



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

January 28, 2016

Regular 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 January 28, 2016.

Members present: Chairman Gilliland, Commissioner Liotta, and Commissioner Young. Others in attendance on behalf of the Commission: Kim Bailey, Neal Leader, Dr. Jay Cannon, Clif Cypert, Stormy Moore, Eric Russell, Sharon Smith, Colby Townsend, Jennifer Reeves and Tiffany Pratt.

Chairman Gilliland expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum and the Statement of Compliance with the Open Meeting Act was read. The meeting was called to order at approximately 1:30 p.m.

**Approval of Minutes**

Chairman Gilliland presented the minutes of the December 18, 2015, public meeting for approval.

**Motion:** Commissioner Young moved to approve the minutes of the December 18, 2015, public meeting.

**Second:** Commissioner Liotta.

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

**The motion carried.**

Chairman Gilliland presented the minutes of the January 7, 2016, public meeting for approval.

**Motion:** Commissioner Young moved to approve the minutes of the January 7, 2016, public meeting.

**Second:** Commissioner Liotta.

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

**The motion carried.**

Chairman Gilliland presented the minutes of the January 19, 2016, public meeting for approval.

**Motion:** Commissioner Young moved to approve the minutes of the January 19, 2016, public meeting.

**Second:** Commissioner Liotta.

Those voting aye: Commissioner Liotta and Commissioner Young.

Abstain: Chairman Gilliland.

**The motion carried.**

**1. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Insured Guaranty Fund**

*Title 85A O.S. § 206(A) of the Oklahoma Employee Injury Benefit Act (Act) requires carriers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) on all written premiums resulting from the writing of insurance under this act on risks within the state. The Commission considered the annual assessment rate for the Oklahoma Option Insured Guaranty Fund.*

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Chairman Gilliland moved to approve the assessment at a rate of 3% of all written premiums for 2015 as a result of writing insurance under this act on risks within the state.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**2. Discussion and Consideration of an Assessment and an Assessment Rate for the Oklahoma Option Self-insured Guaranty Fund**

*Title 85A O.S. § 207(A) of the Oklahoma Employee Injury Benefit Act (Act) requires self-insured employers to pay annually to the Workers' Compensation Commission a fee, at the rate to be determined by the Commission, but not to exceed three percent (3%) of the written premium which would have to be paid by a carrier if the self-*

*insured employer were insured by a carrier. The Commission considered the annual assessment rate for the Oklahoma Option Self-insured Guaranty Fund.*

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to approve the assessment at a rate of 3% of the premium which would have to be paid by a carrier if the self-insured employer were insured by a carrier.

**Second:** Commissioner Liotta.

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

**The motion carried.**

### **3. 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 self-insurance group association to which they are applying for membership:*

**Oklahoma Operators Self- Insurance Fund (# 75292):**  
MTH Restaurants, LLC  
DETT, Inc.

Stormy Moore, Insurance Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to approve the applications to the Oklahoma Operators Self-Insurance Fund (#75292).

**Second:** Commissioner Liotta.

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

**The motion carried.**

#### **4. Discussion and Consideration of Proposed Request for Proposal (RFP) for Electronic Data Interchange (EDI).**

*Per 85A OS 101(B) EDI is required to be implemented by the Commission. Electronic Data Interchange (EDI) is the method of efficiently and accurately collecting required accident related data from trading partners via the International Association of Industrial Accident Boards and Commissions (IAIABC) Claims Release 3 EDI standard. The Commission discussed and considered approving the proposed RFP to move forward with acquiring EDI.*

Jennifer Reeves, Chief Financial Officer, made a presentation and recommended approval.

**Motion:** Chairman Gilliland moved to approve the proposed request for proposal for electronic data interchange.

**Second:** Commissioner Liotta.

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

**The motion carried.**

#### **5. Discussion and Consideration to Approve Proposed Biennial Report**

*Per 85A OS 24 on or before the first day of the regular session of the Legislature, the Commission shall submit to the Governor and the Legislature a report of the administration of the Administrative Workers' Compensation Act for the preceding biennial period, together with such recommendations as the Commission may deem advisable. The Commission considered approving the proposed biennial report for submission to the Governor and the Legislature.*

Eric Russell, Counseling Director, made a presentation and recommended approval.

**Motion:** Commissioner Liotta moved to approve the Biennial Report for submission to the Governor and the Legislature.

**Second:** Chairman Gilliland.

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

**The motion carried.**

## **6. Discussion and Consideration of Revision of the Current Medical Fee Schedule**

*Title 85A O.S. § 50(H)(1) states the Commission shall conduct a review of the Fee Schedule every two (2) years. The Commission discussed and considered whether it will move forward with revising the current medical fee schedule this legislative session.*

Dr. Jay Cannon, Medical Director, made a presentation and recommended not to revise the current medical fee schedule this legislative session.

**Motion:** Commissioner Young moved not to move forward with the revision of the medical fee schedule this legislative session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

## **7. Personnel Policies**

The Human Resources Director, Clif Cypert made a report on the proposed Workplace Violence Policy.

Clif Cypert recommended the Commission approve the policy.

**Motion:** Commissioner Liotta moved to approve the Workplace Violence Policy with the change of striking the first line of page three “Bullying may be intentional or unintentional.”

**Second:** Chairman Gilliland.

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

**The motion carried.**

The Human Resources Director, Clif Cypert made a report on the proposed Complaint and Investigation Policy.

Clif Cypert recommended the Commission approve the policy.

**Motion:** Commissioner Young moved to approve the Complaint and Investigation Policy with the change of page 2 paragraph 4 “calendar days” to “business days”, adding “business” between the words “(5)” and “days” and in paragraph 6 replace “at any time” with the words “within time provided by law”.

**Second:** Commissioner Liotta.

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

## **8. Proposed Approval of 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. The period of qualification shall be two (2) years. The Commission considered approving the list of physicians presented at the meeting that have been vetted by the Medical Director and recommended to have their applications approved or renewed.*

Dr. Jay Cannon, Medical Director, made a presentation and recommended approval.

**Motion:** Commissioner Young moved to approve the IME applications.

**Second:** Commissioner Liotta.

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

**The motion carried.**

## **9. 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 Young moved to approve the travel vouchers currently outstanding, which are included as a part of these minutes.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**10. Executive session**

*Pursuant to Title 25 O.S. § 307(B)(1) for the purpose of discussing the employment evaluations, promotion, or performance of Commission's Administrative Law Judges: Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and Tish Sommer.*

**Motion:** Chairman Gilliland moved to go into Executive Session for purposes of discussing the employment evaluations, promotion, or performance of the Administrative Law Judges Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and Tish Sommer, under § 307(B)(1).

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Vote to Reconvene in Open Session**

**Motion:** Commissioner Young moved to reconvene in Open Session.

**Second:** Commissioner Liotta.

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

**The motion carried.**

**Discussion and action from Executive Session**

No action was taken with regard to the employment evaluations, promotion, or performance of the Administrative Law Judges Shane Curtin, Mike Egan, Blair McMillin, Tara Inhofe and Tish Sommer, under § 307(B)(1).

**Announcements**

The next Regular Meeting of the Commission is scheduled for February 11, 2016.

**Adjournment**

***Motion:*** Commissioner Young moved to adjourn.

***Second:*** Commissioner Liotta.

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

**The motion carried.**

Chairman Gilliland announced the meeting was adjourned.