

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

Thursday, November 20, 2014
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

- CALL TO ORDER** **Mr. Wilson, Chair**
- ROLL CALL**..... **Mr. Wilson, Chair**
- NOTICE OF COMPLIANCE**..... **Holly Miller**

MINUTES

- a. The drafted Minutes of Regular Commission Meeting on October 16, 2014, will be considered for approval.
- b. The drafted Minutes of Special Commission Meeting on October 30, 2014, will be considered for approval.

- BUSINESS**..... **Mr. Wilson, Chair**

THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION.

1. Discussion and Consideration of Appointing a Presiding Appellate Officer for Commission En Banc Appeal Hearings

The Commission's first en banc appeal hearings are scheduled for November 21, 2014. As the Commission prepared for the hearings, it recognized the need for a Presiding Appellate Officer. The Presiding Appellate Officer will be authorized to handle routine prehearing matters including, but not limited to the following: issue orders to file written arguments; grant applications to file additional briefs; correct the hearing record from the Administrative Law Judge; and grant continuances. The Presiding Appellate Officer will also preside over the hearings of the Commission en banc. The Presiding Appellate Officer will explain the hearing procedures to the parties, presides over the oral arguments, call for motions and/or call for deliberations. The Commission will consider

appointing Commissioner Gilliland as the Presiding Appellate Officer, due to his many years' experience as a trial attorney.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, appointing Commissioner Gilliland as the Presiding Appellate Officer or appointing someone else as the Presiding Appellate Officer.

2. Discussion and Consideration of an Additional Vice Chair Position

In the event Commissioner Gilliland presides over Commission appellate hearings, it may be prudent for Commissioner Gilliland to serve as a Vice Chair. The Commission will consider approving Commissioner Gilliland as an additional Vice Chair of the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving Commissioner Gilliland as an additional Vice Chair, or not approving an additional Vice Chair position.

3. Proposed Approval of Additional Independent Medical Examiners 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 (IME). 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 workers. Similarly, Title 85A O.S. §113 provides for a two year qualification period for case managers. The physicians and case managers have been vetted by the Medical Director and recommended to have their applications renewed and one IME to be added to the list for the Commission.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the independent medical examiners and case managers for the Commission.

4. Commission Approval of Group Self-Insurance Applications for New Membership

Commission Rule 810:25-11-3 states a new membership to a self-insurance group may not become effective without Commission approval. All applications for membership are filed with the Commission. The

application includes evidence of the execution of the indemnity agreement, power of attorney, and joint and several liability agreement, as required by 810:25-11-15, with signed approval of the applicant by the association, and is accompanied by a current balance sheet and income statement. The following are the applicants and the respective self-insurance group associations to which they are applying for membership:

Oklahoma Automobile Dealers Self- Insured Association (# 75058):
M & N Dealerships XII, LLC dba Metro Ford of OKC

Oklahoma Operators Self- Insurance Fund (# 75292):
ZBHD, Inc. dba McDonald's Restaurants
3 P's INC. dba McDonald's Restaurants
H H Staffing, LLC dba McDonald's Restaurants

Oklahoma Health Care Association (# 75175):
Seiling Municipal Hospital Authority
Innovative Capital Management, LLC

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, or approving some, all or none of the applications for new members to the respective associations.

5. Proposed Approval of Dates for the Commission's 2015 Regular Meeting Schedule

Under the provisions of Section 311 of Title 25, all public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly scheduled meetings of such public bodies for the following calendar year. That notice shall be given to the Secretary of State. The Commission will consider the following dates for its 2015 regular meeting schedule:

Thursdays at 1:30 p.m.:

January 15	July 16
February 19	August 20
March 19	September 17
April 16	October 15
May 21	November 19
June 18	December 17

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the dates for the Commission's 2015 regular meeting schedule.

6. Commission Consideration of Sponsorship of Educational Programs for Independent Medical Examiners

Under Commission Rule 810:15-9-1, one of the requirements is that Independent Medical Examiners must attend "Commission sponsored education programs at least once every two (2) years . . ." Presented for the Commission's consideration is the following program:

AMA Guides- Sixth Edition Training on February 6, 2015 in Tulsa

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving or not approving the program for Commission sponsorship.

7. Commission Ratification of Travel Vouchers from July 1, 2014-September 30, 2014

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 will consider a vote to ratify the travel vouchers from July 1, 2014 – September 30, 2014.

All 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 separately voted upon.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the vouchers listed in this Consent Agenda.

8. Consent Agenda for Travel Claims

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 will consider a vote to approve the currently outstanding vouchers.

All 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 separately voted upon.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the vouchers listed in this Consent Agenda.

9. Commission Ratification of Payments Made from the Workers' Compensation Fund

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to ratify the vouchers from July 1 to present.

All 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 separately voted upon.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving some, all or none of the vouchers listed in this Consent Agenda.

10. Consent Agenda for Payments Made from the Workers' Compensation Fund

85A O.S. §22(A)(5) states that all expenditures in the administration of the act shall be allowed and paid from the Workers' Compensation Fund on the presentation of itemized vouchers approved by the Commission. In accordance with this section, the Commission will consider a vote to approve the currently outstanding voucher.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, approving the voucher listed in the Consent Agenda.

11. Reports

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

i. Clif Cypert, Deputy Director's Report

The monthly financial report and a report on the Commission's financial controls will be presented.

ii. Report from Richard Cole- Director of the Multiple Injury Trust Fund

Richard Cole will present a financial and actuarial update of the Multiple Injury Trust Fund to the Commission.

iii. Commissioner Engle's Report

Commissioner Engle will provide an update on the Commission's travel policy and an update on drafting of the permanent rules and statutory changes.

iv. Commissioner Gilliland's Report

Commissioner Gilliland will explain the results of the following opinions received by the Commission: a) Attorney General Opinion 2014-16 relating to the tax levied in 85A O.S. §122(B); b) Attorney General Opinion 2014-14 addressing deliberations of the Commission en banc; and c) *Robin E. Williams v. The Oklahoma Workers' Compensation Commission*, 113270, Decided November 17, 2014.

12. Any Matter Not Known About or Which Could Not Have Been Reasonably Foreseen Prior to Posting the Agenda

13. Announcements

- i.** The Commission will host the Second Annual Oklahoma Workers' Compensation Educational Conference on Monday October 5, 2015 and Tuesday, October 6, 2015. The conference will be held in cooperation with the International Workers' Compensation Foundation at the Embassy Suites Hotel and Conference Center in Norman.
- ii.** Commission's next regularly scheduled meeting is Thursday, December 18, 2014

ADJOURNMENT.....Mr. Wilson, Chair