

1 ENGROSSED HOUSE
2 BILL NO. 3601

By: Hill of the House

3 and

4 Paxton of the Senate

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6
7 An Act relating to workers' compensation; amending
8 85A O.S. 2021, Section 17, which relates to the
9 Physician Advisory Committee; modifying certain
Committee member appointment qualifications; and
providing an effective date.

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

13 SECTION 1. AMENDATORY 85A O.S. 2021, Section 17, is
14 amended to read as follows:

15 Section 17. A. There is hereby created a Physician Advisory
16 Committee comprised of nine (9) members to be appointed as follows:

17 1. The Governor shall appoint three members, one of whom shall
18 be licensed in this state as a doctor of medicine and surgery, one
19 of whom shall be engaged in the practice of family medicine ~~in a~~
20 ~~rural community of the state~~, and one of whom shall be an
21 osteopathic physician;

22 2. The President Pro Tempore of the Senate shall appoint three
23 members, one of whom shall be licensed in this state as a doctor of
24 medicine and orthopedic surgery, one of whom shall be licensed in

1 this state either as a doctor of medicine or a doctor of osteopathy
2 and a neurosurgeon, and one of whom shall be licensed in this state
3 as a podiatric physician; and

4 3. The Speaker of the House of Representatives shall appoint
5 three members, one of whom shall be licensed in this state as an
6 osteopathic physician, one of whom shall be licensed in this state
7 either as a doctor of medicine or a doctor of osteopathy and shall
8 be engaged in the practice of occupational medicine, and one of whom
9 shall be licensed in this state as a chiropractic physician.

10 Any member serving on the effective date of this section shall
11 serve the remainder of his or her term. Thereafter, each position
12 will be filled by the appointing official for a term of three (3)
13 years. Members shall be subject to reappointment, with any new
14 appointee to serve out the remainder of the unexpired term of the
15 Committee member so replaced.

16 B. The Committee shall:

17 1. Assist and advise the Workers' Compensation Commission
18 regarding utilization review as it relates to the medical practice
19 and treatment of work-related injuries. Such utilization review
20 shall include a review of reasonable and necessary medical
21 treatment; abusive practices; needless treatments, testing, or
22 procedures; or a pattern of billing in excess of or in violation of
23 the Schedule of Medical Fees. The Physician Advisory Committee
24 shall review and make findings and recommendations to the Commission

1 with respect to charges of inappropriate or unnecessary treatment or
2 procedures, abusive practices, or excessive billing disclosed
3 through utilization review;

4 2. Assist the Commission in reviewing medical practices of
5 health care providers, including evaluations of permanent disability
6 provided by health care providers. The Committee shall review and
7 make findings and recommendations to the Commission with respect to
8 charges of abusive practices by health care providers providing
9 medical services or evaluations of permanent partial disability
10 through the workers' compensation system;

11 3. After public hearing, review and make recommendations for
12 acceptable deviations from the American Medical Association's
13 "Guides to the Evaluation of Permanent Impairment";

14 4. After public hearing, adopt Physician Advisory Committee
15 Guidelines (PACG) and protocols for only medical treatment not
16 addressed by the latest edition of the Official Disability
17 Guidelines;

18 5. After public hearing, adopt Physician Advisory Committee
19 Guidelines for the prescription and dispensing of any controlled
20 substance included in Schedule II of the Uniform Controlled
21 Dangerous Substances Act if not addressed by the current edition of
22 the Official Disability Guidelines;

23 6. Review utilization on cases or of providers when requested
24 by any employer, injured employee or insurer. The Committee may

1 issue a public or private censure to any provider for utilization
2 which is excessive or inadequate, or recommend the Commission order
3 treatment within the treatment guidelines;

4 7. Provide general recommendations to the Commission on the
5 issues of injury causation and apportionment;

6 8. Conduct educational seminars for the Commission, employers,
7 employees, and other interested parties;

8 9. Assist the Commission in accessing medical information from
9 scientific literature; and

10 10. Report its progress annually to the Governor, the President
11 Pro Tempore of the Senate, and the Speaker of the House of
12 Representatives.

13 C. The Commission shall recognize the latest edition of the
14 Official Disability Guidelines as the primary standard of reference,
15 at the time of treatment, in determining the frequency and extent of
16 services presumed to be medically necessary and appropriate for
17 compensable injuries under this act, or in resolving such matters in
18 the event a dispute arises.

19 D. Members of the Physician Advisory Committee shall receive no
20 compensation for serving on the Committee but shall be reimbursed by
21 the Commission for their necessary travel expenses incurred in the
22 performance of their duties in accordance with the State Travel
23 Reimbursement Act.

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1 E. Meetings of the Physician Advisory Committee shall be called
2 by the Commission but held at least quarterly. The presence of a
3 majority of the members shall constitute a quorum. No action shall
4 be taken by the Physician Advisory Committee without the affirmative
5 vote of at least a majority of the members.

6 F. The Commission shall provide office supplies and personnel
7 of the Commission to assist the Committee in the performance of its
8 duties.

9 G. Upon written request, the Insurance Commissioner, CompSource
10 Oklahoma, and every approved self-insured employer in Oklahoma shall
11 provide the Committee with data necessary to the performance of its
12 duties.

13 H. Any health care provider acting in good faith and within the
14 scope of the provider's duties as a member of the Physician Advisory
15 Committee shall be immune from civil liability for making any report
16 or other information available to the judges of the Commission or to
17 the Commission or for assisting in the origination, investigation,
18 or preparation of the report or other information so provided.

19 SECTION 2. This act shall become effective November 1, 2024.
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1 Passed the House of Representatives the 12th day of March, 2024.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate