

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**SPECIAL MEETING MINUTES**  
**MARCH 26, 2020, 1:30 P.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Special Business Meeting was filed with the Secretary of State's office on Monday, March 23, 2020, at 12:33 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 sent to the agency distribution list.

This meeting is also being conducted under the new emergency provisions of the Open Meeting Act, as amended by SB 661 on Wednesday, March 18, 2020.

**MINUTES OF THE MARCH 26, 2020 SPECIAL BUSINESS MEETING OF THE**  
**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission appeared remotely via telephone, on March 26, 2020.

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

Others Present: Lauren Hammonds Johnson, WCC; Hopper Smith, WCC; Collin Fowler, 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. Proposed Executive Session pursuant to 25 O.S. § 307(B)(4) to confidentially discuss EEOC Charge 564-2020-00434 filed against the Workers' Compensation Commission, where Commission General Counsel has determined that disclosure of such confidential communications will seriously impair the ability of the Commission to process the claim and pending litigation.**

This Executive Session was conducted via teleconferencing pursuant to 25 O.S. § 307.1(D). Chairman Liotta, Commissioner Russell, and Commissioner Tilly appeared remotely via telephone.

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

*Motion:* Commissioner Tilly moved to enter into Executive Session.

*Second:* Commissioner Russell

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

*The motion carried.*

The Commission discussed EEOC Charge 564-2020-00434.

**B. Motion and Vote to Reconvene in Open Session.**

*Motion:* Commissioner Tilly moved to reconvene in Open Session.

*Second:* Commissioner Russell

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

*The motion carried.*

**C. Motion and Vote on EEOC Mediation.**

*Motion:* Commissioner Tilly moved for the Commission to not participate in the EEOC mediation.

*Second:* Commissioner Russell

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

*The motion carried.*

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

*Motion:* Commissioner Russell moved to adopt the Supreme Court Administrative Directive 2020-24, First Emergency Joint Order Regarding the COVID-19 State of Disaster Order, to apply to all Workers' Compensation Commission cases to toll the deadline of statutes of limitations for 30 days after March 16, 2020, for all case filings and appeals filings.

*Second:* Commissioner Tilly.

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

*The motion carried.*

**Motion:** Commissioner Russell moved to strike all Administrative Law Judge hearing dockets, and Commission dockets, including appeals dockets, until April 30, 2020.

**Second:** Commissioner Tilly

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

**The motion carried.**

**Motion:** Commissioner Tilly moved to reopen Monday, March 30, 2020, in limited capacity in accordance with Governor Stitt's Executive Order and as the Commission discussed.

**Second:** Commissioner Russell

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

**The motion carried**

### **3. Discussion and Possible Action on Proposed Amended Medical Fee Schedule**

Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review of the Fee Schedule every two (2) years. The Commission has contracted with an external consultant to develop a report on the current Fee Schedule and a proposed amended Fee Schedule for the Commission's consideration. The Commission will discuss the draft proposed Fee Schedule and vote on whether to submit it to the Legislature.

Commissioner Russell gave four proposed amendments to the Fee Schedule, and responded to questions of the Commissioners.

**Motion:** Commissioner Russell moved to amend the proposed draft Fee Schedule as follows:

#### **Amendment 1**

I, Commissioner Jordan K. Russell, move to amend the Proposed Medical Fee Schedule Draft dated 3-17-2020

at:

Page numbered 59,  
CPT Code 22853,  
INSJ BIOMCHN DEV INTERVERTEBRAL DSC SPC W/ARTHRO

by striking the stated Professional MAR of "~~\$536.47~~" and inserting "\$728.66"

and

Page numbered 59,  
CPT Code 22633,

ARTHDSIS POST/POSTEROLATRL/POSTINTERBODY LUMBAR

by striking the stated Professional MAR of “~~\$3,828.82~~” and inserting “\$5,250.11”.

**Second:** Commissioner Tilly.

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

**The motion carried.**

**Motion:** Commissioner Russell moved to amend the proposed draft Fee Schedule as follows:

**Amendment 2**

I, Commissioner Jordan K. Russell, move to amend the Proposed Medical Fee Schedule Draft dated 3-17-2020

at:

Pages numbered 297 to 298,

by striking each of the Professional MARs in the column denoted below as “Stricken” and inserting the MARs in the column denoted below as “Inserted” for the CPT Codes as listed and described as follow:

CPT Code:	Description:	Professional MAR Stricken:	Professional MAR Inserted:
96130	PSYCHOLOGICAL TST EVAL SVC PHYS/QHP FIRST HOUR	<del>\$159.77</del>	<u>\$191.72</u>
96131	PSYCHOLOGICAL TST EVAL SVC PHYS/QHP EA ADDL HOUR	<del>\$122.90</del>	<u>\$147.48</u>
96136	PSYL/NRPSYCL TST PHYS/QHP 2+ TST 1ST 30 MIN	<del>\$62.87</del>	<u>\$75.44</u>
96137	PSYCL/NRPSYCL TST PHYS/QHP 2+ TST EA ADDL 30 MIN	<del>\$57.67</del>	<u>\$69.20</u>
96132	NEUROPSYCHOLOGICAL TST EVAL PHYS/QHP 1ST HOUR	<del>\$178.68</del>	<u>\$214.42</u>
96133	NEUROPSYCHOLOGICAL TST EVAL PHYS/QHP EA ADDL HR	<del>\$134.25</del>	<u>\$161.10</u>
96136	PSYL/NRPSYCL TST PHYS/QHP 2+ TST 1ST 30 MIN	<del>\$62.87</del>	<u>\$75.44</u>
96137	PSYCL/NRPSYCL TST PHYS/QHP 2+ TST EA ADDL 30 MIN	<del>\$57.67</del>	<u>\$69.20</u>
96132	NEUROPSYCHOLOGICAL TST EVAL PHYS/QHP 1ST HOUR	<del>\$178.68</del>	<u>\$214.42</u>
96133	NEUROPSYCHOLOGICAL TST EVAL PHYS/QHP EA ADDL HR	<del>\$134.25</del>	<u>\$161.10</u>
96138	PSYCL/NRPSYCL TST TECH 2+ TST 1ST 30 MIN	<del>\$50.58</del>	<u>\$60.70</u>
96139	PSYCL/NRPSYCL TST TECH 2+ TST EA ADDL 30 MIN	<del>\$50.58</del>	<u>\$60.70</u>
96121	NEUROBEHAVIORAL STATUS XM PHYS/QHP EA ADDL HOUR	<del>\$112.98</del>	<u>\$135.58</u>
96146	PSYCL/NRPSYCL TST ELEC PLATFORM AUTO RESULT	<del>\$2.84</del>	<u>\$3.41</u>

**Second:** Commissioner Tilly.

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

***The motion carried.***

***Motion:*** Commissioner Russell moved to amend the proposed draft Fee Schedule as follows:

**Amendment 3**

I, Commissioner Jordan K. Russell, move to amend the Proposed Medical Fee Schedule Draft dated 3-17-2020

at:

Page 27,  
Anesthesia Ground Rule 1(b),

By inserting the following additional paragraph after the first paragraph but before the second paragraph:

“For surgeries greater than two (2) hours, the maximum allowable reimbursement shall be calculated using the conversion factor and time units set forth in this Medical Fee Schedule or by using the former conversion factor and time units as set forth in the 2012 Oklahoma Schedule of Medical and Hospital Fees, whichever is greater.”

***Second:*** Commissioner Tilly.

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

***The motion carried.***

***Motion:*** Commissioner Russell moved to amend the proposed draft Fee Schedule as follows:

**Amendment 4**

I, Commissioner Jordan K. Russell, move to amend the Proposed Medical Fee Schedule Draft dated 3-17-2020

at:

Pharmaceutical Services Ground Rule 1(b)

At the end of the paragraph, after the word government, insert:

“Non-prescription drugs or OTCs shall not include medical marijuana for purposes of reimbursement under this Medical Fee Schedule.”

and:

Pharmaceutical Services Ground Rule 1(e)

At the end of the paragraph, after the word pharmacist, insert:

“Prescription shall not include any recommendation or permit for the use of medical marijuana for purposes of reimbursement under this Medical Fee Schedule.”

**Second:** Commissioner Tilly.

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

**The motion carried.**

**Motion:** Commissioner Tilly moved to approve the Medical Fee Schedule as amended.

**Second:** Commissioner Russell.

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

**The motion carried.**

**4. Discussion and Possible Action Regarding Telehealth**

Discussion regarding the impact of COVID-19 on healthcare services and consideration of telehealth services.

*There was no action taken on this agenda item.*

**5. Announcements**

Chairman Liotta stated that these announcements are subject to change. The Commission’s next dual advisory meeting is Thursday, April 2, 2020, at 2:00 p.m. and the Commission’s next special business meeting is Wednesday, April 15, 2020, at 1:00 p.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 2:40 p.m.**