

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, June 15, 2017
2:00 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.....Scott Chance**
- MINUTES**

The drafted Minutes of the Commission Meeting on May 18, 2017 will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Discussion and Consideration of Reducing or Releasing the Security Deposit of Remy International, Inc., a Former Own Risk Employer

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs.

A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit, from a duly authorized officer of the employer, affirming that all workers' compensation claims incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed. The Commission will consider reducing or releasing the security deposit of Remy International, Inc., a former own risk employer.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or reducing, releasing, or not reducing or releasing the Security Deposit of Remy International, Inc.

2. Discussion and Consideration of Reducing the Security Deposit of Amsted Industries, Inc., a Former Own Risk Employer

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission will consider reducing the security deposit of Amsted Industries, Inc., a former own risk employer.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, reducing or not reducing the security deposit of Amsted Industries, Inc.

3. Proposed Approval of Independent Medical Examiners and Case Managers for the Commission

Title 85A OS § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IMEs). 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 shall be two (2) years. Likewise, for case managers, 85A O.S. § 113 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission.

The Commission will consider approving the physician and case manager list, which has been vetted by the Medical Director and the staff in Medical Services and been made available to each Commissioner for the Commission's approval.

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 and/or case managers for the Commission.

4. Discussion and Consideration of Approval of Annual Report

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year, the Commission shall prepare, make public and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature, containing a statement of the number of awards made and the causes of the accidents leading to the injuries for which the awards were made, total work load data of the administrative law judges, including a detailed report of the work load and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report. The Commission will discuss and consider approval of the 2016 Annual Report as presented at the meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving, approving as amended or not approving the 2016 Annual Report.

5. Discussion and Consideration of Commission's FY18 Budget

The Commission will discuss and consider approval of its FY18 Budget, as proposed.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving, approving as amended or not approving the Commission's FY18, as proposed.

6. Proposed Opening of the Emergency Rulemaking Process to Consider Emergency Rules for the Workers' Compensation Commission

The Commission will consider opening the Emergency Rulemaking process to provide the Commission with emergency rules that will clarify issues raised with regard to the Certificate of Noncoverage. Proposed emergency rules are submitted to the Governor for approval.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the opening of the emergency rulemaking process as proposed, or as modified at the meeting; not approving the opening of the rulemaking process; or continuing the matter.

7. Discussion and Consideration of Requesting an Attorney General Opinion regarding the Applicability of the Oklahoma Code of Judicial Conduct

The Oklahoma Code of Judicial Conduct (Code) establishes the ethical conduct for judges to ensure independent and impartial interpretations of the law. The Preamble to the Code is clear that judges must avoid impropriety or even the appearance of impropriety in both their professional and personal conduct. The Commission will consider requesting an Attorney General Opinion regarding whether the Code is applicable to the Commissioners.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving moving forward with requesting an Attorney General Opinion regarding the applicability of the Oklahoma Code of Judicial Conduct to the Commissioners.

8. 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.

9. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C for the position of Tulsa Administrative Law Judge

A. Motion and Vote to:

Go into Executive Session for purposes of:

Discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C for the position of Tulsa Administrative Law Judge.

B. Vote to Reconvene in Open Session

No action is anticipated with regard to the hiring, salary or employment of a Tulsa Administrative Law Judge.

10. Reports

THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

4th Annual Workers' Compensation Educational Conference Update Report

Commissioner Russell will give a report on the 4th Annual Workers' Compensation Educational Conference being held on Oct. 5th and 6th, 2017.

Legislative Update Report

Commissioner Liotta will give a report on legislative meetings and legislation affecting the Commission. Commissioners may participate in a discussion of the 2017 Legislative Session and the outlook for 2018 Legislative Session.

Announcements

The next special meeting of the Commission is scheduled for July 27, 2017.

ADJOURNMENT.....Mr. Gilliland, Chair