

Changes to workers' compensation system leave injured man facing financial struggles

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A workplace accident forever altered the life of Stan E. Spence, a 28-year-old married father of three.

"I don't make enough money to pay all the bills," said Spence, of Disney. "We pick and choose what bills to pay every month."

The state's workers' compensation system, which has undergone changes in recent years, pays his medical bills but falls short of covering his lost wages.

"I don't drive anymore. That cuts out everything for me," Spence said. "I like to hunt and fish, and haven't gotten to do any of either since I got hurt."

Spence was injured May 31, 2015, while working at the LSB Industries plant in Pryor. He said a compressor blew up and shot out a valve that hit him in the face.

"It broke every bone in my face," Spence said. "It pulverized my face."

A spokesman for LSB Industries declined to comment.

A 2013 change to benefits for workers' compensation means his family has considerably less to live off of than it would have

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had under the old law.

"The new law, which gave Oklahoma the second-lowest maximum temporary total disability in the nation, is paying Stan the maximum of \$571 a week," said his attorney, Bob Burke, who has lodged successful challenges to the law.

Temporary total disability benefits are weekly payments when someone is under active medical treatment and can't perform his or her job, Burke said.

"It provides temporary wage replacement benefits," Burke said.

Spence, with overtime, had been earning about \$1,200 a week before the accident, Burke

said.

Under the old law, his benefits would have been about \$800 a week, Burke said. At that time, the wage replacement was paid at rate ranging from 70 percent of the average weekly wage of the worker up to the maximum of the state's average weekly wage for all workers, Burke said.

The Legislature cut the maximum benefit by 30 percent, Burke said. The maximum is now 70 percent of the state's average weekly wage, he said.

"So for example, for this particular worker, he is drawing \$571 a week where under the old law he would have drawn \$801 a week," Burke said. "And that is \$1,000 a month less."

Spence is recovering from his third surgery. He still has another surgery on the horizon to help him with an eye injury.

He said he lives with double-vision and severe migraine headaches.

"Life pretty much changed," Spence said. "It is upside down."

Spence said he suffers from depression and anxiety as a result of the accident.

"I don't like going out in public because everyone looks at you," he said.

Spence also is facing financial disaster because the new law limits temporary total disability benefits to two years, Burke said. If Spence is still under treatment next May, his weekly checks will stop, Burke said.

Previously, the limit was a little over 5½ years, but was reduced to three years in 2011 and then lowered to two years under the 2013 change, Burke said.

The three-year limit worked in most cases, but the new limit doesn't always work, especially if the insurance company fights a treatment, Burke said.

The law is known for switching the system to an administrative process from a judicial one.

It was backed strongly by Republican lawmakers who said

it would reduce costs and get injured employees back to work sooner. It also was touted as a way to make the state more business friendly.

Rep. Jon Echols, R-Oklahoma City, is expected to spearhead any potential changes to the law in the upcoming legislative session.

"The old workers' compensation system crippled Oklahoma's economic development with a system that was towards the top in cost and towards the bottom in health outcomes," Echols said. "However, the reforms are working and costs are going down."

Echols said he was "very open" to a considering increasing the state's temporary total disability reimbursement rate.

But he said the current rate is already more generous than those in some of neighboring states.

"I hope the workers' compensation bar will be equally willing to work with the Legislature to improve the system, while at the same time acknowledging that the reforms have been successful," Echols said. "In this time when we need to diversify our economy, we must improve what we have and not return to a failed system."