

**OKLAHOMA WORKERS' COMPENSATION COMMISSION
SPECIAL MEETING MINUTES
FEBRUARY 20, 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 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 FEBRUARY 20, 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 February 20, 2020.

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

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Alexander Watkins, WCC; Sharon Smith, WCC; Collin Fowler, 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

- A.** The drafted minutes of the January 15, 2020, Self-Insured Guaranteed Fund Board (SIGFB) Meeting of the Commission were considered for approval.
- B.** The drafted minutes of the January 31, 2020, Dual Physician Advisory Council (PAC) Meeting of the Commission was considered for approval.
- C.** The drafted minutes of the February 13, 2020, Special Business Meeting of the Commission was considered for approval.

Motion: Commissioner Russell moved to approve the minutes of the January 15, 2020, SIGFB Meeting of the Commission, the January 31, 2020, Dual Physician Advisory Council (PAC) Meeting of the Commission, the February 13, 2020, Special Business Meeting of the Commission.

Second: Commissioner Tilly.

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

The motion carried.

2. **Discussion and Consideration of Distribution of Surplus Monies to Members of the Metropolitan Health Care Self Insured Group (#75220)**

Rule 810:25-11-10 of the Workers' Compensation Commission provides that any distributions of surplus funds back to the members of a group self-insurance association shall be subject to the prior approval of the Commission.

The Metropolitan Health Care Self Insured Group (the Group) has requested to make a partial distribution in the amount of \$800,000. The distribution will be payable from the following five fiscal fund years ending on September 30th: FY 13 (\$400,000), FY 14 (\$100,000), FY 15 (\$100,000), FY 16 (\$100,000), and FY 17 (\$100,000).

The Group had a financial surplus of more than \$5,817,511 for all years combined, as indicated in the audited financial statement for the period ending September 30, 2019. The Group has submitted the most recent audited financial statements and actuarial review of reserves, both as of September 30, 2019, as part of their request.

Sharon Smith was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve the distribution of the surplus monies to the members of the Metropolitan Health Care Self Insured Group in the amount of \$800,000.

Second: Commissioner Russell.

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

The motion carried.

3. **Discussion and Consideration of Request to Reduce Security Deposit for Oklahoma Blood Institute, Former Own Risk Permit #19915**

Oklahoma Blood Institute (the Company), former own risk permit #19915, was a self-insured employer in the Own Risk program until April 1, 2018. The Company petitioned the Commission to reduce the Company's security deposit on file. The Commission currently holds a \$500,000 Letter of Credit, issued by BOK Financial as security deposit. The Company is requesting a reduction of their security deposit to \$150,000.

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

Sharon Smith reported, gave her recommendation, and responded to questions of the Commissioners.

Motion: Commissioner Tilly moved to approve reduction of the security deposit of Oklahoma Blood Institute, a former own risk employer, from \$500,000 to \$150,000.

Second: Commissioner Russell.

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

The motion carried.

4. Discussion and Consideration of Proposed RFP to Procure Court Reporting Services for the Oklahoma City and Tulsa Offices for the Period of July 1, 2020 to June 30, 2025.

The Commission will discuss and consider approval of the proposed RFP to secure bids for the procurement of court reporting services in the estimated amount of \$19,000 per year.

Andrea Delling reported and identified an error on the agenda. She stated the total estimate per fiscal year would be \$61,225 not \$19,000. She then gave her recommendation and responded to the questions of the Commissioners.

Motion: Commissioner Russell moved to approve proposed RFP to procure court reporting services for the Oklahoma City and Tulsa offices for the period of July 1, 2020 to June 30, 2025, to include one-year extensions.

Second: Commissioner Tilly.

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

The motion carried.

5. 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 will consider 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.

Andrea Delling 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.

6. Discussion and Possible Action on Commission Policies

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

A. 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 approve as amended.

Second: Commissioner Russell.

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

The motion carried.

B. WCC-8 Reasonable Accommodation Policy

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

Motion: Commissioner Tilly moved to continue the matter.

Second: Commissioner Russell.

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

The motion carried.

7. Discussion and Update Regarding Moving the Commission

Overview discussion regarding general plans for moving from the 3rd floor to the 1st and 2nd floors of the Denver N. Davidson Building in Oklahoma City.

Chairman Liotta reported on the timeline and logistics of moving the Commission from the 3rd floor to the 1st and 2nd floor.

There was no action taken on this agenda item.

8. Legislative Update Report and Discussion

Commissioner Russell reported on legislative meetings and legislation that may affect the Commission.

There was no action taken on this agenda item.

9. Discussion and Update Regarding Commission’s 2020 Proposed Permanent Rules

Lauren Hammonds Johnson reported and responded to questions of the Commission regarding this year’s permanent rulemaking process and WCC-proposed permanent rules.

There was no action taken on this agenda item.

10. 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.

The Chairman advised that the Workers’ Compensation Commission’s Tulsa office will move to a new location in 16 months.

11. Announcements

The Commission’s next regular appeals meeting is on Friday, February 21, 2020, at 9:00 a.m. The Commission’s next special business meeting is on Thursday, February 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 2:26 p.m.