

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**REGULAR MEETING MINUTES**  
**OCTOBER 22, 2020, 1:30 P.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Business Meeting was filed with the Secretary of State's office on Monday, September 28, 2020, at 3:36 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 OCTOBER 22, 2020 REGULAR BUSINESS MEETING OF THE**  
**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on October 22, 2020.

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

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; James Lawson, WCC; Ian Steedman, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Eric Russell, WCC; Dustin Davison, CEC.

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 minutes of the September 23, 2020, Special Meeting of the Commission were considered for approval.

***Motion:*** Commissioner Tilly moved to approve the minutes of the September 23, 2020, Special Business Meeting.

***Second:*** Commissioner Russell

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

***The motion carried.***

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

Title 85A O.S. § 23 states, [a]ny 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.

All travel 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 voted upon separately.

*Motion:* Commissioner Tilly moved to approve the travel vouchers.

*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 considered approving the list of physicians presented at the meeting that have been vetted by the General Counsel and recommended to have their applications approved.

Lauren Hammonds Johnson was recognized, presented, gave her recommendation, and answered questions of the Commission.

*Motion:* Commissioner Russell moved to approve the IME list.

*Second:* Commissioner Tilly

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

*The motion carried.*

**4. Request to Fully Release the Security Deposit for McKesson HBOC Inc., Former Own Risk Permit #13806**

McKesson HBOC Inc. (“the Company”), former own risk permit #13806, was a self-insured employer in the Own Risk program until July 1, 1997. The Company petitioned the Commission to fully release the Company’s security deposit on file. The Commission currently held a \$10,000 Letter of Credit, issued by Wells Fargo, as security deposit.

All claims have been closed out and they all have passed the statute of limitations for reopening. The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, gave his recommendation, and answered questions of the Commission.

***Motion:*** Commissioner Russell moved to fully release the security deposit for Mckesson HBOC Inc. in the amount of \$10,000.

***Second:*** Commissioner Tilly

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

***The motion carried.***

**5. Request to Reduce Security Deposit for Capella Holdings, Former Own Risk Permit #19927**

Capella Holdings (“the Company”), former own risk permit #19927, was a self-insured employer in the Own Risk program until June 1, 2019. The Company petitioned the Commission to reduce the Company’s security deposit on file. The Commission held a \$750,000 Letter of Credit as security deposit. They had an outstanding loss reserve of \$312,413. They requested a reduction of their security deposit to \$420,000.

The Company complied with Commission Rule 810:25-9-19.

James Lawson was recognized, presented, gave his recommendation, and answered questions of the Commission.

***Motion:*** Commissioner Russell moved to reduce the security deposit of Capella Holdings to the amount of \$420,000.

***Second:*** Commissioner Tilly

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

***The motion carried.***

6. **Discussion and Consideration of Modifications to the Workers' Compensation Commission's CC-Joint Petition Form and Setting the Effective Date**

Title 85A O.S. § 22(A)(2)(a) provides: “[t]he Commission shall vote on any substantive change to any form and the effective date of such substantive change.” The Commission considered modifications to the CC-Joint Petition form.

- a. Discussion and Possible Action on the newly-adopted CC-Joint Petition Form, Effective Date November 1, 2020
- b. Discussion and Possible Action on a new draft of the CC-Joint Petition Form

Eric Russell was recognized, presented, and answered questions of the Commission.

***Motion:*** Commissioner Tilly moved to revoke the newly-adopted CC-Joint Petition Form and its effective date of November 1, 2020.

***Second:*** Commissioner Russell

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

***The motion carried.***

***Motion:*** Commissioner Tilly moved to send a notice of proposed amended form and to continue the matter to the next business meeting for further discussion and possible action based on the feedback the Commission received.

***Second:*** Commissioner Russell

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

***The motion carried.***

7. **Proposed Opening of the Permanent Rulemaking Process to Consider Amendments to the Commission's Permanent Rules**

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, 2021, the Legislature will have until the end of the 2021 legislative session to approve or disapprove the rules.

***Motion:*** Commissioner Tilly moved to approve the opening of the Permanent Rulemaking process.

***Second:*** Commissioner Russell

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

*The motion carried.*

8. **Discussion and Possible Action on MITF Budget for WCC Administrative Expenses**

Title 85A O.S. § 31(S) states: “The State Treasurer shall allocate to the Commission out of the Multiple Injury Trust Fund sufficient funds for administration expenses thereof in amounts to be fixed and approved by the Director for the Multiple Injury Trust Fund, unless rejected by the Workers' Compensation Commission.”

Lauren Hammonds Johnson was recognized, presented, and answered questions of the Commission.

Commissioner Russell noted that the State Treasurer’s annual transfer of \$1 million of funds assessed for the purposes of the MITF to the Department of Labor is a legislative mandate, not an administrative expense, and it is outside of the Commission’s purview.

*Motion:* Commissioner Russell moved to take no action on this item.

*Second:* Commissioner Tilly

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

*The motion carried.*

9. **Discussion and Possible Action on the Design Proposal from Cyntergy regarding Denver N. Davison Building Renovation**

Cyntergy submitted a design proposal for architectural and engineering design services on August 17, 2020, for the partial first and second floor office renovations in the Denver N. Davison Building. The Commission discussed and considered action on the proposal.

Chairman Liotta presented and answered questions of the Commission.

*Motion:* Commissioner Russell moved to approve the design proposal subject to approval by OMES and the Secretary of State’s Office.

*Second:* Commissioner Tilly

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

*The motion carried.*

10. **Discussion and Approval of Dates for the Commission’s 2021 Regular Business Meetings**

Under 25 O.S. § 311, all public bodies shall give notice in writing to the Secretary of State by December 15 of each calendar year of the schedule showing the date, time, and place of the regularly scheduled meetings of such public bodies for the following calendar year. The Commission will consider scheduling the following dates for its 2021 regular meeting schedule:

**Business Meetings**  
**Thursdays – 1:30 p.m.**

January 28, 2021  
February 18, 2021  
March 18, 2021  
April 15, 2021  
May 20, 2021  
June 17, 2021  
July 15, 2021  
August 19, 2021  
September 16, 2021  
October 21, 2021  
November 18, 2021  
December 16, 2021

**Appeals Hearings**  
**Fridays – 9:00 a.m.**

January 29, 2021  
February 19, 2021  
March 19, 2021  
April 16, 2021  
May 21, 2021  
June 18, 2021  
July 16, 2021  
August 20, 2021  
September 17, 2021  
October 22, 2021  
November 19, 2021  
December 17, 2021

***Motion:*** Commissioner Tilly moved to approve the dates for the Commission’s 2021 regular business meetings.

***Second:*** Commissioner Russell

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

***The motion carried.***

11. **Discussion and Possible Action Regarding Operation of the Workers’ Compensation Commission and Agency Concerns Related to COVID-19**

Chairman Liotta gave comments on the operation of the Workers’ Compensation Commission during COVID-19 and recommended an alert to notify the public of updated Commission operations.

Commissioner Russell emphasized the importance of social distancing over the course of the holidays as COVID-19 cases begin to rise. Additionally, he shared that although safety measures may be inconvenient, business is still being conducted at the Commission.

Collin Fowler updated the Commission on the Oklahoma Health Department’s risk level assessment data in Oklahoma City.

Lauren Hammonds Johnson gave a brief on the Oklahoma City ordinance, Tulsa ordinance, and the governor’s Executive Order as it relates to the operations of the WCC.

*No action was taken on this agenda item.*

12. **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.*

13. **Announcements**

The Commission’s next special appeals meeting is on Friday, October 23, 2020. The Commission’s next dual advisory meeting is on Thursday, November 5, 2020. The Commission’s next dual PAC meeting is on Friday, November 6, 2020. The Commission’s next regular business meeting is on Thursday, November 19, 2020.

**ADJOURNMENT.....Chairman Mark Liotta**

***Motion:*** Commissioner Tilly moved to adjourn.

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

***The motion carried.***

**The meeting adjourned at 1:56 p.m.**