

**SPECIAL MEETING OF THE  
OKLAHOMA WORKERS’ COMPENSATION COMMISSION**

Wednesday, December 6, 2023  
1:30 p.m.  
En Banc Courtroom  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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**AGENDA**

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**CALL TO ORDER..... Chairman Russell**

**ROLL CALL ..... Chairman Russell**

**Open Meeting Act Statement**

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND VOTE TO APPROVE, DISAPPROVE, OR TAKE ANY OTHER ACTION CONSISTENT WITH COMMISSION AUTHORITY.**

**1. Discussion and Possible Action to Approve Minutes**

The drafted minutes of the October 30, 2023, Special Meeting of the Commission will be considered for approval.

**2. Discussion and Possible Action to Approve the 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 will consider a vote to approve the currently outstanding vouchers.

All travel vouchers and one reimbursement 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.

**3. Discussion and Possible Action to Approve Independent Medical Examiners and Case Managers**

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. Likewise, for case managers, 85A O.S. § 113 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission.

The Commission will consider approving the list of physicians and case managers presented at the meeting that have been vetted by the Commission’s Operations Director and recommended for approval.

4. **Discussion and Possible Action to Approve Applications for Appointment as Certified Workers’ Compensation Mediators**

Title 85A O.S. § 110 tasks the Commission with certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicants meets the qualifications as required by the Commission in Section 110.

The Commission will consider the certified mediator application presented at the meeting, which has been vetted by the Legal Operations Director and recommended for approval.

5. **Discussion and Approval of Dates for the Dual Physician Advisory Committee’s 2024 Regular Business Meetings**

In accordance with 25 O.S. § 311, the Commission is required to provide written notice to the Secretary of State by December 15 of each calendar year of the date, time, and place of its regularly scheduled meetings for the following calendar year. The Commission will consider scheduling the following dates for its 2024 dual physician advisory committee meeting schedule:

**Dual PAC Meetings**

<b><u>Fridays – 2:00 p.m.</u></b>	<b><u>En Banc Courtroom</u></b>
April 5, 2024	September 13, 2024
June 14, 2024	November 8, 2024

6. **Request and Possible Action to Release Security Deposit for SKF USA Inc., Own Risk Permit #18076**

SKF USA Inc. left the Own Risk program on December 31, 2016. The Commission currently holds a \$450,000.00 letter of credit issued by Nordea Bank Finland Plc – New York Branch, as a security deposit. They have petitioned the Commission to release their collateral in full.

SKF USA Inc. has complied with Commission Rule 810:25-9-19.

7. **Request and Possible Action to Reduce Security Deposit for Gerdau Ameristeel Corporation fka Sheffield Steel Corp., Former Own Risk Permit #14618**

Gerdau Ameristeel Corporation (“the Company”), own risk permit #14618, was a self-insured employer in the Own Risk program until July 1, 2006. They have petitioned the Commission to reduce the Company’s security deposit on file. The Commission currently holds a \$1,225,000 Letter of Credit, issued by Bank of America as security deposit. They are requesting a reduction

of their security deposit in the amount of \$675,000.

The Company currently has five outstanding claims with reserves totaling \$537,248.00.

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

8. **Discussion and Possible Action to Approve the 2024 Draft Proposed Agency Permanent Administrative Rules and the Submission of Notices of Rulemaking Intent (NRI)**

The Commission is considering changes to OAC 810:15-9-1, 810:15-9-2, and 810:15-9-5.

9. **Discussion on new Oklahoma Pharmacy Benefits Manager laws and Oklahoma Attorney General's Office Enforcement**

10. **Discussion and Update on Physical Security at the Tulsa and Oklahoma City Commission Offices**

No action will be taken.

11. **Discussion and Update on 2024 Fee Schedule**

12. **Discussion and Update on CaseOK Project and Possible Approval of Amendments to Contract**

13. **Proposed Executive Session pursuant to 25 O.S. § 307(B)(4) to confidentially discuss *Andrews v. Oklahoma Workers' Compensation Commission*, Case No.: 21-cv-609-R (W.D. Okla.).**

A. **Motion and vote to enter into Executive Session.**

B. **Discussion in Executive Session.** The Commission will discuss only the topic stated in this agenda item.

C. **Motion and vote to reconvene in Open Session.**

D. **Motion and vote on Possible Action.**

**ADJOURNMENT.....Chairman Russell**