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*An important update from...*

# Oklahoma Workers' Compensation Commission



Volume 11, September 5, 2018

## Workers' Comp Clarion



### The Chairman's Corner:

### *Affidavit of Exempt Status*

Chairman Mark Liotta

### Upcoming Events

2018 Educational Conference,  
October 4-5, Sheraton Midwest City  
at the Reed Conference Center

Sign up at our Website [ok.gov/wcc](http://ok.gov/wcc)

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2016 Public Meetings  
See website  
for Commission Calendar

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### Inside this Issue:

How often does anyone in government find the opportunity to reduce cost, remove a layer of bureaucracy, and make things easier for small business?

Achieving all three in one effort is exceedingly rare, but I believe Oklahoma has recently done so in the workers' compensation system by replacing a bureaucratic four-step process with a simple form.

It is a bit of "inside baseball", but I believe it is important to highlight these homeruns when they are hit out of the park.

Prior to the Oklahoma Legislature's 2013 workers' compensation reform efforts, any Oklahoma small business who was statutorily exempt from providing workers' compensation coverage merely had to complete an Affidavit of Exempt Status (Affidavit) to that effect. This system was simple and based on businesses making the determination for themselves. Accountability was provided by the Labor department, to identify those who improperly avoided compliance.

With the 2013 creation of the Workers' Compensation Commission (WCC), the Affidavit was effectively replaced with the Certificate of Non-Coverage (Certificate), which required businesses to submit an application to the WCC.

It seems clear, the well-meaning intent of the Certificate was to increase compliance with statute and better ensure coverage of Oklahoma workers. This required the labor of WCC employees to receive the applications and process the fees, investigate the businesses, process the evaluations, and issue the Certificates or denials in a timely manner.

1. Chairman's Corner: Affidavit Of Exempt Status.
2. Registration In Full Swing for 2018 Conference
3. WCC Mediation Program
4. Electronic Data Interchange Starts September 1st.
5. Memorial for Meg Taylor

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#### **Oklahoma Workers' Compensation Commission**

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Unfortunately, the legislation failed to include some small business types which had previously been eligible for the Affidavit. This created frustration for small businesses who were no longer eligible, and then forced to purchase unnecessary coverage.

Recognizing this unintended outcome, WCC staff worked tirelessly with the Legislature to reverse course, and reinstate the Affidavit. This last legislative session, with the help of Representative Glen Mulready of Tulsa, Senator James LeeWright of Sapulpa, Governor Mary Fallin, and Denise Johnson with the Oklahoma Independent Insurance Agents, Oklahoma's legislature passed a bill to reinstate the Affidavit and eliminate the Certificate process, its layer of bureaucracy, ambiguity, and associated unnecessary costs.

Within operations of the WCC, upon retooling our software, our permitting staff can now immediately shift focus to timely evaluation of other important permitting efforts while reducing labor cost by at least one full-time employee. As the new Affidavits are filed with the WCC, our own in-house compliance investigators will now develop better familiarity with those businesses who are eligible for the Affidavit, and those who try to skirt the statutory requirements to provide coverage. The result will be less cost, more efficiency, and better compliance, thereby ensuring better coverage of Oklahoma workers.

Oklahoma's small business owners should find a much simpler and timelier process, more certainty, and increased eligibility. This will reduce expenses and frustration, improving their bottom line.

It is important to note, while the Affidavit has replaced the Certificate, any Certificate properly issued will remain in force for the period of its issue. It is a business decision

for each employer as to whether they continue operating under the Certificate, or take advantage of the Affidavit.

This is not a big change which will garner headlines, but it is within the many, small, incremental improvements to state government where we all achieve more, with less.


If it's not a homerun, it's at least a two-run double.

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**2018 Educational Conference Registration in Full Swing.**

*Fifth Annual*  
**EDUCATION CONFERENCE**  
*Workers' Compensation Commission*



*October 4th & 5th*  
Sheraton Midwest City Hotel at the Reed  
Conference Center  
5800 Will Rogers Rd Midwest City, OK 73110

Collin Fowler, Director of Communication and Administration

We are excited to announce that we have a new location for this year's conference at the [Sheraton Midwest City Hotel at the Reed Conference Center](#). This location will put attendees just minutes from Oklahoma City's beautiful [Downtown](#) shopping and restaurant district. This a plus for anyone looking for fun and excitement after the presentations are complete! For those hoping to

complete continuing education credits for the year we now offer more credits than ever to attendees:

- **Attorneys- 12 CLE credits plus 1 Ethics**
- **Case Managers- 11 CCMC credits**
- **Disability Management Specialists 11 CDMS credits**
- **Human Resources- 11 HRCI credits**
- **Rehabilitation Counselors 10 CRC credits**
- **Insurance Adjusters- 10 OID credits plus 1 Ethics**
- **Insurance Producers- 10 OID credits plus 1 Ethics**
- **Insurance- CSRs 10 OID credits plus 1 Ethics**

Space is limited and spots are filling up fast! Make sure you get yourself registered soon. If registered before September 15th, you will still be eligible for our special early-bird rate. If you are looking to register your company as a Vendor/Exhibitor, there are few spots left. Go to our website and [Register Now!](#)

[2018 WCC Educational Conference Registration](#)

[2018 Conference Agenda](#)

[2018 Vendor/Exhibitor Registration Form](#)



## WCC Mediation Program

By Collin Fowler, Director of Communication and Administration

The Workers' Compensation Commission's (WCC) mediation program is a voluntary, non-binding opportunity for work injury cases to more efficiently reach settlement. The mediation program is set out in our statute [85A O.S. § 110](#).

Attorneys can agree to take their case to one of the WCC's certified mediators to help negotiate a settlement that is amenable to both sides. This has become a very attractive avenue for complicated cases that involve cumulative trauma, where there are multiple insurance companies involved, or areas in which case law may be unclear.

Attorney Bob Burke, who is a WCC certified mediator, had this to say, "I think the program has been incredibly successful. I would say about 98 percent of the cases I mediate end up in settlement. It is a win/win situation for the injured worker and the employer. Cases that could spend years in the trial and appeals process can instead be settled in about 8 months instead of three years. This is good for the employer because they can quickly assess their liability, and good for the worker because they can quickly get their claim settled."

WCC Chief ALJ Shane Curtin likes the mediation process because, "It can provide an efficient resolution to some very complex cases. It is also good to have a knowledgeable person navigate the parties through the process to effect a quicker resolution to the case."

It is important to note, this is an attorney-driven program which the WCC facilitates through the certification of mediators, and provision of facilities for the mediations to take place. The mediators are paid for their services by the parties involved in the mediation.

Attorney Leo Austin is a mediator for the WCC and has seen the mediation program grow since its inception. “This has been a very successful program. It has really enhanced the whole system and saved claimants’ and respondents’ time and money. Having experienced mediators can also help educate clients about the workers’ compensation process and what they can expect.”

Mr. Austin pointed out that there are lots of extra costs associated with taking a complex case through the trial and appeals process. He stated, “It is the best thing to happen to work comp as far as moving cases along.”

Chairman Mark Liotta points out that, “One of our ongoing efforts here at the Commission is to adjudicate cases efficiently, so the focus of the injured worker can remain on treatment and getting back to work, rather than waiting and wondering where their case is in the process. Mediation is a great help in that effort.”

Looking back to 2014, the numbers of cases going to mediation have increased every year as more and more attorneys have seen the value of using the program.

For more information on the WCC mediation program, contact Eric Russell, WCC Legal Operations director, (405) 522-5306



\*The numbers here are taken from the WCC Annual Reports available on the commission website.



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## **Electronic Data Interchange Starts September 1, 2018**

Eric Russell, Director of Legal Operations

Per Commission Rule 810:1-1-8, the Commission's reporting scheme will shift to electronic data interchange (EDI) beginning September 1, 2018. All reporting requirements will be defined by the aforementioned rule, the Commission's EDI Implementation Guide, and the Commission's IAIABC requirements tables, published at <https://okwccedi.info>. As of September 1, the following paper forms will no longer be accepted:

CC-Form-2

CC-Form-4

CC-Form-2A

CC-Form-2A Extension

### **Impact of EDI on the Joint Petition Process**

Parties looking to do unrepresented settlements will likely no longer be able to complete same-day filings in many instances, as the Commission's vendor, ISO, will process a particular day's filings no earlier than the next business day. For this reason, it will be most convenient for parties looking to file joint petitions to ensure that a First Report of Injury (FROI) has already been filed at least one business day in advance of the intended settlement date, or to have the claimant complete a CC-Form-3, in order to perfect the settlement process.

### **Trading Partner Registration**

Many trading partners (i.e., those responsible for reporting) have chosen vendors to help them fulfill their reporting requirements, while others have registered independently as trading partners. Any entity intending to file directly must register as a trading partner at <https://okwccedi.info>. If contracting with a vendor, an employer or carrier still needs to register as a trading partner, but the vendor may be willing to assist in this process. Any insurer/self-insurer using a TPA will not have to register, as the TPA should have registered on its behalf. The separate trading partner agreement required by Oklahoma statute should be signed and returned to ISO by every trading partner, otherwise the trading

partner agreement will be inactivated and the trading partner will be unable to send transactions. Any questions can be directed to me or to our EDI team at ISO.

ISO: [okwccedi@iso.com](mailto:okwccedi@iso.com)



## In Memory of Meg Taylor

We are sad to report, the WCC has lost one of our own with the sudden and untimely passing of our new CFO, Meg Taylor. Family and friends gathered at St. John the Baptist Catholic Church in Edmond on August 16th for her funeral Mass. We were all shocked at the loss of someone so young, bright, and full of life.

Meg had moved to Oklahoma in 2010 with her husband, John, and her children, Connor and Kathleen. Her oldest son Colin stayed in Maryland, where they had lived for the last 17 years, to finish college. She was extremely dedicated to her family, and upon moving to Oklahoma, spent much of her time involved in her children's school activities.

Meg was not with the WCC long, but her playful personality had already won us over. It didn't take long after first meeting Meg to understand what an energetic, generous, and hardworking person she was, and to be infected with her sense of humor. She was genuine with her kindness and authentic in her caring for others.

She will be sorely missed by all of her new friends. Her affable demeanor and determined nature will be missed the most around the office.

Meg's passing has been one of the most difficult transitions for us in the short time our agency has been together. We sincerely thank her family for the loan of her time with us. Our hearts go out to those who knew her best, as we solemnly wish we could have known her just a little longer.

[Communications@wcc.ok.gov](mailto:Communications@wcc.ok.gov)

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