

MINUTES OF THE SPECIAL MEETING OF THE WORKERS' COMPENSATION COMMISSION HELD ON TUESDAY, DECEMBER 17, 2013, AT THE WORKERS' COMPENSATION COURT IN OKLAHOMA CITY, OKLAHOMA.

Present: Troy Wilson, Chairman, Workers' Compensation Commission, Robert Gilliland, Commissioner, Workers' Compensation Commission and Denise Engle, Commissioner, Workers' Compensation Commission.

Others Present: Ted Rossier, Oklahoma Office of the Attorney General, Norma McRae, Workers' Compensation Court, Tish Sommer, Special Counsel, Workers' Compensation Court, Rick Farmer, Oklahoma Insurance Department, Michael Clingman, Administrator, Workers' Compensation Court, Judge Michael Harkey, Workers' Compensation Court, Judge Brad Taylor, Workers' Compensation Court and Tom Hall, Workers' Compensation Court.

Call to Order: The public meeting was called to order by the Chairman, Troy Wilson.

Roll Call: All Commission members were present.

Declaration of a Quorum: All Commission members were present constituting a quorum.

Statement of Oklahoma Open-Meeting Law Compliance and Posting Agenda: Ted Rossier of the Oklahoma Office of the Attorney General informed the Commission members that the Secretary of State had been timely notified of the meeting and the agenda had been timely posted at the Workers' Compensation Commission Oklahoma City office and the Workers' Compensation Court Oklahoma City location in accordance with the Open Meeting Act.

Discussion and Possible Approval of the Minutes from the December 11, 2013 meeting: Chairman Wilson called for discussion and possible approval of the Minutes

from the December 11, 2013 meeting. There being no discussion, Chairman Wilson called for a motion to approve the Minutes.

A motion was made by Commissioner Gilliland to approve the Minutes from the December 11, 2013 meeting. Commissioner Engle seconded the motion and a roll call vote was taken: Chairman Wilson voted aye, Commissioner Engle voted aye and Commissioner Gilliland voted aye. The motion passed.

Update from Michael Clingman on items from transition task list: Chairman Wilson called on Michael Clingman of the Workers' Compensation Court to provide the Commission with an update of the transition tasks between the Workers' Compensation Court and the Workers' Compensation Commission.

Mr. Clingman informed the Commission that many of the tasks faced by the Commission for the transition from the Court to the Commission created under Title 85A had met the deadlines, but external factors did cause delays. He further stated that the Commission's major task of rulemaking had been timely completed in large part to the work of Special Counsel Tish Sommer.

Mr. Clingman then noted that a major transition task of the Commission completed was the creation or modification of forms to be used by the Commission. He commended the Commission for its decision to use forms very similar to the forms used by the Court and stated that this decision would allow a workers' compensation claim to swiftly progress through the new system created under Title 85A.

Mr. Clingman concluded his report by informing the Commission that a public information website was still in the creation process. He stated that this task had been slightly delayed due to issues with the Oklahoma Supreme Court.

Chairman Wilson thanked Mr. Clingman and Special Counsel Sommer for their contributions toward the completion of the transition tasks and called for discussion on Mr. Clingman's comments. The Commission then discussed the progress of the transition tasks with Mr. Clingman.

Discussion of liability insurance and D & O policy particulars: Chairman Wilson called on Ted Rossier of the Oklahoma Office of the Attorney General to speak on liability insurance and D & O policy particulars.

Mr. Rossier informed the Commission that liability insurance covered two main areas: day-to-day incidents involving agency employees covered under the Governmental Tort Claims Act and coverage of agency directors and officers. He stated that the Commission would be automatically billed by Risk Management for liability insurance but D & O insurance required the Commission to decide what type of coverage it wanted.

Mr. Rossier further indicated that the Commission faced the issue of coverage for both the Commission and the Workers' Compensation Court. He noted that this issue was in the process of being resolved and would require action by the Commission.

After Mr. Rossier's report, the Commission discussed the issue with Mr. Rossier.

Progress reports from individual Commissioners on administrative assignments: Chairman Wilson called on the Commissioners to give progress reports on their administrative assignments.

Commissioner Gilliland informed the Commission that he had spoken with representatives from the workers' compensation agencies in both Texas and Arkansas in regard to the hiring of administrative law judges ("ALJs") for the Commission. He stated that he had drafted an application for potential ALJs and was in the process of finalizing it for completion by the end of the week.

He further noted that Mr. Rossier was drafting an advertisement for the Oklahoma Bar Journal for ALJ and legal clerk positions within the Commission.

Commissioner Gilliland next stated that he had drafted mediator forms for use within the Commission and stated that he was working with Special Counsel Sommer to finalize and draft other forms to be used by the Commission.

Third, Commissioner Gilliland stated that he was working with judges of the Workers' Compensation Court to transition the process of independent medical exams and vocational rehabilitation from the Court to the Commission. He informed the Commission these tasks should be completed by February 1, 2014.

Commissioner Gilliland concluded his report by thanking Judge Harkey and Judge Taylor for their contributions to the creation of training materials for the new ALJs.

Chairman Wilson then called for any discussion on Commissioner Gilliland's report. There being none, he called on Commissioner Engle to give her report.

Commissioner Engle informed the Commission that she had been in contact with Tom Hall of the Workers' Compensation Court regarding office space for the Commission. She then called on Mr. Hall to report on the progress of this issue.

Mr. Hall informed the Commission that he had met with a representative of the Oklahoma Office of Management and Enterprise Services ("OMES") regarding space for Commission employees and for employees of the Workers' Compensation Court of Existing Claims. He further stated that he was working on a space request to be submitted to the Oklahoma State Leasing office to be reviewed by the Commission.

Commissioner Engle thanked Mr. Hall for his report and then concluded her report by stating that progress was being made on the Commission website and creation of the Commission seal.

Chairman Wilson then gave a brief report on his administrative assignments. He noted that Dr. Rick Farmer had begun his duties as Executive Director to the Commission and that he and Chairman Wilson had interviewed several candidates for administrative assistants.

Chairman Wilson called on Commissioner Gilliland to update the Commission on the decision to have a trial run on the Commission. Commissioner Gilliland stated that the Commission would set aside three dates in January for meetings on the progress and readiness of the Commission to begin receiving and processing claims by February 1, 2014. He stated that the first trial run date would be January 10, 2014, the second on January 17, 2014 and third will be on January 24, 2014.

Chairman Wilson concluded his report by thanking the Commissioners and staff for their work.

Report of the Executive Director: Chairman Wilson called on Dr. Farmer to give a report of the Executive Director.

Dr. Farmer thanked the Commission for the opportunity to work for the Commission and recommended that a letter be drafted to the Oklahoma Insurance Commissioner for allowing Dr. Farmer to quickly begin his role as Executive Director.

Dr. Farmer informed the Commission that he had met with the supervisors of the Workers' Compensation Court about the transition to the Workers' Compensation Commission and discussed the various tasks faced by the Commission including budget issues and agreements between the Commission and the Workers' Compensation Court.

Discussion and possible vote on action items related to a clean-up bill for Title 85A, to be introduced in the upcoming legislative session: Chairman Wilson informed the Commission that any suggestions for items for the clean-up bill were given to Mr. Rossier to submission. He then called on Mr. Rossier to give an update on this issue.

Mr. Rossier informed the Commission that suggested items included grammatical corrections as well as significant changes related to the membership of the guaranty fund created under Title 85A as well as issues relating to the requirement of court reporters for all hearings.

After Mr. Rossier's report, the Commission further discussed the items related to the clean-up bill for Title 85A.

Discussion and possible vote on office space requirements for Commission personnel: Chairman Wilson determined that the Commission had already covered this agenda item so the Commission considered the next agenda item.

Discussion and possible vote on items related to the agency website: Chairman Wilson determined that the Commission had already covered this agenda item so the Commission considered the next agenda item.

Discussion and possible vote on creation or modification of procedural forms and development of electronic forms/filing/EDI: Chairman Wilson determined that the Commission had already covered this agenda item so the Commission considered the next agenda item.

Pursuant to 25 O.S. § 307(B)(1), discussion and possible vote to enter Executive Session to address the hiring of specific employees, including but not limited to consideration of the following positions: Executive Director, Executive Secretary/Assistant, Administrative Law Judges: Based off the recommendation of Mr. Rossier, Chairman Wilson called for a motion for the Commission to go into Executive Session. The motion was made by Commissioner Engle and seconded by Commissioner Gilliland. A roll call vote was taken: Chairman Wilson voted aye, Commissioner Engle voted aye and Commissioner Gilliland voted aye. The motion passed.

Vote to re-convene in Open Session; and possible vote on action items discussed in Executive Session: Chairman Wilson called for a motion to return to Open Session. A motion was made to return to Open Session by Commissioner Engle and seconded by Commissioner Gilliland. A roll call vote was taken: Chairman Wilson voted aye, Commissioner Engle voted aye and Commissioner Gilliland voted aye. The motion passed.

Chairman Wilson then called for a vote on action taken in Executive Session. Commissioner Gilliland moved to approve the Oklahoma Workers' Compensation Commission budget for FY 2015 as amended in earlier discussions. Commissioner Engle seconded the motion and a roll call vote was taken: Chairman Wilson voted aye, Commissioner Engle voted aye and Commissioner Gilliland voted aye. The motion passed.

Adjournment: Chairman Wilson stated that the next meeting would be held on January 2, 2014 for public comment on the proposed Commission rules.