

MINUTES
OF THE
JANUARY 16, 2020 REGULAR BUSINESS MEETING



OF THE
OKLAHOMA WORKERS' COMPENSATION COMMISSION

STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Thursday, November 7, 2019, at 4:22 p.m. in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

MINUTES OF THE JANUARY 16, 2020 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2nd floor, Oklahoma City, Oklahoma, on January 16, 2020.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Dana Esparza, WCC; Alexander Watkins, WCC; James Lawson, WCC; Collin Fowler, WCC; Ian Steedman, WCC; and, Andrea Delling, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

1. Approval of Minutes

The drafted minutes of the December 12, 2019, Special Business Meeting of the Commission were considered for approval.

Motion: Commissioner Tilly moved to approve the minutes of the December 12, 2019, Special Business Meeting of the Commission.

Second: Chairman Liotta.

Those voting aye: Chairman Liotta and Commissioner Tilly.

Commissioner Russell abstained.

The motion carried.

2. **Discussion and Consideration of Fully Release Security Deposit for Warehouse Market Inc., Former Own Risk Permit #15314**

Pursuant to Commission Rule 810:25-9-19, “[a] security deposit posted with the Commission as required by Commission Rule 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 or released 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 fully releasing the security deposit of Warehouse Market Inc.

James Lawson was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to fully release the security deposit for Warehouse Market Inc.

Second: Commissioner Russell.

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

The motion carried.

3. **Discussion and Possible Action on 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 employees. The period of qualification for physicians shall be two (2) years.

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 approved.

Commissioner Russell reported, gave his recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the list of physicians presented.

Second: Commissioner Russell.

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

The motion carried.

4. Discussion and Possible Action of Consent Agenda for Travel Vouchers Currently Outstanding

Title 85A O.S. § 23 states that 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.

Lauren Hammonds Johnson responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the vouchers as presented.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

5. Discussion and Possible Action on Commission Policies

The Commission discussed and considered the adoption and/or modification of:

- a. WCC-12 Facility Video Monitoring Policy

Collin Fowler was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve as amended.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

- b. WCC-20 Performance Salary and Salary Review Policy

Collin Fowler was recognized, reported, gave his recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to continue.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

c. WCC-6 Education and Training Policy

Collin Fowler and Hopper Smith were recognized, reported, gave their recommendation and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve as amended.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

6. Discussion and Possible Action to Approve Proposed Biennial Report

Per 85A O.S. § 24, “[o]n or before the first day of the regular session of the Oklahoma Legislature, the Commission shall submit to the Governor and the Legislature a report of the administration of the Administrative Workers’ Compensation Act for the preceding biennial period, together with such recommendations as the Commission may deem advisable.” The Commission will consider approving the proposed biennial report for submission to the Governor and the Legislature.

Collin Fowler was recognized, reported, gave his recommendation and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the Biennial Report as amended.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried.

7. Discussion of Fee Schedule Approval Process and Timeline

Pursuant to 85A O.S. § 50(H)(14)(b), the Workers’ Compensation Commission has been working with an impartial, external consultant, Fair Health, to update the Fee Schedule. In accordance with this statute, Fair Health has been tasked with analyzing Oklahoma’s Fee Schedule and proposing an amendment for WCC approval. The Commission will discuss the progress and timeline of the fee schedule review.

There was no action taken on this agenda item.

8. New Business

“[A]ny matter not known about or which could not have been reasonably foreseen prior to the time of the posting.” 25 O.S. § 311.

There was no new business.

9. Announcements

The Commission’s next regular appeals meeting is on Friday, January 24, 2020, at 9:00 a.m. The Commission’s next special business meeting is on Monday, January 27, 2020, at 9:00 a.m.

ADJOURNMENT.....Chairman Mark Liotta

Motion: Commissioner Tilly moved to adjourn.

Second: Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

The motion carried. The meeting adjourned at 2:01 p.m.