

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, February 8, 2018
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER Chairman Liotta

ROLL CALL..... Chairman Liotta

MINUTES

The drafted minutes of the February 5, 2018 public meeting of the Commission will be considered for approval.

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION. PUBLIC COMMENTS ARE LIMITED TO THE AGENDA ITEMS LISTED.

1. Discussion and Consideration of Current Commission Policies

The Commission will discuss and consider the following current Commission policies and determine if any updates are necessary: (a) Workplace Violence and Anti-Bullying Policy; and (b) WCC Employee Election Season Policy. The WCC Employee Election Season Policy was discussed at the Commission's January 11, 2018 regular meeting, but no action was taken. It was agreed to continue the matter to the Commission's February 8, 2018 regular meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving; not approving; or approving a modified version of the one or more of the policies listed in Item 1 of this agenda.

2. Consent Agenda for Travel Vouchers Currently Outstanding

85A O.S. § 23 states 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 will consider a vote to approve the currently outstanding vouchers.

All 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.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving some, all or none of the vouchers listed in this Consent Agenda; continuing the matter.

3. Discussion and Consideration of Including a Screen Print Copy of a Public Search Using the Commission's Public Terminals Under the Copy Charge Set Out in 85A O.S. § 119.

Per 85A O.S., § 119, persons requesting and receiving copies of documents on file with the Workers' Compensation Commission shall pay a fee to the Commission of \$1.00 per page copied. Proposed for the Commission's consideration is charging a fee of \$1.00 per screen print copy of a public search using the Commission's public terminals. The Commission discussed the fee at its January 30, 2018 special meeting, but no action was taken. It was agreed to continue the matter to the Commission's February 8, 2018 regular meeting.

Possible Action:

Possible action may include, but is not limited to: taking no action; approving the copy fee as proposed; approving the copy fee with amendment(s); not approving the copy fee; or continuing the matter.

4. Proposed Approval of Independent Medical Examiners and a Medical Case Manager 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 workers. 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 period of qualification for case managers is two (2) years.

The Commission will consider approving the list of physicians and case manager presented at the meeting that have been vetted by the Medical Director and recommended to have their applications approved.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the physicians and/or case manager for the Commission.

5. Proposed Commission Approval of Group Self-Insurance Applications for New Membership:

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement and estimated standard and discounted premium the applicant will pay during the period between the application effective date and the association's renewal.

The Commission will consider approving the following applications for new membership to the **Oklahoma Automobile Dealers Self-Insured Association (#75058):**

#875 SW Auto Connection, LLC

#876 Jay Hodge DCJR, LLC

#877 Roberts Auto Center, LLC

#878 Roberts Dodge-Chrysler-Jeep, LLC

#879 Roberts-Ford-Lincoln, LLC

The applications were reviewed by the Permitting Services Division (formerly Insurance Division) and recommended for approval.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the applications for new membership.

6. Discussion and Consideration of Releasing the Letter of Credit of W-W Trailer Manufacturer's Inc., a Former Individual Own Risk Employer (#16138)

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two (2) years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be

released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit from a duly authorized officer of the employer, affirming that all workers' compensation claims have been permanently closed, and the statute of repose for reopening the claims has passed.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or releasing or not releasing the letter of credit of W-W Trailer Manufacturer's Inc., a former individual own risk employer (#16138).

7. Reports

THE FOLLOWING REPORT IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.

Legislative Update Report

Commissioner Russell will give a report on legislative meetings and legislation affecting the Commission.

8. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, Candidate C, Candidate D, Candidate E, Candidate F, Candidate G, Candidate H, Candidate I, Candidate J, Candidate K, Candidate L, Candidate M, Candidate N, Candidate O, Candidate P, or Candidate Q for the position of Executive Director.

A. Motion and Vote to:

Go into Executive Session under Title 25 O.S. § 307(B)(1) for purposes of discussing the hiring, salary or employment of Candidates listed in Agenda Item 8 for the position of Executive Director.

B. Motion and Vote to Reconvene in Open Session

No action is anticipated or will be taken with regard to the hiring, salary, or employment of the Executive Director.

9. Announcements

The Commission's next regularly scheduled appeals meeting is on Friday, February 9, 2018. The Commission's next special business meeting is on Tuesday, February 20, 2018 for purposes of a public hearing on the Commission's proposed permanent rules and forms revisions.

ADJOURNMENT.....Chairman Liotta