

**REGULAR MEETING OF THE
OKLAHOMA WORKERS’ COMPENSATION COMMISSION**

Thursday, October 22, 2020
1:30 p.m.
Commission Chambers, 2nd Floor
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Commissioner Liotta**

ROLL CALL **Commissioner Liotta**

Open Meeting Act Statement

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH THE COMMISSION’S AUTHORITY.

1. Discussion and Possible Action on Minutes

The drafted minutes of the September 23, 2020, Special Meeting of the Commission will be considered for approval.

2. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states, [a]ny 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 travel 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 voted upon separately.

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; or continuing the matter.

3. **Discussion and Possible Action on 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 employees. The period of qualification for physicians shall be two (2) years.

The Commission will consider approving the list of physicians presented at the meeting that have been vetted by the General Counsel and recommended to have their applications approved.

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 physicians for the Commission.

4. **Request to Fully Release the Security Deposit for McKesson HBOC Inc., Former Own Risk Permit #13806**

McKesson HBOC Inc. ("the Company"), former own risk permit #13806, was a self-insured employer in the Own Risk program until July 1, 1997. The Company has petitioned the Commission to fully release the Company's security deposit on file. The Commission currently holds a \$10,000 Letter of Credit, issued by Wells Fargo, as security deposit.

All claims have been closed out and they all have passed the statute of limitations for reopening. The Company has complied with Commission Rule 810:25-9-19.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; releasing or reducing the security deposit of McKesson HBOC Inc.; or not releasing or reducing the security deposit of McKesson HBOC Inc., a former own risk employer.

5. **Request to Reduce Security Deposit for Capella Holdings, Former Own Risk Permit #19927**

Capella Holdings ("the Company"), former own risk permit #19927, was a self-insured employer in the Own Risk program until June 1, 2019. The Company has petitioned the Commission to reduce the Company's security deposit on file. The Commission currently holds a \$750,000 Letter of Credit as security deposit. They currently have an outstanding loss reserve of \$312,413. They are requesting a reduction of their security deposit to \$420,000.

The Company has complied with Commission Rule 810:25-9-19.

Possible Action:

Possible action may include, but not limited to: continuing the matter; releasing or reducing the security deposit of Capella Holdings; or not releasing or reducing the security deposit of Capella Holdings, a former own risk employer.

6. **Discussion and Consideration of Modifications to the Workers' Compensation Commission's CC-Joint Petition Form and Setting the Effective Date**

Title 85A O.S. § 22(A)(2)(a) provides: “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.” The Commission will consider modifications to the CC-Joint Petition form.

- a. Discussion and Possible Action on the newly-adopted CC-Joint Petition Form, Effective Date November 1, 2020
- b. Discussion and Possible Action on a new draft of the CC-Joint Petition Form

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; adopting the proposed modifications to the form, in whole or in part, and setting an effective date; deciding not to adopt the proposed modifications to the form; repealing a previously adopted form; adopting a modified version of the proposed modifications to the form, and setting an effective date; or other action consistent with the Commission's authority.

7. **Proposed Opening of the Permanent Rulemaking Process to Consider Amendments to the Commission's Permanent Rules**

The Commission will consider opening the Permanent Rulemaking process for amendments to the Commission's Permanent Rules. If proposed Permanent Rules are adopted and submitted for legislative review on or before April 1, 2021, the Legislature will have until the end of the 2021 legislative session to approve or disapprove the rules.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the opening of the permanent rulemaking process; not approving the opening of the rulemaking process; or continuing the matter.

8. **Discussion and Possible Action on MITF Budget for WCC Administrative Expenses**

Title 85A O.S. § 31(S) states: “The State Treasurer shall allocate to the Commission out of the Multiple Injury Trust Fund sufficient funds for administration expenses thereof in amounts to be fixed and approved by the Director for the Multiple Injury Trust Fund, unless rejected by the Workers' Compensation Commission.”

Possible Action

Possible action may include, but is not limited to: taking no action, rejecting the amount allocated for administrative expenses by the MITF, or continuing the matter.

9. **Discussion and Possible Action on the Design Proposal from Cyntergy regarding Denver N. Davison Building Renovation**

Cyntergy submitted a design proposal for architectural and engineering design services on August 17, 2020, for the partial first and second floor office renovations in the Denver N. Davison Building. The Commission will discuss and consider action on the proposal.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; disapproving the design proposal; approving the design proposal and authorizing the Chairman to proceed with remodel plans; or approving the design proposal with modifications as discussed and authorizing the Chairman to proceed with remodel plans.

10. **Discussion and Approval of Dates for the Commission’s 2021 Regular Business Meetings**

Under 25 O.S. § 311, all public bodies shall give notice in writing to the Secretary of State by December 15 of each calendar year of the schedule showing the date, time, and place of the regularly scheduled meetings of such public bodies for the following calendar year. The Commission will consider scheduling the following dates for its 2021 regular meeting schedule:

Business Meetings Thursdays – 1:30 p.m.	Appeals Hearings Fridays – 9:00 a.m.
January 28, 2021	January 29, 2021
February 18, 2021	February 19, 2021
March 18, 2021	March 19, 2021
April 15, 2021	April 16, 2021
May 20, 2021	May 21, 2021
June 17, 2021	June 18, 2021
July 15, 2021	July 16, 2021
August 19, 2021	August 20, 2021
September 16, 2021	September 17, 2021
October 21, 2021	October 22, 2021
November 18, 2021	November 19, 2021
December 16, 2021	December 17, 2021

11. **Discussion and Possible Action Regarding Operation of the Workers' Compensation Commission and Agency Concerns Related to COVID-19**

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving a plan(s) regarding operations of the Workers' Compensation Commission in response to the threat of COVID-19.

12. **New Business**

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

13. **Announcements**

The Commission's next special appeals meeting is on Friday, October 23, 2020. The Commission's next dual advisory meeting is on Thursday, November 5, 2020. The Commission's next dual PAC meeting is on Friday, November 6, 2020. The Commission's next regular business meeting is on Thursday, November 19, 2020.

ADJOURNMENT.....Chairman Liotta