

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, December 18, 2014
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Mr. Wilson, Chair**
ROLL CALL..... **Mr. Wilson, Chair**
NOTICE OF COMPLIANCE..... **Holly Miller**

MINUTES

- a. The drafted Minutes of Regular Commission Meeting on November 20, 2014, will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Proposed Opening of the Emergency Rulemaking Process to Consider Rule Amendments for the current Workers' Compensation Commission Emergency Rules

The Commission's current Emergency Rules are effective until September 14, 2015. The Commission will consider opening the Emergency Rulemaking process to provide for procedures not currently addressed and amend existing sections to improve the Commission's processes. If approved by the Governor, Emergency Rules are considered promulgated and effective upon the Governor's signature and no later than twenty (20) days after the Commission's adoption of the rules.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the beginning of the emergency rulemaking process to amend the Commission's Emergency Rules as proposed, or as modified at the meeting, by publication in *The Oklahoma Register* and scheduling of a public hearing; or continuing the matter.

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

The Commission's current Emergency Rules are effective until September 14, 2015. The Commission will consider opening the Permanent Rulemaking process to provide the Commission with permanent rules that will incorporate the existing Emergency Rules with the proposed amendments to those Emergency Rules. If proposed Permanent Rules are adopted and submitted for legislative review on or before April 1, 2015, the Legislature will have until the end of the 2015 legislative session to approve or disapprove the rules.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the beginning of the permanent rulemaking process as proposed, or as modified at the meeting, by publication in *The Oklahoma Register* and scheduling of a public hearing; or continuing the matter.

3. **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 will consider opening the form adoption and revision process to provide for necessary modifications to forms and adopting new forms to provide for processes not currently addressed by the existing forms.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the beginning of the adoption and form revision process to adopt new forms and amend the Commission's forms as proposed in the summary of form changes, or as modified at the meeting; or continuing the matter.

4. **Discussion and Consideration of Determining the Surplus, if any, in the Oklahoma Option Insured Guaranty Fund**

Title 85A O.S. § 208(A)(1) of the Oklahoma Employee Injury Benefit Act (Act) requires the Commission by December 31st **to determine the surplus**, if any, in the Oklahoma Option Insured Guaranty Fund, together with the additional amounts necessary to properly administer the Act for the following year.

Section 205 (D)(1) requires this fund to maintain a balance between One Million Dollars (\$1,000,000.00) and Two Million Dollars (\$2,000,000.00). The Commission shall determine the annual assessment rate on or before March 1st of each year. The Commission will consider determining the surplus, if any, as this determination is a prerequisite to the later determination of an assessment rate.

Possible Action:

Possible action may include, but is not limited to: taking no action or determining there is no surplus in the Oklahoma Option Insured Guaranty Fund.

5. **Exercise of the Commission's Power, Under Title 85A, Section 19, to Prescribe Additional Duties and Responsibilities of the Commission Chair**

Under the provisions of Section 19 of Title 85A, Subsection E, the Commission is empowered to impose various additional duties and responsibilities upon the Chair. The Commission will consider whether to impose the following additional duty and responsibility upon the Commission Chair: Vesting the Chair with the power and responsibility of entering into a contract involving an expenditure of \$100,000 or less, relating to a performance examination of the self-insured entities ensuring compliance with statutes and rules; verifying payroll and employee numbers; verifying reinsurance; evaluating reinsurance quality; verifying letters of credit and financial worthiness of the financial institutions; and other areas relating to the application, permitting and performance of self-insureds.

Possible Action:

Possible action may include, but is not limited to: taking no action; taking action to impose this additional power and responsibility upon the Chair; taking action to impose a different power and responsibility upon the Chair; rejecting vesting this additional power and responsibility in the Chair; or continuing the matter.

6. Proposed 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 workers. The Commission will consider approving the list of physicians presented at the meeting that have been vetted by the Medical Director and recommended to have their applications renewed.

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 for the Commission; or continuing the matter.

7. Commission Ratification of Travel Vouchers from February 1, 2014-June 30, 2014

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 ratify the travel vouchers from February 1, 2014 – June 30, 2014.

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, continuing the matter, approving some, all or none of the vouchers listed in this Consent Agenda.

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. Commission Ratification of Payments Made from the Workers' Compensation Fund from February 1, 2014 - June 30, 2014

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to ratify the vouchers from February 1, 2014 to June 30, 2014 for expenses of the Commission.

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.

10. Consent Agenda for Payments Made from the Workers' Compensation Fund Currently Outstanding

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding vouchers.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the vouchers listed in the Consent Agenda; continuing the matter.

11. Reports

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

Commissioner Gilliland's Report

A summary report will be presented on the case activity of the Administrative Law Judges and the Commission en banc. Commissioner Gilliland will also report on the meetings scheduled with attorneys from claimant's bar and respondent's bar to provide the Commission feedback on its processes.

Commissioner Engle's Report

Commissioner Engle to report on effort to obtain sample travel policy language from various agencies and the Arkansas WC Commission for Commission review and possible policy adoption in the future.

12. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the Purpose of Discussing Hiring, Promotion, Employment, Salary of Commission's Current and Future Law Clerks.

- a. Motion and Vote to go Into Executive Session for the Purposes Stated Above
- b. Vote to Reconvene in Open Session

13. Discussion and Possible Action on Hiring, Promoting, Salary or Employment of the Current or Future Law Clerks Discussed in Executive Session.

14. Announcements

Commission's next regularly scheduled meeting is Thursday, January 15, 2015.

ADJOURNMENT.....Mr. Wilson, Chair