

Cherokee Nation Code Annotated

Title 85: Workers' Compensation

Chapter 1: General Provisions

§ 35. Soft tissue injuries

Cite as: 85 CNCA § 35

A. Nonsurgical—In case of a nonsurgical soft tissue injury, neither temporary total compensation, nor temporary partial compensation shall not exceed twelve (12) weeks.

B. Surgical—A claimant who has been recommended by a treating physician for surgery for a soft tissue injury may petition the employer for an extension of temporary total compensation and the employer may authorize such an extension if the treating physician indicates that such an extension is appropriate and as agreed to by all parties. In the event the surgery is not performed, the benefits for the extension period shall be terminated as of the date of cancellation of the surgery.

C. For purposes of this section, "**soft tissue injury**" means damage to one or more of the tissues that surround bones and joints. "**Soft tissue injury**" includes, but is not limited to: sprains, strains, contusions, tendonitis, and muscle tears. Cumulative trauma is to be considered a soft tissue injury.

D. "**Soft tissue injury**" does not include any of the following:

1. injury to or disease of the spine, spinal disks, spinal nerves or spinal cord, where corrective surgery is performed;
2. brain or closed-head injury as evidenced by:
 - a. sensory or motor disturbances,
 - b. communication disturbances,
 - c. complex integrated disturbances of cerebral function,
 - d. episodic neurological disorders, or
 - e. other brain and closed-head injury conditions at least as severe in nature as any condition provided in paragraphs a through d of this subdivision; or
3. Total knee replacement.

E. In all cases of soft tissue injury, the employee shall only be entitled to appropriate and necessary medical care and temporary total disability, unless there is objective medical evidence of a permanent anatomical abnormality.

F. If claimant returns to work at the same job the claimant is not entitled to permanent partial 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.