

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

Thursday, March 18, 2021
1:30 p.m.
Commission Chambers, 2nd Floor
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER **Commissioner Liotta**

ROLL CALL **Commissioner Liotta**

Chairman Liotta will appear in-person.
Commissioner Russell will appear in-person.
Commissioner Tilly will appear remotely via Zoom teleconference.

Open Meeting Act Statement

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

1. **Discussion and Possible Action on Minutes**

The drafted minutes of the March 4, 2021, Special Meeting of the Commission will be considered for approval.

2. **Request to Fully Release the Security Deposit for Westar Energy, Former Own Risk Permit #19811**

Westar Energy (“the Company”), former own risk permit #19811, was a self-insured employer in the Own Risk program until October 19, 2018. The Company has petitioned the Commission to fully release the Company’s security deposit on file. The Commission currently holds a \$100,000 Letter of Credit, issued by Wells Fargo Bank, as a security deposit.

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

Possible Action:

Possible action may include, but not limited to: continuing the matter; releasing or reducing the security deposit of Westar Energy; or not releasing or reducing the security deposit of Westar Energy, a former own risk employer.

3. **Request to Approve the 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 \$816,702. The distribution will be payable from the following seven fiscal fund years ending on September 30th: FY 13 (\$65,529.88), FY 14 (\$93,113.80), FY 15 (\$201,194.76), FY 16 (\$204,068.93), FY 17 (\$166,809.50), FY 18 (\$40,340.82), and FY 19 (\$45,644.31).

The Group had a financial surplus of more than \$7,038,111 for all years combined, as indicated in the audited financial statement for the period ending September 30, 2020.

Possible Action:

Possible action may include, but not limited to: continuing the matter; approving the distribution of surplus monies to the Metropolitan Health Care Self Insured Group; or not approving the distribution of surplus monies to the Metropolitan Health Care Self Insured Group.

4. **Discussion and Possible Action on the Workers’ Compensation Commission’s CC-Forms 3, 3A, 3B, 3C, and 3F 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 will consider modifications and take possible action on the proposed draft CC-Forms 3, 3A, 3B, 3C, and 3F.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; modifying the form, in whole or in part, and setting an effective date; or other action consistent with the Commission’s authority.

5. **Discussion and Possible Action on Proposed Changes to the Commission’s EDI Proof of Coverage and Requirements**

Section 101 of Title 85A tasks the Commission with implementing an electronic data interchange (“EDI”) system to provide relevant data concerning the Oklahoma workers’ compensation system and the delivery of benefits to injured workers. The Commission will discuss proposed changes to the Electronic Data Interchange system’s proof of coverage and requirements.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving changes to the Commission’s EDI proof of coverage and requirements, or other action consistent with Commission authority.

6. **Legislative Update Report and Discussion**

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

No action will be taken.

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

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving a plan(s) regarding operations of the Workers’ Compensation Commission in response to the threat of COVID-19.

8. **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.

9. **Announcements**

The Commission’s next regular appeals meeting is on Friday, March 26, 2021 at 9:00 a.m. The Commission’s next dual PAC meeting is on Friday, March 26, 2021 at 2:00 p.m. The Commission’s next dual advisory meeting is on Thursday, April 1, 2021. The Commission’s next regular business meeting is on Thursday, April 15, 2021.

ADJOURNMENT.....Chairman Liotta