

**Cherokee Nation Code Annotated**

**Title 85: Workers' Compensation**

**Chapter 1: General Provisions**

**§ 19. Preexisting condition**

Cite as: 85 CNCA § 19

A. All covered workers shall disclose at the request of the employer any preexisting condition at the time of hire and before commencing employment.

B. Any claim for aggravation of a preexisting condition which was not disclosed may be denied by the employer under this Title if that person had knowledge of the preexisting condition and failed to disclose the preexisting condition.

C. If an employee is suffering from a preexisting condition at the time an accident occurs and the preexisting condition is aggravated, the worker is eligible for compensation to the extent of the aggravation only, subject to the provisions of subsections B and D.

D. For the purpose of settlement for permanent partial or permanent total disability, the amount of the award for that disability as set forth in 85 CNCA § 46 may be reduced or denied in its entirety by the employer in consideration of the following:

1. a prior settlement or award from any source for the same preexisting condition;
2. the difference between the degree of disability of the employee before the accident or occupational disease and the worker's present degree of disability.

**Historical Data**

LA 08–04, eff. April 21, 2004. Amended LA 31–05, eff. October 16, 2005; LA 21–06, eff. October 19, 2006; LA 20–10, eff. August 15, 2010.