

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3601

By: Hill

AS INTRODUCED

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

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

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

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

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

2. The President Pro Tempore of the Senate shall appoint three members, one of whom shall be licensed in this state as a doctor of

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

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

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

17 B. The Committee shall:

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

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

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

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

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

1 6. Review utilization on cases or of providers when requested
2 by any employer, injured employee or insurer. The Committee may
3 issue a public or private censure to any provider for utilization
4 which is excessive or inadequate, or recommend the Commission order
5 treatment within the treatment guidelines;

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

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

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

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

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

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2024.
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