



STATE OF OKLAHOMA

**WORKERS' COMPENSATION COMMISSION**

M I N U T E S

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

September 29, 2016

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 September 29, 2016.

Members present: Chairman Robert Gilliland, Commissioner LeRoy Young and Commissioner Mark Liotta. Others in attendance on behalf of the Commission: Kim Bailey, Steven Barker, Clif Cypert, Jay Cannon and Tiffany Pratt.

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 1:30 p.m.

**1. Approval of Minutes**

Chairman Gilliland presented the minutes of the September 8, 2016 regular public meeting for approval.

**Motion:** Commissioner Liotta moved to approve the minutes of the September 8, 2016 regular public meeting.

**Second:** Chairman Gilliland.

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

***The motion carried.***

**2. Discussion and Consideration of the Fiscal Year 2017 Shared Services Agreement between the Commission and the Office of Management Enterprise Services**

*The Commission considered approving the Shared Services Agreement with the Office of Management Enterprise Services for FY17. The previous multiple shared services agreements between OMES and agencies have been integrated into one agreement that covers all shared services provided by OMES. Combining the agreements means that an agency will execute one agreement, rather than potentially three separate agreements with OMES. The proposed Agreement for Shared Services contains general terms as well as division-specific terms, which are specified in the appendices. The shared services listed on Appendices D and F of the proposed Agreement were copied over from the Commission's existing*

*agreements with Human Capital Management and Agency Business Services. The Commission had not previously approved the general terms or Information Services.*

Executive Director Kim Bailey was recognized to report and recommended approval.

**Motion:** Commissioner Liotta moved to approve the agreement between the Commission and the Office of Management Enterprise Services.

**Second:** Chairman Gilliland.

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

**The motion carried.**

### **3. Personnel Policy**

*The Commission discussed and considered approving the following agency policy: 1) Video Monitoring Policy*

Human Resources Director Clif Cypert was recognized to report and recommended approval.

**Motion:** Commissioner Liotta moved to approve the Video Monitoring Policy.

**Second:** Chairman Gilliland.

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

**The motion carried.**

### **4. 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.*

**Motion:** Commissioner Liotta moved to approve the travel vouchers currently outstanding.

**Second:** Chairman Gilliland.

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

**The motion carried.**

## **5. Reports**

The Commission's Medical Director, Dr. Jay Cannon, gave a report on the steering committee's review of the Medical Fee Schedule, pursuant to 85A O.S., § 50(H)(1).

## **6. Executive Session for Confidential Communications Between the Commission and Its Attorneys Concerning Ongoing Bankruptcy Involving BFN Operations, LLC (#20050) and Related Determination Regarding the Bankrupt Status as the Impaired Self-Insured, Pursuant to Title 25 O.S. § 307(B)(4)**

Pursuant to 25 O.S. § 307(B)(4), an Executive Session was proposed for the purpose of conducting confidential communications between the Commission and its attorneys concerning ongoing bankruptcy involving BFN Operations, LLC (#20050), and related BFN claim, Jose Moreno CM 2016-04915H.

The Commission's legal counsel advised that public disclosure of the communications relating to this bankruptcy would seriously impair the ability of the Commission and their counsel to take appropriate action related to the ongoing bankruptcy proceeding and BFN claim, Jose Moreno CM-2016-04915H, and protect the Commission's interest.

**Executive Session Pursuant to Title 25 O.S. § 307(B)(4) for Confidential Communications Between the Commission and Its Attorneys Regarding Pending Litigation Against the Commission, *McKnight v. Workers' Compensation Commission***

Pursuant to 25 O.S. § 307(B)(4), an Executive Session was proposed for the purpose of conducting confidential communications between the Commission and its attorneys regarding a pending lawsuit against the Commission, *McKnight v. Workers' Compensation Commission*.

The Commission's counsel from the Attorney General's Office advised that public disclosure of the communications relating to this litigation will seriously impair the ability of the Commission and its counsel to respond to the litigation and claims.

**Motion:** Chairman Gilliland moved to (a) determine that disclosure would seriously impair the ability of the commission to take appropriate action in both the ongoing bankruptcy proceeding BFN, LLC (#20059) and *McKnight v. Workers' Compensation Commission*; and protect the Commission's interest and (b) vote to go into Executive Session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**b. Vote to Reconvene in Open Session**

**Motion:** Chairman Gilliland moved to reconvene the public meeting in Open Session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Motion:** Chairman Gilliland moved (a) regarding the ongoing bankruptcy proceeding BFN, LLC (#20059) and related BFN claim, Jose Moreno CM 2016-04915H that attorney Jay McAtee proceed as authorized in executive session and (b) regarding pending litigation against the Commission, *McKnight v. Workers' Compensation Commission*, that the Attorney General's office proceed as authorized in executive session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

### **Announcements**

The next Regular Meeting of the Commission is scheduled for October 20, 2016.

### **Adjournment**

**Motion:** Commissioner Liotta moved to adjourn.

**Second:** Commissioner Young.

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

**The motion carried.**

Chairman Gilliland announced the meeting was adjourned.