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*An important update from...*

## Oklahoma Workers' Compensation Commission



# Workers' Comp Clarion

Vol. 9, February 9, 2018



### The Chairman's Corner

*By Mark Liotta, Chairman*

Over 18 years in the private sector, I had a front row seat to the fragile nature of survival in a small business. I also live it today on my small family cattle ranch. Every month and every year are measured by profit/loss. The measuring stick is brutally real and unforgiving.

In government, there are few profit/loss measurements. Standards are subject to shifting political winds, and

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results are more difficult to fairly define. At the Workers' Compensation Commission (WCC), we are working to identify realistic benchmarks against which this new administrative system can be measured, so we may accurately define and report our effectiveness. Investing in continuously improved and logical, efficient process is our only real administrative tool.

A primary goal in the Legislature's 2013 workers' compensation reforms was to reduce the incentive for injury claims to be taken unnecessarily to costly and time-consuming trial, and to promote other possible dispositions mutually beneficial to both parties. We have identified this idea as one appropriate measure of the progress of the WCC's administrative efforts.

The chart below identifies the final disposition of cases from our inception until today. The lower orange line represents injury cases which have come to the WCC and gone through the litigation process of prehearing conferences, trial, and possibly both levels of the appellate review process. The upper, purple line represents cases which have avoided a costly trial for numerous reasons, and have gone to mediation, or settlement and agreed order, or were dismissed for various causes.



## Employees and Employers

Informational materials for employees and employers are available on our website: [ok.gov/wcc](http://ok.gov/wcc).

## Rules and Forms

The rule-making process for the Commission's permanent administrative rules is open. The public comment period will be open Through February 16, 2018. If you have a comment about the Rules or Forms, please send an email to: [rules@wcc.ok.gov](mailto:rules@wcc.ok.gov).

## Organizational Name Changes

- The **Insurance Division** is now known as the **PERMITTING SERVICES DIVISION**.
- The **Form 3 Department** is now known as the **CASE COMMENCEMENT DIVISION**.

## Oklahoma Workers' Compensation Commission

OKC Location:  
(405) 522-3222

*Click for Larger Image*

The most important aspect of this chart is the trend of the growing gap between the two lines over the short life of the WCC. More and more cases are avoiding costly, time-consuming trial and are finding mutually agreed disposition. Importantly, as our caseload has leveled off over the past year, this gap is generally being maintained.

At the WCC, we strive daily to maintain a system which is fair, unbiased and available to all parties, whichever path they choose to follow in an injury claim. We believe our timeliness and efficiency in processing claims is key to outcomes which avoid costly trial. Mutually beneficial and agreed dispositions to real workers' injury claims can be a good result for Oklahoma families and businesses.



## Legislative Update

*By Commissioner Jordan Russell*

Week one of the 2018 session of the Oklahoma legislature is in the books. Headed into the second week of committee work, sixteen workers'

compensation bills have been filed, and fifteen "carryover" bills remain alive from the 2017 session (note: 2017 was the first year of the two-year 56th Oklahoma Legislature): Click on the link for complete list of bills.

[Click Here](#)

*Link to Bills*

If you are following workers' compensation legislation, mark your calendar with the following deadlines for the 2018 regular session:

1915 N Stiles Ave, 231  
Oklahoma City, Oklahoma  
73105

Tulsa Location:  
(918) 295-3732  
212 Kerr State Office Bldg.  
440 South Houston  
Tulsa, Oklahoma 74127

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Please check out our website [www.ok.gov/wcc](http://www.ok.gov/wcc) to sign up for the latest news and updates. Simply indicate whether you want the update by text or email, then check your subscription preferences and you are all set to be fully informed on Commission activities.

- **Feb. 19** - Deadline for HB out of House subcommittees
- **March 1** - Deadline for HB/SB out of chamber of origin standing committees
- **March 15** - Deadline for third reading of HB/SB on floor of chamber of origin
- **April 5** - Deadline for SB out of House subcommittees
- **April 12** - Deadline for House bills out of Senate standing committees
- **April 19** - Deadline for Senate Bills out of Standing Committee
- **April 26** - Deadline for third reading of HB/SB from floor of opposite chamber
- **May 25** - Deadline for Constitutional sine die adjournment of Legislature

The Oklahoma Legislature offers interested parties access to a free legislative tracking system where you can opt to receive email notifications of hearing dates and results of any action on the Legislative Electronic Notification System (LENS) at

[Click Here](#)

*Link to LENS*

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## Employee Spotlight

By Collin Fowler, Director of Communication and Administration

*This is a new segment to our newsletter devoted to highlighting some of the wonderful people that work for the WCC. It is important to note that the Commission is more than the dour grey walls of the Denver Davison Building or even the laws that enacted us into being. In a very real way the employees of the WCC are at the heart of what defines us. Their hard work and commitment is what turns the lofty ideas of policy into the reality of administration. Here we examine the parts to appreciate the whole.*

When you meet Vicky Stewart for the first time you are almost bowled over by her energetic and cheerful personality. It is a vitality that no doubt served her well in her early career as a racing jockey riding thoroughbred horses. She raced on many of the tracks around the southeastern United States near her home in St. Augustine, Fl. It was this career that brought her to Oklahoma with the opening of Remington Park. She holds the notable distinction of being the first jockey to gallop around the track, and as she related to me, the first person to take a spill on it as well. The story goes that she was taking her horse on a practice run around the track when the sprinklers suddenly cut on and spooked her horse causing her to tumble out of the saddle.

As her family grew she decided to leave racing behind for a change in careers. This choice eventually brought her to the records office of the CEC, and then to us at the Commission where she learned docketing. Vicky has been with the Commission since its inception. Her diligent work and effervescent nature helped get the Commission up and running as smoothly as one of those thoroughbreds she used to ride. One of the things that we are very proud of at the WCC is the vast reduction in time it takes to get cases resolved. This can only be accomplished with the help of a great docketing staff to shepherd cases through our system quickly and efficiently. Vicky has moved to our recently re-named Case Commencement Division where she is putting her myriad of talents to great use. Thank you Vicky for all of your hard work!



Vicky in 1987 Riding J.B.'s Turn after a 1st place finish at Birmingham Turf Club

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## **Notes From The Doctor: Fee Schedule**

By. Dr. Jay Canon, Medical Director

We have received a great number of inquiries since the Commission established the [feeschedule@wcc.ok.com](mailto:feeschedule@wcc.ok.com) link. The Link was set up to submit questions concerning the 2012 Medical Fee Schedule. We hope this link has allowed your questions to be answered in a timely manner. The most common questions concern the interpretation of the Ground Rules of the 2012 Medical Fee Schedule. Frequently the question is how to bill for a service when the CPT code the provider wants to use is not found in the 2012 Medical Fee Schedule. We do not recommend CPT codes to providers. The Commission is not a billing service and believes the provider can best pick a CPT code to describe the services rendered.

General Ground Rule 5 in the 2012 Medical Fee Schedule provides that when a charge is billed using a procedure code (CPT) not listed in the Medical Fee Schedule, but found in the AMA CPT code listing, then reimbursement should be made; however, an equivalent code from the 2012 Medical Fee Schedule and its value should be provided. This will allow a new code not found in the Fee Schedule to be billed as long as a code that is in the schedule is referenced in order to maintain relativity.

The Commission is constantly working to review and update the Medical Fee Schedule. It will be a great help to us for providers to notify the Commission of CPT codes which they use that are not found in the 2012 Medical Fee Schedule. Please send these codes with their descriptions using the [feeschedule@wcc.ok.gov](mailto:feeschedule@wcc.ok.gov) link.

To request Medical Fee Dispute resolution file the following forms:

CC-Form 9- Request for Hearing and MFDR –Form 19- Providers Request for Medical Fee Resolution. Both can be found on the Workers Compensation Commission Web Site [www.wcc.ok.gov](http://www.wcc.ok.gov) under Forms.

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# Compliance Update: Misclassification of Employees

by Ray Andrews, Director of Compliance

The problem of misclassification of employees is a hot topic in the world of workers' compensation. The scope of the misclassification problem goes well beyond workers' comp concerns. Misclassification of employees as independent contractors leads to lower state and federal tax revenue. This problem can also create adverse problems for businesses as it exposes them to fines and possibly higher insurance rates. It is important for businesses to stay informed about how to properly classify their workers. The Compliance Division is available to answer general questions about proper classification of employees. The Dept. of Labor also has resources that may help answer any questions. Follow this link to learn more:

[Click Here](#)

*Link to DOL*

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## Administrative Rules and Forms Changes in the Offing

By Lindsey Christopher, Legal Counsel

The Commission continues its modernization efforts to take advantage of technology, significantly reducing costs and increasing efficiency. Those efforts include current development of an electronic data interchange (EDI) system as prescribed by law and movement towards replacement of its antiquated case management system known as WCIS. Implementation of these systems will streamline reporting, billing and data collection processes and allow for eventual online filing by stakeholders. To effect these changes and otherwise update its processes, the Commission is engaged in rulemaking and forms revision

Proposed permanent rules address issues with implementation of the EDI and case management systems; include new procedures for administrative hearings and appeal proceedings; attempt to simplify the application process for self-insurance permits; and clarify existing rules. Proposed forms changes include updates to conform with existing practices, adoption of a new Medical Interlocutory Order request form, and repeal of various obsolete forms.

To access the proposed Permanent Rules, Notices of Rulemaking Intent, Rule Impact Statements, and proposed forms, go to [https://www.ok.gov/wcc/Legal/Proposed\\_Rules\\_and\\_Forms\\_/index.html](https://www.ok.gov/wcc/Legal/Proposed_Rules_and_Forms_/index.html) on the Commission's website.

The Commission welcomes all interested parties to participate in the rulemaking and forms revision process by submitting written comments to [rules@wcc.ok.gov](mailto:rules@wcc.ok.gov) through February 16, 2018 and by attending the public hearing on February 20, 2018, which will be held at 1:30 p.m. in Commission Chambers on the 2nd floor of the Denver N. Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma.

[Communications@wcc.ok.gov](mailto:Communications@wcc.ok.gov)

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