



STATE OF OKLAHOMA

WORKERS' COMPENSATION COMMISSION

MINUTES

of the

WORKERS' COMPENSATION COMMISSION
FOR THE STATE OF OKLAHOMA

for the

June 13, 2014

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION
FOR THE STATE OF OKLAHOMA, JUNE 13, 2014

NOTICE OF THIS MEETING WAS FILED WITH THE SECRETARY OF STATE ON JUNE 9, 2014.

The Commissioners of the Workers' Compensation Commission for the state of Oklahoma met in the Court En Banc Courtroom, Denver Davison Building, 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on June 13, 2014.

Commissioners present: Troy Wilson – Chairman, Robert Gilliland, and Denise Engle.

Chairman Wilson expressed appreciation for those in attendance and announced the agenda has been posted for this meeting. Following the roll, the Chairman announced the presence of a quorum and affirmed that all appropriate documents had been filed. The meeting was called to order at approximately 9:30 a.m.

Approval of Minutes

Motion to approve the minutes of the May 30, 2014 meeting: Commissioner Gilliland.

Second: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Approval of IME's and Case Managers

Chairman Wilson recognized Dr. Jay Cannon, Medical Director of the Commission who made a recommendation that the Commissioners vote to approve the IME's and Case Managers listed in Order No. CM-2014-99901Q. The group presented to the members for a vote today is one-quarter of the total list of candidates. These individuals have been thoroughly vetted and updated by Dr. Cannon.

Motion to approve Order No. CM-2014-99901Q: Commissioner Gilliland.

Second: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Assessment for Self-Insured Guaranty Fund

Commissioner Engle indicated that although it appears an assessment recommendation may be forthcoming, further information is being sought.

Motion to table discussion of assessment for Self-Insured Guaranty Fund: Commissioner Engle.

Second: Commissioner Gilliland.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion was approved.

Arrow Trucking Receivership Transfer of Funds

Chairman Wilson recognized Ted Rossier to make a recommendation that the Commissioners vote to approve the transfer of funds from the receivership Arrow Trucking, an impaired former Oklahoma self-insurer, to the Self-Insured Guaranty Fund. The amount of the funds is \$652,304.45. Upon receipt of the funds – expected on or about June 22, 2014 – would be endorsed by the Commission as payable to the Self-Insurance Guaranty Fund in its entirety, and that the same be transmitted to the Guaranty Fund Board. Ted Rossier was asked to notify Chairman Barney Welch in writing with a copy to be retained as part of the minutes.

Motion to approve the transfer of funds from the Arrow Trucking receivership to the Self-Insured Guaranty Fund: Commissioner Gilliland.

Second: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Dismissal of Appeals from CEC to WCC

Commissioner Gilliland explained the Supreme Court ruling that 63 appeals from the Court of Existing Claims should not have come to the Commission and should be dismissed. In view of the fact that these parties had filed with both the Court of Existing Claims and the Commission, Commissioner Gilliland explained that as part of the dismissal, the Commission would also reimburse each party's filing fee of \$175 each.

Motion to approve the dismissal of appeals from CEC to WCC: Commissioner Gilliland.

Second: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Request for Attorney General Opinion

Chairman Wilson recognized Ted Rossier to make a recommendation that the Commissioners vote to approve a formal request for an Opinion of the Attorney General on the following questions regarding the premium tax assessment included in Title 85A O.S. § 122(A):

1. Is the Legislature's appropriation of the premium tax and self-insured tax funds, for a purpose other than funding the Workers' Compensation Commission, a violation of the Oklahoma Constitution, Article 10, Section 19? Should those funds be provided to the Commission on a priority basis, and only after the Commission is fully funded, should the Legislature then be able to appropriate the excess for other purposes consistent with the statute?
2. If the answer to question 1 is no, then what is the purpose of the assessment contained in 85A O.S. § 122?

Motion to approve a formal request for an Opinion of the Attorney General on the premium tax discussed in Title 85A O.S. § 122(A): Commissioner Gilliland.

Second: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Executive Session

The Chairman cancelled this agenda item and made a motion to adjourn the meeting.

Adjournment

Chairman Wilson announced that the next Regular Public Meeting of the Commission will be June 19, 2014 at 1:30 p.m.

Motion to adjourn: Commissioner Engle.

Second: Commissioner Gilliland.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion was approved.