

## Disposition Table

### From Title 85 to New Title 85A on the Administrative Workers' Compensation Act (85A O.S., §§ 1 Through 125) and the Workers' Compensation Court of Existing Claims (85A O.S., §400)

Source: Oklahoma Workers' Compensation Court

**NOTE:** All sections of Title 85 were repealed in SB 1062 (2013) effective 2/1/14, except for Sections 375 through 401. Most sections excluded from SB 1062 were addressed in HB 2201 (2013) as part of the CompSource Mutual Insurance Company Act, a new law codified in Title 85 of the Oklahoma Statutes. In some instances, sections repealed in SB 1062 were amended in HB 2201. To the extent possible, those sections are identified in this Disposition Table. Refer to the official publication of the Oklahoma Statutes for sections comprising Title 85 following the 2013 legislative session.

Title 85 Section Number	Title 85 WC Code Section Description	Title 85A Section Number
301	Short Title	1
302	Exclusive Liability - Intentional Tort - Immunity	5
303	Workers' Compensation Court - Judges - Qualifications of Administrator	400 (WC Court of Existing Claims)
304	Presiding Judge	None
305	Administrator of the Workers' Compensation Court	None, but see 19(E) (WC Commission Chairman)
306	Powers and Duties of Administrator	None, but see 19(E) (WC Commission Chairman powers and duties)
307	Testimony by Court Employees - Solicitation of or Referral to Attorney or Physician - Penalties - Ex Parte Communications	None, but see 105 (WC Commission - prohibited acts)
308 <b>NOTE:</b> Amended in §37, HB 2201 (2013), effective 1/1/15.	Definitions	2, 13 (mental injury), 14 (heart or lung injury), 65 (occupational disease), 66 (asbestosis/silicosis), 85 (clean claim)
309	Computation of Time	125
310	Covered Employer's Duty to Provide Benefits - Jurisdiction of the Workers' Compensation Code	3 [applicability of Administrative Workers' Compensation Act (AWCA)], 35 (employer's liability for compensation under the AWCA)
311	Employees Excluded	2(18)(b)
312	Injuries That Are Not Compensable	2(9)(b)(13), 35(A)(2)
313 <b>NOTE:</b> Amended in §38, HB 2201 (2013), effective 1/1/15.	Public Entities Required to Provide Workers' Compensation - Insurance - State Insurance Fund	107
314	Liability of Person, Firm, or Corporation Other Than Immediate Employer of Injured Employee	36

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Title 85 Section Number	Title 85 WC Code Section Description	Title 85A Section Number
315	Law Determining Benefits for Single Event Injury, Cumulative Trauma Injury, Occupational Disease or Illness, or Death	45(G)
316	Liability of Employer for Occupational Disease - Exception for Silicosis, Asbestosis, or Related Disease	65 (occupational disease), 66 (asbestosis or silicosis)
317	Employer Liability for Cumulative Trauma	None, but see 62(B) (soft tissue injury)
318	Statute of Limitations	67 (notice of occupational disease or cumulative trauma), 69 (limitations periods), 80 (statute of repose)
319	Dismissal of Claim - Refiling	108
320	Workers' Compensation Counselor or Ombudsman Program - Notice - Training	109
321	Mediation	109, 110
322	Records of Injuries - Employer's First Notice of Injury - Notice to Employees - Penalty	41 (notice), 63 (employer reports - penalty)
323	Rebuttable Presumptions Regarding Whether Injury Is Work-Related - Employee's First Notice of Accidental Injury and Claim for Compensation	68
324	Filing of Claim - Answers and Defenses - Prehearing Conference or Trial	70 (preliminary conference procedure), 83 (attorney's or party's signature), 111 (commencement of benefit claim and answer)
325	Assignment of Claims to Judges - Venue - Videoconferencing	None, but see 27 (powers and duties of ALJs), 71(B) (assignment of claims to ALJs - venue) and 400(A) (assignment of duties to ALJs)

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Title 85 Section Number	Title 85 WC Code Section Description	Title 85A Section Number
326	Employer's Duty to Provide Medical Care - Change of Treating Physician - Official Disability Guidelines (ODG) Applicable - Mileage Reimbursement	16 (ODG), 50 (medical care - mileage reimbursement), 53 (physical examination), 56 (initial selection and change of physician)
327	Oklahoma Workers' Compensation Medical Fee Schedule	50 (fee schedule), 51 (payment of medical expenses), 52 (medical services and supplies), 55 (review of medical charges), 57 (missed appointments)
328 <b>NOTE:</b> Amended in §39, HB 2201 (2013), effective 1/1/15.	Employer Selection of Treating Physician - Petition for Change - Procedure for Approval of Workplace Medical Plan	56 (initial selection and change of physician), 64 (CWMP)
329	Independent Medical Examiners - Report - Right to Object	112
330	Case Management - Court Qualified Case Managers	113
331	Computation of Average Weekly Wages	59
332	Temporary Total Disability - Temporary Partial Disability	45(A) (TTD), 45(B) (TPD), 49 (limitations on TTD), 62 (soft tissue injury), 94 (incarcerated employee)
333	Permanent Impairment or Disability	45(C) (PPD), 46 (schedule for amputation and total loss of use), 60 (PAC system to evaluate permanent impairment), 61 (hernia), 94 (incarcerated employee)
334	Permanent Disfigurement	45(F)
335	Prosthetic Devices	114

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Title 85 Section Number	Title 85 WC Code Section Description	Title 85A Section Number
336	Permanent Total Disability - Duration of Payments - Effect of Death or Subsequent Incarceration of Claimant	45(D) (PTD), 94 (incarcerated employee)
337	Determination of Beneficiaries Upon Death - Benefits	11 (death benefits to alien dependents), 47 (death benefits generally), 48 (death benefits to illegally employed minor)
338	Physical and Vocational Rehabilitation Services - Vocational Rehabilitation Director	45(E) (vocational rehabilitation benefit - Director)
339 <b>NOTE:</b> Amended in §40, HB 2201 (2013), effective 1/1/15.	Compromise Settlement of Claim - Notice	87 (joint petition settlement), 115 (joint petition - authorization - process)
340	Appeals	78 (finality of WC Commission order or award - review), 90 (deposit or bond to secure payment of an award), 91 (payment of interest)
341	Retaliatory Discharge of Employee or Termination of Health Insurance - No Duty to Rehire or Retain in Certain Circumstances - Damages	7
342	Change of Condition	67(B), 80
343	Claims for Legal Services - Attorney Fees	82
344	Costs and Penalties	81 (costs in proceedings brought without reasonable grounds)
345	Credit Against Judgment - Enforcement and Payment of Judgment - Default	84 (methods of payment), 89 (credit for compensation or wages paid), 116 (payment of awards - credits - commutation)

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346	Filing of Judgment with District Court - Suspension or Revocation of Insurance License - Creation of New Business Entity to Avoid Judgment Prohibited	79 (enforcement of judgment or award)
347	Contempt of Court - Attachment Proceedings - Penalty	73(B) (WC Commission's contempt powers), 400(E)(H) (WC Court of Existing Claims' contempt powers)
348	Election of Remedy - Right of Subrogation - Credit Against Future Benefits	43
349	Employee Agreement to Pay Premium Invalid - Misdemeanor - Assignment, Release, or Commutation - Payment in Case of Claimant Death	9, 10
350	Child Support Lien	10
351	Employer to Secure Compensation - Proof of Ability to Pay - Penalty	38
352 <b>NOTE:</b> Amended in §41, HB 2201 (2013), effective 1/1/15.	Failure to Secure Compensation - Civil Penalty - Cease and Desist Order - Injunction	40
353	Summary Hearing - Formal Hearing - Appeal	40
354	Willful Failure to Provide Compensation - Misdemeanor - Penalty	40
355	Administrator of Group Self-Insurance Association Conflict of Interest	None
356	Insurance - Mandatory Policy Provisions - Disclosure - Coverage - Notice of Intent to Cancel	42 (content, cancellation and coverage requirements of insurance policies securing payment of compensation under the AWCA), 95 (deductibles)
357	Employer and Insurance Carrier Estopped From Denying Employment of Certain Employees	117
358	Individual Self-Insured Guaranty Fund - Board	None

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359	Group Self-Insurance Association Guaranty Fund - Board	None
360	Workers' Compensation Self-Insurance Guaranty Fund - Board	28 (Self-Insured Guaranty Fund), 96 (Self-Insurance Guaranty Fund Board)
361	Workers' Compensation Self-Insurance Guaranty Fund - Purpose - Not Subject to Appropriation - Expenditures - Subject to Audit	97 (Self-Insurance Guaranty Fund - purpose)
362	Workers' Compensation Self-Insurance Guaranty Fund - Sources	98 (Self-Insurance Guaranty Fund - sources)
363	Impaired Self Insurer - Release of Security Deposit - Claims	99 (impaired self-insurer)
364	Workers' Compensation Self-Insurance Guaranty Fund Board to be Party in Interest in Claims Against Impaired Self-Insurer	100 (Self-Insurance Guaranty Fund Board - powers and duties)
365	Cessation of Individual Self-Insured Guaranty Fund, Group Self-Insurance Association Guaranty Fund, and Boards	None
366	Immunity for Acts Done in Good Faith	96(E), 104
367	Reporting - Electronic Data Interchange	101
368	Fees and Costs	118 (WC Commission fees)
369	Annual Application Fees - Deposit	29 (WC Fund self-insurer fee and TPA fee)
370	Copy Fees - Deposit	119 (WC Commission copy fee - deposit)
371	Employers to Furnish Information - Records to be Open for Inspection	63
372	Inquiry and Information Regarding Prior Workers' Compensation Claims	120
373 <b>NOTE:</b> Amended in §42, HB 2201 (2013), effective 8/23/13.	Physician Advisory Committee (PAC)	17 (PAC), 60 (PAC system to evaluate permanent impairment)
374	Advisory Council on Workers' Compensation	121

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375 <b>NOTE:</b> Amended and recodified as 85 OS 376.1, in HB 2201 (2013), effective 8/23/13, and repealed in §53, HB 2201 (2013), effective 1/1/15.	"CompSource Oklahoma" Fund - Purpose - Character and Contents - Use	None
376 <b>NOTE:</b> Amended and recodified as 85 OS 376.2 in HB 2201 (2013), effective 8/23/13, and repealed in §53, HB 2201 (2013), effective 1/1/15.	Board of Managers of CompSource Oklahoma - Members - Meetings - Powers and Duties - Gratuities - Name	None
377 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	CompSource Oklahoma President and Chief Executive Officer	None
378 <b>NOTE:</b> Repealed in §52, HB 2201 (2013), effective 8/23/13.	Task Force on Privatization of CompSource Oklahoma - Purpose - Membership - Duties	None
379 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Powers and Jurisdiction of CompSource Officers	None
380 <b>NOTE:</b> Amended in §45, HB 2201 (2013), effective 1/1/15.	Volunteer Fire Departments - Volunteer Firefighter Group Insurance Pool	None
381 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Management and Conduct of Business and Affairs of Fund	None

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382 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Powers and Authority of CompSource Oklahoma President and Chief Executive Officer - Funding Through Actuarially Sound Rates and Premiums - Losses	None
383	Deposits and Transfers - Commissioner to Manage Fund - Warrants, Checks, Drafts, and Vouchers	None
384 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Petty Cash Fund	None
385 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Commissioner to Appoint Employees - Salaries - Chief Attorney's Salary	None
386 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Percentage of Premiums Set Aside for Surplus - Transfer of Surplus to Other Funds - Reserves	None
387 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Investment or Loan of Surplus or Reserve Fund - Duties and Liability of Board of Managers - Investment Committee - Investment Manager - Report	None
388 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Fiduciary to State Insurance Fund - Restrictions, Powers and Duties	None
389 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Administration Expenses - Budget - Limitation on Account - Audits - Annual Financial Statement	None
390 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Duty to Keep Accounts of Money Paid and Received	None
391 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Payment of Premiums - Adjusted Premiums	None



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392 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Insurance Premium Credit Program	None
393 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Default in Payment - Cancellation of Insurance - Civil Action	None
394 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Record of Employees and Wages - Inspection - Penalty for Violation	None
395 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Misrepresentation to Obtain Insurance - Penalty	None
396 <b>NOTE:</b> Amended in §46, HB 2201 (2013), effective 8/23/13.	Information Not Open to Public Inspection - Penalty for Violation - Listing of Insureds	None
397 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Contract or Policy of Insurance - Payment of Premiums - Receipts	None
398 <b>NOTE:</b> This section was <u>not</u> repealed in either HB 2201 (2013) or SB 1062 (2013) and so remains part of Title 85.	Group Self-Insurers	102
399 <b>NOTE:</b> This section was <u>not</u> repealed in either HB 2201 (2013) or SB 1062 (2013) and so remains part of Title 85.	Pooling of Liabilities by Group Self-Insurance Associations	103

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400 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Invalidity Clause	4
401 <b>NOTE:</b> Repealed in §53, HB 2201 (2013), effective 1/1/15.	Annual Report to Treasurer - Annual Market Equalization Assessment	None
402	Definition of "Physically Impaired Person"	30
403 <b>NOTE:</b> Amended in §47, HB 2201 (2013), effective 8/23/13.	Multiple Injury Trust Fund (MITF)	28 (MITF fund), 31 (MITF funding sources - administration and protection - appeals)
404	MITF - Compensation - Attorney Fees	32
405	MITF - Notice of Claim - Limitations	33 (MITF limitations periods - prohibition on representing both insurance carrier and claimant)
406 <b>NOTE:</b> Amended in §48, HB 2201 (2013), effective 8/23/13.	MITF - Administration - Right to Bring Proceeding in Supreme Court	31, 34
407 <b>NOTE:</b> Amended in §49, HB 2201 (2013), effective 1/1/15.	Workers' Compensation Administration Fund	28 (WC Fund created), 122 (WC Fund – uses)
408	Written Declaration that Filings With Court Are Made Under Penalty of Perjury	123 (perjury declaration on documents filed with WC Commission)
409	Authority of Court to Order Immediate Payment of Benefits - Expedited Hearing	88 (authority of Commission to order payment of benefits in event of disputed source of benefits)
410	Written Permission to Review Records - Subpoenas	6 (wc fraud, see also 21 OS §1663)

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411	Applicability of Provisions Determined to be Substantive	None
412	Conversion of Previous Workers' Compensation Court System to Present System	124 [transfers related to SB 1062 (2013)]
413	Independent Benefits Not to be Considered in Determining Benefits Under This Act - Employee Agreement to Waive Right to Compensation Invalid	8 (employee waiver of compensation void)