

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

Thursday, June 23, 2022
1:30 p.m.
En Banc Courtroom
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

CALL TO ORDER..... Chairman Russell

ROLL CALL Chairman Russell

Open Meeting Act Statement

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

1. Discussion and Possible Action to Approve Minutes

The drafted minutes of the June 7, 2022, Special Meeting of the Commission will be considered for approval.

2. Discussion and Possible Action to Approve the 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.

3. Discussion and Possible Action to Approve Independent Medical Examiners and Case Managers 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 (“IMEs”). 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 employees. Additionally, Section 113 requires the Commission to develop, maintain, and review a list of qualified case managers. The period of qualification for both physicians and case managers shall be two years.

The Commission will consider approving the list of physicians and case managers presented at the meeting that have been vetted and recommended for approval by the Executive Director.

4. **Discussion and Possible Action to Reduce Security Deposit for Jackson County Memorial Hospital, Former Own Risk Permit #14970**

Jackson County Memorial Hospital (“the Company”), former own risk permit #14970, was a self-insured employer in the Own Risk program until July 1, 2015. The Company has petitioned the Commission to reduce the Company's security deposit on file. The Commission currently holds a \$150,000 Letter of Credit, issued by Shamrock Bank, N.A. as security deposit. They are requesting a reduction of their security deposit to \$100,000. They have an outstanding reserve balance of \$49,278.

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

5. **Discussion and Possible Action 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 \$368,256. The distribution will be payable from the following seven fiscal fund years ending on September 30th: FY 14 (\$52,608), FY 15 (\$52,608), FY 16 (\$52,608), FY 17 (\$52,608), FY 18 (\$52,608), FY 19 (\$52,608), and FY 20 (\$52,608).

The Group has submitted the most recent audited financial statements and actuarial review of reserves, both as of September 30, 2021, as part of their request.

6. **Discussion and Possible Action to Reduce Security Deposit for Masco Corporation, Own Risk Permit #12397**

Masco Corporation (“the Company”), own risk permit #12397, was a self-insured employer in the Own Risk program until June 30, 2016. They have petitioned the Commission to reduce the Company’s security deposit on file. The Commission currently holds a \$865,000 Surety Bond, issued by Liberty Mutual Insurance Company as security deposit. They are requesting a reduction of their security deposit to \$810,000. The company currently has two outstanding claims totaling \$809,586.

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

7. **Discussion and Possible Action to Reduce Security Deposit for Miller Truck Lines, Current Own Risk Permit #19583**

Miller Truck Lines (“the Company”), has a self-insured permit with the Commission. The Company has petitioned the Commission to reduce the Company's security deposit on file. The Commission currently holds a \$470,000 Letter of Credit, as security deposit. They are requesting a reduction of their security deposit to \$100,000. The outstanding loss reserves total is \$10,470.68.

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

8. **Discussion and Possible Action to Approve Application to the Governmental Technology Applications Review Board for the Collection of Certain Online Fees**

Title 60 O.S. § 34.25 provides that state agencies may obtain reimbursement of a merchant fee in connection with any electronic or online transaction and/or a convenience fee for a manual transaction. The State Governmental Technology Applications Review Board is tasked by statute with reviewing and approving agencies’ fee applications.

9. **Discussion and Possible Action to Approve Workers’ Compensation Commission Forms, and to Set the Effective Date:**

- a. Copier Request Form
- b. Request for Prior Claims File Information Form

10. **Discussion and Possible Approval of Contract for Fall Semester Interns from the Cristo Rey Work Study Program (“CWSP”)**

The Commission will discuss and consider approval of the CWSP contract to hire one student team of four students for the fall 2022 semester in the amount of \$17,000.

11. **Discussion and Possible Action to Approve Application for Appointment as Certified Workers’ Compensation Mediator**

Title 85A O.S. § 110 tasks the Commission with certifying individuals who are eligible and qualified to serve as mediators. An individual may be certified as a mediator if the applicant meets the qualifications as required by the Commission in Section 110.

The Commission will consider the certified mediator application presented at the meeting, which has been vetted by the Legal Operations Director and recommended for approval.

12. **Discussion and Possible Approval of Commission’s 2021 Annual Report**

Pursuant to 85A O.S. § 101(A), on or before the first day of July each year the Commission shall prepare, make public, and submit a report for the prior calendar year to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and each member of the Legislature. The report shall contain a statement of the number of awards made and the causes of

the accidents leading to the injuries for which the awards were made, total work load data of the administrative law judges, including a detailed report of the work load and judgments written by each judge, a detailed statement of the expenses of the Commission, together with any other matter which the Commission deems proper to report.

13. **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.

ADJOURNMENT.....Chairman Russell