

1 ENGROSSED HOUSE
2 BILL NO. 1347

By: Rousselot of the House

and

David of the Senate

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7 An Act relating to workers' compensation; amending
8 Section 78, Chapter 208, O.S.L. 2013 (85A O.S. Supp.
9 2014, Section 78), which relates to the appeals
10 process; providing for the continuation of medication
11 during the appeals process; and providing an
12 effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY Section 78, Chapter 208, O.S.L.
15 2013 (85A O.S. Supp. 2014, Section 78), is amended to read as
16 follows:

17 Section 78. A. Any party feeling aggrieved by the judgment,
18 decision, or award made by the administrative law judge may, within
19 ten (10) days of issuance, appeal to the Workers' Compensation
20 Commission. After hearing arguments, the Commission may reverse or
21 modify the decision only if it determines that the decision was
22 against the clear weight of the evidence or contrary to law. All
23 such proceedings of the Commission shall be recorded by a court
24 reporter, if requested by any party. Any judgment of the Commission

1 which reverses a decision of the administrative law judge shall
2 contain specific findings relating to the reversal.

3 B. The appellant shall pay a filing fee of One Hundred Seventy-
4 five Dollars (\$175.00) to the Commission at the time of filing his
5 or her appeal. The fee shall be deposited in the Workers'
6 Compensation Fund.

7 C. The judgment, decision or award of the Commission shall be
8 final and conclusive on all questions within its jurisdiction
9 between the parties unless an action is commenced in the Supreme
10 Court of this state to review the judgment, decision or award within
11 twenty (20) days of being sent to the parties. Any judgment,
12 decision or award made by an administrative law judge shall be
13 stayed until all appeal rights have been waived or exhausted. The
14 Supreme Court may modify, reverse, remand for rehearing, or set
15 aside the judgment or award only if it was:

- 16 1. In violation of constitutional provisions;
- 17 2. In excess of the statutory authority or jurisdiction of the
18 Commission;
- 19 3. Made on unlawful procedure;
- 20 4. Affected by other error of law;
- 21 5. Clearly erroneous in view of the reliable, material,
22 probative and substantial competent evidence;
- 23 6. Arbitrary or capricious;
- 24 7. Procured by fraud; or

1 8. Missing findings of fact on issues essential to the
2 decision.

3 This action shall be commenced by filing with the Clerk of the
4 Supreme Court a certified copy of the judgment, decision or award of
5 the Commission attached to the petition by the complaint which shall
6 specify why the judgment, decision or award is erroneous or illegal.
7 The proceedings shall be heard in a summary manner and shall have
8 precedence over all other civil cases in the Supreme Court, except
9 preferred Corporation Commission appeals. The Supreme Court shall
10 require the appealing party to file within forty-five (45) days from
11 the date of the filing of an appeal or a judgment appealed from, a
12 transcript of the record of the proceedings before the Commission,
13 or such later time as may be granted by the Supreme Court on
14 application and for good cause shown. The action shall be subject
15 to the law and practice applicable to other civil actions cognizable
16 in the Supreme Court.

17 D. A fee of One Hundred Dollars (\$100.00) per appeal to the
18 Supreme Court shall be paid to the Commission and deposited in the
19 Workers' Compensation Fund as costs for preparing, assembling,
20 indexing and transmitting the record for appellate review. This fee
21 shall be paid by the party taking the appeal. If more than one
22 party to the action files an appeal from the same judgment, decision
23 or award, the fee shall be paid by the party whose petition in error
24 commences the principal appeal.

1 E. During the pendency of an appeal filed by an employer or the
2 employer's insurance carrier pursuant to this section, payment for
3 any prescription drugs prescribed by the treating physician shall be
4 continued. If payment for prescription drugs is an issue on appeal,
5 and the employer is held not to be liable for payment for the
6 prescription drugs, the employee shall reimburse the employer or the
7 employer's insurance carrier for the cost of prescriptions filled
8 during the time of the appeals process.

9 SECTION 2. This act shall become effective November 1, 2015.

10 Passed the House of Representatives the 25th day of February,
11 2015.

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Presiding Officer of the House
of Representatives

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16 Passed the Senate the ___ day of _____, 2015.

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Presiding Officer of the Senate

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