



STATE OF OKLAHOMA

**WORKERS' COMPENSATION COMMISSION**

MINUTES

of the

WORKERS' COMPENSATION COMMISSION

FOR THE STATE OF OKLAHOMA

for the

March 20, 2014

Regular Public Meeting

MINUTES OF THE MEETING OF THE WORKERS' COMPENSATION COMMISSION  
FOR THE STATE OF OKLAHOMA, MARCH 20, 2014

NOTICE OF THIS MEETING WAS FILED WITH THE SECRETARY OF STATE ON THURSDAY, DECEMBER 12, 2014.

The members of the Workers' Compensation Commission for the state of Oklahoma met at 440 South Houston Ave., Tulsa, Oklahoma, on March 20, 2014.

Members present: Troy Wilson – Chairman, Robert Gilliland, and Denise Engle.

Absent: None.

Others present: Rick Farmer, Executive Director; Holly Miller, Executive Secretary; Ted Rossier, General Counsel; Guests.

Chairman Wilson expressed appreciation for those in attendance and announced the agenda has been posted for this meeting.

After the roll was taken, the Chairman announced the presence of a quorum and affirmed that all documents had been filed. The Statement of Compliance with the Open Meetings Act was read and the meeting was called to order at approximately 1:30 p.m.

Approval of Minutes

*Motion* to approve the minutes of the February 20, 2014 meeting: Commissioner Engle.

*Second*: Commissioner Gilliland

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion carried.

Public Question and Answer Session

Steven Bunting, defense attorney asked how many claims had been filed in the system. Rick Farmer said Form-2's are received at the average pace, which is about 200 per week. We currently have close to 3,000 Controvert Claims and 200 Form-4's. Commissioner Gilliland added that there are 12 appeals and 1 Court of Existing Claims order filed since February.

Jay McAtee asked if claimants who have a medical only claim and have not missed more than three days, should file both. Commissioner Gilliland explained that they don't have to file a Form-2 or 2-A because if someone fails to file, they are deemed to have controverted the claim. Based on good faith reading of the rules, you are neither accepting nor denying claim.

No further questions were asked and the Public Question and Answer time was closed.

### Executive Director's Report

Dr. Rick Farmer gave his report.

- We are excited to be able to have the meeting today here in Tulsa.
- Good working relationship with the CEC and are saving money due to the cooperation.
- March 24 is our first set of hearings in Oklahoma City and our first Tulsa hearings are set for April 3 and 4, then back to Oklahoma City April 7. The current plan for the hearing schedule is Monday and Tuesday in Oklahoma City and Wednesday and Thursday in Tulsa.
- Senate Confirmation of the Commissioners is coming up in the Senate and we have met with the individual committee members in preparation.
- Successful FY-14 budget which ends in June and have met with the Chairman of the Senate Budget Committee. We are scheduled to meet with the Speaker and have already met with the Pro Tem of the Senate to discuss our needs for FY-15.
- Regarding workers' compensation legislation: SB1948, which deals with the Self-Insurance Guaranty Fund, passed the Senate and is now assigned to the House Judiciary Committee. There are only two workers' compensation bills left: SB2029 which cleans up a reference for CompSource, and SB1026 which is an old bill for CompSource.
- Hiring schedule: We have a Law Clerk now, Kim Bailey, and we are considering candidates to coordinate the Self-Insureds. We hired a paralegal this month. Her name is Dana Esparza. We have two ALJ's on board and another joining us in April. The Commission is interviewing for a Tulsa ALJ and discussing the possible need to hire additional law clerks.
- The State Auditor has been conducting studies of the former court up through January 1 which will allow the Commission to start with a clean slate. They will be able to give us a report in the near future and we look forward to receiving that.
- The Commission staff that currently office in the CAP building will be moving to the third floor of the Denver Davison Building on March 28. The move is being coordinated by our Deputy Director, Clif Cypert, who is currently looking at office needs for equipment and furniture to be able to function efficiently and timely.
- We have spent a lot of time on the idea of EDI – electronic data interchange. There is no quick fix and we have found from talking to people from several states that it is a two-year process. Most states start with the Form-2s and take steps with one form at a time to

expedite the process. Both Kansas and Kentucky are accepting forms online but need an inside case management program. It is important to be sensitive to the transfer of data with confidential information. We have been meeting with third party vendors and have been working diligently as this will increase efficiency and reduce the amount of paper and postage while keeping it secure. Members of the Commission's I.T. department, Chris Herndon and James Lutter, met with OK.gov to discuss a secure server.

- As part of the Governor's energy initiative, she asked all state agencies to find ways to save 20 percent of the energy used in every facility by 2020. The Commission formed an energy council and organized a contest for the best energy-saving ideas. The employee with the best idea will be awarded with a day off from work. Two ideas were good enough to earn the award, which we announced this morning. OMES' manager, Jeff Reeves, has documentation and can tell us when our agency has been successful at reaching its goals.
- Commissioner Engle has a radio interview for a broadcast out of Ada which has led to PSA's (Public Service Announcements) and Representative Harold Wright, who owns a chain of radio stations in western Oklahoma, wants to run Commission PSA's at no charge.

#### Commissioners' Reports

Commissioner Engle gave her report.

- We hired Ann Campbell to supervise our Counselor Division and Janelle Springer, here in our Tulsa office has been a part of the program for a long time. Ann has been working to develop programs for greater efficiency and we are already getting reports back from people who are getting their questions answered and medical providers are understanding the process better. We have a toll-free number, which is 800-522-8210.
- We had a recent retirement from our Insurance Division so we are looking to fill a position to assist the self-insureds and continue that program in a positive direction. Dr. Cannon will be joining us next month and will be aiding the counseling staff as well as the medical division.
- Our website is up and running. Thomas Lewis is our media coordinator and we are continuing to make improvements and add to the site which is [www.wcc.ok.gov](http://www.wcc.ok.gov). We have added an ALERTS tab and we also have a "Navigating the Claims Process" outline with a flow chart that Commissioner Gilliland worked on. We reformatted the forms sections as well. Please check that periodically for any updates and information you need.
- I have spoken to over 600 people at 6 educational events this past month to keep the public and the insurance providers updated on the new process.

Commissioner Gilliland gave his report.

- The process of a claim is dependent on whether the injury occurred before or after February 1, and the orders or appeals go to different places. Before the 1<sup>st</sup>, to the CEC and after the 1<sup>st</sup>, to the Commission. We are seeing dual appeals so we have prepared a joint advisory notice that anything before will be held in abeyance. They will be on hold now because of three writs regarding the separation of power for those issues. Therefore, we will wait. Both the CEC and the WCC have agreed to not waste time and man power until after the Supreme Court makes the decision. We are being defended on those three cases by the Solicitor General from the Attorney General's office, Pat Wyrick.
- I encourage that attorneys read the rules carefully – they are posted on the website – and go over the forms as well. Mistakes are being made by attorneys who are not reading the rules, then we have to send forms back to them to correct and return. Our goal is to expedite the process, so we ask that everyone stay up to date on the changes.

Chairman Wilson gave his report.

- The relationship between the Commission and the Court is good and Judge Brad Taylor, who is from here in Tulsa, has spent a significant amount of time cooperating with us to help the Commission.
- Chairman Wilson said the Commission has been operating under such a compressed schedule and he commended the commissioners and staff for working the extra hours needed to meet deadlines and put in the time and effort needed to make things work.

#### Executive Session

*Motion* to enter into Executive Session: Commissioner Engle.

*Second*: Commissioner Gilliland.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion was approved.

#### Open Session

*Motion* to re-convene into Open Session: Commissioner Gilliland.

*Second*: Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson.

No: None. Abstentions: None. Absent: None. The motion was approved.

*Motion* to decline to accept Order #214-3-20-1 for the reason that it is not in the Commission's jurisdiction: Commissioner Gilliland.

*Second:* Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson. No: None. Abstentions: None. Absent: None. The motion passed.

Adjournment

Chairman Wilson announced that the next Regular Public Meeting of the Commission will be April 17, 2014 at 1:30 p.m.

*Motion* to adjourn: Commissioner Gilliland.

*Second:* Commissioner Engle.

Those voting aye: Commissioners Engle, Gilliland, and Wilson. No: None. Abstentions: None. Absent: None. The motion was approved.