

STATE OF OKLAHOMA

**WORKERS’ COMPENSATION COMMISSION**

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MINUTES

of the

WORKERS’ COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

June 15, 2017

Special Public Meeting

MINUTES OF THE MEETING OF THE WORKERS’ COMPENSATION COMMISSION FOR THE STATE OF OKLAHOMA

The members of the Workers’ Compensation Commission for the state of Oklahoma met at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, on June 15, 2017.

Members present: Chairman Gilliland, Commissioner Liotta, and Commissioner Russell.

Others in attendance on behalf of the Commission: Kim Bailey, Stormy Moore, Eric Russell, Dr. Jay Cannon, John Crittenden, and Scott Chance.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum and the Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 2:00 p.m.

**Approval of Minutes**

Chairman Gilliland presented the minutes of the May 18, 2017 public meeting for approval.

***Motion*:** Commissioner Liotta moved to approve the minutes of the May 18, 2017 public meeting.

***Second*:** Commissioner Russell.

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

***The motion carried.***

**1.Discussion and Consideration of Reducing or Releasing the Security Deposit of Remy International, Inc., a Former Own Risk Employer**

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs.

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 incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed. The Commission considered reducing or releasing the security deposit of Remy International, Inc., a former own risk employer.

Commission Insurance Division Director Stormy Moore was recognized to report and make a recommendation. She recommended that the Commission approve releasing the security deposit of Remy International, Inc., a Former Own Risk Employer

***Motion*:** Commissioner Liotta moved to approve releasing the security deposit of Remy International, Inc., a Former Own Risk Employer

***Second*:** Commissioner Russell

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

***The motion carried.***

**2. Discussion and Consideration of Reducing the Security Deposit of Amsted Industries, Inc., a Former Own Risk Employer**

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two-year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs. The Commission considered reducing the security deposit of Amsted Industries, Inc., a former own risk employer.

Commission Insurance Division Director Stormy Moore was recognized to report and make a recommendation. She recommended that the Commission move to not reduce the security deposit of Amsted Industries, Inc., A Former Own Risk Employer.

***Motion*:** Chairman Gilliland moved to not reduce the Security Deposit of Amsted Industries, Inc., a Former Own Risk Employer

***Second*:** Commissioner Liotta

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

***The motion carried.***

**3. Proposed Approval of Independent Medical Examiners and Case Managers for the Commission**

Title 85A OS § 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. The period of qualification shall be two (2) years. Likewise, for case managers, 85A O.S. § ll3 requires a list of qualified case managers be developed, maintained and periodically reviewed by the Commission.

The Commission considered approving the physician and case manager list, which has been vetted by the Medical Director and the staff in Medical Services and been made available to each Commissioner for the Commission's approval.

Medical Director Dr. Jay Cannon was recognized to report and made a recommendation to approve the list of IME and Case Managers provided.

***Motion*:** Chairman Gilliland moved to approve all the IMEs and Case Managers on the list provided.

***Second*:** Commissioner Liotta

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

***The motion carried.***

**4. Discussion and Consideration of Approval of 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, containing 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. The Commission discussed and considered approval of the 2016 Annual Report as presented at the meeting.

Director of Legal Operations Eric Russell was recognized to report regarding the Annual Report and recommended approval. Chairman Gilliland commended Director of Legal Operations Eric Russell and others who have worked so diligently preparing the annual report.

***Motion*:** Chairman Gilliland moved to approve the 2016 Annual Report.

***Second*:** Commissioner Russell

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

***The motion carried.***

**5. Discussion and Consideration of Commission's FY18 Budget**

The Commission will discuss and consider approval of its FY18 Budget, as proposed.

CFO Jennifer Reeves was recognized to report on the proposed FY18 Budget and recommended approval.

***Motion*:** Commissioner Russell moved to approve the proposed FY18 Budget.

***Second:*** Commissioner Liotta

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

***The motion carried.***

**6. Proposed Opening of the Emergency Rulemaking Process to Consider Emergency Rules for the Workers' Compensation Commission**

The Commission considered opening the Emergency Rulemaking process to provide the Commission with emergency rules that will clarify issues raised with regard to the Certificate of Non-coverage. Proposed emergency rules are submitted to the Governor for approval.

Commission Counsel Lindsey Christopher was recognized to report and recommended moving approval as proposed.

***Motion:*** Commissioner Liotta moved approval as proposed.

***Second:*** Commissioner Russell

Those voting aye: Commissioner Liotta, Commissioner Russel, and Chairman Gilliland.

***The motion carried.***

**7. Discussion and Consideration of Requesting an Attorney General Opinion regarding the Applicability of the Oklahoma Code of Judicial Conduct**

The Oklahoma Code of Judicial Conduct (Code) establishes the ethical conduct for judges to ensure independent and impartial interpretations of the law. The Preamble to the Code is clear that judges must avoid impropriety or even the appearance of impropriety in both their professional and personal conduct. The Commission considered requesting an Attorney General Opinion regarding whether the Code is applicable to the Commissioners.

Commission Executive Director Kim Bailey was recognized to report and recommended moving to request an opinion.

***Motion:*** Chairman Gilliland moved to request an opinion regarding the Applicability of the Oklahoma Code of Judicial Conduct.

***Second:*** Commissioner Liotta

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

***The motion carried.***

**8. 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 considered a vote to approve the currently outstanding vouchers.

All vouchers listed within this Consent Agenda have been made available to each Commissioner prior to the 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 separately voted upon.

***Motion:*** Commissioner Russell moved approval.

***Second:*** Chairman Gilliland

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

***The motion carried.***

**9. 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, or Candidate C for the position of Tulsa Administrative Law Judge**

The commissioners considered going into Executive Session for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C for the position of Tulsa Administrative Law Judge.

* 1. ***Motion:*** Chairman Gilliland moved to go into Executive Session for the purpose of discussing the hiring, salary or employment of Candidate A, Candidate B, or Candidate C for the position of Tulsa Administrative Law Judge.

***Second:*** Commissioner Liotta

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

***The motion carried.***

* 1. ***Motion:*** Chairman Gilliland moved to reconvene Open Session.

***Second:*** Commissioner Liotta

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

***The motion carried.***

**No action was taken as a result of Executive Session.**

**10. Reports**

**THE FOLLOWING REPORTS ARE PRESENTED FOR INFORMATIONAL PURPOSES ONLY. NO ACTION WILL BE TAKEN.**

**4th Annual Workers’ Compensation Educational Conference Update Report**

Communications & Administrative Director Scott Chance gave a report on the 4th Annual Workers’ Compensation Educational Conference being held on Oct. 5th and 6th, 2017.

**Legislative Update Report**

Commissioner Liotta gave a report on legislative meetings and legislation affecting the Commission. Commissioners participated in a discussion of the 2017 Legislative Session and the outlook for 2018 Legislative Session.

**Announcements**

Chairman Gilliland announced the next special meeting of the Commission is scheduled for Thursday, July 27, 2017.

**Adjournment**

***Motion***: Chairman Gilliland moved to adjourn.

***Second*:** Commissioner Liotta.

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

***The motion carried.***

Chairman Gilliland announced the meeting was adjourned.