

OKLAHOMA WORKERS' COMPENSATION COMMISSION
PROPOSED PERMANENT RULES
Submitted 12/22/16

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

810:1-1-2. Definitions

In addition to the terms defined in 85A O.S. § 2, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Administrative Law Judge" means an Administrative Law Judge of the Commission to whom the Commission has delegated by order or otherwise, the authority to conduct a hearing.

"AWCA" means the Administrative Workers' Compensation Act, 85A O.S. § 1, et seq.

"Certificate of noncoverage" or "CNC" means a certificate which may be issued by the Oklahoma Workers' Compensation Commission after proper application and reasonable investigation to a sole proprietor or the partners of a partnership who do not elect to be covered by the AWCA.

"Claimant" means a person who claims benefits for an alleged work injury, occupational disease or illness, or death, pursuant to the provisions of the AWCA.

"Claim administrator" means the trading partner sending electronic transactions to the Commission, which can be an insurer filing directly with the Commission on its own behalf, or a servicing company/third party administrator filing on behalf of the insurer.

"Claim Information" means data submitted via First Report of Injury (FROI) or Subsequent Report of Injury (SROI).

"Commission" means the Oklahoma Workers' Compensation Commission, a designee, or an Administrative Law Judge to whom the Commission has delegated responsibility as authorized by 85A O.S. § 21(D).

"Electronic Data Interchange" means the transmission of claim information through electronic means, in a format established by the Commission.

"EDI" means electronic data interchange.

"Executive Director" means the Executive Director of the Commission.

"FROI" means first report of injury.

"Insurer" means the entity responsible for making electronic filings as prescribed by law and these rules. This term includes self-insurers.

"Self-insurer" means any duly qualified individual employer or group self-insurance association authorized by the Commission to self-fund its workers' compensation obligations.

"SROI" means subsequent report of injury.

"Trading Partner" means an entity that has registered with the Commission to exchange data through Electronic Data Interchange.

"Workers' Compensation Commission fee schedule" means a state mandated schedule of maximum allowable reimbursement levels for health care providers, including hospitals, ambulatory surgical centers, and inpatient rehabilitation facilities, rendering reasonable and necessary health care services and supplies to an injured employee for a compensable injury pursuant to the Oklahoma workers' compensation laws.

"Written" means that which is expressed in writing, and includes electronic records.

810:1-1-3. General description of the Oklahoma Workers' Compensation Commission

(a) **History.** The Oklahoma Workers' Compensation Commission was created pursuant to legislation

enacted in 2013 and is responsible for administration of the Administrative Workers' Compensation Act, 85A O.S. § 1, et seq., except as otherwise provided by law.

(b) **Composition.** The Commission is comprised of three members who are appointed by the Governor and confirmed by the Senate for staggered terms. The initial appointments are for two (2), four (4) and six (6) years respectively, as determined by the Governor. Subsequent terms are for six (6) years. One of the initial appointments must be from a list of three (3) nominees selected by the Speaker of the Oklahoma House of Representatives. The Chair of the Commission is appointed by the Governor from among the Commission members. The Chair organizes, directs and develops administrative work, employs administrative staff within budgetary limitations, and performs other duties authorized by law or prescribed by the Commission. The Commission appoints an administrator who is the administrative officer of the Commission and manages the activities of its employees and performs other duties prescribed by the Chair or Commission. The title of the administrative officer shall be Executive Director. The Commission may appoint as many Administrative Law Judges and other personnel as necessary within budgetary limitations to effectuate the AWCA.

(c) **Duties.** It is the Commission's responsibility to apply the law as set out in the AWCA. The Commission has adjudicative, administrative and regulatory functions. Those functions include providing fair and timely procedures for the resolution of workers' compensation disputes; monitoring claims and benefit payments to injured workers, processing settlements and requests for changes in physicians; ensuring that employers maintain required insurance coverage; issuing certificates of noncoverage to eligible applicants; processing and approving applications of employers to act as self-insurers; processing and approving applications related to independent physicians, mediators and case managers; developing and maintaining a workers' compensation fee schedule; providing legal information and assistance to interested persons who have questions concerning the Oklahoma workers' compensation law; and participating in programs to explain the law and functions of the Commission to the general public.

(d) **Main offices of Commission.** The main offices of the Commission are located at: Denver Davison Building, 1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105.

810:1-1-8. Electronic Data Interchange

(a) **Mandatory compliance.** Mandatory compliance with all provisions of Commission rules pertaining to electronic data interchange shall commence January 1, 2018. Beginning January 1, 2018, claim administrators shall submit all claim information via EDI, according to electronic record layouts adopted by the International Association of Industrial Accident Board and Commissions (IAIABC) in its Release 3 standards, until such time as the Commission may adopt a subsequent release of the IAIABC standards. Any subsequent version of the IAIABC standards is deemed adopted upon approval by the Commission. Claim administrators shall adhere to the IAIABC standards most recently adopted by the Commission. Paper forms postmarked before the mandatory implementation date of January 1, 2018 will be accepted and filed.

(b) **Trading partner profile.** Each claim administrator shall submit to the Commission's EDI vendor a completed EDI trading partner profile at least two (2) business days before submitting claim information via EDI. A claim administrator shall have a trading partner profile on file with the Commission before EDI submissions from that claim administrator will be accepted. The claim administrator shall report changes to its profile information at least two (2) business days prior to sending transactions containing revised profile-related information to the Commission. Failure to report changes to the trading partner profile information may result in the rejection of an entire transmission or individual transaction(s) containing

profile information different from information reported on profile documents mostly recently submitted to the Commission.

(c) **Implementation guides incorporated by reference.** Claim administrators shall file all claim information according to the IAIABC EDI Implementation Guide for claims, the Oklahoma Workers' Compensation Commission EDI Implementation Guide, which includes, but is not limited to, the Event Table, Element Requirements and Edit Matrix as referenced, and as otherwise specified in these rules. The IAIABC EDI Implementation Guide for claims and the Oklahoma Workers' Compensation Commission EDI Implementation Guide are herein incorporated by reference. The Commission's EDI Implementation Guide can be found at www.okwccedi.info.

(d) **Paper forms.** On or after January 1, 2018 paper copies of the following forms will not be accepted and will only be satisfied by filing FROI and SROI as specified in the Oklahoma Workers' Compensation Commission EDI Implementation Guide:

(1) **CC-Form-2 Employer's First Notice of Injury;**

(2) **CC-Form-2A Employer's Intent to Controvert Claim;**

(3) **CC-Form-2A Extension Employer's Application and Authorization for Extension of Time to File CC-Form-2A; and**

(4) **CC-Form-4 Report of Compensation Paid/Suspension of Payments.**

(e) **Social security number.** All EDI reports submitted to the Commission shall include the last five (5) digits of the claimant's social security number, in addition to other information that may be required. If no social security number can be obtained, the report shall include the worker's USCIS (green card) number, employment visa number, or passport number.

(f) **Catastrophic Event.** Claim administrators, who directly or through a third party vendor, experience a catastrophic event resulting in the insurer's failure to meet timely filing requirements, shall submit a written or electronic request to the Commission for approval to submit required electronic form equivalents in an alternative filing timeline. The request shall be sent to the Commission within fifteen (15) days after the catastrophic event. The request shall contain a detailed explanation of the nature of the event, date of occurrence, and measures being taken to resume electronic submission. The claim administrator shall also provide an estimated date by which electronic submission of affected EDI filings will be resumed. Approval to submit in an alternative filing timeline shall be granted by the Commission if a catastrophic event prevents electronic submission. If approved, the electronic form equivalents that were due to be filed during the time the claim administrator was unable to file due to a catastrophic event, shall be sent with Late Reason Code "LB" (Late notification/payment due to Natural Disaster) or "LC" (Late notification/payment due to an act of Terrorism).