by part of body injured.

³ Represents the percentage of female gender filings by part of body injured.

⁴ Percentage totals may differ due to rounding.

Table 16
Percent Distribution of Death Filings by Gender and Age
2011

Age Group	Total Death Filings		Gender			
	Count	Percent¹	Male Count	Male Percent²	Female Count	Female Percent³
15 Years or Less	0	0.0%	0	0.0%	0	0.0%
16 - 17 Years	0	0.0%	0	0.0%	0	0.0%
18 - 19 Years	1	1.5%	1	1.4%	0	0.0%
20 - 24 Years	2	2.6%	2	2.7%	0	0.0%
25 - 34 Years	13	16.9%	13	17.6%	0	0.0%
35 - 44 Years	17	22.1%	16	21.6%	1	33.3%
45 - 54 Years	20	26.0%	18	24.3%	2	66.7%
55 - 64 Years	18	23.4%	18	24.3%	0	0.0%
65 Years or More	4	5.2%	4	5.4%	0	0.0%
Unknown	2	2.6%	2	2.7%	0	0.0%
TOTALS⁴	77	100%	74	100%	3	100%

¹ Represents the percentage of total filings by age.

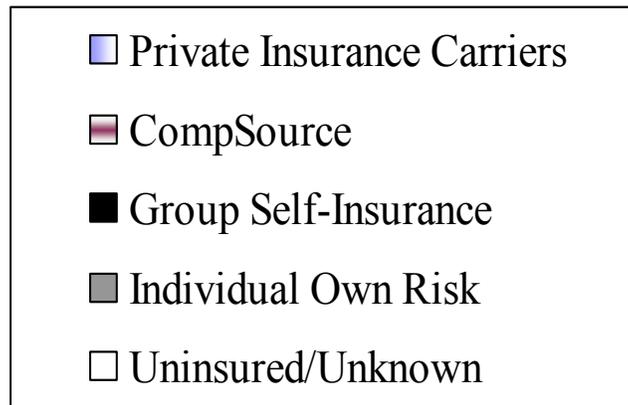
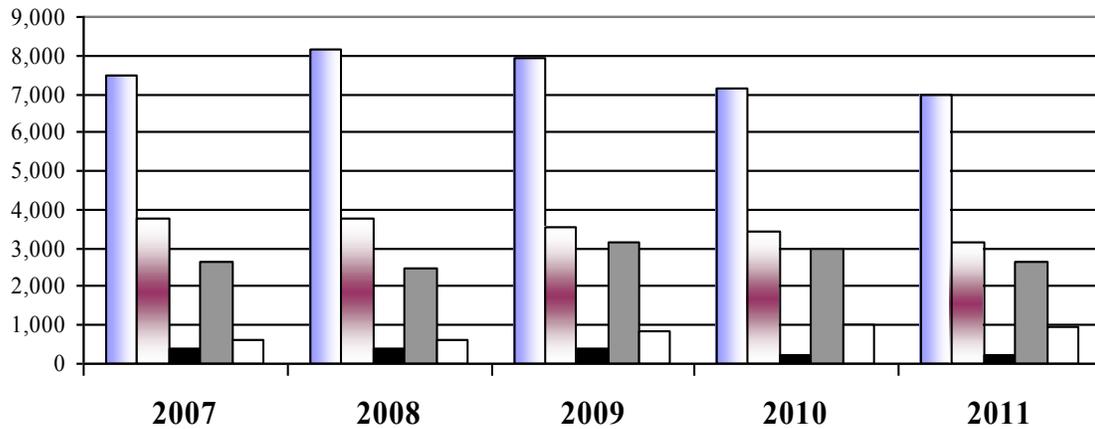
² Represents the percentage of male gender filings by age.

³ Represents the percentage of female gender filings by age.

⁴ Percentage totals may differ due to rounding.

Section VIII - Type of Coverage

Chart 1
Distribution of Filings by Type of Coverage
2007 - 2011



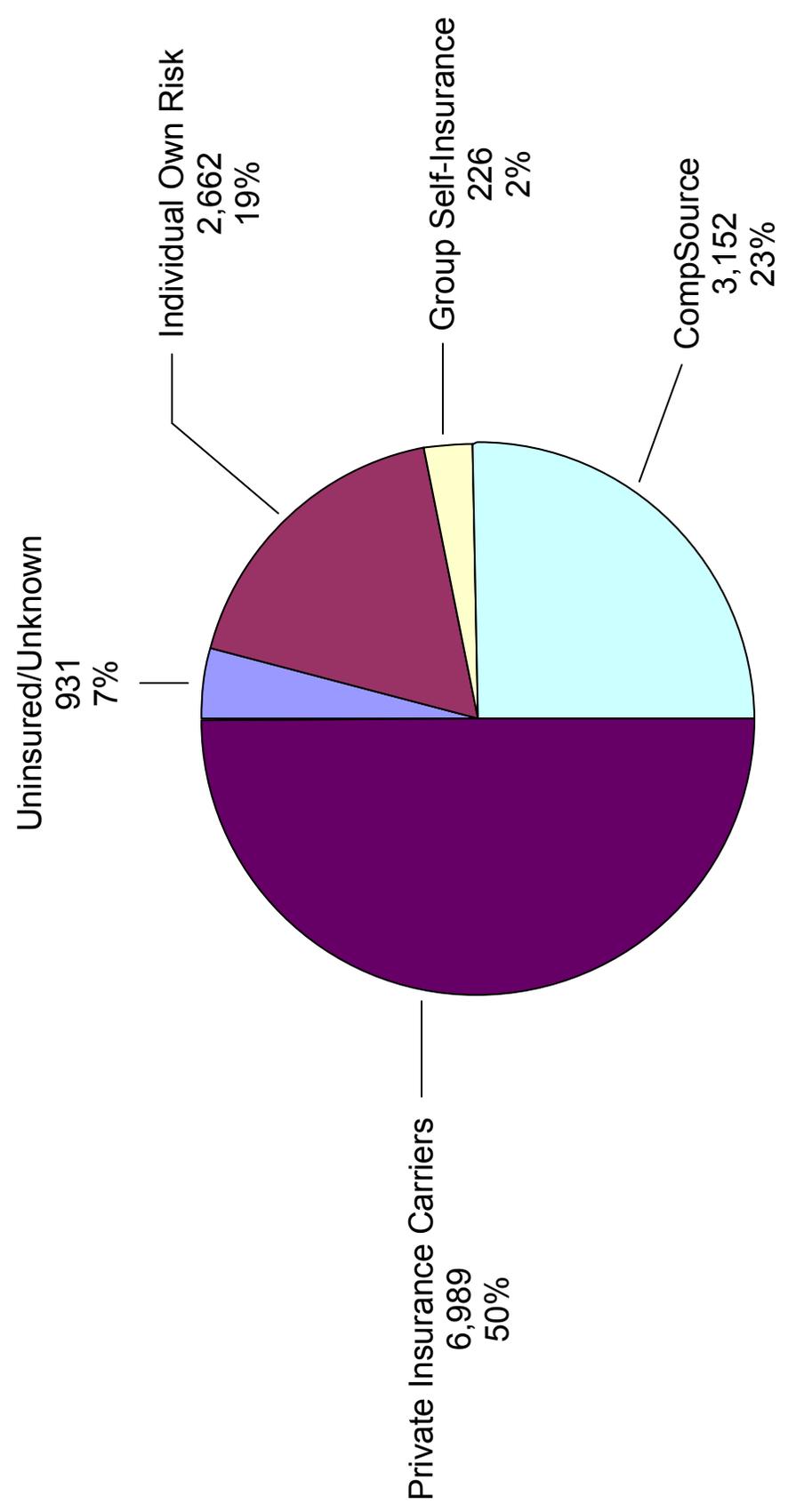
Filings By Year

	2007		2008		2009		2010		2011	
	Qty	%								
Private Insurance Carriers	7,504	50%	8,133	53%	7,908	50%	7,147	48%	6,989	50%
CompSource	3,777	25%	3,778	24%	3,561	23%	3,409	23%	3,152	23%
Group Self-Insurance	421	3%	392	3%	375	2%	244	1%	226	2%
Individual Own Risk	2,652	18%	2,503	16%	3,127	20%	2,983	20%	2,662	19%
Uninsured/Unknown	616	4%	614	4%	867	5%	996	6%	931	7%
TOTALS¹	14,970	100%	15,420	100%	15,838	100%	14,779	100%	13,960	100%

¹ Percentage totals may differ due to rounding.

Figure 2

Percent Distribution of Filings by Type of Coverage 2011



**Section IX - Settlements, Dismissals
and Court Orders**

Table 17
Select Orders and Settlements: 2007 - 2011

Type of Order ¹	2007	2008	2009	2010	2011
Form 14 ²	99	17	5	4	6
Joint Petition ³	10,513	10,536	10,080	9,335	5,592
CSD 337 - All Issues Settled ⁴					8
CSD 337 - Some Issues Settled ⁵					6
CS 339 - All Issues Settled ⁶					3,022
CS 339 - Some Issues Settled ⁷					43
CS 339B ⁸					213
Claims Dismissed	427	340	321	398	336
Commute to a Lump Sum	133	147	151	187	256
Death Benefits	59	55	63	70	68
Denial of Claim	532	446	589	549	605
Denial - Miscellaneous	184	144	191	247	267
Disfigurement	63	68	74	62	67
Independent Medical Examination	606	425	555	1,058	1,902
Miscellaneous	1,996	2,278	2,179	2,076	1,947
Nunc Pro Tunc	793	777	798	721	738
Order to Vacate	137	144	311	335	315
Payment of Medical Expenses (Form 19)	675	647	728	665	653
Permanent Partial Disability	3,431	3,480	3,768	4,405	4,188
Permanent Total Disability	62	40	63	85	81
Multiple Injury Trust Fund	21	31	60	98	140
Multiple Injury Trust Fund PTD	159	165	187	294	408
Supplemental Order	75	83	77	80	122
Temporary Total Disability	2,090	2,147	2,329	2,342	2,203
Vocational Rehabilitation	163	160	151	167	181
Vocational Rehabilitation Evaluation	545	479	512	650	599

¹ Not all order/settlement categories appear in this table.

² This settlement type became obsolete, and longer available for use effective August 26, 2011.

³ This settlement type became obsolete, and no longer available for use effective August 26, 2011.

⁴ This settlement type became available for use on August 26, 2011.

⁵ This settlement type became available for use on August 26, 2011.

⁶ This settlement type became available for use on August 26, 2011.

⁷ This settlement type became available for use on August 26, 2011.

⁸ This settlement type became available for use on August 26, 2011.

Table 18

Orders and Settlements, Calendar Year 2011 (Detail)¹

Settlement/Order Type	Number of Awards or Settlements	Amount of Award or Settlement
----------------------------------	--	--

Agreed Settlements

Form 14.....	6.....	\$127,749
Joint Petition.....	5,592.....	\$138,801,968
CSD 337 - All Issues Settled.....	8.....	\$1,025,339
CSD 337 - Some Issues Settled.....	6.....	\$710,326
CS 339 - All Issues Settled.....	3,022.....	\$72,607,716
CS 339 - Some Issues Settled.....	43.....	\$2,857,692
CS 399B.....	213.....	\$3,070,870
Compromise Settlement (Form 1X).....	3.....	\$60,148
Form 26.....	249.....	\$2,434,486

Order Type	Number of Orders	Amount of Orders
-----------------------	-----------------------------	-----------------------------

Workers' Compensation Court Orders

Change of Condition PPD.....	168.....	\$3,850,650
Change of Condition TTD.....	92.....	
Change of Condition PTD Reopen Worse.....	7.....	
Compensability.....	128.....	
Change of Physician - Form A Order.....	4,433.....	
Death Benefits.....	68.....	
Denial of Claim.....	605.....	
Denial, Miscellaneous.....	267.....	
Disfigurement.....	67.....	\$400,000
Payment of Medical Expenses.....	653.....	
Medical Treatment Ordered.....	2,235.....	
Medical Case Management Approved.....	86.....	
Permanent Partial Disability (PPD).....	4,188.....	\$141,054,277
Permanent Total Disability.....	81.....	
Multiple Injury Trust Fund.....	140.....	\$2,660,021
Multiple Injury Trust Fund PTD.....	408.....	
Employer Combined Disability.....	22.....	
Temporary Total Disability.....	2,203.....	
Independent Medical Examination.....	1,902.....	
Change of Physician.....	4,433.....	
Vocational Rehabilitation Evaluation.....	599.....	
Attorney Fees.....	61.....	
Attorney Withdrawal.....	2,134.....	

Table 18 (continued)

Orders and Settlements, Calendar Year 2011 (Detail)¹

Order Type	Number of Orders	Amount of Orders
Employer/Insurance Carrier Dismissed	239	
Employer/Insurance Carrier Added	28	
Extension of Time	0	
Jurisdiction	8	
Miscellaneous	1,947	
Nunc Pro Tunc	738	\$9,600
Order to Vacate	315	(-\$4,323,479)
Pauper Status Approved	9	
Pauper Status Denied	1	
Multiple Injury Trust Fund, Miscellaneous	4	
Supplemental Order	122	
Venue	129	
Vocational Rehabilitation	181	
Order for Mediation	1,184	

Court En Banc Orders of Appealed Workers' Compensation Court Cases

Appeal Affirming	444	
Appeal Modifying	288	(-\$337,297)
Appeal Dismissing	11	
Appeal Remanded/Vacated	191	(-\$1,178,100)

Supreme Court Orders of Appealed Workers' Compensation Court Cases

Mandate Affirming	1	
Mandate Dismissing	22	
Mandate JP of Settlement	6	
Mandate Sustaining	94	
Mandate Remanded/Vacated	18	

¹ Not all order categories appear in this table. All Orders of the Court Administrator, except settlements, are excluded.

Table 19
2011 Judicial Activity

	Judge	Trial Settings	PHC Settings	Orders Written & Approved ¹	En Banc Appeal Settings By Judge ²	En Banc Orders Signed By Judge ³
Workers' Compensation Court Judges	Eldridge	2,833	4,838	2,770	371	266
	Evans	2,395	4,066	2,853	347	261
	Farrar	3,015	3,989	2,550	356	307
	Foster	3,247	4,691	2,940	449	302
	Grove	2,553	4,923	1,994	455	376
	Harkey	3,252	3,959	3,287	413	354
	McCormick	2,768	5,082	3,547	423	332
	Prigmore	2,427	5,490	2,136	146	115
	Quandt	3,256	5,794	3,075	235	133
	Reid	2,845	4,278	2,621	386	296
Active Retired Judges	Cashion	2	2	2	21	16
	Craig	0	0	0	16	13
	Totals	28,593	47,112	27,775	3,618	2,771

¹ Excludes Settlements and Court En Banc orders.

² For total Court En Banc case settings see Table 21.

³ For total Court En Banc orders see Table 20.

Table 20
Appellate Activity: 2007 - 2011

Court En Banc Orders

Type of Order	2007	2008	2009	2010	2011
En Banc Appeal Affirming.....	687	502	448	526	444
En Banc Appeal Dismissing.....	8	4	20	11	11
En Banc Appeal Modifying.....	304	208	307	313	288
En Banc Appeal Remanded/Vacated.....	174	136	128	141	191
TOTALS.....	1,173	850	903	991	934

Supreme Court Orders

Type of Order	2007	2008	2009	2010	2011
Mandate Affirming.....	2	2	2	0	1
Mandate Dismissing.....	36	19	17	21	22
Mandate JP of Settlement.....	12	10	18	7	6
Mandate Remanded/Vacated ¹	19	18	16	12	18
Mandate Sustaining.....	135	113	105	102	94
TOTALS.....	204	162	158	142	141

¹ This category includes the subcategories: Mandate Affirmed, Mandate Affirmed Death Benefits, Mandate Affirmed Disfigurement, Mandate Affirmed PPD and Mandate Affirmed TTD.

**Section X - Maximum Weekly
Compensation Rates**

Chart 2
Maximum Weekly Compensation Rates
 For injuries or deaths occurring 11/1/82 - 08/26/2015

Injury/Death Date	TTD ¹	PPD ^{2 & 5}	PTD ³	Death ⁴
11/01/10 - 10/31/11	\$716	See PPD rate information below	\$716	See footnote 4
08/27/10 - 08/26/15	n/a	\$323	n/a	See footnote 5
11/01/09 - 10/31/10	\$717	\$359	\$717	See footnote 4
11/01/08 - 10/31/09	\$683	\$342	\$683	See footnote 4
11/01/05 - 10/31/08	\$577	\$289	\$577	See footnote 4
11/01/02 - 10/31/05	\$528	\$264	\$528	See footnote 4
10/23/01 - 10/31/02	\$473	\$237	\$473	See footnote 4
11/01/99 - 10/22/01	\$473	\$237	\$473	\$473
11/01/96 - 10/31/99	\$426	\$213	\$426	\$426
01/01/96 - 10/31/96	\$409	\$205	\$409	\$409
01/01/95 - 12/31/95	\$368	\$205	\$368	\$368
11/01/93 - 12/31/94	\$307	\$205	\$307	\$307
09/01/92 - 10/31/93	\$277	\$185	\$277	\$277
11/01/90 - 08/31/92	\$246	\$185	\$246	\$246
11/01/87 - 10/31/90	\$231	\$173	\$231	\$231
11/01/84 - 10/31/87	\$217	\$163	\$217	\$217
11/01/83 - 10/31/84	\$212	\$159	\$212	\$212
11/01/82 - 10/31/83	\$196	\$147	\$196	\$196

- ¹ TTD is 70% of the employee's average weekly wage, not to exceed **75%** of the state's average weekly wage (SAWW), for injuries occurring from 9/1/92 through 12/31/94. For injuries occurring from 1/1/95 through 12/31/95, TTD is 70% of the employee's average weekly wage, not to exceed **90%** of the SAWW. For injuries occurring on and after 1/1/96, TTD is 70% of the employee's average weekly wage, not to exceed **100%** of the SAWW.
- ² PPD is 70% of the employee's average weekly wage, not to exceed **50%** of the SAWW, for injuries on and after 9/1/92.
- ³ PTD is 70% of the employee's average weekly wage, not to exceed **75%** of the SAWW, for injuries occurring from 9/1/92 through 12/31/94. For injuries occurring from 1/1/95 through 12/31/95, PTD is 70% of the employee's average weekly wage, not to exceed **90%** of the SAWW. For injuries occurring on and after 1/1/96, PTD is 70% of the employee's average weekly wage, not to exceed **100%** of the SAWW.
- ⁴ For deaths occurring before 10/23/01, the maximum weekly income benefits payable to **all** beneficiaries was the weekly amount the deceased would have received for PTD. For deaths occurring on or after 10/23/01, the maximum weekly income benefits payable to **all** beneficiaries varies depending upon the deceased's average weekly wage. If the deceased's average weekly wage is less than the SAWW, the aggregate weekly income benefits payable to **all** beneficiaries shall not exceed 100% of the deceased's average weekly wage. If the deceased's average weekly wage equals or exceeds the SAWW, the aggregate weekly income benefits payable to **all** beneficiaries shall not exceed the SAWW.
- ⁵ PPD is 70% of the employee's average weekly wage, up to a maximum of \$323. In addition, the PPD rate was established by legislation for a 5-year period, commencing on August 27, 2010 through August 26, 2015.

Section XI - Dockets

Table 21
Hearings Set by Issue or Docket Type & City of Setting
2011

Type of Issues/Docket to be Set	Oklahoma City	Tulsa	TOTALS
<u>Trial Dockets</u>			
Trial Settings.....	13,119	8,429	21,548
Multiple Injury Trust Fund (PPD & Perm. Total)	863	257	1,120
Employer Combined Disability	66	19	85
Miscellaneous Issues.....	3,834	2,003	5,837
<u>Informal Dispute Resolution Dockets</u>			
Temporary Issue Docket.....	1,564	343	1,907
Prehearing Conference.....	29,716	17,395	47,111
Form 19 Disposition Docket.....	777	342	1,119
Judicial Settlement Conferences	0	4	4
<u>Appellate Dockets</u>			
Court En Banc Appeals.....	1,011	195	1,206
TOTALS	50,950	28,987	79,937

Trial Settings: This docket includes issues involving permanent partial disability, temporary total disability and death benefits.

Judicial Settlement Conference: Judicial Settlement Conferences permit an informal discussion between the parties, attorneys, and the settlement judge on every aspect of the case bearing on its settlement value in an effort to resolve the matter before trial. The conference is conducted by a judge other than the assigned trial judge. The judicial settlement conference docket process was developed effective 10/23/01 in response to changes to 85 O.S., § 3.4.

Temporary Issue Docket: Preliminary docket used for Requests for TTD, Objection to Terminate TTD, Motion to Terminate TTD, Motion to Reopen for TTD, Motion for Change of Physician, Request for Medical Treatment, Prosthesis, Rate of Compensation and Custodial Care.

Miscellaneous Issues: Include instances where a Form 19 claim cannot be resolved at the Administrative Docket level, and the parties request judicial determination. If this issue is scheduled on a judicial docket with no other issue it is counted as a "miscellaneous" setting. In addition, if a party "motions" the court to order production of documents, etc, and these issues are not accompanied by any other "weightier" issue, these "motions" are also counted in the miscellaneous category.

Prehearing Conference: A Prehearing Conference docket used for review of issues such as Redetermination of Death Benefits, Rehabilitation, Attorney Fees, Disfigurement, Jurisdiction, Penalty, Reimbursement of Expenses, Travel Expenses, Request for IME, Multiple Injury Trust Fund (Permanent Total & Permanent Partial), Motion to Grant a Judicial Settlement Conference and miscellaneous Motions (i.e. Motions to Compel, to Commute, to Revoke Insurance License, to Produce, to Consolidate Claims for Hearing, to Tax Costs, to Change Venue of Hearing).

Court En Banc Appeals: A docket consisting of cases appealed from orders of a Workers' Compensation Court trial judge to a three-judge review panel.

Form 19 Disposition Docket: A docket utilized for the Request for Payment of Health or Rehabilitation Services.

Section XII - Dispute Prevention

Dispute Prevention

Dispute prevention covers a broad range of efforts by the Workers' Compensation Court to distribute information, provide assistance, and educate and train stakeholders. These efforts help resolve differences between the parties without resort to trial. They include:

- Making telephone information lines, including a toll-free line, available to the public;
- Assisting stakeholders;
- Providing education and training;
- Producing written materials explaining rights and responsibilities under the law; and
- Providing information on the Internet.

Telephone Information Lines and Assisting Stakeholders

In addition to its regular business telephone lines, the Court maintains an in-state toll free information line. Most requests for information or assistance are processed by the Court's Counselor Department. The department was created in 1994, and previously was known as the Ombudsman Office. The Department provides information, training and outreach to injured workers and other stakeholders. Counselors regularly assist employers, workers, insurers, medical providers, attorneys, government agencies, and the Attorney General's Workers' Compensation Fraud Unit.

In calendar year 2011, counselors responded to 28,112 telephone calls about the law, made 1,798 follow-up contacts, assisted 618 visitors who came to the Court for help, and responded in writing to 6,106 requests for information (including requests for brochures and educational documents).

Table 22. Inquiries to Counselor Department by Inquirer

Inquirer	2007		2008		2009		2010		2011	
	Count	Share								
Worker	15,004	54.92%	15,611	55.11%	13,392	48.26%	12,926	46.02%	13,228	47.05%
Employer	3,946	14.44%	2,411	8.51%	2,252	8.12%	2,332	8.30%	2,324	8.27%
Medical Provider	4,294	15.72%	4,657	16.44%	6,057	21.83%	7,023	25.00%	7,061	25.12%
Attorney	624	2.28%	961	3.39%	892	3.21%	756	2.69%	788	2.8%
Insurance Carrier	698	2.55%	771	2.72%	708	2.55%	661	2.35%	632	2.25%
AG Workers' Compensation Fraud Unit	758	2.77%	737	2.60%	893	3.22%	1,012	3.60%	1,124	4.00%
Legislators	31	0.11%	17	0.06%	28	0.10%	34	0.12%	30	0.11%
Other OK Government Agencies	326	1.19%	209	0.74%	314	1.13%	166	0.59%	150	0.53%
Other States	112	0.41%	56	0.20%	97	0.35%	81	0.29%	59	0.21%
Other	1,529	5.60%	2,897	10.23%	3,117	11.23%	3,098	11.03%	2,716	9.66%
TOTAL	27,322	100%	28,327	100%	27,750	100%	28,089	100%	28,112	100%

More than 47% of the inquiries were initiated by the worker, followed next by inquiries from medical providers. Questions regarding medical issues also are responded to by other Court staff. Most questions on medical issues concern the workers' compensation fee schedule and the Independent Medical Examiner and Medical Case Manager systems maintained by the Court.

Education and Training

The Court periodically sponsors, or jointly sponsors, educational seminars for workers' compensation system stakeholders. Its first program was in 1995. Additional programs have been held regularly thereafter. The programs are attended by insurance and business representatives, government agency personnel, physicians and their staff, attorneys and other legal professionals, certified workplace medical plan employees, vocational rehabilitation evaluators, case managers, and other health care professionals. The programs highlight legislative and case law developments, workers' compensation trends and best practices. They are designed to educate and train stakeholders about workers' compensation laws.

On-site training and workshops for various business, insurance and civic groups also are provided by the Court's Counselor Department upon request. Additionally, Judges and other court staff are frequent presenters at programs sponsored by the Oklahoma Bar Association and other groups. In calendar year 2011, counselors participated in educational conferences around the state attended by approximately 610 persons.

Written Materials

The Counselor Department produces written information, including brochures and educational documents, that explain rights and responsibilities under the workers' compensation law. Upon request, it distributes materials designed for injured workers and materials aimed at employers. In addition, the Department produces materials that describe aspects of the workers' compensation system (such as information on mediation and about resolving medical disputes). Written materials also are prepared by the Judges and court staff for various seminars sponsored or participated in by court personnel.

The Court Administrator produces a workers' compensation fee schedule. The document sets the maximum allowable reimbursement for health care services rendered to an injured worker with a compensable injury. By stating maximum amounts, the schedule provides the parties guidance for resolving charge disputes without involving either the Court or the Court Administrator. The schedule was adopted last in December 2012, and became effective January 1, 2012, and remains in effect at this time. It is available on the Court's web site at <http://www.owcc.state.ok.us/publications1.htm>, under "Medical".

Information Via the Internet

The Court maintains an Internet website at <http://www.owcc.state.ok.us> that is specific to workers' compensation in Oklahoma. The site became operational in February 2002, and is

updated regularly. It has general information about the Court and includes materials such as a staff directory, brochures and other court publications, insurance information, updates on recent changes, court rules and forms, and links to Oklahoma's workers' compensation laws and to Internet sites of workers' compensation entities in other states. The Court's site also provides e-mail contact directly to the Counselor Department for individual assistance.

Section XIII - Informal Dispute Resolution

Informal Dispute Resolution

Various informal dispute resolution processes implemented by the Court are described below. Each is intended to help provide a fast, cost-effective means of resolving disputes by the parties without the need for a trial. To the extent litigation is avoided, claims related costs like attorney fees and medicolegal costs are minimized.

Mediation

Mediation is the process of resolving disputes with the assistance of a mediator, outside of a formal court proceeding. The purpose of mediation is to identify issues, clarify misunderstandings, explore solutions, and negotiate settlement. It is an alternative to litigation. All workers' compensation issues may be mediated except combined disabilities claims involving the Multiple Injury Trust Fund and claims subject to the dispute resolution procedure of a certified workplace medical plan (managed care organization). Mediation may be by agreement of the parties, by court order upon request of a party, or on the Court's own motion when determined helpful to resolve the claim.

Sixty-seven mediators are certified by the Court to provide services under the Court Mediation System (CMS). Four applications for certification were processed by the Court's Counselor Department in 2011. Court certified mediators serve five-year terms. Mediators are located in Ada, Ardmore, Edmond, Midwest City, Norman, Oklahoma City, Pauls Valley, Shawnee and Tulsa.

The Court entered 5 orders for mediation in CY 2005, after enactment of SB1X, 124 in CY 2006, 525 in CY 2007, 657 in CY 2008, 1,286 in CY 2009, 1,094 in CY 2010, and 1,184 in CY 2011. Comparatively, during the six-year period before SB1X, only 60 inquiries regarding mediation were processed by the Court's Counselor Department. Mediation orders may affect multiple cases.

Judicial Settlement Conferences

The Legislature authorized informal dispute resolution through settlement conferences conducted by a judge other than the assigned trial judge beginning October 23, 2001. A judicial settlement conference may be requested by a party or may be set by the Court on its own motion. The purpose of the judicial settlement conference is to permit an informal discussion between the parties, attorneys, if any, and the settlement judge on every aspect of the case bearing on its settlement value in an effort to resolve the matter before trial. The conference can come before or after a request for trial. The settlement conference can result in voluntary agreement that fully resolves the claim or disputed issues.

The Court set 4 judicial settlement conferences in calendar year 2011, which is an increase by 2 of the number of settings of this type for the prior calendar year 2010.

Prehearing Conferences

Prehearing conferences are informal meetings between the parties and a judge to address a wide variety of issues ranging from determination of death benefits in an admitted claim to questions of jurisdiction. There is no sworn testimony or cross examination of witnesses, and unless requested, no formal transcript of the meeting. The conference may be used to discuss settlement of the case or issues related to the case, or to determine issues in dispute. It gives the parties a chance to meet in the presence of the judge, to exchange information, to define issues, and to resolve disputes voluntarily or with judicial assistance. A prehearing conference also may be used in the formal hearing context to dispose of procedural matters, including discovery issues, in anticipation of trial.

Use of prehearing conferences increased from 8,663 in 1992 to 47,111 in 2011. To address the volume of these informal conferences, judges docket an average of 27 prehearing conferences daily four days per week. This is in addition to an average of 16 cases set on a daily trial docket Monday through Thursday, and 35 cases set on average on the three-judge appellate panels scheduled on Friday.

Temporary Issue Docket

The temporary issue docket (TID) provides the parties an opportunity to meet informally to resolve medical treatment and temporary disability issues or to schedule a hearing with a judge. Early resolution of these matters can reduce litigation by promoting maximum medical improvement and return to work. In calendar year 2011, the time from filing to TID was 4 weeks, with hearing dates immediately thereafter, or at a later time as necessary for discovery.

Administrative Review of Disputed Medical Charges

Two administrative processes were created by the Court to help resolve charge disputes between medical/rehabilitation providers and insurers, without the need for trial.

The Form 18 process permits the Administrator to address conflicting interpretations of the workers' compensation fee schedule. The determinations are made based on written submissions by the parties. Outcomes include voluntary agreement or administrative order allowing or denying all, or a portion of, the disputed charges.

The Form 19 process pertains to all other medical/rehabilitation charge disputes. It may involve a trial before a judge if the parties are unable to voluntarily resolve the controversy. Docket office staff record the disposition of the Form 19 disputes. In calendar year 2011, 346 out of 1,119 cases set for Form 19 meeting were announced "resolved" or resulted in an agreed order. In other words, roughly 31% of all cases set for Form 19 meeting were disposed of by voluntary agreement. An additional 8% (87 of 1,119) were stricken from consideration because the providers elected not to pursue the matter. This election may reflect payment or other satisfactory disposition of the charge dispute outside the Court's processes.

Section XIV - Departmental Activity

Departmental Activity

Counselor Department

The Counselor Department was created in 1994, and previously was known as the Ombudsman Office. The department is the Court's primary information unit and focuses much of its efforts on dispute prevention. Its responsibilities include assisting employers, insurers, health care providers, injured workers and dependents of injured workers, providing educational materials and information on rights, benefits and obligations under the law, answering questions about the workers' compensation system, supporting a toll-free information line, and processing applications to serve as a mediator for the Court's mediation system. In addition, counselors work cooperatively with the Oklahoma Attorney General's Workers' Compensation Fraud Unit, and with the Worker Safety Policy Council, Oklahoma Department of Career and Technology Education, and Oklahoma Employment Security Commission to provide educational programs on workers' compensation for business and labor interests across the state.

Details about the department's activities are set out more fully in the "Dispute Prevention" section of this Annual Report.

Office of the Court Clerk

The Office of the Court Clerk receives court filings, certifies documents, prepares and transmits records on appeal, accepts appeal bonds, serves as the Court's records custodian, and manages the Court's records retention schedule. In calendar year 2011, the office certified approximately 900 documents from court claims files, processed 65 appeal bonds for appeals to the Oklahoma Supreme Court, and prepared 182 records on appeal to the Supreme Court.

Data Processing/Management Information Services Department

The Data Processing/Management Information Services Department is responsible for the computer network, programs, and databases of the Court, including databases related to claims filings since 1989, and workers' compensation insurance coverage information. The department assists other court departments in meeting their goals through the use of technology, maintains the Court's web site and supports the Workers' Compensation Court Information System (WCIS). WCIS is the backbone of the Court's case and system management applications. All aspects of the Court's operations, including the processing of injury, claims and insurance information, docketing, order processing, fee collection, and public access to data on case activity, are supported by WCIS. Additional enhancements to WCIS are planned, subject to budgetary limitations.

In December 2009, the Court began transmitting Docket Hearing Notices electronically, which has improved the 'timeliness' for which parties receive notification of hearing dates, and utilizes technology to improve the efficiency of court processes.

Docket Office

The Docket Office docket hearings, notifies parties of hearing dates, and manages administrative dockets designed to resolve certain disputes without the need for trial. In 2011, the office set 79,937 hearings, up from 76,185 in 2010. Hearings set were for both informal and formal dispute resolution proceedings involving a judge.

Statistics on the time period between a request for hearing and the actual hearing date are used to gauge how effectively the Court is meeting its responsibility for timely resolution of cases. In 2011, the average time-to-hearing benchmarks were: **temporary issue scheduling dockets**, 4 weeks, with hearing dates immediately thereafter or at a later time as necessary for discovery; **prehearing conferences**, 5 weeks; **permanent partial disability**, 9 weeks; and **three-judge panel appeals**, 13 weeks.

The notable development over time has been a reduction in the time periods parties must wait for a hearing. The greatest drop in time-to-hearing was for hearings on permanent disability issues. Those issues constitute the largest single category of cases which are resolved by the Court. The time-to-hearing for permanent disability issues dropped from an average of 36 weeks in 1992, to an average of 9 weeks in 2011.

Form 3 Processing Department

The Form 3 Processing Department processes initial and amended claims for compensation, and orders entered into by mutual agreement of the parties. The department creates court files, verifies the existence of insurance coverage for the claim, enters data into the Court's information system (WCIS), and mails information to the parties. In 2011, the department processed 18,725 claims and amended claims for compensation.

Insurance

Individual Self-Insured Employers By Major Industrial Division: CY 2011	
Manufacturing	57
Services	45
Public Sector	34
Transportation	15
Retail	17
Mining	9
Construction	8
Public Utilities	4
Wholesale	4
Financial, Insurance & Real Estate	3
Farming	3
Total	199

Under the authority of the Court Administrator, the Insurance Department regulates self-insured employers and employer group associations. The department also regulates third party administrators, maintains a workers' compensation insurance database for the state covering more than 235,417 employers, and maintains a database of service agents designated by each workers' compensation payor. The department works cooperatively with the Oklahoma Department of Labor to enforce laws regarding workers' compensation coverage. Employers

who fail to secure their workers' compensation obligations are subject to criminal sanctions, and civil penalties imposed by the Commissioner of Labor.

Effective February 1, 2007, insurers writing workers' compensation insurance in Oklahoma were given the option of electing to use the National Council on Compensation Insurance (NCCI) proof of coverage (POC) information system to satisfy certain statutory filing requirements with the Court. The department processed in excess of 309,000 certificates of insurance coverage, cancellations, reinstatements and notices of amended coverage in 2011.

In 2011, the department evaluated over 585 applications and financial statements pertaining to self-insurance, group self insurance, or third party administration.

The department approved 199 individual self-insured employers in 2011, approximately 29% of which are in the manufacturing sector. Combined, individual self-insured employers cover about 254,000 employees and have a combined gross payroll of over \$10 Billion Dollars.

Self-Insurance Status By Calendar Year: CY 2004 - CY 2011			
Year	# of Self-Insurers	# of Employees Covered	Gross Payroll
2011	199	254,414	\$10,140,911,621
2010	208	256,230	\$10,139,462,180
2009	219	231,923	\$9,340,763,758
2008	223	231,563	\$8,027,403,708
2007	220	231,236	\$8,036,874,820
2006	217	220,482	\$8,549,191,380
2005	229	230,141	\$8,017,178,092

In 2011, seven group self-insurance associations, covering 429 member employers, were approved by the Insurance department.

Group Self Insurance Association Status by Calendar Year: CY 2004 - CY 2011			
Year	# of Groups	# of Group Members	Total Standard Premium
2011	7	429	\$31,807,410
2010	8	1,030	\$36,244,646
2009	8	1,037	\$35,578,093
2008	8	1,036	\$34,269,995
2007	8	1,031	\$33,876,183
2006	8	1,037	\$35,058,286
2005	8	1,046	\$34,640,328

Order Processing Department

The Order Processing Department produces orders as directed by the judges and processes them for mailing to the parties. In 2011, the average time for the department to prepare and process orders requested by the judges was five days.

Records Department

The Records Department maintains court files, processes the mail and responds to requests for records and information. In calendar year 2011, the Records Department maintained 178,562 case files prepared in calendar year 2001, to the most current calendar year on premises at the time of this report. Court files from 1991 through 2000 are archived at the Department of Libraries.

Section XV - Fiscal Year Expenditures

Fiscal Year Expenditures: 7/1/10 - 6/30/11

Personal Services (Salaries and Benefits, and Professional Services)	\$5,625,000
Travel.....	\$48,000
Equipment	\$29,000
Other Operating Expenses.....	\$569,000

TOTAL EXPENDITURES \$6,271,000

Section XVI - Legislative Activity

Legislative Activity

IMPORTANT INFORMATION

Disclaimer: The purpose of this section is to provide a general overview of legislative activity during the 1st Regular Session of the 53rd Oklahoma Legislature (2011) relevant to the workers' compensation system. It is for informational purposes only. It is not a statement of policy by the Oklahoma Workers' Compensation Court, is not binding on the Court in any way and should not be relied upon as the basis for any action. To see the full text of the enacted legislation, go to the "Enrolled Legislation" link on the "Executive Legislative" page on the Secretary of State's web site at: <http://www.sos.state.ok.us>.

SB 878 - The measure is effective August 26, 2011, but various provisions may have different operative dates.

Section 1. Short Title. Names the act the "Workers' Compensation Code." *Section to be codified as 85 O.S., §301.*

Section 2. Exclusive Remedy. Provides for exclusive remedy in place of all other liability at common law or otherwise, except for intentional torts and when the employer fails to secure its workers' compensation obligations. Extends the immunity to oil and gas owners and operators who are intermediate or principal employers but not the immediate employer of an injured or deceased worker. *Section to be codified as 85 O.S., §302.*

Section 3. Workers' Compensation Court. Creates a 10 judge Workers' Compensation Court comprised of the current judges who shall serve until July of the year of their respective terms. Future judges shall serve an 8-year term and may be reappointed. Allows current judges to seek reappointment. Requires judges be appointed by the Governor, with advice and consent of the Senate, from a list of nominees submitted by the Judicial Nominating Commission (JNC). Makes the JNC process applicable to all applicants. Specifies the salary, qualifications, and assignment of judges. Directs that no fewer than 3 judges be permanently assigned to the Court's Tulsa location. Requires appointments for a term commencing July 1, be made by April 15, or later with notice to the President Pro Tempore of the Senate. Identifies powers and duties of the Court and judges. Permits hearings in any city of the state. Requires Court decisions be made within 60 days of submission of the case by the parties. Designates the Court as a court of record with jurisdiction over all claims filed pursuant to the act. Provides that claims shall be heard by a judge sitting without a jury. *Section to be codified as 85 O.S., §303.*

- Section 4. Presiding Judge.** Provides for a Presiding Judge of the Workers' Compensation Court, to be appointed by the Governor for a two-year term beginning January 01, 2013. Allows the present PJ to complete his term. Identifies duties of the PJ. *Section to be codified as 85 O.S., §304.*
- Section 5. Court Administrator - Appointment.** Requires the Workers Compensation Court Administrator be appointed by the Governor with the advice and consent of the Senate, to serve at the Governor's pleasure. Specifies the salary of the Administrator. *Section to be codified as 85 O.S., §305.*
- Section 6. Administrator's Powers and Duties.** Lists powers and duties of the Administrator, including contracting for administration of claims against an impaired self-insurer. *Section to be codified as 85 O.S., §306.*
- Section 7. Prohibited Acts.** Prohibits certain conduct by Court personnel. Prohibits an attorney from withholding client funds for the purpose of making contributions to a political fund, candidate or campaign. *Section to be codified as 85 O.S., §307.*
- Section 8. Definitions.** Defines terms used in the Workers' Compensation Code. *Section to be codified as 85 O.S., §308.*
- Section 9. Time Computation.** Sets how time is computed under the act. *Section to be codified as 85 O.S., §309.*
- Section 10. Employer to Pay Compensation - Jurisdiction.** Defines the employer's duty to pay compensation and jurisdiction over injuries occurring outside the state or on Federal lands within the state. *Section to be codified as 85 O.S., §310.*
- Section 11. Employees Not Covered.** Lists employees excluded from the act. *Section to be codified as 85 O.S., §311.*
- Section 12. Injuries Not Covered.** Lists injuries excluded from the act, including injuries resulting directly from the willful failure of the injured worker to use a guard or protection against accident furnished for use pursuant to statute or by order of the Commissioner of Labor, injuries which occur when an employee tests positive for the presence of alcohol, illegal drugs or chemicals or refuses to take a drug or alcohol test required by the employer, and injuries occurring before being hired or after termination of employment. *Section to be codified as 85 O.S., §312.*
- Section 13. Public Employers' Coverage.** Requires and outlines how public entities of the state are to secure their workers' compensation obligations. *Section to be*

codified as 85 O.S., §313.

- Section 14. Secondary Liability.** Addresses secondary liability for work-related injuries. *Section to be codified as 85 O.S., §314.*
- Section 15. Benefit Determinations.** Defines the date of the law governing benefit determinations. For a single event injury, it is the law in effect at the time of injury. For a cumulative trauma injury or occupational disease/illness, it is the law in effect when the employee knew or reasonably should have known the injury/disease/illness was related to work activity. For death, it is the law in effect at the time of death. *Section to be codified as 85 O.S., §315.*
- Section 16. Liability for Occupational Disease.** Makes the last employer liable for occupation disease. *Section to be codified as 85 O.S., §316.*
- Section 17. Liability for Cumulative Trauma.** Makes the last employer liable for an injury resulting in cumulative trauma. *Section to be codified as 85 O.S., §317.*
- Section 18. Limitations Periods.** Establishes limitations periods for filing, prosecuting and reopening, a claim for compensation. Limits timely prosecution to two years from the date a claim for compensation was filed, or to within two years from the date of last payment of medical treatment or compensation or wages in lieu thereof. Tolls limitations of time against a mentally incompetent person or minor until a guardian is appointed by the district court. *Section to be codified as 85 O.S., §318.*
- Section 19. Dismissal.** Allows a claimant to dismiss a claim for compensation, with or without prejudice, upon paying a filing fee, if the case has not been finally submitted to the Court for decision. Permits a claim dismissed without prejudice to be refiled within 1 year. *Section to be codified as 85 O.S., §319.*
- Section 20. Ombudsman Program.** Directs the Court Administrator to create a workers' compensation counselor or ombudsman program, and to notify injured workers of its availability, within 10 days of the employer's filing of a Form 2 notice of injury. Directs the Administrator to develop a program by April 2, 2012, for annual training for self-insureds and claims adjusters. *Section to be codified as 85 O.S., §320.*
- Section 21. Mediation of Claims.** Allows mediation and specifies procedures related thereto. Directs the Court to certify mediators. Permits non-attorney mediators. Grandfathers in existing mediators. Requires mediators to block at least 2 hours per mediation and prohibits scheduling more than one mediation to take place at a time. Allows an injured worker to mediate without counsel. Permits submission of a compromised settlement of a mediated claim to the Administrator for approval. *Section to be codified as 85 O.S., §321.*

Section 22. Employer Record of Injuries (Form 2) - Filing Requirements. Directs employers to record injuries and to report them to the Court and the employer's insurer within a certain time, or be subject to a fine. Vests the Court with jurisdiction in all matters subject to the act upon the employer's filing of a Form 2 notice of injury. Provides that the Form 2 is not an admission of liability or of the employee's proper notice of the injury. Makes the Form 2 confidential, with exceptions. Requires employers to post information advising employees of certain information about workers' compensation. *Section to be codified as 85 O.S., §322.*

Section 23. Notice of Injury. Creates a rebuttable presumption that a single event injury is not work related unless reported or medical attention was provided within 30 days. Creates a rebuttable presumption that an occupational disease or cumulative trauma injury is not work related unless reported within 90 days of separation from employment. Requires the Administrator to prescribe a form for a worker's claim for compensation which must include, among other things, a declaration about any Social Security Disability Insurance claims of the employee and the employee's Medicare status. *Section to be codified as 85 O.S., §323.*

Section 24. Commencement of Claim - Answer. Provides procedures for commencement of a claim for benefits and the employer's filing of an answer and defenses thereto. Directs the Administrator, within 7 days of a request for prehearing or trial, to set the matter at the earliest available time. *Section to be codified as 85 O.S., §324.*

Section 25. Venue. Directs the Administrator to assign cases to judges for hearing in Oklahoma City or Tulsa, and to divide counties proportionately to determine proper venue. Permits hearings by videoconferencing and in other judicial districts by agreement of the parties and with Court approval. *Section to be codified as 85 O.S., §325.*

Section 26. Medical Care - Selection and Change of Physician - Treatment Guidelines - Continuing Medical Maintenance - Suspension of Benefits - Medical Devices - Mileage Reimbursement.

Requires an employer to provide reasonable and necessary medical care to a worker within 7 days of actual knowledge of the injury. Provides that if the employer fails to do so, or in the case of an emergency, the injured employee may select a physician at the employer's expense.

Provides that when an employee is not covered by a managed care plan, the employee may be granted one change of physician for an affected body part.

Permits the employer to object and be granted a hearing. Prohibits a change of physician for a body part unless authorized treatment for the body part was provided within 180 days before the request for change of physician was filed. Sets a maximum of 2 changes of physician per claim regardless of the number of body parts injured.

Provides that when an employee is covered by a plan, the employer shall select a treating physician from the plan's physician list. Allows the claimant to apply for a change of physician as set out in the plan. Makes a claimant exhaust the plan's dispute resolution process before asking the Court to appoint an independent medical examiner to determine the nature of medical treatment needed.

Provides that effective March 1, 2012, scope and duration of medical treatment will be governed by the Work Loss Data Institute's "Official Disability Guidelines." Directs the Physician Advisory Committee to adopt Oklahoma Treatment Guidelines (OTG) for medical treatment to the spine that is not addressed in or recommended by ODG, and for continuing medical maintenance and pain management. Creates a presumption that care provided per the ODG or OTG is reasonable and necessary. Provides that a payer is not responsible for care outside the ODG or OTG unless the treatment was rendered in an emergency, preauthorized by the payer, or approved by the Court based on a determination by a qualified independent medical examiner that treatment per the ODG or OTG is not in the best interest of the employee.

Prohibits the Court from awarding continuing medical maintenance (CMM) unless recommended by the treating physician at maximum medical improvement or by an IME. Allows an IME to be appointed to address the nature and extent of CMM. Provides the payer is not responsible for CMM or pain management treatment that is outside the OTG, not previously Court ordered, or not preauthorized by the payer. Requires suspension of benefits and abeyance of proceedings if a worker refuses to submit to a medical examination. Permits ongoing service of medical devices for compensable injuries. Requires certain mileage reimbursement to a worker. *Section to be codified as 85 O.S., §326.*

Section 27. Workers' Compensation Fee Schedule - Payment of Medical - Physician Disclosures.

Directs the Court Administrator to develop a new workers' compensation fee schedule by January 1, 2012, after notice and public hearing, which limits reimbursement for health care services provided to injured workers and reduces the overall cost of medical care by 5%. Subjects the schedule to review every 2 years. Requires the director of the Oklahoma State and Education Employees Group Insurance Board to provide the Administrator information relevant to development of the schedule. Provides that the Oklahoma allowable for

Medicare physician fees in effect on the effective date of the act be used as a benchmark and that reimbursement for services not valued by Medicare be based on the usual and customary payment to providers in the same trade area for like services for a similar injury. Limits reimbursement for radiology procedures (including magnetic resonance imaging), durable medical equipment and supplies, medical testimony (including depositions), prescription drugs dispensed by a physician or pharmacy, and implantable devices. Requires development of a stop loss reimbursement methodology for catastrophic injuries. Fixes reimbursement for evaluation and management services at not less than 150% of Medicare. Allows payers and providers to contract for reimbursement in amounts different from the fee schedule. Grants the Workers' Compensation Court and its administration exclusive jurisdiction over disputed medical charges.

Requires a payer to pay for medical care within 45 days of receipt of an invoice, unless the payer has a good faith reason to request additional information about the billing. Permits the Court, if there is no good faith reason, to assess up to a 25% penalty against the payer for failure to timely pay. Allows assessment of a fine up to \$5,000 per occurrence for a willful and knowing pattern of delaying payment for medical care. Requires the Administrator to establish a no-show fee payable to a physician for a missed medical appointment. Requires the fee to be paid initially by the employer, but reimbursed by the worker absent a good faith reason for missing the appointment. Requires treating physicians to disclose to the Administrator ownership or interest in certain health care entities that are not the physician's primary place of business. Provides that failure to disclose is grounds for the Administrator to disqualify the physician as a treating physician under the Workers' Compensation Code. *Section to be codified as 85 O.S., §327.*

Section 28. Change of Physician and Treatment When Covered by Managed Care Plan - Certification of Plans. Allows procedures for a worker covered by a certified workplace medical plan (CWMP) to seek a change of treating physician. Compels treatment as prescribed by the plan, notwithstanding other provisions of law. Specifies application criteria for certification of a plan and regulatory oversight of plans by the State Commissioner of Health. Permits a workers' compensation insurer to grant a 10% premium reduction to an employer who is not experience rated when the employer participates in a CWMP. *Section to be codified as 85 O.S., §328.*

Section 29. Independent Medical Examiner System. Requires the Court to develop and maintain an Independent Medical Examiner System comprised of licensed physicians who have completed certain course study and who have been recommended as IMEs by the Physician Advisory Committee. Defines "physician" as a licensed medical doctor or licensed doctor of osteopathy. Grandfathers in existing Court qualified independent medical examiners serving on the effective date of the act, to serve the remainder of their respective 2-year

terms.

Allows an IME to be appointed at any time for any issue before the Court, regardless of the date of injury. Requires appointment of an IME at the employer's request to determine the reasonableness and necessity of surgery recommended by the treating physician. Requires the IME be a physician qualified to perform the recommended surgery.

Provides procedures regarding sending medical records to the IME, consideration of information by the IME, submission of the IME's verified report, and objections to the report. Requires the Court to set the reimbursement amount for IME services and provides the cost for such services shall be borne by the employer.

Requires the Court to consult with the Advisory Council on Workers' Compensation to create a review process to oversee on a continuing basis the quality of performance and timeliness of the submission of medical findings by the IME.

Makes the IME's opinion binding unless there is clear and convincing evidence to the contrary. Requires the Court to explain deviations from the IME's opinion. *Section to be codified as 85 O.S., §329.*

Section 30. Case Management. Permits the Court to appoint a Court qualified case manager when case management services are not provided by the payer and the case is not covered by a managed care plan (CWMP). Allows one change of case manager at the request of either party. Grandfathers in existing Court qualified case managers serving on the effective date of the act, to serve the remainder of their respective 2-year terms. *Section to be codified as 85 O.S., §330.*

Section 31. Average Weekly Wage. Provides for determination of a worker's average weekly wage as the basis upon which compensation is computed. *Section to be codified as 85 O.S., §331.*

Section 32. Temporary Total and Temporary Partial Disability - When Due - Commencement - Termination - Soft Tissue Injuries - Report of Change in Material Fact - Rebuttable Presumption - Payment Not Admission of Liability.

Limits TTD benefits to 70% of the worker's average weekly wages, not to exceed the state's average weekly wage. Limits TTD to no more than 156 weeks, unless the Court finds a consequential injury, in which case, an additional 52 weeks of TTD may be awarded. Prohibits TTD for the first 7 days of disability unless the Court determines the disability to be for more than 21 days,

in which case, TTD is paid from the first day of such disability. States when TTD is due and payable. Subjects an employer to a 15% penalty payable to a worker for unpaid or delayed weekly benefits. Permits state employees to supplement TTD with accrued leave. Provides procedures for terminating TTD upon a full or light duty release. Allows termination if, without a valid excuse, the employee misses 3 medical treatment appointments, abandons care or is noncompliant with treatment. Requires the Court to set objections to termination of TTD within 20 days. Requires a treating physician to notify each party in writing after the worker has reached maximum medical improvement and is released from active medical care. Prohibits TTD for periods during which state unemployment benefits or certain short term disability benefits are received. Permits TTD for soft tissue injuries for specified durations depending upon whether or not surgery is recommended or performed. Defines “soft tissue injury.”

Limits TPD benefits to 70% of the difference between the employee’s average weekly wages before the injury and the employee’s wage-earning capacity after the injury. Provides that benefits paid for TPD, when added to the worker’s actual wage, shall not exceed 80% of the worker’s average weekly wage before the injury. Provides that TPD benefits be paid during the continuance of the partial disability but not to exceed 156 weeks.

Requires a person receiving temporary disability benefits to notify the employer/insurer in writing within 7 days of any change in material fact occurring during receipt of the benefits. Creates a presumption in favor of the treating physician on the issues of temporary disability and need for medical treatment, unless rebutted by clear and convincing evidence to the contrary of a qualified independent medical examiner. States when temporary disability compensation is due and payable. Provides that payments made for temporary disability shall not constitute an admission of liability. *Section to be codified as 85 O.S., §332.*

Section 33. Permanent Partial Impairment (PPI) - Evaluation of Impairment - Schedule of Compensation - 520 Week Cap.

Makes determination of permanent impairment or disability the responsibility of the Workers’ Compensation Court. Requires claims for PPI to be based on competent medical testimony supported by objective medical findings provided by a treating physician who is a doctor of medicine or a doctor of osteopathy or a qualified independent medical examiner. (*NOTE: “Qualified independent medical examiner” is defined in Section 8 of the act as a licensed MD or DO who is qualified to serve as an IME pursuant to the act.*) Requires evaluations of compensability and PPI be stated within a reasonable degree of medical certainty. Provides that a determination of permanent impairment of disability made by the Court which is not supported by objective medical findings of a treating physician who is an M.D. or D.O. or a qualified independent medical examiner shall be considered an abuse of discretion. Precludes PPI for any body

part for which no treatment was received.

Requires a physician's opinion of PPI to unscheduled members be based solely on criteria established by the 5th Edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment, or a subsequent edition approved by the Administrator, or on an alternative method developed by the Physician Advisory Committee. Provides any such alternative method is not

operative unless adopted by the Administrator and not rejected by the Legislature.

Provides for a schedule of compensation. Limits PPI to 70% of the worker's average weekly wages, not to exceed \$323 per week, for injuries occurring from August 27, 2010 through August 26, 2015, and then to 50% of the state's average weekly wage for injuries occurring thereafter. Establishes a PPI benefit floor of \$150 per week for injuries occurring on or after August 27, 2010.

Caps lifetime PPI awards, except awards against the Multiple Injury Trust Fund, to not more than 520 weeks, except for awards for amputations and disability to body parts for which surgery was received in the latest injury.

Requires PPI orders to be paid consecutively. *Section to be codified as 85 O.S., §333.*

Section 34. Disfigurement. Permits up to \$50,000 for disfigurement, but none for a body part for which permanent partial impairment was awarded. *Section to be codified as 85 O.S., §334.*

Section 35. Prosthetic Devices. Requires an employer to furnish necessary prosthetic devices for the lifetime of an injured worker whose compensable injury resulted in certain anatomical losses or the replacement of a joint. Requires an employer to repair or replace a prosthetic device damaged as a result of a compensable injury. Terminates an employer's duty to provide a prosthetic device upon subsequent injury to the body part for which the device was provided. *Section to be codified as 85 O.S., §335.*

Section 36. Permanent Total Disability.

Limits PTD to 70% of the worker's average weekly wages, not to exceed the state's average weekly wage, for the continuance of the disability until the worker reaches the age of maximum Social Security retirement benefits or 15 years, whichever is longer. Terminates benefits on the date of death if the claimant dies of causes unrelated to the injury, but allows a one-time lump sum payment to the person(s) entitled to revive the action, to share and share alike if more than one person.

Directs that if both PPI and PTD are awarded, the PTD award is not due until the PPI award is paid in full. Allows PTD to be paid to a worker who has exhausted the maximum period of TTD even though the worker has not reached MMI.

Requires the Court to review PTD status every 3 years. Requires suspension of a worker's benefits for failure to file an affidavit under penalty of perjury that the worker is not, nor was, engaged in gainful employment. Permits

reinstatement after proper hearing before the Court. *Section to be codified as 85 O.S., §336.*

Section 37. Death Benefits. Specifies that death benefits are payable to beneficiaries of a decedent of a compensable work-related injury. Prohibits attorney fees on uncontested death claims. Allows death claims to be concluded by compromise settlement. Permits a duly appointed guardian ad litem to enter into such a compromise settlement on behalf of a minor claimant. *Section to be codified as 85 O.S., §337.*

Section 38. Physical and Vocational Rehabilitation Services - Vocational Rehabilitation Director.

Allows an injured worker prompt and reasonable physical rehabilitation.

Entitles a worker to vocational rehabilitation services or training for 52 weeks, but not to exceed 104 weeks by special order of the Court, if as a result of the injury the worker is unable to perform the same work duties as before the injury. Disallows vocational rehabilitation benefits to any non-documented employee who is unable by law to be hired in Oklahoma. Permits the Court to award vocational rehabilitation services while the worker is TTD and under active medical care if the Court determines the injury will prevent the worker from returning to his former employment.

Prohibits a PTD award, except in claims against the Multiple Injury Trust Fund, without evaluation of the practicability of restoration to gainful employment through vocational rehabilitation or training. Permits TTD equivalent benefits during the evaluation period. Prohibits attorney fees to be awarded or deducted from such benefits.

Requires the Administrator to hire or contract for a Vocational Rehabilitation Director to oversee the Court's vocational rehabilitation program. Identifies the purpose of the position and duties of the Director. *Section to be codified as 85 O.S., §338.*

- Section 39. Compromise Settlement.** Provides for a full, final and binding settlement of any issue of a claim by “compromise settlement” which shall be signed by the parties, approved by the Court or Administrator, and filed with the Court. Requires a record of certain compromise settlements be made by a court reporter. Requires issues not settled and subject to the Court’s continuing jurisdiction to be noted by appendix to the compromise settlement or on a form prescribed by the Administrator, which shall be signed by the parties and approved by the Court. Grants the Court jurisdiction to approve a compromise settlement involving a pro se worker upon the employer’s filing of a Form 2 notice of injury and in the absence of a claim for compensation filed by the worker. Requires payers to make a good faith effort to alert an insured of settlement potential and/or terms. *Section to be codified as 85 O.S., §339.*
- Section 40. Appeals - Standard of Review - Appeal Related Fees.** Makes written orders of the trial judge final unless appealed to a 3-judge review panel of the Workers’ Compensation Court within 10 days, or to the Oklahoma Supreme Court within 20 days. Allows interest on accrued amounts of the award when an order appealed by the employer/insurer is not modified or vacated on appeal. Provides the Court en banc shall be comprised of 3 judges unrelated to the claim who, by majority vote, shall determine if the trial judge’s order was against the clear weight of the evidence. Allows the Supreme Court to reverse, modify, vacate or remand a case, regardless of the date of injury, if the trial court acted outside its powers, or the order was contrary to law, procured by fraud or against the clear weight of the evidence. Establishes a \$175 fee for appeals to the Court En Banc and a \$100 fee for preparing and transmitting the record for appeal to the Supreme Court, payable to the Court’s revolving fund. Permits payment of death benefit proceeds to the Administrator during the pendency of an appeal under certain and limited circumstances. *Section to be codified as 85 O.S., §340.*
- Section 41. Discharge of Employee - Termination of Health Insurance - Prohibited Grounds.** Prohibits discharge of an employee or termination of the employee’s group health insurance for filing a workers’ compensation claim and for other grounds. Provides that after an employee’s period of TTD has ended, no employer is required to rehire or retain an employee who is determined physically unable to perform assigned duties. Provides for a district court action and sanctions against an employer found by a preponderance of the evidence to have violated provisions of the section. *Section to be codified as 85 O.S., §341.*
- Section 42. Change of Condition - Consequential Injury.** Allows benefits for a change of condition for the worse to body parts previously adjudicated or as a result of a consequential injury. Requires change of condition to be established by objective medical evidence. Provides that additional PPI on change of condition, when added to PPI from the previous award, shall not exceed 520 weeks, except for additional PPI resulting from amputation or surgery as a result of the change of condition. *Section to be codified as 85 O.S., §342.*

- Section 43. Attorney Fees.** Grants the Court exclusive jurisdiction of claims for legal services related to prosecution of a claim under the act. Limits attorney fees to 10% of a contested temporary disability award or 20% of a PPI, PTD or contested death award, and specifies how and when each fee is payable. Provides there shall be no claim for legal services for TTD being paid at the time of the filing of the worker's claim for compensation. Caps attorney fees for certain admitted claims involving a written settlement offer at not more than 35% of the PPI award or settlement amount which exceeds the offer, plus additional fees, based on an hourly rate, for contested benefits obtained for the injured worker during the pendency of the claim. Limits the total fee in all instances to not more than 20% of the total PPI award or compromise settlement. Prohibits attorney fees in an uncontested death case, on the value of vocational rehabilitation in a compromise settlement or court order, or for the amount of a required Medicare Set Aside trust agreement. Requires attorney fees to be deducted from the award or settlement to the injured worker, except as otherwise provided. *Section to be codified as 85 O.S., §343.*
- Section 44. Penalties for Unreasonable Behavior.** Allows the Court to assess penalties for bringing a proceeding not based on a reasonable ground, for unreasonable denial of benefits, and for failure of an employer or insurer to pay travel expenses timely. *Section to be codified as 85 O.S., §344.*
- Section 45. Payment of Awards - Commutation - Acceleration - Credits.** Requires periodic payment of PPI awards and weekly payment of PTD awards, using US legal tender, negotiable instruments payable on demand or negotiable drafts. Allows an award of disability to be made after a worker dies from causes other than the injury. Abates unaccrued award amounts if the worker dies from the compensable injury. Permits permanent partial impairment (PPI) awards to be commuted to a lump sum for good cause shown, not to exceed 25% of the total award, with the balance payable periodically. Prohibits commutation of PTD awards. Permits acceleration of unpaid amounts upon failure of the employer or insurer to pay the award as ordered. Allows credits against PPI awards. Prohibits adjustments or credits for salary or remuneration paid in lieu of TTD. *Section to be codified as 85 O.S., §345.*
- Section 46. Failure to Pay Compensation - Judgment and Execution - Revocation or Suspension of Insurer's License - Creation of New Business Entity to Avoid Awards Prohibited.** Allows certain awards to be certified for execution in district court if the employer/insurer fails to pay compensation within 10 days of when due. Requires the Insurance Commissioner, upon request of a judge or the Court Administrator, to revoke or suspend a carrier's license for willful violation of the Workers' Compensation Code or rules promulgated thereunder. Prohibits creation of a new business entity to avoid payment of a workers' compensation award. *Section to be codified as 85 O.S., §346.*
- Section 47. Enforcement of Orders - Indirect Contempt.** Makes failure to attend in

obedience to a subpoena a contempt punishable by a fine payable to the Court's revolving fund. Allows the Court to compel obedience to its orders by attachment proceedings in district court. *Section to be codified as 85 O.S., §347.*

Section 48. Third Party Claims - Subrogation. Provides that if an employee is injured or killed by the negligence or wrong of another not in the same employ, the injured employee, surviving spouse or surviving dependent may elect to pursue a workers' compensation claim or suit against the third party. Provides procedures related thereto. Permits subrogation for death claims. Grants the employer/insurer a credit against future workers' compensation benefits in an amount equal to the net recovery of the injured employee, surviving spouse or surviving dependent in the third party action. *Section to be codified as 85 O.S., §348.*

Section 49. Employee Agreements to Pay Premium Invalid - Penalty - Claims Nonassignable - Death of Claimant, to Whom Compensation Paid. Makes agreements by a worker to pay any portion of the employer's workers' compensation premium invalid. Subjects the employer to criminal sanctions. Makes claims for compensation or benefits under the Workers' Compensation Code nonassignable and exempt from execution except for child support liens. Specifies to whom compensation is to be paid when a claimant dies from causes other than the injury for which PPI benefits were awarded prior to death. Permits revivor of a PTD award by certain persons if the claimant who was adjudged permanently and totally disabled before death dies from causes unrelated to the injury. *Section to be codified as 85 O.S., §349.*

Section 50. Child Support Liens. Allows child support liens, and income assignments or wage assignments for child support, against workers' compensation benefits. Requires a lien filed in a workers' compensation case to be recognized by the Court in any award of monetary benefits and directs the employer/insurer to include the name of the person or government agency asserting the lien on any benefit check exceeding \$1,000. *Section to be codified as 85 O.S., §350.*

Section 51. Ways of Securing Compensation to Employees - Sanctions. Lists ways in which an employer must secure its workers' compensation obligations. Includes private insurance, insurance from CompSource Oklahoma, and self-insurance. Provides sanctions for noncompliance and for knowingly providing the Administrator false information. *Section to be codified as 85 O.S., §351.*

Section 52. Penalty for Failure to Secure Compensation - Cease and Desist Orders. Permits the Commissioner of Labor to impose civil penalties against an employer for failing to obtain workers' compensation insurance and to issue cease and desist orders for multiple violations. *Section to be codified as 85 O.S., §352.*

Section 53. Civil Fine - Hearing and Appeal Process. Outlines the Commissioner of Labor's hearing and appeal process for actions to enforce workers' compensation insurance required by law. *Section to be codified as 85 O.S.,*

§353.

- Section 54. Criminal Penalties for Failure to Secure Compensation.** Allows criminal sanctions against an employer that willfully fails to secure workers' compensation insurance required by law. *Section to be codified as 85 O.S., §354.*
- Section 55. Prohibited Acts - Administrator of Group Associations.** Lists prohibited conduct of persons employed as an administrator of a group self-insurance association. *Section to be codified as 85 O.S., §355.*
- Section 56. General Requirements of Policies of Insurance.** Requires policies of insurance covering the liability of an employer for compensation to include certain provisions. Provides procedures for cancellation of a workers' compensation insurance policy. *Section to be codified as 85 O.S., §356.*
- Section 57. Estoppel.** Estops an employer/insurer from denying an employee was employed by the employer for workers' compensation insurance purposes when the employee was scheduled as a person employed by the employer, or the employer pays, receives or collects premiums upon a policy securing the employer's workers' compensation obligations to the employee. *Section to be codified as 85 O.S., §357.*
- Section 58. Individual Self-Insured Guaranty Fund and Board.** Creates the Individual Self-insured Guaranty Fund and Board. Grandfathers in existing Board members. Provides a funding mechanism for the Fund. Allows certain claims against the Fund when an individual self-insured employer is impaired. Permits the Board to contract for claims administration. Prohibits a claim or award against the Fund unless made within 1 year of the time provided in the section. Causes the Individual Self-Insured Guaranty Fund and Board to cease once the initial appointments to the Workers' Compensation Self-Insurance Guaranty Fund Board are made as provided in Section 60 of the act. *Section to be codified as 85 O.S., §358.*
- Section 59. Group Self-Insurance Association Guaranty Fund and Board.** Creates the Group Self-insurance Association Guaranty Fund and Board. Grandfathers in existing Board members. Provides a funding mechanism for the Fund. Allows certain claims against the Fund when a group self-insurance association is impaired. Permits the Board to contract for claims administration. Prohibits a claim or award against the Fund unless made within 1 year of the time provided in the section. Causes the Group Self-Insurance Association Guaranty Fund and Board to cease once the initial appointments to the Workers' Compensation Self-Insurance Guaranty Fund Board are made as provided in Section 60 of the act. *Section to be codified as 85 O.S., §359.*

- Section 60. Workers' Compensation Self-Insurance Guaranty Fund and Board.** Creates the Workers' Compensation Self-Insurance Guaranty Fund and Board. Except for public employers that self-insure, makes participation in the Fund a condition of self-insurance. Provides for appointment and terms of Board members. Requires the Office of the Attorney General to provide legal counsel to assist the Board in the performance of its duties. *Section to be codified as 85 O.S., §360.*
- Section 61. Workers' Compensation Self-Insurance Guaranty Fund (SIGF) - Purpose.** Provides the SIGF shall be for continuation of workers' compensation benefits due and unpaid or interrupted due to the inability of an impaired self-insurer to meet its compensation obligations. Exempts monies in the Fund, including interest thereon, from appropriation. Authorizes certain expenditures from the Fund. Subjects the Fund to audit. *Section to be codified as 85 O.S., §361.*
- Section 62. Workers' Compensation Self-Insurance Guaranty Fund - Sources.** Identifies funding sources for the Workers' Compensation Self-Insurance Guaranty Fund. *Section to be codified as 85 O.S., §362.*
- Section 63. Impaired Self-Insurer - Duties of Administrator.** States duties of the Administrator when a self-insurer becomes impaired. Permits the Administrator to contract for claims administration. *Section to be codified as 85 O.S., §363.*
- Section 64. Powers and Duties - Workers' Compensation Self-Insurance Guaranty Fund Board.** States powers and duties of the Workers' Compensation Self-Insurance Guaranty Fund Board. *Section to be codified as 85 O.S., §364.*
- Section 65. Merger of Individual and Group Guaranty Funds.** Merges the Individual Self-Insured Guaranty Fund and the Group Self-Insurance Association Guaranty Fund into a new guaranty fund named the Workers' Compensation Self-Insurance Guaranty Fund (SIGF). Causes the individual and group funds and their respective boards to cease once initial appointments to the SIGF Board are made. Makes the SIGF Board responsible and liable for all liabilities and obligations of the entities that ceased existence. *Section to be codified as 85 O.S., §365.*
- Section 66. Immunity From Civil Liability For Acts Performed in Good Faith.** Insulates certain persons from civil liability for acts performed in good faith in the execution of their powers or duties regarding impaired self-insurers. *Section to be codified as 85 O.S., §366.*
- Section 67. Annual Report by Court Administrator - EDI Advisory Committee.** Requires the Administrator to publish a statistical report annually by July 1. Directs the Administrator to implement an electronic data interchange (EDI) system by July 1, 2012. States the purpose of the system is to provide relevant data about the workers' compensation system and delivery of benefits to injured workers. Provides the EDI system shall be developed after public hearing,

consultation with system participants and assistance from an EDI advisory committee and the Insurance Commissioner. *Section to be codified as 85 O.S., §367.*

Section 68. Court Fees. Authorizes a final award fee (\$140) and a reopen fee (\$130) to be deposited to the Court's revolving fund. Directs that \$10 of the final award fee be deposited to the credit of the Attorney General Workers' Compensation Fraud Unit Revolving Fund. *Section to be codified as 85 O.S., §368.*

Section 69. Application Fees. Authorizes an annual application fee (\$1,000) for self-insurers and servicing companies, and a fee for review of interim financial statements of self-insured employers (\$500 per review, not to exceed \$1,000 per state fiscal year), to be deposited to the Court's revolving fund. *Section to be codified as 85 O.S., §369.*

Section 70. Revolving Fund - Copy Fees. Creates the "Administrator of Workers' Compensation Revolving Fund" to defray necessary expenses in carrying out the provisions of the Workers' Compensation Code. Allows certain deposits to the fund, including a \$1 per page copy fee. *Section to be codified as 85 O.S., §370.*

Section 71. Securing Information - Employer's Records and Books. Requires employers to furnish the Administrator information upon request necessary to implement the Workers' Compensation Code. Subjects certain books, records and payrolls of employers to inspection by the Administrator and others. *Section to be codified as 85 O.S., §371.*

Section 72. Requests for Claims Information - Internet Posting. Allows an employer to ask about prior workers' compensation claims paid to an employee by a previous employer, unless otherwise provided by law. Permits an employer to discharge an employee for failing to answer truthfully about any previous PPI awards. Provides procedures for accessing prior workers' compensation claims information from the Court. Requires the Administrator to publish on the Internet the names of all claimants who have filed a workers' compensation claim in the preceding 10 years, beginning July 1, 2012, and updated annually. *Section to be codified as 85 O.S., §372.*

Section 73. Physician Advisory Committee - Oklahoma Treatment Guidelines. Creates the Physician Advisory Committee. Provides for qualifications and appointment of members. Terminates the terms of members serving on the effective date of the act. States the powers and duties of the Committee. Includes adopting certain Oklahoma Treatment Guidelines (OTG) by March 1, 2012. Subjects the OTG to public hearings and review and action by various entities, including the legislature, before becoming operative. Makes the Court bound by treatment guidelines of the Official Disability Guidelines or OTG. Insulates PAC members from liability for good faith performance of Committee duties. *Section to be codified as 85 O.S., §373.*

- Section 74. Advisory Council on Workers' Compensation.** Creates the Advisory Council on Workers' Compensation. Provides for qualifications and appointment of members. Grandfathers in existing members until expiration of their respective terms. States Council duties. *Section to be codified as 85 O.S., §374.*
- Section 75. Physically Impaired Person - Multiple Injury Trust Fund.** Defines "physically impaired person" for purposes of combined disabilities claims against the Multiple Injury Trust Fund. *Section to be codified as 85 O.S., §402.*
- Section 76. Multiple Injury Trust Fund - Creation - Assessments.** Creates the "Multiple Injury Trust Fund." Provides for funding of the MITF by an assessment against workers' compensation payers. Requires the Administrator to determine the assessment rate annually based on a statutory formula. Requires certain reports from payers and permits administrative penalties for failure to do so. Directs allocation of certain sums from the assessment to various entities. *Section to be codified as 85 O.S., §403.*
- Section 77. Multiple Injury Trust Fund Awards.** Requires the Multiple Injury Trust Fund to pay for combined disabilities constituting permanent total disability when the subsequent injury occurred on or after November 01, 2005. Provides that benefits shall be paid for 15 years or until the worker reaches 65 years of age, whichever period is longer. Allows the payments to continue to a surviving spouse for a limited duration if the worker dies as a result of the injury before the award is fully paid. Allows the MITF to compromise claims and to commute payments to a lump sum by agreement of the parties. Limits attorney fees on awards against the Fund. *Section to be codified as 85 O.S., §404.*
- Section 78. Limitations Periods for MITF Claims.** Requires claims against the MITF to be filed within 2 years of the date of the last order for permanent partial impairment from the latest claim against the employer, or be forever barred. Provides that an MITF claim shall be forever barred unless prosecuted within 3 years of the filing thereof. Prohibits attorneys for the employer/insurer from representing a claimant in an MITF claim. *Section to be codified as 85 O.S., §405.*
- Section 79. Administration of MITF - Standing to Appear.** Charges CompSource Oklahoma (CSO) with the administration and protection of the MITF. Gives CSO standing to appear in cases before the Court involving the MITF. Subjects review of awards against the MITF to appellate review as other awards of the Court. Requires allocation of MITF funds to CSO for administration expenses thereof. *Section to be codified as 85 O.S., §406.*
- Section 80. Workers' Compensation Administration Fund.** Creates the Workers'

Compensation Administration Fund to be used for administering the Workers' Compensation Code and for other purposes pursuant to legislative appropriation.

Provides for funding based on assessments against payers and directs that collections shall be paid to the General Revenue Fund. *Section to be codified as 85 O.S., §407.*

Section 81. Perjury Declaration. Requires all forms, claims, answers and reports filed with the Court to contain a declaration under penalty of perjury that the document is true. *Section to be codified as 85 O.S., §408.*

Section 82. Disputes Between Two or More Carriers or Employers. Allows the Court to order one of multiple carriers to start paying benefits immediately whenever there is a dispute among the carriers regarding which is liable for the benefits. Provides for indemnification of the paying carrier if another is ultimately found to be liable on the risk. Permits the Court to require an employer/insurer to reimburse other employers and insurers for workers' compensation benefits paid. *Section to be codified as 85 O.S., §409.*

Section 83. Permission to Examine or Inspect Records - Subpoenas. Provides that every employer and employee subject to the Workers' Compensation Code, upon filing a notice of injury, shall give the Administrator, Insurance Commissioner, Attorney General, District Attorney, or their respective designees, written permission to examine records and matters related thereto. Directs the Court to include a statement on forms advising that the permission must be given at the time of filing the notice. Authorizes the Attorney General to use subpoenas or other process in aid of prosecution and investigations. *Section to be codified as 85 O.S., §410.*

Section 84. Substantive Provisions Prospective. Makes provisions of the bill prospective in operation if determined by a court of competent jurisdiction to be substantive and not procedural in nature. *Section to be codified as 85 O.S., §411.*

Section 85. Transfer of Funds, Assets, Etc. Provides for the transfer of any unexpended funds, assets, property, records, personnel and any outstanding financial obligations and encumbrances of preexisting entities to successor entities created by the act. *Section to be codified as 85 O.S., §412.*

Section 86. Benefits or Savings Considered - Waiver of Compensation Invalid. Excludes consideration of certain benefits, savings or insurance in determining compensation under the act. Makes an employee's agreement to waive compensation under the act invalid. *Section to be codified as 85 O.S., §413.*

Section 87. Repealer. Repeals multiple sections within Title 85 of the Oklahoma Statutes.

Section 88. Recodification. Renumbers multiple sections within Title 85 of the Oklahoma Statutes.

**Section XVII - Boards, Committees
and Councils**

Boards, Committees and Councils

Individual Self-Insured Guaranty Fund Board 85 O.S., Section 358

The Individual Self-Insured Guaranty Fund Board is composed of from three to nine members appointed by the Court Administrator. Each member represents an employer approved by the Administrator as an own-risk employer. The Board manages the Individual Self-Insured Guaranty Fund (Fund). The Fund is used to pay the workers' compensation obligations of an approved own-risk employer that is unable to pay a workers' compensation award. Deposits to the Fund are from a tax assessed against each own-risk employer at the rate of one percent (1%) of the total compensation for permanent partial disability awards paid by the employer. The tax is assessed until the Fund contains One Million Dollars (\$1,000,000). The tax was suspended by the Court Administrator effective April 2, 2007, and will be reinstated as provided by law when the Fund balance reaches Seven Hundred Fifty Thousand Dollars (\$750,000).

Individual Self-Insured Guaranty Fund Board members serving in 2011:

Joseph L. McCormick, IV, Chairman
ONEOK
Oklahoma City, Oklahoma

Tammy Steichen Minter
Advance Food Company
Enid, Oklahoma

Charlotte Smith
St. Francis Hospital
Tulsa, Oklahoma

Group Self-Insurance Association Guaranty Fund Board 85 O.S., Section 359

The Group Self-Insurance Association Guaranty Fund Board is composed of from three to nine members appointed by the Court Administrator. Each member is the administrator of a group self-insurance association approved by the Administrator to self-insure. The Board manages the Group Self-Insurance Association Guaranty Fund (Fund). The Fund is used to pay the workers' compensation obligations of an approved association that is unable to pay a workers' compensation award. Deposits to the Fund are from a tax assessed against each association at the rate of one percent (1%) of the total compensation for permanent partial disability awards paid by the association. The tax is assessed until the Fund contains One Million Dollars (\$1,000,000). The tax was suspended by the Court Administrator effective September 6, 1996 and will be reinstated as provided by law when the Fund balance reaches Seven Hundred Fifty Thousand Dollars (\$750,000).

Group Self-Insurance Association Guaranty Fund Board members serving in 2011:

Cindy Compton
Harrah, Oklahoma

Chris Sturm
Oklahoma City, Oklahoma

Chris Meyer
Oklahoma City, Oklahoma
Replacing Larry Watkins

Larry Watkins
Oklahoma City, Oklahoma

Jim Smelser
Oklahoma City, Oklahoma

Physician Advisory Committee 85 O.S., Section 373

The Physician Advisory Committee was created by the Legislature in 1993, to assist the Court and Court Administrator by providing information on various medical related matters, including utilization review, abusive practices by health care providers, methods for evaluating permanent impairment, treatment guidelines and utilization controls. The committee is composed of nine members, with three members each appointed by the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives. The appointments are from designated medical specialties and congressional districts. The committee is assisted by court staff. The committee met five times and held no public hearings during calendar year 2011. Annual reports of the committee are available on the Court's website at: owcc.state.ok.us/advisory_commit.

Physician Advisory Committee members serving in 2011, following the implementation on August 26, 2011, of the provisions of SB 878 as they apply to this committee:

Leroy E. Young, D.O., Chairman
Oklahoma City, Oklahoma

David Garrett, D.P.M.
Miami, Oklahoma

Robert L. Remondino, M.D., Vice Chairman
Oklahoma City, Oklahoma

William R. Gillock, D.O.
Tulsa, Oklahoma

Michael Cooper, D.O.
Claremore, Oklahoma

Duane G. Koehler, D.O.
Miami, Oklahoma

Jeff A. Fox, M.D.
Tulsa, Oklahoma

John A. Munneke, M.D.
Oklahoma City, Oklahoma

Prior to the effective date of SB 878 on August 26, 2011, the provisions of 85 O.S., Section 201.1 governed the Physician Advisory Committee. At that time the members serving on the Physician Advisory Committee were: Leroy E. Young, D.O., Chairman, Robert L. Remondino, M.D., Vice Chairman, Michael Cooper, D.O., Jeff A. Fox, M.D., David Garrett, D.P.M., William R. Gillock, D.O., Duane G. Koehler, D.O. and John A. Munneke, M.D.

Advisory Council on Workers' Compensation 85 O.S., Section 374

The Advisory Council on Workers' Compensation was created by the Legislature in 1990, to analyze and review the workers' compensation system, reports of the Court Administrator, and workers' compensation trends. The Council may recommend improvements and proper responses to developing trends, and consult with the Court on oversight of independent medical examiners.

The Council is composed of nine members, with three members each appointed by the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives. The Court's Presiding Judge and Administrator serve as ex-officio nonvoting members. The Governor's appointees represent employers, one of whom must be from a list of nominees provided by the predominant statewide broad-based business organization. The President Pro Tempore's appointees are comprised of two attorneys representing the legal profession in this state, one of whom practices primarily in the area of defense of workers' compensation claims, and one medical doctor or doctor of osteopathy, actively engaged in the treatment of injured workers. The Speaker's appointees represent employees, one of whom shall be from a list of nominees provided by the most representative labor organization in the state. The Council is assisted by Workers' Compensation Court staff and met four times during calendar year 2011. Annual reports of the committee are available on the Court's website at: owcc.state.ok.us/advisory_commit.

Advisory Council on Workers' Compensation members serving in 2011:

Michael D. Carter, Chairman
Norman, Oklahoma
President Pro Tempore of the Senate

Angela R. LeBlanc, Vice Chairman
Oklahoma City, Oklahoma
Governor

Jim C. Curry
Oklahoma City, Oklahoma
Speaker of the House

Ellen C. Edwards
Tulsa, Oklahoma
President Pro Tempore of the Senate

Michael J. Harkey, Presiding Judge
Workers' Compensation Court
Ex-officio Nonvoting Member

Rochelle L. Guinn
Oklahoma City, Oklahoma
Governor

Dave Koeneke
Oklahoma City, Oklahoma
Speaker of the House

Dan Simmons
Oklahoma City, Oklahoma
Governor

Sterling Zearley
Oklahoma City, Oklahoma
Speaker of the House

Michael Clingman, Court Administrator
Workers' Compensation Court
Ex-officio Nonvoting Member

Prior to the effective date of SB 878 on August 26, 2011, the provisions of 85 O.S., Section 112 governed the Advisory Council on Workers' Compensation. At that time the members serving on the Advisory Council on Workers' Compensation were: Blake Virgin, Chairman, Jim Curry, Vice Chairman, T. Shane Curtin, David Stockwell, Judge Kent Eldridge, and Marcia Davis.

Section XVIII - Miscellaneous

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1955	Marx Childers	Chairman	See 85 O.S. Supp. 1955, §69.1	J. Murray
	D.H. Cotten	Judge		J. Murray
	Hubert Hargrave	Judge		J. Murray
	Mildred Brooks Fitch	Judge		J. Murray
	Jess B. Harper	Judge		J. Murray
1956	Same as 1955			
1957	Marx Childers	Chairman	See 85 O.S. Supp. 1955, §69.1 1957 - 1963	Gary
	D.H. Cotten	Judge		
	Hubert Hargrave	Judge		
	Mildred Brooks Fitch	Judge		
	Jean R. Reed	Judge		
1958	Same as 1957			
1959	Marx Childers	Chairman	See 85 O.S. Supp. 1955, §69.1	
	D.H. Cotten	Judge		
	Hubert Hargrave	Judge		
	Mildred Brooks Fitch	Judge		
	Jean R. Reed	Judge		
1960	Harley Venters	Presiding Judge	1960 - 1961	Edmondson
	Marx Childers	Judge		
	D.H. Cotten	Judge		
	Jean R. Reed	Judge		
	Hubert Hargrave	Judge		
1961	Clint G. Livingston	Presiding Judge	1961 - 1962 1961 - 1963 1961 - 1967 1961 - 1965	Edmondson Edmondson Edmondson Edmondson
	Jean R. Reed	Judge		
	Toby Morris	Judge		
	J. Clark Russell	Judge		
	Silas C. Wolf	Judge		
1962	Jim Ed Douglas	Presiding Judge	1962 - 1963	Edmondson
	Jean R. Reed	Judge		
	Toby Morris	Judge		
	J. Clark Russell	Judge		
	Silas C. Wolf	Judge		

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1963	Harry V. Rouse	Presiding Judge	1963 - 1965	Bellmon
	J. Clark Russell	Judge		
	Silas C. Wolf	Judge	1963 - 1969	Bellmon
	A. R. Swank, Jr.	Judge		
	Keith Cooper	Judge		
1964	Same as 1963			
1965	A. R. Swank, Jr.	Presiding Judge	1965 - 1971	Bellmon - reappointment
	J. Clark Russell	Judge		
	Silas C. Wolf	Judge		
	Keith Cooper	Judge		
	A.L.Voth	Judge		
1966	Same as 1965			
1967	A. R. Swank, Jr.	Presiding Judge	1967 - 1973	Bartlett - reappointment
	Silas C. Wolf	Judge		
	Keith Cooper	Judge		
	A.L. Voth	Judge		
	Bruce Evans	Judge		
1968	Same as 1967			
1969	A. R. Swank, Jr.	Presiding Judge	1969 - 1975	Bartlett - reappointment
	Silas C. Wolf	Judge		
	Keith Cooper	Judge		
	A.L. Voth	Judge		
	Bruce Evans	Judge		
1970	Same as 1969			
1971	Silas C. Wolf	Presiding Judge	1971 - 1977	Hall - reappointment
	A. R. Swank, Jr.	Judge		
	Keith Cooper	Judge		
	A.L. Voth	Judge	1971 - 1977	Hall - reappointment
	Bruce Evans	Judge		
1972	Same as 1971			
1973	Silas C. Wolf	Presiding Judge	1973 - 1979	Hall
	A. R. Swank, Jr.	Judge		
	A. L. Voth	Judge		
	Yvonne Sparger	Judge		
	Thomas Gudgel, Jr.	Judge		

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1974	Same as 1973			
1975	Silas C. Wolf A. L. Voth Yvonne Sparger Thomas Gudgel, Jr. James Fullerton	Presiding Judge Judge Judge Judge Judge	1975 - 1981	Boren
1976	Same as 1975			
1977	Marian P. Opala Yvonne Sparger James Fullerton Charles L. Cashion Chris Sturm	Presiding Judge Judge Judge Judge Judge	1977 - 1983 1977 - 1978 1977 - 1980	Boren Boren Boren
1978	Chris Sturm Marian P. Opala Charles L. Cashion Mary E. Cox Patrick C. Ryan James Fullerton Yvonne Sparger	Presiding Judge (6) Position 1 Position 2 Position 3 Position 4 Position 5 Position 7	1978 - 1984 1978 - 1984 1978 - 1982	Boren - reappointment Boren Boren
1979	Patrick C. Ryan Marian P. Opala Bill V. Cross Charles L. Cashion Mary E. Cox James Fullerton Chris Sturm Dick Lynn	Presiding Judge (4) Position 1 Position 1 Position 2 Position 3 Position 5 Position 6 Position 7	1979 - 1984 1979 - 1980	Nigh Nigh
1980	Patrick C. Ryan Bill V. Cross Charles L. Cashion Mary E. Cox James Fullerton Chris Sturm Dick Lynn	Presiding Judge (4) Position 1 Position 2 Position 3 Position 5 Position 6 Position 7	1980 - 1986 1980 - 1986	Nigh - reappointment Nigh - reappointment

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1981	Patrick C. Ryan	Presiding Judge (4)		
	Bill V. Cross	Position 1		
	Charles L. Cashion	Position 2		
	Mary E. Cox	Position 3		
	James Fullerton	Position 5		
	Larry Brawner	Position 5	1981 - 1982	Nigh
	Chris Sturm	Position 6		
	Victor R. Seagle	Position 6	1981 - 1986	Nigh
	Dick Lynn	Position 7		
1982	Patrick C. Ryan	Presiding Judge (4)	1982 - 1988	Nigh - reappointment
	Bill V. Cross	Position 1		
	Charles L. Cashion	Position 2		
	Mary E. Cox	Position 3		
	Larry Brawner	Position 5		
	G. Dan Rambo	Position 5	1982 - 1984	Nigh
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
Clint G. Livingston	Position 8	1982 - 1988	Nigh	
1983	Patrick C. Ryan	Presiding Judge (4)		
	Bill V. Cross	Position 1		
	Charles L. Cashion	Position 2		
	Mary E. Cox	Position 3		
	G. Dan Rambo	Position 5		
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
	Clint G. Livingston	Position 8		
1984	Charles L. Cashion	Presiding Judge (2)	1984 - 1990	Nigh - reappointment
	Bill V. Cross	Position 1	1984 - 1990	Nigh - reappointment
	Mary E. Cox	Position 3		
	Gary Sleeper	Position 3	1984 - 1988	Nigh
	Patrick C. Ryan	Position 4		
	G. Dan Rambo	Position 5		
	Jacque J. Brawner	Position 5	1984 - 1988	Nigh
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
Clint G. Livingston	Position 8			
1985	Charles L. Cashion	Presiding Judge (2)		
	Bill V. Cross	Position 1		
	Gary Sleeper	Position 3		
	Patrick C. Ryan	Position 4		
	Patricia Demps	Position 4	1985 - 1986	Nigh
	Jacque J. Brawner	Position 5		
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
	Clint G. Livingston	Position 8		
Kay K. Kennedy	Position 9	1985 - 1988	Nigh	

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1986	Charles L. Cashion	Presiding Judge (2)		
	Bill V. Cross	Position 1		
	Gary Sleeper	Position 3		
	Patricia Demps	Position 4		
	J. Michael Mancillas	Position 4	1986 - 1988	Nigh
	Jacque J. Brawner	Position 5		
	Victor R. Seagle	Position 6	1986 - 1992	Nigh - reappointment
	Dick Lynn	Position 7	1986 - 1992	Nigh - reappointment
	Clint G. Livingston	Position 8		
Kay K. Kennedy	Position 9			
1987	Charles L. Cashion	Presiding Judge (2)		
	Bill V. Cross	Position 1		
	Gary Sleeper	Position 3		
	J. Michael Mancillas	Position 4		
	Jacque J. Brawner	Position 5		
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
	Clint G. Livingston	Position 8		
	Kay K. Kennedy	Position 9		
1988	Charles L. Cashion	Presiding Judge (2)		
	Bill V. Cross	Position 1		
	Gary Sleeper	Position 3		
	Sam Townley	Position 3	1988 - 1990	Bellmon
	J. Michael Mancillas	Position 4		
	Ben P. Choate, Jr.	Position 4	1988 - 1994	Bellmon
	Jacque J. Brawner	Position 5		
	Jerry L. Salyer	Position 5	1988 - 1994	Bellmon
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
	Clint G. Livingston	Position 8		
	Noma D. Gurich	Position 8	1988 - 1994	Bellmon
	Kay K. Kennedy	Position 9		
Ozella M. Willis	Position 9	1988 - 1994	Bellmon	
1989	Noma D. Gurich	Presiding Judge (8)		
	Bill V. Cross	Position 1		
	Charles L. Cashion	Position 2		
	Louis G. Buchanan	Position 2	1989 - 1990	Bellmon
	Sam Townley	Position 3		
	Ben P. Choate, Jr.	Position 4		
	Jerry L. Salyer	Position 5		
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
Ozella M. Willis	Position 9			

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1990	Noma D. Gurich	Presiding Judge (8)		
	Bill V. Cross	Position 1		
	Kimberly E. West	Position 1	1990 - 1996	Bellmon
	Louis G. Buchanan	Position 2	1990 - 1996	Bellmon - reappointment
	Sam Townley	Position 3		
	Terry A. Pendell	Position 3	1990 - 1996	Bellmon
	Ben P. Choate, Jr.	Position 4		
	Jerry L. Salyer	Position 5		
	Victor R. Seagle	Position 6		
	Dick Lynn	Position 7		
Ozella M. Willis	Position 9			
1991	Noma D. Gurich	Presiding Judge (8)		
	Kimberly E. West	Position 1		
	Louis G. Buchanan	Position 2		
	Terry A. Pendell	Position 3		
	Ben P. Choate, Jr.	Position 4		
	Jerry L. Salyer	Position 5		
	Victor R. Seagle	Position 6		
	James S. Porter	Position 6	1991 - 1992	Walters
	Dick Lynn	Position 7		
Ozella M. Willis	Position 9			
1992	Noma D. Gurich	Presiding Judge (8)		
	Kimberly E. West	Position 1		
	Louis G. Buchanan	Position 2		
	Terry A. Pendell	Position 3		
	Ben P. Choate, Jr.	Position 4		
	Jerry L. Salyer	Position 5		
	Victor R. Seagle	Position 6		
	James S. Porter	Position 6	1992 - 1998	Walters - reappointment
	Dick Lynn	Position 7	1992 - 1998	Walters - reappointment
	Ozella M. Willis	Position 9		
1993	Jerry L. Salyer	Presiding Judge (5)		
	Kimberly E. West	Position 1		
	Louis G. Buchanan	Position 2		
	Terry A. Pendell	Position 3		
	Ben P. Choate, Jr.	Position 4		
	James S. Porter	Position 6		
	Dick Lynn	Position 7		
	Noma D. Gurich	Position 8		
	Ozella M. Willis	Position 9		

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1994	Jerry L. Salyer	Presiding Judge (5)	1994 - 2000	Walters - reappointment
	Kimberly E. West	Position 1		
	Louis G. Buchanan	Position 2		
	Terry A. Pendell	Position 3		
	Ben P. Choate, Jr.	Position 4		
	Susan Witt Conyers	Position 4	1994 - 2000	Walters
	James S. Porter	Position 6		
	Dick Lynn	Position 7		
	Noma D. Gurich	Position 8	1994 - 2000	Walters - reappointment
	Ozella M. Willis	Position 9	1994 - 2000	Walters - reappointment
Mary A. Black	Position 10	1994 - 1996	Walters	
1995	Susan Witt Conyers	Presiding Judge (4)		
	Kimberly E. West	Position 1		
	Louis G. Buchanan	Position 2		
	Terry A. Pendell	Position 3		
	Jerry L. Salyer	Position 5		
	James S. Porter	Position 6		
	Dick Lynn	Position 7		
	Noma D. Gurich	Position 8		
	Ozella M. Willis	Position 9		
Mary A. Black	Position 10			
1996	Susan Witt Conyers	Presiding Judge (4)		
	Kimberly E. West	Position 1		
	Ellen C. Edwards	Position 1	1996 - 2002	Keating
	Louis G. Buchanan	Position 2		
	Richard L. Blanchard	Position 2	1996 - 2002	Keating
	Terry A. Pendell	Position 3		
	Richard G. Mason	Position 3	1996 - 2002	Keating
	Jerry L. Salyer	Position 5		
	James S. Porter	Position 6		
	Dick Lynn	Position 7		
	Jim D. Filosa	Position 7	1996 - 1998	Keating
	Noma D. Gurich	Position 8		
	Ozella M. Willis	Position 9		
	Mary A. Black	Position 10		
Kenton W. Fulton	Position 10	1996 - 2002	Keating	

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
1997	Richard G. Mason	Presiding Judge (3)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	James S. Porter	Position 6		
	Jim D. Filosa	Position 7		
	Noma D. Gurich	Position 8		
	Ozella M. Willis	Position 9		
	Kenton W. Fulton	Position 10		
1998	Richard G. Mason	Presiding Judge (3)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	James S. Porter	Position 6		
	D. Craig Johnston	Position 6	1998 - 2004	Keating
	Jim D. Filosa	Position 7	1998 - 2004	Keating - reappointment
	Noma D. Gurich	Position 8		
	Gene Prigmore	Position 8	1998 - 2000	Keating
	Ozella M. Willis	Position 9		
Kenton W. Fulton	Position 10			
1999	Kenton W. Fulton	Presiding Judge (10)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	D. Craig Johnston	Position 6		
	Jim D. Filosa	Position 7		
	Gene Prigmore	Position 8		
	Ozella M. Willis	Position 9		
2000	Kenton W. Fulton	Presiding Judge (10)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4	2000 - 2006	Keating - reappointment
	Jerry L. Salyer	Position 5	2000 - 2006	Keating - reappointment
	D. Craig Johnston	Position 6		
	Jim D. Filosa	Position 7		
	Gene Prigmore	Position 8	2000 - 2006	Keating - reappointment
	Ozella M. Willis	Position 9		
Cherri Farrar	Position 9	2000 - 2006	Keating	

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
2001	Kenton W. Fulton	Presiding Judge (10)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	D. Craig Johnston	Position 6		
	Jim D. Filosa	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
2002	Kenton W. Fulton	Presiding Judge (10)	2002 - 2008	Keating - reappointment
	Ellen C. Edwards	Position 1	2002 - 2008	Keating - reappointment
	Richard L. Blanchard	Position 2	2002 - 2008	Keating - reappointment
	Richard G. Mason	Position 3	2002 - 2008	Keating - reappointment
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	D. Craig Johnston	Position 6		
	Jim D. Filosa	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
2003	Richard L. Blanchard	Presiding Judge (2)		
	Ellen C. Edwards	Position 1		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	D. Craig Johnston	Position 6		
	Jim D. Filosa	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Kenton W. Fulton	Position 10		
2004	Richard L. Blanchard	Presiding Judge (2)		
	Ellen C. Edwards	Position 1		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	D. Craig Johnston	Position 6		
	Mary A. Black	Position 6	2004 - 2010	Henry
	Jim D. Filosa	Position 7		
	Tom Leonard	Position 7	2004 - 2010	Henry
	Gene Prigmore	Position 8		
Cherri Farrar	Position 9			
Kenton W. Fulton	Position 10			

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
2005	Gene Prigmore	Presiding Judge (8)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Richard G. Mason	Position 3		
	Susan Witt Conyers	Position 4		
	Jerry L. Salyer	Position 5		
	Mary A. Black	Position 6		
	Tom Leonard	Position 7		
	Cherri Farrar	Position 9		
	Kenton W. Fulton	Position 10		
2006	Gene Prigmore	Presiding Judge (8)	2006 - 2012	Henry - reappointment
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Richard G. Mason	Position 3		
	Michael J. Harkey	Position 3	2006 - 2008	Henry
	Susan Witt Conyers	Position 4		
	Kent Eldridge	Position 4	2006 - 2012	Henry
	Jerry L. Salyer	Position 5		
	John M. McCormick	Position 5	2006 - 2012	Henry
	Mary A. Black	Position 6		
Tom Leonard	Position 7			
Cherri Farrar	Position 9	2006 - 2012	Henry - reappointment	
Kenton W. Fulton	Position 10			
2007	Mary A. Black	Presiding Judge (6)		
	Ellen C. Edwards	Position 1		
	Richard L. Blanchard	Position 2		
	Michael J. Harkey	Position 3		
	Kent Eldridge	Position 4		
	John M. McCormick	Position 5		
	Tom Leonard	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Kenton W. Fulton	Position 10		

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
2008	Mary A. Black	Presiding Judge (6)		
	Ellen C. Edwards	Position 1		
	Bob Lake Grove	Position 1	2008 - 2014	Henry
	Richard L. Blanchard	Position 2		
	William R. Foster, Jr.	Position 2	2008 - 2014	Henry
	Michael J. Harkey	Position 3	2008 - 2014	Henry - reappointment
	Kent Eldridge	Position 4		
	John M. McCormick	Position 5		
	Tom Leonard	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Kenton W. Fulton	Position 10		
Eric W. Quandt	Position 10	2008 - 2014	Henry	
2009	Kent Eldridge	Presiding Judge (4)		
	Bob Lake Grove	Position 1		
	William R. Foster, Jr.	Position 2		
	Michael J. Harkey	Position 3		
	John M. McCormick	Position 5		
	Mary A. Black	Position 6		
	Tom Leonard	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Eric W. Quandt	Position 10		
2010	Kent Eldridge	Presiding Judge (4)		
	Bob Lake Grove	Position 1		
	William R. Foster, Jr.	Position 2		
	Michael J. Harkey	Position 3		
	John M. McCormick	Position 5		
	Mary A. Black	Position 6		
	David P. Reid	Position 6	2010 - 2016	Henry
	Tom Leonard	Position 7		
	Owen T. Evans	Position 7	2010 - 2016	Henry
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Eric W. Quandt	Position 10		

History of Judicial Appointments Oklahoma Workers' Compensation Court

Year	Judge's Name	Position	Duration of Term ¹	Governor Appointing
2011	Michael J. Harkey	Presiding Judge (3)		
	Bob Lake Grove	Position 1		
	William R. Foster, Jr.	Position 2		
	Kent Eldridge	Position 4		
	John M. McCormick	Position 5		
	David P. Reid	Position 6		
	Owen T. Evans	Position 7		
	Gene Prigmore	Position 8		
	Cherri Farrar	Position 9		
	Eric W. Quandt	Position 10		

¹ Duration of term reflects the length of appointment and may not coincide with the actual term of employment with the Court.

Workers' Compensation Court

<http://www.owcc.state.ok.us>

Contact Information

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