

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**REGULAR MEETING MINUTES**  
**AUGUST 17, 2023 10:00 A.M.**

**STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Business Meeting was filed with the Secretary of State's office 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 at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

**MINUTES OF THE AUGUST 17, 2023, REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., in the En Banc Courtroom, Oklahoma City, Oklahoma, on August 17, 2023.

Members present: Chairman Jordan Russell, Commissioner Tilly and Commissioner Scott Biggs.

Others Present: Ian Steedman, WCC; Alexander Watkins, WCC; Tranna Fischer, WCC; Sharon Smith, WCC; Collin Fowler, WCC; Andrea Delling, WCC; Christopher Lindsey-Outlaw, LegisOK; and Patrick Gaines Sr., Gaines Government Services, Inc.

Chairman Russell expressed appreciation for those in attendance. After the roll was taken, Chairman Russell found a quorum present and called the meeting to order at 2:00 p.m.

1. **Discussion and Possible Action to Approve Minutes**

The drafted minutes of the July 20, 2023, Regular Meeting of the Commission will be considered for approval.

Commissioner Biggs moved to approve the Minutes of the July 20, 2023 Regular Meeting. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

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.”

All travel vouchers listed within the Consent Agenda were made available to each Commissioner prior to the meeting.

Commissioner Biggs moved to approve the travel vouchers. Commissioner Tilly seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

3. **Discussion and Possible Action to Approve the Distribution of Surplus Monies to Members of the Oklahoma Operators Self-Insurers Fund (#75292)**

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 Oklahoma Operators Self-insurers Fund (“the Group”) requested to make a partial distribution in the amount of \$190,000, which will be payable from Fund Years 2015 (\$30,000), 2016 (\$30,000), 2017 (\$70,000) and 2018 (\$60,000). All claims for these fund years are closed.

The Group had a financial surplus of more than \$1,512,765 for all years combined, as indicated in the audited financial statement for the period ending December 31, 2022.

The Group has submitted the audited financial statement for the year ending December 31, 2022 in support of their request.

Sharon Smith was recognized, presented, and answered questions of the Commission.

Commissioner Tilly moved to approve distribution in the amount of \$190,000. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

4. **Discussion and Possible Action to Approve the Distribution of Surplus Monies to Members of the Oklahoma Automobile Dealers Self-Insurance Association (#75058)**

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 Oklahoma Automobile Dealers Self Insured Association (“the Group”) requested to make a partial distribution of \$5,300,000, which will be payable in the following amounts from the indicated fiscal year: \$2,500,000 (FY 22-23); \$1,500,000 (FY 21-22); \$300,000 (FY 20-21); \$200,000 (FY 19-20); \$200,000 (FY 18-19); and \$600,000 (FY 17-18); The partial distribution will be made to all of the current active or otherwise qualified members which participated in those fiscal years.

The Group’s current financial surplus is \$15,294,000 for all years combined, as indicated in the financial statement for the period ending on March 31, 2023.

The Group submitted the actuarial review of reserves and the audited financial statement for the year ending March 31, 2023 in support of their request. The Group maintains reserves as recommended in the Group’s Actuarial Reserve Analysis as of 3/31/23 and will continue to have a surplus in each of these four fiscal years if this distribution is approved.

Sharon Smith was recognized, presented, and answered questions of the Commission.

Commissioner Tilly moved to approve partial distribution in the amount of \$5,300,000. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

5. **Discussion and Possible Action to Approve Amendments to the Affidavit of Exempt Status Form and Setting the Effective Date**

The Compliance Department is proposing changes to the current CC-Form 36 Affidavit of Exempt Status. The proposed changes include (1) adding an entry line for the last four digits of the Individual’s SSN and (2) adding five additional lines for Family Members, to include their names, relationship to the owner, address, and last four digits of their SSN.

Tava Jones was recognized, presented, and answered questions of the Commission.

Commissioner Biggs moved to approve changes to the form with an effective date of October 1, 2023. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

6. **Discussion and Possible Action to Adopt Proposed Commission Subpoena Form and Setting the Effective Date**

The Compliance Department is proposing changes to the current Subpoena form. The proposed changes include (1) eliminating the word “appear” in the language in the 4<sup>th</sup> section and (2) adding the phrase “Produce within 20 days of receipt.” to the line above “Date and Time to Produce”.

Tava Jones was recognized, presented, and answered questions of the Commission.

Commissioner Biggs moved to approve changes to the form with an effective date of October 1, 2023. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell, Commissioner Tilly, and Commissioner Biggs.

The motion carried.

7. **Discussion on Prescribed Minimum Benefits and Workers’ Compensation Carriers**

Patrick Gaines Sr. was recognized, presented, and answered questions of the Commission.

No action was taken.

*\*Commissioner Tilly exited the meeting at approximately 11:00 am.\**

8. **Discussion and Possible Action to Permit Law Firms to Use the Denver Davison Building Courtrooms to Host WCC Mediations**

Commissioner Biggs presented and answered questions.

No action was taken.

9. **CaseOK Update and Discussion**

Ian Steedman was recognized, presented, and answered questions of the Commission.

No action was taken.

10. **Discussion and Update Regarding 2024 Medical Fee Schedule**

Commissioner Biggs presented and answered questions of the Commission.

No action was taken.

**11. Legislative Update and Discussion**

Commissioner Biggs presented and answered questions of the Commission.

No action was taken.

**12. 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.

There was no new business.

**ADJOURNMENT.....Chairman Russell**

Chairman Russell moved to adjourn. Commissioner Biggs seconded the motion. Those voting aye: Chairman Russell and Commissioner Biggs.

The motion carried, and the meeting adjourned at 11:40 a.m.