

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

Thursday, November 19, 2020
10:00 a.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 minutes of the November 10, 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. **Request to Reduce Security Deposit for Montereau, Inc., Own Risk Permit #19896**

Montereau, Inc. (“the Company”), own risk permit #19896, has petitioned the Commission to reduce the Company’s security deposit on file. The Commission currently holds a \$400,000 Letter of Credit, issued by BOK Financial as a security deposit. They are requesting a reduction of their security deposit to \$250,000. The company currently has a total of \$140,000 in open claims.

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

Possible Action:

Possible action may include, but not limited to: continuing the matter; reducing the security deposit of Montereau, Inc.; or not reducing the security deposit of Montereau, Inc., an own risk employer.

4. **Discussion and Possible Action on the Modification and Renewal of the Expiring 5-Year Contract with Insurance Office Services (ISO) from an EDI Implementation/Maintenance Agreement to a 5-Year Sole Source Maintenance Agreement commencing 5/28/2021**

The Commission will discuss and consider modification and renewal of the EDI contract with ISO from an implementation/maintenance agreement to a sole source 5-year maintenance contract commencing 5/28/2021, at a rate of \$68,850 for the initial year and 2% increase per year over the next 4 years, as detailed in the following schedule:

COST BY YEAR (5-YEAR TERM)	
5/28/21 – 5/27/22 (Initial Year)	\$ 68,850
5/28/22 – 5/27/23 (Year 2)	\$ 70,227
5/28/23 – 5/27/24 (Year 3)	\$ 71,632
5/28/24 – 5/27/25 (Year 4)	\$ 73,064
5/28/25 – 5/27/26 (Year 5)	\$ 74,525
Total 5-Year Contract	\$358,298

ISO maintenance services of EDI would continue to be classified as sole source until such time as modified or terminated.

Possible Action:

Possible action may include: taking no action, continuing the matter, approving, or not approving modification and renewal of the ISO contract as a 5-year sole source contract for EDI maintenance services at a total cost of \$358,298 over a 5-year period.

5. **Discussion and Possible Action on 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 and take possible action on the proposed draft CC-Joint Petition form.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; modifying the form, in whole or in part, and setting an effective date; or other action consistent with the Commission's authority.

6. **Discussion and Possible Action on the Workers' Compensation Commission's CC-Form 1A and CC-Form 1A Spanish, 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 CC-Form 1A and CC-Form 1A Spanish.

- a. Discussion and Possible Action on new the draft of CC-Form 1A.
- b. Discussion and Possible Action on new the draft of CC-Form 1A Spanish.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; modifying the form(s), in whole or in part, and setting an effective date; approving a draft(s) to be circulated with stakeholders; or other action consistent with the Commission's authority.

7. **Discussion and Approval of Dates for the 2021 Regular Meetings of the Physician Advisory Committee and Corresponding Dual Commission Meetings Pursuant to 85A O.S. § 17(E)**

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 approving the following dates for the 2021 regular meetings of the Physician Advisory Committee (“PAC”) and the Commission's corresponding Dual PAC meetings, pursuant to its authority in 85A O.S. § 17(E):

**Proposed Dual Business Meetings of
the Physician Advisory Committee and the Workers' Compensation Commission**

Fridays at 2:00 p.m.

2nd floor En Banc Courtroom, 1915 N. Stiles Ave., Oklahoma City, OK

March 26, 2021

June 11, 2021

September 10, 2021

November 5, 2021

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving meeting dates as listed, or approving as modified some, all, or none of the dates for the Commission's 2021 PAC and Dual PAC meeting schedule.

8. **Discussion and Possible Action Regarding the Transfer of Excess Proceeds from 86500/701 Fund to the 67500/705 Fund**

Title 85A O.S. § 99(B) states:

Excess proceeds from the security remaining after each claim for benefits of an impaired self-insurer has been paid, settled or lapsed, and associated costs of administration of such claim have been paid, shall be transferred to the Self-insurance Guaranty Fund and may be used as a credit against the assessment required to be paid by each private self-insurer and group self-insurer association pursuant to Section 98 of this title, as determined by the Self-insurance Guaranty Fund Board.

At its November 13, 2020, business meeting, the Self-insurance Guaranty Fund ("SIGF") Board found that pursuant to Section 99(B) of Title 85A, all remaining excess proceeds in the listed accounts were eligible for transfer from the 701 Fund to the 705 Fund. The SIGF Board passed a motion that the funds be transferred to the SIGF 705 Fund accordingly. The following fund accounts were found eligible by the SIGF Board for transfer under Section 99(B):

Fund Account Numbers

Hagale Industries, Inc. Self-Insurance Number: 17436	2500001
BFN Operations, LLC Self-Insurance Number: 20059	4300001
Tri-B Nursery, Inc. Self-Insurance Number: 19478	4300002
Blitz USA, Inc. Self-Insurance Number: 19245	4000001
Arrow Trucking, Inc. Self-Insurance Number: 17276	3600001
Venture Stores, Inc. Self-Insurance Number: 17240	2400001
Memorex-Telex Corp. Self-Insurance Number: 14366	1400001
Unarco, LLC Self-Insurance Number: 11536	1900001
Consolidated Freightways, Inc. Self-Insurance Number: 11026	0300001

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; voting to transfer the listed funds from 86500/701 to 67500/705 based on the findings and recommendation of the SIGF Board and pursuant to 85A O.S. § 99(B); or other action consistent with the Commission's authority.

9. **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, or other action consistent with the Commission's authority.

10. **Announcements**

The Commission's next regular appeals meeting is on Friday, November 20, 2020. The Commission's next regular business meeting is on Thursday, December 17, 2020.

ADJOURNMENT.....Chairman Liotta