

SPECIAL MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

Thursday, August 6, 2015
1:30 p.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

AGENDA

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

MINUTES

The drafted Minutes of Special Commission Meeting on July 9, 2015, will be considered for approval.

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

1. Discussion and Consideration of Releasing the Letter of Credit for Continental Resources, a Former Own Risk Employer (#17950)

A security deposit posted with the Commission as required by 810:25-9-4 must remain in place, at its existing amount, for two years after an individual own risk employer voluntarily leaves self-insurance. A security deposit may be reduced at the Commission's discretion after the two year waiting period upon application by the employer and submission of current financial statements and workers' compensation loss runs.

A security deposit may be released at the Commission's discretion upon application by the employer and submission of current financial statements and a signed and notarized affidavit, from a duly authorized officer of the employer, affirming that all workers' compensation claims incurred under the own risk permit of the employer have been permanently closed, and the statute of repose for reopening the claims has passed. The Commission will consider whether to release a Letter of Credit for Continental Resources in the amount of \$375,000.

Possible Action:

Possible action may include, but is not limited to: taking no action, continuing the matter, reducing or releasing the letter of credit for Continental Resources.

2. Proposed 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 Commission will consider approving the following applicants to the self-insurance group association to which they are applying for membership or change of ownership for existing member:

Oklahoma Automobile Dealers Self-Insurance Association (#75058)

DLR, LLC dba Mayes KIA – New Member

Mack Truck Sales of Tulsa, Inc. – Existing Member, Ownership Change

Possible Action:

Possible action may include, but is not limited to:

- a. taking no action, continuing the matter, approving or not approving DLR, LLC as a member of the Oklahoma Automobile Dealers Self-Insurance Association.
- b. taking no action, continuing the matter, approving or not approving Mack Truck Sales of Tulsa, Inc. ownership change as a member of the Oklahoma Automobile Dealers Self-Insurance Association.

3. Proposed Approval of Additional Independent Medical Examiner for the Commission

Title 85A OS § 112 requires the Workers' Compensation Commission to create, maintain and review a list of licensed physicians who shall serve as independent medical examiners (IMEs). 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 employees. The period of qualification shall be two (2) years.

The following physicians have been vetted by the Medical Director and the staff in Medical Services for the Commission's approval:

Michael Basso, PhD

Blake Christensen, DO

Emad Attallah-Wasif, MD

Robert Paul, MD

Houshang Seradge, MD

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 independent medical examiners for the Commission.

4. Discussion and Consideration of Need to Hire New General Counsel

The Commission will consider the need to hire new a General Counsel. The previous General Counsel, Kim Bailey, is now serving as the Commission's Executive Director.

Possible Action:

Possible action may include, but is not limited to: taking no action; continuing the matter; approving or not approving the need to hire a new General Counsel on either a full time or part time basis.

5. Personnel Policies

The Commission will discuss and consider approving the following agency policies: 1) Personnel Files, 2) Education and Training, and 3) Comp Time Policy.

Possible Action:

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

6. Reports

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

Report on of the Southern Association of Workers' Compensation Administrators (SAWCA) Conference

Chairman Gilliland will report on his participation at the SAWCA conference in Williamsburg, Virginia last month.

Report on the Examination of the Self-Insurance Permits

The Commission will discuss the Report on the Review of the Permit Process Self-Insurance Permits from Regulatory Consultants, Inc.

7. Possible Executive Session Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of interviewing and discussing the hiring, salary or employment of Candidate A for the position of Chief Financial Officer (CFO); and discussing employment evaluations, promotion, demotion, or performance of the Commission's Deputy, Insurance Services.

A. Motion and Vote to:

Go into Executive Session for purposes of:

- a. Interviewing and discussing the hiring, salary or employment of Candidate A for the position of CFO; and discussing the employment evaluations, promotion, demotion or performance of the Commission's Deputy, Insurance Services under § 307(B)(1).

B. Vote to Reconvene in Open Session

- a. Discussion and possible action on hiring, salary or employment of Chief Financial Officer as discussed in Executive Session.

- b. No action is anticipated nor will be taken by the Commission with regard to the employment evaluations, promotion demotion or performance of Commission's Deputy, Insurance Services.

Announcements

The next regular meeting of the Commission is scheduled for September 10, 2015.

The next special meeting on appeals is scheduled for August 7, 2015.

ADJOURNMENT.....Mr. Gilliland, Chair