



## NCA 15-265

### CLASSIFICATION: #48. WORKER'S COMPENSATION

### A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 48, §§1-104U., 1-106D., 5-101, 6-101, 6-105, 8-105 ENTITLED "Worker's Compensation"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 48 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

#### CHAPTER ONE. GENERAL PROVISIONS

§ 1-104. Definitions. Pronouns of the masculine gender used in this Code shall apply to both sexes. Unless stated otherwise in specific sections of the Code, time limits shall be calculated using calendar days. Unless the context otherwise requires, the definitions which follow govern the construction and meaning of the terms used in this Code:

U. "Maximum Medical Improvement" (MMI) shall mean the earlier of:

1. The point after which further material recovery from or last improvement to an injury can no longer reasonably be anticipated, based on the reasonable medical probability; but in no case may exceed beyond 36 months from the date of the Injury or in the case of Cumulative Trauma or Occupational Disease, 36 months of initial treatment by the Attending Physician; or
2. ~~The point at which the Covered Worker is deemed to be at MMI pursuant to Section 6-105.~~

§ 1-106. Time Limit for Reporting of Incidents and Filing of Claims.

~~D. A Covered Worker may request one change of condition for the worse, which shall be submitted in writing to the Administrator no later than one (1) year from the date the Covered Worker is deemed to be at Maximum Medical Improvement. A finding of a change of condition for the worse must be supported by the previous Attending Physician or the injured Worker's previous Consulting Physician. Complaints of increased pain alone are not sufficient to support a change of condition for the worse. Upon a finding of a change of condition for the worse, the Covered Worker shall be entitled to benefits as provided in this Code.~~

#### **CHAPTER FIVE. BENEFITS - GENERAL PROVISIONS**

**§ 5-101. Right to Compensation and Medical Treatment Benefits.** A Covered Worker coming within the provisions of this Code who is injured, or in the event of a Covered Workers' death, the Dependents of such Covered Worker, shall be entitled to receive benefits as provided under this Code until such time as the Covered Worker reaches MMI as defined in section 1-104U.

#### **CHAPTER SIX. BENEFITS**

**§6-101. Vocational Rehabilitation.** Vocational rehabilitation benefits or training are not mandatory under this Code. Vocational Rehabilitation is allowed; provided the Covered Worker has exhausted any available state, federally or tribally funded vocational programs. A Covered Worker must make a written request to the Administrator for vocational rehabilitation within 60 days of the Attending/Consulting Physician providing a determination of permanent restrictions. Payment by the Employer of vocational benefits, including mileage, tuition, books, uniforms and other related educational costs, shall not exceed a maximum of \$5,000.00.

**§ 6-105. Impairment Benefits.**

**E.** When a Covered Worker is entitled to Permanent Disability Benefits those Benefits will be payable weekly based on the impairment rating issued to the Covered Worker multiplied by \$200,000 and to be paid in equal installments over a 104 week period, unless a lump sum settlement has been reached. Benefits payable under this Section are limited to a total of \$200,000 regardless of the impairment rating issued and regardless of the number of body parts involved. Settlements are not to exceed \$100,000 unless approved by the TWBAC.

#### **CHAPTER EIGHT. MEDICAL BENEFITS**

~~§ 8-105. **Medical Benefits Settlement of Future Medical Treatment.** The Worker may negotiate settlement of future medical expenses which will be paid in weekly installments to the Worker. The basis for settlement will be the value of the current and future medical treatment plan. Settlements under this Section are not to exceed \$100,000 and must be approved by the TWBAC.~~

**A. Necessary and reasonable medical benefits shall cease upon a finding of MMI pursuant to 1-104U, by the Attending Physician or Consulting Physician. In no circumstance may medical benefits, including benefits for continued medical maintenance, be allowed beyond the 36 month limit as referenced in 1-104U.**

**B. Once the Worker is deemed to be at MMI pursuant to 1-104U., no additional medical care or benefits are allowed due to change of condition for the worse, regardless of whether the 36 month limit has expired.**

**SECTION TWO. EFFECTIVE DATE.** This Act shall become effective immediately. In the event that any provision of this Code is held to be unconstitutional or unenforceable, all other provisions of this Code shall remain in full force and shall be construed in a manner to effectuate the purpose and intent of this Code.

**ENACTED** by the Muscogee (Creek) National Council on this 19<sup>th</sup> day of December, 2015.

**IN WITNESS WHEREOF,** the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



\_\_\_\_\_  
Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with Thirteen members attending this meeting on the 19<sup>th</sup> day of December, 2015 and that the above is in conformity with the provisions therein adopted by a vote of 12 in favor, 0 against, and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



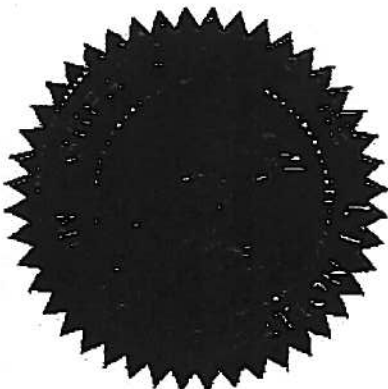
Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 21<sup>st</sup> day of Dec, 2015 to the above Law, NCA 15-265 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



George Tiger, Principal  
Muscogee (Creek) Nation





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benefits as provided under this Code until such time as the Covered Worker reaches MMI as defined in section 1-104U.

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### **§ 8-105. Medical Benefits**

A. Necessary and reasonable medical benefits shall cease upon a finding of MMI pursuant to 1-104U. by the Attending Physician or Consulting Physician. In no circumstance may medical benefits, including benefits for continued medical maintenance, be allowed beyond the 36 month limit as referenced in 1-104U.

B. Once the Worker is deemed to be at MMI pursuant to 1-104U., no additional medical care or benefits are allowed due to change of condition for the worse, regardless of whether the 36 month limit has expired.

**SECTION TWO. EFFECTIVE DATE.** This Act shall become effective immediately. In the event that any provision of this Code is held to be unconstitutional or unenforceable, all other provisions of this Code shall remain in full force and shall be construed in a manner to effectuate the purpose and intent of this Code.

**ENACTED** by the Muscogee (Creek) National Council on this 19<sup>th</sup> day of December, 2015.

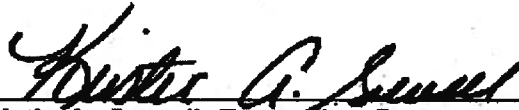
**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



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Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation

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Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

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George Tiger, Principal  
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