

# SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, February 25, 2021

2:00 p.m.

via Zoom Teleconference

<https://zoom.us/j/95630794319?>

Password: UGs1TXplQXhLcEF5TnlHRDd3R3pvZz09

or

1 (346) 248-7799

Meeting ID: 956 3079 4319

Password: 1234

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## AGENDA

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**CALL TO ORDER.....Chairman Liotta**

**ROLL CALL.....Chairman Liotta**

Chairman Liotta will appear remotely via Zoom teleconference.

Commissioner Russell will appear remotely via Zoom teleconference.

Commissioner Tilly will appear remotely via Zoom teleconference.

**A. The Commissioners will observe and may participate in the Advisory Council's discussion of the following agenda items 1-11, but no action will be taken by the Commission:**

1. Call to order.
2. Roll call and determination of quorum present.

Chairman Carter will appear remotely via Zoom teleconference.

Angela LeBlanc will appear remotely via Zoom teleconference.

Jim Curry will appear remotely via Zoom teleconference.

Jonathan Buxton will appear remotely via Zoom teleconference.

Bryce Hill will appear remotely via Zoom teleconference.

Becky Robinson will appear remotely via Zoom teleconference.

Dr. Wienecke will appear remotely via Zoom teleconference.

Sterling Zearley will appear remotely via Zoom teleconference.

3. Recognize WCC Chairman for roll call and determination of WCC quorum present.

4. Announcements and Introductions.
5. Discussion and possible action concerning November 5, 2020, minutes for the special meeting of the Advisory Council Committee.
6. Discussion regarding COVID-19 and its effect on WCC cases and hearings currently and in the future.
7. Discussion regarding the 2021 Legislative Session.
8. Discussion regarding additional recruitment of specialty physicians to serve as WCC independent medical examiners.
9. Discussion and possible action regarding the 2020 Annual Report.
10. The next Advisory Council Meeting will be on Thursday, March 4, 2021 at 2:00 p.m.
11. Adjournment of the Advisory Council and the WCC.

**B. ADJOURNMENT of the Commission.....Chairman Liotta**



## Bill Status Report

01-25-2021 - 10:17:58

- Action in the date range - Link to Related Information ( ) - Priority

### Workers' Compensation

HB 2026 O'Donnell, Terry(R) Workers' compensation; definitions; effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-20-21 H Filed

HB 2149 McEntire, Marcus(R) Workers' compensation; Oklahoma Workers' Compensation Laws Amendments Act of 2021; effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 H Filed

HB 2150 McEntire, Marcus(R) Workers' compensation; Oklahoma Workers' Compensation Laws Amendments Act of 2021; effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 H Filed

HB 2151 McEntire, Marcus(R) Workers' compensation; Oklahoma Workers' Compensation Policy Act of 2021; effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 H Filed

HB 2153 McEntire, Marcus(R) Workers' compensation; Oklahoma Workers' Compensation Policy Act of 2021; effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 H Filed

HB 2236 May, Stan(R) Workers' compensation; fraud; income reporting; effective date.

**Track Name(s):** Workers' Compensation

		<b>Bill History:</b> 01-21-21 H Filed
HB 2239	May, Stan(R)	Workers' compensation; establishing a presumption regarding occupational disease; emergency.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2255	Hilbert, Kyle(R)	Workers' compensation; premium reduction; work-based learning employers; reports; study; training agreements; effective date.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2276	West, Josh(R)	Workers' compensation; mental illness or injury; volunteer firefighters group insurance; effective date.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2384	Sterling, Danny(R)	Workers' compensation; premium reduction; work based learning employers; reports; study; training agreements;
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2533	Kannady, Chris(R)	Workers' compensation; Oklahoma Workers' Compensation Policy Review Act of 2021; effective date.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2535	Kannady, Chris(R)	Workers' compensation; Oklahoma Workers' Compensation Law and Policy Review Act of 2021; effective date.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
HB 2786	Pfeiffer, John(R)	State revenue administration; State Revenue and Tax Administration Workers' Compensation Act; effective date.
		<b>Track Name(s):</b> Workers' Compensation

		<b>Bill History:</b> 01-21-21 H Filed
HB 2789	Pfeiffer, John(R)	Workers' compensation; Oklahoma Workers' Compensation Law and Policy Act of 2021; effective date.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-21-21 H Filed
SB 324	Daniels, Julie(R)	Makes employee injuries arising as a substantially certain result of employer conduct compensable under Workers' Compensation and excludes such circumstances from being considered an intentional tort in certain cases.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-08-21 S Filed
SB 330	Rader, Dave(R)	Removes requirements that the Tax Commission determine and transmit in writing the fund balance of the Self-Insurance Guaranty Fund at specific times each year and upon request by the Workers' Compensation Commission; EMERGENCY.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-11-21 S Filed
SB 369	David, Kim(R)	Extends workers' compensation benefits provided to the spouse of a deceased person even upon that person's remarriage if the death occurred in the course and scope of employment as a law enforcement officer or firefighter.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-12-21 S Filed
SB 472	Daniels, Julie(R)	Provides funds for the Workers' Compensation Court of Existing Claims for FY-2022, and for as long as the Court exists, allocates one judge and an at-will employee to the Court to assist the judge if funds are so available; EMERGENCY.
		<b>Track Name(s):</b> Workers' Compensation
		<b>Bill History:</b> 01-19-21 S Filed
SB 524	Quinn, Marty(R)	Removes the exemption for CompSource Mutual from Joint Underwriting, Joint Reinsurance Pool, and Residual Market Activities provisions, and directs the Insurance Commissioner to develop and administer an assigned risk workers' comp plan.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-20-21 S Filed

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SB 604 Rader, Dave(R) Removes requirements that the Tax Commission determine the fund balance of the Self-insurance Guaranty Fund at certain times each year and upon request by the Workers Compensation Commission.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 S Filed

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SB 655 Thompson, Roger(R) Places responsibility for the Firefighter Group Insurance Pool under OMES and establishes provisions for healthcare coverage and workers' compensation to first responders suffering from post-traumatic stress disorder.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 S Filed

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SB 975 Dahm, Nathan(R) Advisory Council on Workers' Compensation; repealing provisions. Effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 S Filed

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SB 983 Bullard, David (F)(R) Workers' compensation; authorizing certain premium reduction for employer participation in certain program. Effective date.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 S Filed

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SB 1013 Daniels, Julie(R) Workers' compensation compliance investigations; authorizing confidentiality of certain litigation files. Emergency.

**Track Name(s):** Workers' Compensation

**Bill History:** 01-21-21 S Filed

**Total Bills: 24**



**ADVISORY COUNCIL ON WORKERS' COMPENSATION**  
**85A O.S. § 121**

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MEMBER**

**MARK LIOTTA**  
Chairman  
Workers' Compensation Commission  
1915 N. Stiles Avenue  
Oklahoma City, OK 73105  
(405) 522-3222

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February 25, 2021

The Honorable J. Kevin Stitt  
Governor, State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, OK 73105

The Honorable Richard Darby  
Chief Justice, Oklahoma Supreme Court  
2100 N. Lincoln Blvd., Suite 4  
Oklahoma City, OK 73105

The Honorable Greg Treat  
President Pro Tempore of the Senate  
State Capitol, Room 422  
Oklahoma City, OK 73105

The Honorable Charles McCall  
Speaker of the House of Representatives  
State Capitol, Room 411  
Oklahoma City, OK 73105

Ladies and Gentlemen:

The Advisory Council is pleased to present you our 2020 annual report pursuant to 85A O.S. Section 121. The information contained in this report reflects the activities and accomplishments of the Council for the period of calendar year 2020. On behalf of the Council, we appreciate and thank you for the continuing opportunity to be of service.

Respectfully submitted,

Michael D. Carter  
Chairman, Advisory Council on Workers' Compensation  
For the Council

**2020 ANNUAL REPORT  
OF THE  
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

**Presented to:**

**The Honorable J. Kevin Stitt**  
Governor

**The Honorable Richard Darby**  
Chief Justice, Oklahoma Supreme Court

**The Honorable Greg Treat**  
President Pro Tempore of the Senate

**The Honorable Charles McCall**  
Speaker of the House of Representatives



**COUNCIL MEMBERSHIP IN 2020**

Michael D. Carter, Chair

Angela R. LeBlanc, Vice Chair

Jim C. Curry

Becky Robinson

Bryce A. Hill

Robert J. Wienecke, M.D.

Jonathan D. Buxton

Sterling Zearley

**COUNCIL STAFF**

**Oklahoma Workers' Compensation Commission**  
Alexander Watkins



**2020 ANNUAL REPORT  
OF THE  
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

**I.  
INTRODUCTION**

The Advisory Council on Workers' Compensation, created by 85A O.S. § 121 serves as an advisory body to the Oklahoma Workers' Compensation Commission. This report identifies the progress and activities of the Council during calendar year 2020.

Membership of the Council in 2020 included Michael D. Carter, Chairman; Angela R. LeBlanc, Vice Chair; Jim C. Curry; Jonathan D. Buxton; Bryce A. Hill; Becky Robinson; Robert J. Wienecke, M.D.; Sterling Zearley; and one statutorily permitted Council position is vacant. A current membership list, including appointing authority, is included in the Appendix to this report. Staff support for the committee is provided by the Oklahoma Workers' Compensation Commission as provided in 85A O.S. § 121.

**II.  
STATUTORY DUTIES**

The statutory duties of the Advisory Council are set forth in 85A O.S. § 121, a copy of which is included in the Appendix. These duties include:

- The Advisory Council shall analyze and review the worker's compensation system, the reports of the Commission, and trends in the field of worker's compensation. The Advisory Council may also recommend improvements and proper responses to developing trends.
- The Advisory Council shall report its findings annually to the Governor, the Chief Justice of the Supreme Court, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.
- In addition to other duties required by this section, the Advisory Council shall consult with the Commission regarding oversight of independent medical examiners as provided in Section 45 of this title.

**III.  
2020 ACTIVITIES**

During the first half of 2020, the Advisory Council on Workers' Compensation monitored workers' compensation legislation. Approximately twenty measures pertaining to the workers' compensation system were tracked, reviewed, and discussed as they advanced through the legislative process.

In addition to reviewing legislative activity, the Advisory Council also monitored, considered, and discussed recent appellate opinions of the Oklahoma Supreme Court and

Oklahoma Court of Civil Appeals that pertain to Title 85A, the Administrative Worker's Compensation Act.

#### **IV. PUBLIC MEETINGS**

The Advisory Council held four (4) regular public meetings in 2020. Copies of the agendas and minutes for each of the meetings are included in the Appendix to this report.

Regular meetings of the Advisory Council for calendar year 2021 are scheduled for February 4, 2021, March 4, 2021, April 1, 2021, May 6, 2021, September 2, 2021, and November 4, 2021. The meetings are scheduled for 2:00 p.m. in the second floor Commission Chambers at the Workers' Compensation Commission, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma.

#### **V. CONCLUSION**

The Advisory Council is pleased to submit this report. We hope our efforts help enhance meaningful review of issues affecting our state's workers' compensation system.

# **Appendix**



**ADVISORY COUNCIL ON WORKERS' COMPENSATION  
85A O.S. § 121**

**COUNCIL MEMBERSHIP**

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<b>Name</b>	<b>Appointment Source</b>	<b>Expiration of Term</b>
Becky Robinson	Governor	January 1, 2020
Angela R. LeBlanc	Governor	January 1, 2021
Jonathan D. Buxton	Governor	January 1, 2022
Bryce A. Hill	President Pro Tempore	January 1, 2023
Michael D. Carter	President Pro Tempore	January 1, 2023
Robert J. Wienecke M.D.	President Pro Tempore	January 1, 2023
Jim C. Curry	Speaker of the House	January 1, 2016
Sterling Zearley	Speaker of the House	January 1, 2015
VACANT POSITION	Speaker of the House	January 1, 2017

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