



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

December 18, 2015

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 December 18, 2015.

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

Others in attendance on behalf of the Commission: Kim Bailey, Neal Leader, Jay Cannon, Lindsey Christopher, Stormy Moore, and Holly Miller.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 9:30 a.m.

Approval of Minutes

Chairman Gilliland presented the minutes for the December 9, 2015 public meeting for approval.

Motion: Commissioner Liotta moved to approve the minutes of the public meeting.

Second: Commissioner Young.

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

The motion carried.

1. Proposed Opening of the Permanent Rulemaking Process to Consider Permanent Rules for the Workers' Compensation Commission

The Commission considered opening the Permanent Rulemaking process for amendments to the Commission's Permanent Rules. If proposed Permanent Rules are adopted and submitted for legislative review on or before April 1, 2016, the Legislature will have until the end of the 2016 legislative session to approve or disapprove the rules. The permanent rulemaking process begins with publication in *The Oklahoma Register* and scheduling of a public hearing.

Lindsey Christopher, Commission Counsel, made the recommendation that the Commission approve the beginning of the permanent rulemaking process, with one modification: the Notice of Rulemaking Intent (NRI) listed the intended effect of one of the proposed rules would be to "increase the reimbursement rate for evaluation and management services." Since the rate is set by statute at 150 percent, the proposed rule would not be increasing the rate but only updating the rules to be consistent with the statute.

Motion: Commissioner Young moved to open the rulemaking process with an amendment to delete the word *increase* in the Notice of Rulemaking Intent, as recommended.

Second: Commissioner Liotta.

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

The motion carried.

2. 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 which are listed in the attachment, labeled Agenda Item 2, and included as a part of these minutes.

Second: Commissioner Young.

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

The motion carried.

3. Commission Consideration of Adoption of Final Order in the Following Case:

Elizabeth Loving v. McAlester Regional Health Center Rural Health Clinic (OWN RISK #19534), File #CM2015-00787A

At the Special Meeting of December 11, 2015, the Commission heard oral arguments from Mark Litton, counsel for the Claimant and Gary D. Long counsel for the Respondent. After deliberating, the Commission voted to remand the Administrative Law Judge's Order to provide specific findings on how Claimant met burden of proof and basis of award for Temporary Total Disability.

Lindsey Christopher made the recommendation that the Commission approve the modified order, which omitted the word *to* and replaced it with *for*.

Motion: Commissioner Liotta moved to adopt the order as amended at the hearing.

Second: Commissioner Young.

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

The motion carried.

Announcements

The next Regular Meeting of the Commission is scheduled for January 28, 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.