

**2014 ANNUAL REPORT
OF THE
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

Presented to:

The Honorable Mary Fallin
Governor

The Honorable Brian Bingman
President Pro Tempore of the Senate

The Honorable Jeffery Hickman
Speaker of the House of Representatives



COUNCIL MEMBERSHIP IN 2014

Michael D. Carter, Chair

Angela R. LeBlanc, Vice Chair

Jim C. Curry

Bryce A. Hill

Dan Simmons

Rochelle Guinn

Robert J. Wienecke, M.D.

Sterling Zearley

COUNCIL STAFF

Oklahoma Workers' Compensation Commission
Dana Esparza

**2014 ANNUAL REPORT
OF THE
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

I.

INTRODUCTION

This is the 2014 annual report of the Advisory Council on Workers' Compensation, an advisory body to the Oklahoma Workers' Compensation Commission statutorily created by section 121 of Title 85A of the Oklahoma Statutes. This report identifies the progress and activities of the committee during calendar year 2014.

Current members of the committee are Michael D. Carter, Chair, Angela R. LeBlanc, Vice Chair, Jim C. Curry, Rochelle L. Guinn, Bryce A. Hill, Dan Simmons, Robert J. Wienecke, M.D., and Sterling Zearley. A current membership list, including appointing authority, is included in the appendices to this report. Staff support for the committee is provided by the Oklahoma Workers' Compensation Commission as provided in 85A O.S. § 121.

II.

STATUTORY DUTIES

The statutory duties of the Advisory Council are set forth in 85A O.S. § 121, a copy of which is included in the appendices. These duties include:

- The Advisory Council shall analyze and review the workers' compensation system, the reports of the Commission, and trends in the field of workers' compensation. The Advisory Council may recommend improvements and proper responses to developing trends. The Advisory Council shall report its findings annually to the Governor, the Chief Justice of the Supreme Court, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.
- In addition to other duties required by this section, the Advisory Council shall consult with the Court regarding oversight of independent medical examiners as provided in Section 45 of this act.
- The Advisory Council shall review the Oklahoma Treatment Guidelines as provided in the Workers' Compensation Code, and report the findings of such review to the Commission as provided in this act.

III. 2014 ACTIVITIES

Review of Legislative Activity and Trends in the Field of Workers' Compensation

During the first half of 2014, the Advisory Council on Workers' Compensation monitored Workers' compensation legislation. Approximately thirty-three measures pertaining to the workers' compensation system were tracked, reviewed and discussed as they advanced through the legislative process. All Measures pertaining to the workers' compensation system were tracked, reviewed and discussed as they advanced through the legislative process. Among them were SB1948, which amends Title 85A with regard to the Self-Insurance Guaranty Fund Board. The Advisory Council forwarded correspondence to our legislators in endorsing SB1948.

Ultimately, SB1948 was enacted. SB1948 addressed the unintentional conflict of interest by removing the Workers' Compensation Commissioners from the new Guaranty Fund Board. SB1948 also prevented a probable double-assessment of employers who self-insure and are responsible for paying into the fund. SB1948 became effective April 25, 2014.

In addition to reviewing legislative activity, the Advisory Council also discussed their statutory duty to assist the Commission with the system of selecting independent medical examiners, and designated Dr. Wienecke as the contact for this function. The Advisory Council also forwarded correspondence to endorsing the budget requests made by the Workers' Compensation Commission and Court of Existing Claims

IV. PUBLIC MEETINGS

The Advisory Council held six (6) public meetings in 2014. A copy of the agendas and minutes for each of the meetings is in the appendices to this report.

Regular meetings of the Advisory Council for calendar year 2015 are scheduled for January 8, 2015, February 5, 2015, March 5, 2015, April 2, 2015, May 7, 2015, September 3, 2015 and November 12, 2015. The meetings are scheduled for 2:00 p.m. in the second floor Commission Chambers at the Workers' Compensation Commission, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma.

V. CONCLUSION

The Advisory Council is pleased to submit this report. We hope our efforts help enhance meaningful review of issues affecting our state's workers' compensation system.

Appendices



Home Courts Court Dockets Legal Research Calendar Help

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Title 85A. Workers' Compensation

Oklahoma Statutes Citationized

Title 85A. Workers' Compensation

Chapter 1 - Administrative Workers' Compensation Act

Section 121 - Advisory Council on Workers' Compensation - Appointments - Terms - Vacancy - Chair and Vice-Chair - Reimbursement - Meetings - Reports - Duties

Cite as: 85A O.S. § 121 (OSCN 2014)

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- A. There is hereby created an Advisory Council on Workers' Compensation.
- B. The voting membership of the Advisory Council shall consist of nine (9) members. Any member serving on the effective date of this section shall serve the remainder of his or her term. The chair of the Workers' Compensation Commission shall be an ex officio nonvoting member.
1. The Governor shall appoint three members representing employers in this state, one of whom shall be from a list of nominees provided by the predominant statewide broad-based business organization.
2. The Speaker of the House of Representatives shall appoint three members representing employees in this state, one of whom shall be from a list of nominees provided by the most representative labor organization in the state.
3. The President Pro Tempore of the Senate shall appoint three members, two who are attorneys representing the legal profession in this state, one of whom shall be an attorney who practices primarily in the area of defense of workers' compensation claims, and one of whom shall be an attorney who primarily represents claimants, and a medical doctor or doctor of osteopathy actively engaged in the treatment of injured workers.
- C. The term of office for appointees shall be as follows:
1. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall expire on January 1, 2015;
2. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall expire on January 1, 2016; and
3. The term of office for three positions, one each appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall expire on January 1, 2017.
- D. Thereafter, successors in office shall be appointed for a three-year term. Members shall be eligible to succeed themselves in office.
- E. Any person appointed to fill a vacancy shall be appointed for the unexpired portion of the term.
- F. The chair and the vice-chair of the Advisory Council shall be appointed by the Governor.
- G. Members shall receive their traveling and other necessary expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act.
- H. Meetings of the Advisory Council shall be quarterly or as called by the chair or upon petition by a majority of the voting members. The presence of five voting members constitutes a quorum. No action shall be taken by the Advisory Council without the affirmative vote of at least five members.

I. The Commission shall provide office supplies and personnel of the Commission to carry out any of the duties that have been entrusted to the Advisory Council.

J. The Advisory Council shall analyze and review the workers' compensation system, the reports of the Commission, and trends in the field of workers' compensation. The Advisory Council may recommend improvements and proper responses to developing trends. The Advisory Council shall report its findings annually to the Governor, the Chief Justice of the Supreme Court, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

K. In addition to other duties required by this section, the Advisory Council shall consult with the Court regarding oversight of independent medical examiners as provided in Section 45 of this act.

L. The Advisory Council shall review the Oklahoma Treatment Guidelines as provided in the Workers' Compensation Code, and report the findings of such review to the Commission as provided in this act.

Historical Data

Laws 2013, SB 1062, c. 208, § 164, eff. February 1, 2014.

Citationizer® Summary of Documents Citing This Document

Cite	Name	Level
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None Found.

Citationizer: Table of Authority

Cite	Name	Level
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None Found.



**ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121**

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**EX OFFICIO NONVOTING
MEMBER**

Troy Wilson
Chairman
Workers' Compensation
Commission
1915 N. Stiles Avenue
Oklahoma City, OK 73105
(405) 522-8600

Name	Appointment Source	Expiration of Term
Michael D. Carter	President Pro Tempore	January 1, 2016
Angela R. LeBlanc	Governor	January 1, 2017
Jim C. Curry	Speaker of the House	January 1, 2015
Bryce A. Hill	President Pro Tempore	January 1, 2015
Rochelle L. Guinn	Governor	January 1, 2016
Dan Simmons	Governor	January 1, 2015
Robert J. Weinecke M.D.	President Pro Tempore	January 1, 2017
Sterling Zearley	Speaker of the House	January 1, 2017



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation will hold a regular meeting at the Workers' Compensation Commission, Denver Davison Building, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma, 1st Floor, Room 107 on Thursday, February 20, 2014 at 2 p.m.

AGENDA

MICHAEL D. CARTER
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1. Call to order.
2. Roll call and determination of quorum present.
3. Announcements and introductions.
4. Discussion and possible action regarding minutes of the November 14, 2013 regular meeting of the Advisory Council.
5. Discussion and possible action regarding approval of the 2013 Annual Report of the Advisory Council.
6. Review and discussion of workers' compensation related measures introduced for consideration during the 2014 Oklahoma legislative session.
7. New Business (any matter not known about or which could not have been reasonably foreseen prior to the time of posting).
8. Adjournment.

**MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION
HELD ON February 20, 2014 In the 1st Floor Courtroom, Room 107, of the Workers' Compensation
Court, 1915 N. Stiles Avenue, Oklahoma City, OK**

MEMBERS PRESENT: Michael Carter, Angela LeBlanc, Rochelle L. Guinn, Dan Simmons, Jim Curry

OTHERS PRESENT: Tish Sommer, Administrative Law Judge for the Workers' Compensation Commission;
Kim Bailey of the Workers' Compensation Commission

Call to Order: The meeting was called to order by Chairman Michael Carter at 2:00 p.m. Notice of the meeting was filed with Secretary of State and posted at the Workers' Compensation Court and on the Court's website.

Roll Call and Determination of Quorum: Members Dave Koeneke, Sterling Zearley, Bryce Hill, Dr. Robert Wienecke, and Commission Chairman Troy Wilson were unable to attend. All others were present, and a quorum was noted.

Discussion and Possible Action Regarding Minutes of the November 14, 2013 Regular Meeting of the Advisory Council: A motion to approve minutes of the previous meeting was made and seconded. There was no discussion or debate; the minutes were approved by acclamation and were declared adopted.

Discussion and Possible action regarding Approval of the 2013 Annual Report of the Advisory Council

Mr. Carter made a motion to amend the Report to reflect the change in the House Speaker from T.W. Shannon to Jeff Hickman, and to approve the Report with that change. The motion was seconded and unanimously approved.

Review and discussion of workers' compensation related measures introduced for consideration during the 2014 Oklahoma legislative session:

Mr. Carter made mention of SB1948, which amends Title 85A with regard to the Self-Insurance Guaranty Fund. Basically, Mr. Carter said, we do not have a Guaranty Fund unless the bill passes. This bill would ensure that people at least receive their benefits through this legislative session.

Discussion of new business:

The Advisory Council had no new business to discuss.

Adjournment:

Mr. Carter's motion to adjourn was seconded and approved unanimously. The Advisory Council adjourned at 2:15 p.m.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

March 6, 2014

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The Honorable Mary Fallin
Governor, State of Oklahoma

The Honorable Tom Colbert
Chief Justice, Oklahoma Supreme Court

The Honorable Brian Bingman
President Pro Tempore, Oklahoma State Senate

The Honorable Jeffrey W. Hickman
Speaker, Oklahoma House of Representatives

Dear Governor Fallin, Chief Justice Colbert, President Pro Tempore
Bingman, and Speaker Shannon:

The Advisory Council on Workers' Compensation is pleased to present
you its 2013 annual report per 85-O.S., §374 (Now 85A O.S. §121.)
The report reflects the Council's activities for the period of calendar
year 2013.

On behalf of the Council, thank you for the opportunity to be of service
to the state.

Respectfully,

Michael D. Carter
Chairman, Advisory Council on Workers' Compensation
For the Council

Cc: All Members of the Advisory Council on Workers' Compensation

**MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION
HELD ON March 6, 2014 in the 2nd floor courtroom of the Workers' Compensation Court, 1915 N. Stiles
Avenue, Oklahoma City, OK**

MEMBERS PRESENT: Michael Carter, Jim Curry, Bryce Hill, Dr. Robert Wienecke, Dan Simmons

OTHERS PRESENT: Troy Wilson, Chairman, Workers' Compensation Commission

Call to Order: The meeting was called to order by Chairman Michael Carter at 2:00 p.m. Notice of the meeting was filed with Secretary of State and posted at the Workers' Compensation Court and on the Court's website.

Roll Call and Determination of Quorum: Members Dave Koeneke, Sterling Zearley, Angela LeBlanc, and Rochelle Guinn. All others were present, and a quorum was noted.

Discussion and Possible Action Regarding Minutes of the February 20, 2014 Regular Meeting of the Advisory Council: A motion to approve minutes of the previous meeting was made and seconded. There was no discussion or debate; the minutes were approved by acclamation and were declared adopted.

Discussion and Possible action regarding SB 1948

Mr. Carter made a motion endorse SB 1948 to the state leadership. The motion was seconded and unanimously adopted. Chairman Wilson mentioned that the bill has been sponsored by Sen. Bingman and was ready to go to the floor.

Review and discussion of workers' compensation related measures introduced for consideration during the 2014 Oklahoma legislative session:

Mr. Curry identified four bills, including SB 1948, that are still alive. He noted that there were no other substantial bills under consideration.

Discussion of new business:

Chairman Wilson introduced Commission law clerk Kim Bailey. He also gave an update on the status of the Commission. He mentioned that Commissioner Denise Engle is handling insurance matters, and Commissioner Bob Gilliland is handling legal matters. He gave the status of the Counselors' office, mentioning that there will be at least five (5) counselors, up from three (3) currently. He announced the hiring of Ms. Ann Campbell as the supervisor of the Counselors' office. The Chairman discussed Commission procedure, such as the requirement that an Administrative Law Judge make a ruling after hearing within thirty (30) days, and the elimination of court reporters through the use of recordings. He noted appeals would most likely be transcribed. Mr. Wilson noted the hiring of three (3) ALJ's; Tish Sommer; Shane Curtin; and Mike Egan. He mentioned hiring of Executive Director Dr. Rick Farmer, and Deputy Executive Director Cliff Cypert. The Chairman commented that there is an open manager's position in the Commission's Insurance department, and that there would be a change in the

assessment for the letters of credit and the surety bond for self-Insured, and that the Department of Insurance would do a related analysis. He noted the move of three (3) individuals from the Department of Labor who would handle compliance with the law that employers obtain Insurance. The Chairman also noted that Dr. Jay Cannon was hired to be the Medical Director for the Commission.

Chairman Carter mentioned that the Advisory Council has an overlooked statutory duty to assist the Commission with the system of selecting independent medical examiners, and that Dr. Wienecke could be the contact for this function. The Chairman expressed agreement and encouraged the Council to be forthcoming with its suggestions.

The Chairman discussed the Commission's duty to process wrongful termination cases, and the possibility that attorneys will file wrongful termination actions that arose on February 1, 2014, with the Commission. He also pointed out that some of these cases may be dismissed from district court because they should be filed with the Commission.

Mr. Curry congratulated the Commissioners on the handling of the transition to the administrative system.

Mr. Curry inquired about a pending lawsuit related to the Administrative Workers' Compensation Act (AWCA). Mr. Carter explained that the petitioners in the action are requesting the Supreme Court to strike the portion of the AWCA which grants the Commission's review authority over an order of the Court of Existing Claims.

Adjournment:

Mr. Carter's motion to adjourn was seconded and approved unanimously. The Advisory Council adjourned at 2:30 p.m.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation will hold a regular meeting at the Workers' Compensation Commission, Denver Davison Building, 1915 N. Stiles, Oklahoma City, Oklahoma, 2nd Floor En Banc Courtroom on Thursday, April 3, 2014 at 2:00 p.m.

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**EX OFFICIO NONVOTING
MEMBER**

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AGENDA

1. Call to order.
2. Roll call and determination of quorum present.
3. Announcements and Introductions.
4. Discussion and possible action concerning Senate Bill 1948.
5. New business (any matter not known about or which could not have been reasonably foreseen prior to the time of posting).
6. Adjournment.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

April 3, 2014

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The Honorable Mary Fallin
Governor, State of Oklahoma

The Honorable Tom Colbert
Chief Justice, Oklahoma Supreme Court

The Honorable Brian Bingman
President Pro Tempore, Oklahoma State Senate

The Honorable Jeffrey W. Hickman
Speaker, Oklahoma House of Representatives

Dear Governor Fallin, Chief Justice Colbert, President Pro Tempore
Bingman, and Speaker Hickman:

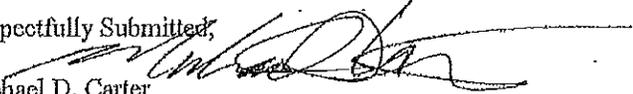
The Advisory Council on Workers' Compensation recently reviewed
engrossed Senate Bill 1948, a measure which clarifies provisions of
Senate Bill 1062 regarding the Self-insurance Guaranty Fund and
Board. Consistent with its statutory duties, the Advisory Council
resolved as follows:

The Advisory Council on Workers' Compensation strongly
recommends approval of Senate Bill 1948 without amendment. SB
1948 is necessary to properly transfer the liabilities and
responsibilities of the old Workers' Compensation Self-insurance
Guaranty Fund to the new Self-insurance Guaranty Fund created
by SB 1062 so that the obligations of the Guaranty Fund to current
claimants, widows, and their dependents can continue to be met.
The Bill also corrects an unintended conflict of interest by
removing the Workers' Compensation Commissioners from the
new Guaranty Fund Board. Finally, SB 1948 prevents a probable
double-assessment of employers who self-insure and are
responsible for paying into the Fund.

This recommendation was adopted unanimously by all Council
members present at its meeting on March 6, 2014.

The Advisory Council is committed to enhancing the workers' compensation system and is mindful of the common goal of providing an efficient, cost-appropriate system of benefits and services to injured Oklahoma workers. As a statutory body which represents the business, labor, legal and medical communities, the Council is in the unique position of providing the perspective of various system participants. We stand ready to assist you and other policy leaders and trust matters discussed in this letter are helpful toward that end.

Respectfully Submitted,


Michael D. Carter
Chairman, Advisory Council on Workers' Compensation
For the Council

Cc: All Members of the Advisory Council on Workers' Compensation
Harold E. Welch, Jr.
Past Chairman
Workers Compensation Self Insurance Guaranty Fund Board



**ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121**

**MINUTES OF THE REGULAR MEETING OF THE ADVISORY
COUNCIL COMMITTEE HELD ON FRIDAY, APRIL 03, 2014
AT THE WORKERS' COMPENSATION COMMISSION IN
OKLAHOMA CITY, OKLAHOMA**

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**EX OFFICIO NONVOTING
MEMBER**

Troy Wilson
Chairman
Workers' Compensation
Commission
1915 N. Siles Avenue
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Present: Michael D. Carter, Jim C. Curry, Bryce A. Hill, Angela R. Leblanc, Dan Simmons.

Others Present: Alisha Davidson with CompSource Oklahoma, Attorney Ted Rossier with the Commission, Information Director Thomas Lewis, II, with the Commission, Commissioner Bob Gilliland.

Call to Order: The meeting was called to order by the chairman, Michael D. Carter, at 2:17 PM. The Secretary of State's office had been notified of the meeting and the agenda was posted at the Workers' Compensation Commission's Oklahoma City and Tulsa locations, and online on the Workers' Compensation Court of Existing Claim's website.

Roll Call and Determination of Quorum: Michael D. Carter, Jim C. Curry, Bryce A. Hill, Angela R. Leblanc and Dan Simmons were present. A quorum was noted.

Announcements and Introductions: Chairman Carter introduced Dana Esparza as the new secretary to the Advisory Council.

Discussion and possible action regarding minutes for the March 6, 2014 regular meeting of the Advisory Council Committee: A motion was made and seconded to approve the minutes of the March 6, 2014 meeting as written. The motion was approved by a unanimous vote of those present.

Discussion and possible action regarding SB 1948 correspondence to the house leadership: A motion was made and seconded to approve the correspondence after discussion of a few minor changes. The motion was approved by a unanimous vote of those present.

New Business: Commissioner Gilliland spoke briefly regarding the Commission and status of the same. Commissioner Gilliland spoke regarding the hiring of four Administrative Law Judges and his appreciation of the Court of Existing Claims for all of their help during the transition. Commissioner Gilliland spoke regarding the Commission's goals and amount of claims received. Chairman Carter inquired as to Tulsa Administrative Law Judge. Commissioner Gilliland responded that her name is Tara Inhofe and gave a brief background regarding her experience and career history. It was

inquired of the Commissioner as to how the audio recordings of the hearings will be handled in case of a dispute as to what was said. Commissioner Gilliland responded that everyone will have to be extra careful to make sure clients and witnesses speak clearly and can be heard on recording device. Someone inquired as to if the rules would ever be changed to include that a party may request a reporter be present and transcribe the hearings. Commissioner Gilliland responded that the rules already allow for a party to do so. Conversation as to statutory requirements in regards to the IME system, and Dr. Weineke being the point person that has volunteered to work with the commission regarding the IME system. Commissioner Gilliland responded that he is willing to work with Dr. Weineke alongside the Commission's new Medical Director Dr. Jay Canon who has primary responsibilities for the IMEs and Vocational Rehab. Commissioner Gilliland spoke regarding the Commission's goals of putting more IMEs into place. Mr. Curry spoke on SB 1948 regarding its progress and passing through the house. Inquiries were made to the Commissioner regarding the number of claims dropping and regarding the confusion of reporting the injury with the new system. Commissioner Gilliland responds that there shouldn't be any confusion as it remains basically the same as the old system in that regard. Commissioner Gilliland briefly discusses the differences of the form 4 in regard to the old system and the new system.

Adjournment: A motion was made and seconded to adjourn. The motion was approved by a unanimous vote. The meeting was adjourned at 2:40 PM.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation will hold a regular meeting at the Workers' Compensation Commission, Denver Davison Building, 1915 N. Stiles, Oklahoma City, Oklahoma, 2nd Floor En Banc Courtroom on Thursday, May 8, 2014 at 2:00 p.m.

MICHAEL D. CARTER
Chairman
101 N. Robinson 13th Floor
Oklahoma City, OK 73102
(405) 235-4100

ANGELA R. LEBLANC
Vice-Chair
10601 N. Pennsylvania Avenue
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(405) 302-6712

JIM C. CURRY
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(405) 528-2409

ROCHELLE L. GUINN
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DAN SIMMONS
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STERLING ZEARLEY
13 N.E. 28th Street
Oklahoma City, OK 73105
(405) 524-6764

**EX OFFICIO NONVOTING
MEMBER**

Troy Wilson
Chairman
Workers' Compensation Commission
1915 N. Stiles Avenue
Oklahoma City, OK 73105
(405) 522-4589

AGENDA

1. Call to order.
2. Roll call and determination of quorum present.
3. Announcements and Introductions.
4. Discussion and possible action concerning April 3, 2014, minutes for the regular meeting of the Advisory Council Committee.
5. Discussion and possible action concerning budget requests for Workers' Compensation Commission and Court of Existing Claims.
6. New business (any matter not known about or which could not have been reasonably foreseen prior to the time of posting).
7. Adjournment.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

May 09, 2014

MICHAEL D. CARTER
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The Honorable Mary Fallin
Governor, State of Oklahoma

The Honorable Tom Colbert
Chief Justice, Oklahoma Supreme Court

The Honorable Brian Bingman
President Pro Tempore, Oklahoma State Senate

The Honorable Jeffrey W. Hickman
Speaker, Oklahoma House of Representatives

Dear Governor Fallin, Chief Justice Colbert, President Pro Tempore
Bingman, and Speaker Hickman:

At its regular meeting of May 8, 2014, the Advisory Council on
Workers' Compensation reviewed the fiscal needs of Oklahoma's
workers' compensation system for FY 2015. The minimum level of
funding necessary to efficiently maintain the system has increased over
prior years due to the passage of Senate Bill 1062 in 2013. SB 1062
created a new state agency, the Workers' Compensation Commission,
to administer the workers' compensation system. However, it also
retained a Court to adjudicate pre-February 1, 2014 claims.

The Advisory Council has previously reviewed the fiscal impact of
maintaining a dual system. In 2013, the Advisory Council requested
the Court Administrator of the Workers' Compensation Court to
prepare a cost estimate addressing the budgetary implications of
administering a system such as the one ultimately created by SB 1062.
The Court Administrator, Michael Clingman, was in a unique position
to prepare such an estimate, having formerly served as CEO of the
Arkansas Workers' Compensation Commission. The cost estimate Mr.
Clingman provided at the Advisory Council's request predicted
significant short term increased costs associated with such a system,
and was widely distributed during the legislative process that resulted
in the passage of SB 1062. A copy of Mr. Clingman's letter is attached
hereto. Mr. Clingman's estimate for the first full fiscal year of
operation of such a system was \$15 million dollars.

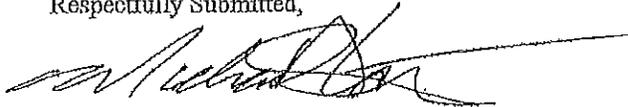
In light of the information reviewed in 2013 and at the regular meeting
of May 8, 2014, and consistent with its statutory duties, the Advisory
Council resolved as follows:

The Advisory Council on Workers' Compensation recommends funding of the Oklahoma workers' compensation system for both the Workers' Compensation Commission and the Court of Existing Claims at the requested levels. The Advisory Council is further satisfied that the Court of Existing Claims is operating at the minimum level possible to efficiently adjudicate the thousands of claims it retains, as well as the new claims it is receiving for pre-February 1, 2014 claims. The budgetary requests made to support the system created by SB 1062 were predicted and are critical to avoid unnecessary cost and delay for all those affected by Oklahoma's workers compensation system.

This recommendation was adopted unanimously by all Council members present at its meeting on May 8, 2014.

The Advisory Council is committed to enhancing the workers' compensation system and is mindful of the common goal of providing an efficient, cost-appropriate system of benefits and services to injured Oklahoma workers. As a statutory body which represents the business, labor, legal and medical communities, the Council is in the unique position of providing the perspective of various system participants. We stand ready to assist you and other policy leaders and trust matters discussed in this letter are helpful toward that end.

Respectfully Submitted,



Michael D. Carter
Chairman, Advisory Council on Workers' Compensation
For the Council

Cc: All Members of the Advisory Council on Workers' Compensation;
Commission; Judge Michael J. Harkey



Michael J. Harkey
Presiding Judge

*Eric W. Quandt
Vice Presiding Judge

Bob Lake Grove
Judge

William R. Foster, Jr.
Judge

*David P. Reid
Judge

STATE OF OKLAHOMA

WORKERS' COMPENSATION COURT

1915 NORTH STILES
OKLAHOMA CITY, OKLAHOMA 73105-4918
(405) 522-8600

January 22, 2013

*Owen T. Evans
Judge

Michael W. McGivern
Judge

L. Brad Taylor
Judge

Margaret A. Bomhoff
Judge

Carla Snipes
Judge

Michael Clingman
Administrator

Michael D. Carter
Chairman, Advisory Council on Workers' Compensation
101 N. Robinson, 13th Floor
Oklahoma City, OK 73102

Dear Chairman Carter:

This is in response to your request on behalf of the Advisory Council on Workers' Compensation for a cost estimate of simultaneously administering the existing judicial based workers' compensation system and an administrative based workers' compensation system, assuming a transition to the latter, should legislation to that effect be enacted in 2013. Recognizing that general law provides that the rights of the injured worker and the worker's employer are fixed as of the date of injury, you ask, in particular, for an estimate of the annual cost of maintaining the current court-based system for claims for injuries occurring before the effective date of the measure, for as long as is necessary, and the cost of administering the new administrative entity for claims for injuries occurring thereafter.

Overlap of the systems would be for an indeterminate period of time. Workers' compensation claims accruing or pending in the judicial system before implementation of the administrative system will continue under the judicial system for the life of the claim. Some claims will remain in the judicial system for the life of the worker or the beneficiary of a deceased worker. Examples of such claims include permanent total disability claims which are payable by the employer for the remainder of the lifetime of the worker (unless there is a change of condition for the better), a surviving spouse's benefits for the remainder of the lifetime of the surviving spouse (unless the surviving spouse remarries), and claims for continuing medical maintenance for the duration of the condition.

A discussion of the fiscal impact of the cost upon the administering entity for the current judicial system and a proposed administrative system follows. Because many legislative proposals for establishment of an administrative system are pending and it is difficult to know the breadth and details of the new system at this time, information on estimated costs is addressed in terms of budget implications rather than dollar amounts.

JUDICIAL SYSTEM

Actual expenditures for administration of the Workers' Compensation Code, based on fiscal year 2012 data for the period of July 1, 2011 to June 30, 2012, was \$6,352,000. This figure represents expenditures from all funding sources (appropriations and fee income) to the Workers' Compensation Court for its operations. Fiscal year 2013 data was not used because the fiscal year does not end until June 30, 2013. However, the Court's annual operating budget for FY-2013 is \$6,600,000, although actual expenditures for the fiscal year may be less. Of the budgeted amount, 86.6% (roughly \$5,715,600) represents personal services (includes salaries and benefits for Court judges and other personnel). The remaining 13.4% (\$884,400) is for other operating expenses (e.g. postage, printing, insurance, office supplies, travel, rent).

The Court currently employs utilizes 73 full-time-equivalent employees to apply the law as set out in the Workers' Compensation Code. Personnel positions include 10 judges, a Court Administrator, and employees in eight departments. Departments of the Court include the Counselor/Ombudsman Department, Insurance Department, Office of the Court Clerk, Form 3 Processing Department, Docket Office, Order Processing Department, Records Department and the Data Processing/Management Information Services Department. All of these departments, in large part, support the Court's dispute resolution process. In addition to departmental staff, the Court employs court reporters, a staff attorney, administrative personnel and support staff.

Existing personnel, and concomitant expenditures, are expected to be required to maintain operational demands until workload diminishes over time and reductions in personnel and services become justified. However, it is not possible to predict with any certainty the Court's annual budget needs without knowing the particulars of the administrative system and whether or not the Court and the entity administering the administrative system will share resources and personnel.

ADMINISTRATIVE SYSTEM

Detailed analysis of the fiscal needs of a new entity to administer an administrative workers' compensation system is virtually impossible without specifics on the responsibilities, structure and operation of the entity. What is clear is that significant budget implications for the administering agency could result, particularly if hearing officers were required to meet and conduct hearings across the state.

Additional personnel, travel costs, and mailing and shipping costs are items likely to have substantial budgetary implications under such a proposed system:

- Personnel: If the number of locations where hearings are required to be held is greater than two historically used in the current judicial based system, more than 10 hearing officers (administrative law judges) would be required to cover monthly dockets across the state in a timely manner, assuming elimination of the long-standing and preferred requirement that judges remain assigned to hear all issues for the life of each case. If the requirement is kept, an even greater number of ALJs would be required because each judge would have to travel to multiple locations of the state on the same docket day to consider perhaps a single issue, and multiple

judges would be traveling to the same location to hear perhaps a small number of cases. It is likely that more personnel in supporting departments of the administering entity would be required, beyond those in the current judicial based system, to handle responsibilities like records management, public information and education, scheduling for use of local facilities, docketing and order production.

- Travel: Travel expenditures due to increased travel of hearing officers also would include related travel costs associated with providing court reporters for proceedings held around the state.

- Mailing and Shipping: Mailing costs could increase significantly, depending upon the notice responsibilities of the administering entity. Perhaps the greatest shipping costs concern the transfer of documents between storage in Oklahoma City and the locations of hearings and meetings across the state.

In general, since the current judicial system and proposed administrative system are expected to coexist for a period of time, both systems would require funding until full transition to the administrative system occurred. Although an effort has been made to identify representative budget implications for an administrative system, estimated actual costs will be driven by the specific language in the legislative measure.

If one were to try to cost out dual systems in spite of the warnings against such activity discussed above it would require choosing a system to model after. The Arkansas Workers' Compensation Commission has been discussed in the media recently and, using that model, our current system would likely cede self-insurance, the Counselor program and some IT costs to the new system immediately. The annual cost today of the Arkansas system is over \$10 million, so it could be reasonably expected in the first full fiscal year after both systems are in place that the costs could run around \$15 million. The following year there could be a winding down of other Court programs reducing the overall cost to \$13.5 million, and the following year with more claims being adjudicated the costs could fall to \$13 million. Thus, it seems likely that the three year costs of dual systems would run approximately \$41 million, or roughly \$20 million more than the current system for the first three years.

I trust this information is helpful. Feel free to contact me if you have any questions or need additional information.

Sincerely,



Michael Clingman
Administrator



**ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121**

**MINUTES OF THE REGULAR MEETING OF THE ADVISORY
COUNCIL COMMITTEE HELD ON FRIDAY, MAY 8, 2014 AT
THE WORKERS' COMPENSATION COMMISSION IN
OKLAHOMA CITY, OKLAHOMA**

MICHAEL D. CARTER
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**EX OFFICIO NONVOTING
MEMBER**

Troy Wilson
Chairman
Workers' Compensation
Commission
1915 N. Stiles Avenue
Oklahoma City, OK 73105
(405) 522-8600

Present: Michael D. Carter, Rochelle Guinn, Bryce A. Hill, Angela R. Leblanc, Dan Simmons.

Others Present: Alisha Davidson with CompSource Oklahoma, Attorney Ted Rossier with the Commission, Information Director Thomas Lewis, II, with the Commission, Deputy Executive Director Clif Cypert with the Commission, Medical Director Dr. Jay Cannon with the Commission, Vice Presiding Judge Michael J. Harkey with the Court of Existing Claims and Court Administrator Tom Hall with the Court of Existing Claims.

Call to Order: The meeting was called to order by the chairman, Michael D. Carter, at 2:03 PM. The Secretary of State's office had been notified of the meeting and the agenda was posted at the Workers' Compensation Commission's Oklahoma City and Tulsa locations, and online on the Workers' Compensation Court of Existing Claim's website.

Roll Call and Determination of Quorum: Michael D. Carter, Rochelle Guinn, Bryce A. Hill, Angela R. Leblanc and Dan Simmons were present. A quorum was noted.

Announcements and Introductions: Chairman Carter asked the guests to introduce themselves for the record.

Discussion and possible action regarding minutes for the April 3, 2014 regular meeting of the Advisory Council Committee: A motion was made and seconded to approve the minutes of the April 3, 2014 meeting as written. The motion was approved by a unanimous vote of those present.

Discussion and possible action concerning budget requests for Workers' Compensation Commission and Court of Existing Claims: Chairman Carter leads discussion regarding a proposed endorsement letter for the budget requests made by the Workers' Compensation Commission and Court of Existing Claims. Chairman Carter suggested that we attach correspondence from Mr. Clingman regarding his estimated cost for running dual systems. Ms. LeBlanc inquired as to the volume of cases running through each system. Mr. Rossier responded that while the Commission is picking up, the Court of Existing Claims will be winding down. Ms. LeBlanc inquired as to

staffing. Mr. Cypert responds that we are in a transitioning period and assessment mode in that regard. Mr. Simmons inquires as to whether or not the budget request refers to only the court or both the court and the commission. Judge Harkey gave a brief overlook of the agreement between the Court and the Commission. He also gives a rough estimate of \$4.5 million as the bare bones minimum proposed budget needed for the Court of Existing Claims alone. Mr. Rossier give an estimate of 11.4 of the budget that the Commission has proposed. Mr. Carter reiterates that the government should support legislation that they put into place and the need for the correspondence endorsing the proposed budget. Mr. Carter gives a brief description of what the context of the letter should be. Discussion between both sides transpired regarding clarifying the total amount as \$15.9 Million as the combined proposed budget. Ms. LeBlanc addressed her concern as to overstaffing for the Commission. Mr. Carter addressed his concern that if the proposed budget is not granted as to claimants not getting attended properly. Judge Harkey states that the Court of Existing Claims are running on the minimum staff that they can run a sufficient judicial branch with. Mr. Rossier states that if we do not get the proposed budget for the Commission that it simply means that we will start getting a back log and freeze staffing efforts. Mr. Carter states that from his point of view, the Commission has done a good job not over staffing at this point. Mr. Carter turns the meeting over to Vice Chair Ms. LeBlanc so that he may make a motion for the correspondence supporting the full budget request and attaching the court administrator's estimated cost for running dual systems. A motion was made and seconded to approve the correspondence endorsing proposed budget after discussion of the same. The motion was approved by a unanimous vote of the Committee members present.

New Business: Chairman Carter announces that the next meeting is not scheduled until September. The Chairman also suggests that anyone having agenda items for next meeting should call Ms. Esparza before the meeting with those items. Chairman Carter requests that the Commission attend and update the Council Advisory at the next meeting, as well as the Court of Existing Claims. Chairman Carter also requests that both update us on legislation at that time. The Chairman also addresses the fact that the Commissioners have not yet been subject to the process of confirmation in the Senate. Mr. Simmons inquires as to the need to write a letter regarding the confirmation process. Chairman Carter responds that it is not on the agenda. Mr. Hill comments on the possibility of calling an emergency meeting should the budget not be granted as requested. Chairman Carter agrees with Mr. Hill. Chairman Carter inquires as to any ongoing law suit besides the Carlock law suit. Judge Harkey responds that there is a Seminole county case pertaining to constitutionality of the Commission. Chairman Carter inquires of Mr. Cypert regarding the Opt out provision status. Mr. Cypert responds that this is not his area and is not sure of the status of the same.

Adjournment: A motion was made and seconded to adjourn. The motion was approved by a unanimous vote. The meeting was adjourned at 2:33 PM.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation will hold a regular meeting at the Workers' Compensation Commission, Denver Davison Building, 1915 N. Stiles, Oklahoma City, Oklahoma, 2nd Floor En Banc Courtroom on Thursday, September 11, 2014 at 2:00 p.m.

MICHAEL D. CARTER
Chairman
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**EX OFFICIO NON VOTING
MEMBER**

Troy Wilson
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Workers' Compensation Commission
1915 N. Stiles Avenue
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AGENDA

1. Call to order.
2. Roll call and determination of quorum present.
3. Announcements and Introductions.
4. Commissioner Gilliland to provide an update on Commission.
5. Discussion and possible action concerning May 8, 2014, minutes for the regular meeting of the Advisory Council Committee.
6. Discussion and possible action concerning the upcoming Legislative Session.
7. Discussion and possible action concerning potential agenda items for future meetings.
8. Adjournment.



**ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121**

**MINUTES OF THE REGULAR MEETING OF THE ADVISORY
COUNCIL COMMITTEE HELD ON FRIDAY, SEPTEMBER 11,
2014 AT THE WORKERS' COMPENSATION COMMISSION
IN OKLAHOMA CITY, OKLAHOMA**

MICHAEL D. CARTER
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**EX OFFICIO NONVOTING
MEMBER**

Troy Wilson
Chairman
Workers' Compensation
Commission
1915 N. Stiles Avenue
Oklahoma City, OK 73105
(405) 522-8600

Present: Michael D. Carter, Jim C. Curry, Bryce A. Hill, Angela R. Leblanc, Dan Simmons, Rochelle L. Guinn, Robert J. Weineke, M.D., Sterling Zearley.

Others Present: Alisha Davidson with CompSource Oklahoma, Commissioner Bob Gilliland.

Call to Order: The meeting was called to order by the chairman, Michael D. Carter, at 2:00 PM. The Secretary of State's office had been notified of the meeting and the agenda was posted at the Workers' Compensation Commission's Oklahoma City and Tulsa locations, and online on the Workers' Compensation Commission website.

Roll Call and Determination of Quorum: Michael D. Carter, Jim C. Curry, Bryce A. Hill, Angela R. Leblanc, Dan Simmons, Rochelle L. Guinn, Robert J. Weineke, M.D., and Sterling Zearley were present. A quorum was noted.

Announcements and Introductions: Chairman Carter introduced Commissioner Gilliland and Alisha Davidson with CompSource Oklahoma.

Update on Commission from Commissioner Gilliland: Commissioner Gilliland gives an update on form 2s and form 3s. He states that the commission estimates that we will receive 30,000 form 2s compared to the Court of Existing Claims 45,000. Commissioner Gilliland notes that it is a thirty percent drop compared to the CEC. The Commission estimates that we will receive 3,000 compared to the 15,000 of the form 3s that the Court of Existing Claims received last year which is an eighty percent drop. Commissioner Gilliland discussed some of the possibilities as to why the numbers have dropped and where they may end up. Commissioner gives an update on opt-out status. Commission has not received any claims to date on the opt-out. Commissioner Gilliland discusses the NCCI report. He reports that there was 972 million dollars of workers compensation premiums for 2014. By January 1st 2014, the compensation premium rate decreased of 14.6 %. By January 1st 2015 NCCI predicts that it will be reduced another 7.8% for a total of 22.4% decrease. Commissioner Gilliland updates the board regarding legislative changes. He requests that if any of the board members find any

problems in the act that the Commission would love input regarding the same. Commissioner Gilliland states that one of the main issues at hand at this time is the dispute over Court Reporters being provided at hearings. Commissioner Gilliland states that another issue is with the hearings only being heard in Oklahoma City. The Commissioner would like to see some changes to that as it is difficult for an injured worker to travel. The third legislative issue that he mentions is regarding commission employees testifying in a hearing. This causes a conflict with our compliance officers as they are key witnesses in our compliance cases.

Discussion and possible action regarding minutes for the May 8, 2014, regular meeting of the Advisory Council Committee: A motion was made by Ms. Leblanc and seconded by Mr. Hill to approve the minutes of the May 8, 2014 meeting as written. The motion was approved by a unanimous vote of those present.

Discussion and possible action concerning the upcoming Legislative Session: Chairman Carter states that Commissioner Gilliland has pretty much covered this area. He asks if anyone has anything to add and states that we will touch base after the legislative session.

Discussion and possible action concerning potential agenda items for future meetings: Chairman Carter discusses that the statute charges the Advisory Council to Analyze and review the Workers' Compensation System. He goes on to say that the statute includes the entire system the court and the commission. The Chairman clarifies that the advisory council is to review the court system and that anyone from the court is more than welcome to come to these meetings. He also states that the statute provides that the council is supposed to review the public reports of the commission and will write a letter to the Chairman of the Commission regarding the same. Chairman welcomes any future agenda items to be submitted to himself or to Ms. Esparza for future meetings.

Adjournment: A motion was made and seconded to adjourn. The motion was approved by a unanimous vote. The meeting was adjourned at 2:45 PM.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

NOTICE OF REGULAR MEETING

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EX OFFICIO NONVOTING MEMBER

Troy Wilson
Chairman
Workers' Compensation Commission
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(405) 522-4589

The Advisory Council on Workers' Compensation will hold a regular meeting at the Workers' Compensation Commission, Denver Davison Building, 1915 N. Stiles, Oklahoma City, Oklahoma, 2nd Floor Commission Chambers on Thursday, November 13, 2014 at 2:00 p.m.

AGENDA

1. Call to order.
2. Roll call and determination of quorum present.
3. Announcements and Introductions.
4. Discussion and possible action concerning the September 11, 2014 meeting minutes.
5. Discussion and possible action to set meeting dates for 2015 as following:
 - January 8, 2015
 - February 5, 2015
 - March 5, 2015
 - April 2, 2015
 - May 7, 2015
 - September 03, 2015
 - November 5, 2015
6. Discussion and possible action concerning upcoming legislative session.
7. Discussion and possible action concerning future agenda items.
8. Adjournment.



ADVISORY COUNCIL ON WORKERS' COMPENSATION
85A O.S., §121

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL COMMITTEE HELD ON FRIDAY, NOVEMBER 13, 2014 AT THE WORKERS' COMPENSATION COMMISSION IN OKLAHOMA CITY, OKLAHOMA

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EX OFFICIO NONVOTING MEMBER

Troy Wilson
Chairman
Workers' Compensation
Commission
1915 N. Stiles Avenue
Oklahoma City, OK 73105
(405) 522-8600

Present: Michael D. Carter, Rochelle L. Guinn, Bryce A. Hill, Angela R. Leblanc, Sterling Zearley.

Others Present: Alisha Davidson with CompSource Oklahoma, Commissioner Gilliland Workers' Compensation Commission.

Call to Order: The meeting was called to order by the chairman, Michael D. Carter, at 2:01 PM. The Secretary of State's office had been notified of the meeting and the agenda was posted at the Workers' Compensation Commission's Oklahoma City and Tulsa locations, and online on the Workers' Compensation Commission website.

Roll Call and Determination of Quorum: Michael D. Carter, Rochelle L. Guinn, Bryce A. Hill, Angela R. Leblanc, Sterling Zearley were present. A quorum was noted.

Announcements and Introductions: Chairman Carter announced that Commissioner Gilliland is present.

Update on Commission from Commissioner Gilliland: Commissioner Gilliland gives a short update on form 3s. The Commission estimates that we will receive 3,000. Commissioner Gilliland discussed that the form 2s are being triaged by the counselor's office. He notes that this may be one of the reasons that we have less form 3s. He notes that the commission has concluded around 100 cases. Commissioner Gilliland states we now have around 18 Appeals pending before the commission. Commissioner Gilliland explains that the Commissioner's requested an Attorney General's Opinion regarding the Commissioner's deliberating in public. The Commissioner states that we have now received that opinion and that opinion states that deliberations must be held in public. He announces that the first hearings on Appeals will be held next week. Commissioner Gilliland states that they will be announcing procedures at the public meeting next week before the appeals. He asks the Advisory Council for their support during the upcoming legislative session. He announces that the commission has been working hard to get some of the legislation corrected and upon completion he would like to distribute to the Advisory Council for their feedback.

Discussion and possible action regarding minutes for the September 11, 2014, regular meeting of the Advisory Council Committee: A motion was made by Mr. Hill and seconded by Ms. Guinn to approve the minutes of the September 11, 2014 meeting as written. The motion was approved by a unanimous vote of those present.

Discussion and possible action to set meeting dates for 2015 as follows:

January 8, 2015
February 5, 2015
March 5, 2015
April 2, 2015
May 7, 2015
September 3, 2015
November 12, 2015

A motion was made by Mr. Zearly and seconded by Mr. Hill to approve the meeting dates. The motion was approved by a unanimous vote of those present.

Discussion and possible action concerning the upcoming Legislative Session: Chairman Carter inquires of Commissioner Gilliland regarding the FY 2015 budget status. Commissioner Gilliland responds that it is being worked on. Chairman Carter extends an offer to assist the Commission with the budget. Commissioner Gilliland states that the Commission appreciates their help with that.

Discussion and possible action concerning potential agenda items for future meetings: Chairman states that we want the agenda items to be all inclusive of everyone. He states that any future agenda items should be submitted to Ms. Esparza for future meetings.

Adjournment: A motion was made and seconded to adjourn. The motion was approved by a unanimous vote. The meeting was adjourned at 2:41 PM.