



STATE OF OKLAHOMA

WORKERS' COMPENSATION COMMISSION

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

December 19, 2016

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

The members of the Workers' Compensation Commission for the State of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on December 19, 2016.

Members present: Chairman Gilliland, Commissioner Liotta, and Commissioner Russell.

Others in attendance on behalf of the Commission: Jay Cannon, Eric Russell, Lindsey Christopher, Stormy Moore, John Crittenden and Tiffany Pratt.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 1:30 p.m.

Approval of Minutes

Chairman Gilliland presented the minutes for the December 8, 2016 public meeting for approval.

Motion: Commissioner Liotta moved to approve the minutes of the public meeting.

Second: Chairman Gilliland.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

1. Discussion and Consideration of Reducing the Security Deposit of Albertson's, 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 considered Albertson's request to reduce its security deposit.

Insurance Division Director Stormy Moore was recognized to report and recommended approval.

Motion: Commissioner Liotta moved to approve reducing the security deposit of Albertson's as recommended.

Second: Commissioner Russell.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

2. Discussion and Consideration of Reducing the Security Deposit of Dana, 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 considered Dana Inc.'s request to reduce its security deposit.

Insurance Division Director Stormy Moore was recognized to report and recommended taking no action.

Motion: Commissioner Liotta moved to not reduce the security deposit of Dana, Inc. as recommended

Second: Chairman Gilliland.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

3. Proposed Approval of Independent Medical Examiners and Case Managers 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). 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 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 considered approving the list of physicians and case managers presented at the meeting that have been vetted by the Medical Director and recommended to have their applications approved or renewed.

Medical Director Jay Cannon was recognized to report and recommended approval.

Motion: Chairman Gilliland moved to approve the proposed Independent Medical Examiners and case managers.

Second: Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

4. Proposed Opening of the Permanent Rulemaking Process to Consider Permanent Rules for the Workers' Compensation Commission

The Commission considered 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, 2017, the Legislature will have until the end of the 2017 legislative session to approve or disapprove the rules. The permanent rulemaking process begins with publication in The Oklahoma Register and scheduling of a public hearing.

Commission Counsel Lindsey Christopher and Legal Services Director Eric Russell were recognized to report and make a recommendation.

Motion: Chairman Gilliland moved to open the rulemaking process.

Second: Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

5. Proposed Opening of the Form Adoption and Revision Process to Consider New Forms and Form Revisions to the Current Workers' Compensation Commission Forms

Title 85A O.S. § 22 provides before the adoption, amendment or modification of any form, the Commission shall give thirty (30) days' notice of its intended action and provide an opportunity for public comment, following the rulemaking process. The Commission considered opening the form adoption and revision process to provide for necessary modifications to forms and potentially adopting new forms to provide for processes not currently addressed by the existing forms.

Commission Counsel Lindsey Christopher was recognized to report and make a recommendation.

Motion: Chairman Gilliland moved to open the form adoption and revision process.

Second: Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

Chairman Gilliland thanked Lindsey Christopher and Eric Russell for their hard work on Items 4 and 5 herein.

6. 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 considered a vote to approve the currently outstanding vouchers.

Motion: Commissioner Liotta moved to approve the travel vouchers currently outstanding.

Second: Chairman Gilliland.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

Announcements

The next Regular Meeting of the Commission is scheduled for January 19, 2017.

Adjournment

Motion: Chairman Gilliland moved to adjourn.

Second: Commissioner Liotta.

Those voting aye: Commissioner Liotta, Commissioner Russell, and Chairman Gilliland.

The motion carried.

Chairman Gilliland announced the meeting was adjourned.