

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, January 28, 2016
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER..... Mr. Gilliland, Chair

ROLL CALL Mr. Gilliland, Chair

NOTICE OF COMPLIANCE..... Tiffany Pratt

MINUTES

- a. The drafted Minutes of Special Commission Meeting on December 18, 2015, will be considered for approval.
- b. The drafted Minutes of Special Commission Meeting on January 7, 2016, will be considered for approval.
- c. The drafted Minutes of Special Commission Meeting on January 19, 2016, will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Insured Guaranty Fund

Title 85A O.S. § 206(A) of the Oklahoma Employee Injury Benefit Act (Act) requires carriers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) on all written premiums resulting from the writing of insurance under this act on risks within the state.

Title 85A O.S. § 208 provides that in making its determination the Commission shall determine the surplus in the Oklahoma Option Insured Guaranty Fund (Fund) by December 31st of each year. At the Commission's December regular meeting, it made the determination that there was no surplus in the Fund. The Fund has a balance of \$58,820.88, which is below the statutory minimum balance of \$1,000,000. The Commission shall determine the rate of assessment for the Fund on or before March 1st. 85A O.S. § 208(A)(2). The Commission will consider the annual assessment rate for the Oklahoma Option Insured Guaranty Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving an assessment at a rate of 3% of all written premiums resulting from the writing of insurance under this act; or approving a different assessment rate percentage.

2. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Self-insured Guaranty Fund

Title 85A O.S. § 207(A) of the Oklahoma Employee Injury Benefit Act (Act) requires self-insured employers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) of the written premium which would have to be paid by a carrier if the self-insured employer were insured by a carrier.

The Fund has a balance of \$48,930.19, which is below the statutory minimum balance of \$750,000. Assessment payments are to be made directly to the Commission on or before April 1st to be deposited in the Oklahoma Option Self-insured Guaranty Fund. 85A O.S. § 208(B)(2). The Commission will consider the annual assessment rate for the Oklahoma Option Self-insured Guaranty Fund.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving an assessment at a rate of 3% of the written premium which would have to be paid by a carrier if the self-insured employer were insured by a carrier; or approving a different assessment rate percentage.

3. Commission Approval of Group Self-Insurance Applications for New Membership

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement. The following are the applicants and the self-insurance group association to which they are applying for membership:

Oklahoma Operators Self- Insurance Fund (# 75292):

MTH Restaurants, LLC

DETT, Inc.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the applications for new members to the association.

4. Discussion and Consideration of Proposed Request for Proposal (RFP) for Electronic Data Interchange (EDI).

Per 85A OS 101(B) EDI is required to be implemented by the Commission. Electronic Data Interchange (EDI) is the method of efficiently and accurately collecting required accident related data from trading partners via the International Association of Industrial Accident Boards and Commissions (IAIABC) Claims Release 3 EDI standard. The Commission will discuss and consider approving the proposed RFP to move forward with acquiring EDI.

Possible action:

Possible action may include, but is not limited to: taking no action; approving the RFP as written; approving the RFP with amendments; not approving the RFP; or continuing the matter.

5. Discussion and Consideration to Approve Proposed Biennial Report

Per 85A OS 24 on or before the first day of the regular session of the Legislature, the Commission shall submit to the Governor and the Legislature a report of the administration of the Administrative Workers' Compensation Act for the preceding biennial period, together with such recommendations as the Commission may deem advisable. The Commission will consider approving the proposed biennial report for submission to the Governor and the Legislature.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the biennial report as written; approving the biennial report with amendments; not approving the biennial report; or continuing the matter.

6. Discussion and Consideration of Revision of the Current Medical Fee Schedule.

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review of the Fee Schedule every two (2) years. The Commission will discuss and consider whether it will move forward with revising the current medical fee schedule this legislative session.

Possible Action:

Possible action may include, but is not limited to: taking no action; approve revising the medical fee schedule this legislative session; not approve revising the medical fee schedule this legislative session; continuing the matter.

7. Personnel Policies

The Commission will discuss and consider approving the following agency policies: 1) Workplace Violence Policy and 2) Complaint and Investigation Policy.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the policies listed in this agenda; not approving some, all or none of the policies listed on this agenda; approving the policy or policies with amendments; or continuing the matter.

8. Proposed Approval of Independent Medical Examiners for the Commission

Title 85A O.S. § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IME). The Commission shall, to the best of its ability, include the most experienced and competent physicians in the specific fields of expertise utilized most often in the treatment of injured workers. The period of qualification shall be two (2) years. The Commission will consider approving the list of physicians presented at the meeting that

have been vetted by the Medical Director and recommended to have their applications approved or renewed.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the independent medical examiners for the Commission.

9. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. §23 states any commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to today's meeting, are considered routine, and will be enacted by one motion of the Commission. If separate discussion is desired, that item may be removed from the Consent Agenda and separately voted upon.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the vouchers listed in this Consent Agenda; continuing the matter.

10. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the employment evaluations, promotion, or performance of Commission's Administrative Law Judges: Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and Tish Sommer

A. Motion and Vote to:

Go into Executive Session for purposes of discussing the employment evaluations, promotion, or performance of the Administrative Law Judges Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and Tish Sommer, under § 307(B)(1).

B. Vote to Reconvene in Open Session

Possible Action:

Possible action may include but is not limited to taking no action; continuing the matter; or taking action based on discussion of performance and employment evaluations of Administrative Law Judges Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and/or Tish Sommer as discussed in Executive Session.

11. Announcements

Commission's next regularly scheduled meeting is Thursday, February 11, 2016.

ADJOURNMENT.....Mr. Gilliland, Chair