

**2010
ANNUAL REPORT
OF THE
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

Presented to:

The Honorable Mary Fallin
Governor

The Honorable Steven W. Taylor
Chief Justice, Oklahoma Supreme Court

The Honorable Brian Bingman
President Pro Tempore of the Senate

The Honorable Kris Steele
Speaker of the House of Representatives



COMMITTEE MEMBERSHIP

Blake Virgin, Chairman
Jim C. Curry, Vice Chairman

Michael D. Carter	David Stockwell
T. Shane Curtin	Sterling Zearley
Ellen C. Edwards	Presiding Judge Michael J. Harkey, Ex-officio
Dave Koeneke	Court Administrator Michael Clingman, Ex-officio
Dan Simmons	

Issued March 2011

COUNCIL STAFF

Oklahoma Workers' Compensation Court
Tish Sommer, Special Counsel

**2010 ANNUAL REPORT OF THE
ADVISORY COUNCIL ON WORKERS' COMPENSATION**

I. INTRODUCTION

The Advisory Council on Workers' Compensation was created by the Legislature in 1990 to analyze and review the workers' compensation system, reports of the Court Administrator, and workers' compensation trends. The Council may recommend improvements and proper responses to developing trends, and consult with the Court on oversight of independent medical examiners.

The Council is composed of nine members, with three members each being appointed by the Governor, President Pro-Tempore of the Senate, and Speaker of the House of Representatives. The Court's Presiding Judge and Administrator serve as ex-officio nonvoting members. The Governor's appointees represent employers, one of whom must be from a list of nominees provided by the predominant statewide broad-based business organization. The President Pro Tempore's appointees are attorneys representing the legal profession in this state, one of whom practices primarily in the area of defense of workers' compensation claims. The Speaker's appointees represent employees, one of whom shall be from a list of nominees provided by the most representative labor organization in the state. The Council is assisted by Workers' Compensation Court staff and met seven times during the calendar year.

Advisory Council on Workers' Compensation members serving in 2010:

Blake Virgin, Chairman
Norman, Oklahoma
Governor

Dave Koenek
Oklahoma City, Oklahoma
Speaker

Jim Curry, Vice Chairman
Oklahoma City, Oklahoma
Speaker of the House

Dan Simmons
Oklahoma City, Oklahoma
Governor

Michael Carter
Norman, Oklahoma
President Pro Tempore of the Senate

David Stockwell
Norman, Oklahoma
Governor
Replacing Howard Klubeck

T. Shane Curtin
Oklahoma City, Oklahoma
President Pro Tempore of the Senate

Sterling Zearley
Oklahoma City, Oklahoma
Speaker of the House

Ellen C. Edwards
Tulsa, Oklahoma
President Pro Tempore of the Senate

Kent Eldridge, Presiding Judge
Ex-officio Nonvoting Member

Howard Klubeck
Oklahoma City, Oklahoma
Governor

Marcia Davis, Court Administrator
Ex-officio Nonvoting Member

II. GOVERNING STATUTE

TITLE 85, OKLAHOMA STATUTES, SECTION 112

ADVISORY COUNCIL ON WORKERS' COMPENSATION - MEMBERS - APPOINTMENT - TERMS - VACANCIES - OFFICERS - EXPENSES - MEETINGS - VOTING - DUTIES

- 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. The Administrator and Presiding Judge of the Court shall be ex officio non-voting members.
1. The Governor shall appoint three (3) 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 (3) 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; and
3. The President Pro Tempore of the Senate shall appoint three (3) members 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.
- C. 1. The term of office for initial appointees shall be as follows:
- a. 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 March 1, 1992;
- b. the term of office of 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 March 1, 1993; and
- c. 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 March 1, 1994;
2. Thereafter, successors in office shall be appointed for a three-year term. Members shall be eligible to succeed themselves in office; and
3. Any person appointed to fill a vacancy shall be appointed for the unexpired portion of the term.
- D. The chairman and the vice-chairman of the Advisory Council, one of whom shall be an employee representative and one of whom shall be an employer representative, shall be elected by the Council from among its voting members.

E. Members shall receive their traveling and other necessary expenses incurred in the performance of their duties as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

F. 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 (5) voting members constitutes a quorum. No action shall be taken by the Advisory Council without the affirmative vote of at least five (5) members.

G. The Administrator of the Court shall provide office supplies and personnel of the Workers' Compensation Court to carry out any of the duties that have been entrusted to the Council.

H. The Advisory Council shall analyze and review the workers' compensation system, the reports of the Administrator of the Workers' Compensation Court, and trends in the field of workers' compensation. The Council may recommend improvements and proper responses to developing trends. The 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.

I. In addition to other duties required by this section, the Advisory Council shall consult with the Workers' Compensation Court regarding oversight of independent medical examiners as provided in Section 17 of this title.

III. PUBLIC MEETINGS

The Council scheduled and held seven public meetings in 2010. All meetings were held at the Workers' Compensation Court's Oklahoma City location as follows:

Meeting Date

January 14, 2010 - Regular Meeting
February 11, 2010 - Regular Meeting
March 11, 2010 - Regular Meeting
April 8, 2010 - Regular Meeting
May 13, 2010 - Regular Meeting
September 16, 2010 - Regular Meeting
November 10, 2010 - Regular Meeting

A copy of the agenda and minutes for each of the meetings is in the appendices to this report.

Upcoming regular meetings of the Council for calendar year 2011 are scheduled at 2:00 p.m. in the second floor En Banc Courtroom at the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma, on the following dates:

February 10, 2011	May 12, 2011
March 10, 2011	September 15, 2011
April 7, 2011	October 10, 2011

Appendices

Advisory Council on Workers' Compensation

Appointed pursuant to 85 O.S., §112

NOTICE OF MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on

January 14, 2010

2:00 p.m.

at the

2nd floor courtroom

Workers' Compensation Court

1915 N. Stiles

Oklahoma City, Oklahoma

AGENDA

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 12, 2009 regular meeting of the Advisory Council.
5. Review, discussion and possible action regarding pre-filed legislation affecting Workers' Compensation.
6. New Business.
7. Adjournment.

MINUTES OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION

Date: January 14, 2010

The Advisory Council on Workers' Compensation met as regularly scheduled on January 14, 2010 at 2:00 p.m. in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma.

Call to Order: The meeting was called to order on January 14, 2010 at 2:06 p.m. by Advisory Council Vice Chairman, Jim Curry.

Roll Call and Determination of Quorum: Members attending the meeting were Mr. Curry, Mr. Carter, Mr. Curtin, Ms. Edwards, Mr. Koenke, and Mr. Simmons. Council members unable to attend were Mr. Virgin and Mr. Zearley. It was determined a quorum existed. Attending from the Workers' Compensation Court were Judge Kent Eldridge, Bill Wiles, Staff Attorney, and Tish Sommer, Special Counsel. Others present included a representative of E-Capitol.

Announcements and Introductions: Newly appointed Advisory Council member Dave Koenke introduced himself. He was appointed by Speaker of the House of Representatives Chris Benge and succeeds Robert Zapffe.

Discussion and possible action regarding minutes of the November 12, 2009 regular meeting of the Advisory Council: A motion was made by Mr. Simmons and seconded by Ms. Edwards to approve the minutes from the November 12, 2009 meeting as written. The motion passed by affirmative vote of all members present.

Review, discussion and possible action regarding pre-filed legislation affecting workers' compensation: Ms. Sommer distributed a summary of select legislation pre-filed for the 2010 2nd Regular Session and explained the list would be supplemented with additional measures following the deadline for introduction. Various measures were discussed.

New Business: There was no new business.

Adjournment: A motion was made by Mr. Koenke and seconded by Mr. Simmons to adjourn. The motion passed by an affirmative vote of all members present. The meeting adjourned at 2:30 p.m.

Advisory Council on Workers' Compensation

Appointed pursuant to 85 O.S., §112

NOTICE OF MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
February 11, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 January 14, 2010 regular meeting of the Advisory Council.
5. Review, discussion and possible action regarding legislation affecting workers' compensation.
6. New Business.
7. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON FEBRUARY 11, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Mike Carter, Shane Curtin, Ellen Edwards, and Dave Koenke

OTHERS PRESENT: Tish Sommer, Special Counsel, Workers' Compensation Court

Call to Order: The meeting was called to order at 2:00 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Howard Klubeck, Dan Simmons and Sterling Zearley, and ex-officio non-voting members Presiding Judge Kent Eldridge and Court Administrator Marcia Davis, who were unable to attend. A quorum was noted.

Announcements and Introductions: Blake Virgin welcomed and recognized newly appointed Advisory Council member Dave Koenke.

Discussion and possible action regarding minutes of the January 14, 2010 regular meeting of the Advisory Council: A motion was made by Jim Curry and seconded by Dave Koenke to approve the minutes. The motion passed by affirmative vote of all members present.

Review, discussion and possible action regarding legislation affecting workers' compensation: Tish Sommer distributed an updated summary of select legislation for the 2010 2nd Regular Session and highlighted those measures with recent action. Certain measures were discussed.

New Business: At Mike Carter's request, Chairman Virgin asked that the agenda for the Council's March 11, 2010 meeting include review, discussion and possible action on pending legislation addressing liability independent of the Oklahoma Workers' Compensation Act for intentional torts. There was no objection.

Adjournment: A motion was made and seconded to adjourn. The motion passed by an affirmative vote of all members present. The meeting adjourned at 2:27 p.m.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
March 11, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AMENDED AGENDA

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 February 11, 2010 regular meeting of the Advisory Council.
5. Discussion and possible action regarding approval of 2009 Annual Report of the Advisory Council on Workers' Compensation.
6. Review and discussion of the status of legislation pertaining to the Oklahoma workers' compensation system.
7. Review, discussion and possible action on pending legislation addressing liability independent of the Oklahoma Workers' Compensation Act for intentional torts.
8. New Business.
9. Adjournment.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
March 11, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 February 11, 2010 regular meeting of the Advisory Council.
5. Review and discussion of the status of legislation pertaining to the Oklahoma workers' compensation system.
6. Review, discussion and possible action on pending legislation addressing liability independent of the Oklahoma Workers' Compensation Act for intentional torts.
7. New Business.
8. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON MARCH 11, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Shane Curtin, Ellen Edwards, Dan Simmons and Dave Koenke

OTHERS PRESENT: Tish Sommer, Workers' Compensation Court; Randall Wallace, Functional Assessment Centers of Oklahoma City; Richard Phillips, Lobbyist

Call to Order: The meeting was called to order at 2:08 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Michael Carter, Howard Klubeck and Sterling Zearley, and ex-officio non-voting members Presiding Judge Kent Eldridge and Court Administrator Marcia Davis, who were unable to attend. A quorum was noted.

Announcements and Introductions: None.

Discussion and possible action regarding minutes of the February 11, 2010 regular meeting of the Advisory Council: A motion was made and seconded to approve the minutes as written. On roll call, the motion passed by affirmative vote of all members present.

Discussion and possible action regarding approval of 2009 Annual Report of the Advisory Council on Workers' Compensation: A motion was made and seconded to approve the annual report, with correction of a typographical error, and to distribute the report to government leaders as provided by law. On roll call, the motion passed by affirmative vote of all members present. Staff was directed to distribute the report as directed by the Council and to send a copy of the report to each Council member.

Review and discussion of the status of legislation pertaining to the workers' compensation system: Tish Sommer distributed an updated summary of select legislation for the 2010 2nd Regular Session and highlighted those measures with recent action through the deadline for reporting measures from the house of origin. She advised the Council of proposed language in HB 2652 affecting the composition of the Council and identified eight measures set to be heard by the Senate Judiciary Committee on March 16, 2010.

Review, discussion and possible action on pending legislation addressing liability independent of the Oklahoma Workers' Compensation Act for intentional torts: The Council discussed proposed language in HB 2650 and SB 1973 pertaining to exclusive remedy and intentional torts. Ellen Edwards moved that a resolution be drafted which provides that the Council: (1) favors a strong exclusive remedy in workers' compensation law as vital to the viability of the industrial bargain upon which the compensation system is based; (2) recognizes the Parret v UNICCO Service Company, 2005 OK 54, 127 P.3d 572, decision has badly weakened exclusive remedy in Oklahoma and thus the basis for the workers' compensation system as a whole; and (3) supports and recommends legislation to return exclusive remedy to its former strong status. The motion was seconded by Jim Curry. On roll call, the motion passed by affirmative vote of all members present.

New Business: None.

Adjournment: There being no further business, the meeting adjourned at 2:32 p.m.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
April 8, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 March 11, 2010 regular meeting of the Advisory Council.
5. Review, discussion and possible action regarding legislation pertaining to the Oklahoma workers' compensation system.
6. Discussion and possible action with respect to the Advisory Council's calendar year 2010 meeting schedule.
7. New Business.
8. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON APRIL 8, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Michael Carter, Shane Curtin, Ellen Edwards, and Dan Simmons

OTHERS PRESENT: Tish Sommer, Workers' Compensation Court

Call to Order: The meeting was called to order at 2:13 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Howard Klubeck, Dave Koenek and Sterling Zearley, and ex-officio non-voting members Presiding Judge Kent Eldridge and Court Administrator Marcia Davis, who were unable to attend. A quorum was noted.

Announcements and Introductions: None.

Discussion and possible action regarding minutes of the March 11, 2010 regular meeting of the Advisory Council: Jim Curry moved to approve the minutes as written. The motion was seconded by Dan Simmons and the vote was as follows:

Mr. Virgin	aye
Mr. Curry	aye
Mr. Carter	abstain
Mr. Curtin	aye
Ms. Edwards	aye
Mr. Klubek	absent
Mr. Koenek	absent
Mr. Simmons	aye
Mr. Zearley	absent

There being at least five members present voting in favor of the motion, the motion was declared adopted.

Review, discussion and possible action regarding legislation pertaining to the Oklahoma workers' compensation system: Tish Sommer distributed an updated summary of select legislation for the 2010 2nd Regular Session. She highlighted measures with recent action through the House deadline for reporting Senate measures from House committees. Michael Carter thanked the Council for its approval of a resolution to government leaders supporting and recommending legislation on exclusive remedy and intentional torts.

Discussion and possible action with respect to the Advisory Council's calendar year 2010 meeting schedule: Blake Virgin advised that the Council's November 11 regular meeting date fell on a holiday. Michael Carter moved to change the regular meeting date from November 11 to November 10 at 2:00 p.m. at the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, OK. The motion was seconded by Jim Curry. On roll call, the motion passed by affirmative vote of all members present. Staff was directed to send the required notice to the Oklahoma Secretary of State.

New Business: None.

Adjournment: There being no further business, the meeting adjourned at 2:22 p.m.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
May 13, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 April 8, 2010 regular meeting of the Advisory Council.
5. Review, discussion and possible action regarding legislation pertaining to the Oklahoma workers' compensation system.
6. New Business.
7. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON MAY 13, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Michael Carter, Shane Curtin, Ellen Edwards, Dave Koeneker and Ex Officio Nonvoting member Presiding Judge Kent Eldridge

OTHERS PRESENT: Tish Sommer, Workers' Compensation Court

Call to Order: The meeting was called to order at 2:03 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Howard Klubeck, Dan Simmons and Sterling Zearley, and ex-officio nonvoting member Court Administrator Marcia Davis, who were unable to attend. A quorum was noted.

Announcements and Introductions: None.

Discussion and possible action regarding minutes of the April 8, 2010 regular meeting of the Advisory Council: Jim Curry moved to approve the minutes as written. The motion was seconded by Mike Carter and the vote was as follows:

Mr. Virgin	aye
Mr. Curry	aye
Mr. Carter	aye
Mr. Curtin	aye
Ms. Edwards	aye
Mr. Klubeck	absent
Mr. Koeneker	aye
Mr. Simmons	absent
Mr. Zearley	absent

There being at least five members present voting in favor of the motion, the motion was declared adopted.

Review, discussion and possible action regarding legislation pertaining to the Oklahoma workers' compensation system: Tish Sommer distributed an updated summary of select legislation for the 2010 2nd Regular Session. She highlighted measures with recent activity and was available to respond to questions.

New Business: None.

Adjournment: There being no further business, the meeting adjourned at 2:20 p.m.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
September 16, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 May 13, 2010 regular meeting of the Advisory Council.
5. Review, discussion and possible action pertaining to workers' compensation related legislation passed by the 2nd Regular Session of the 52nd Oklahoma Legislature (2010).
6. New Business.
7. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON SEPTEMBER 16, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Michael Carter, Shane Curtin, Ellen Edwards, Dave Koenek and Dan Simmons

OTHERS PRESENT: Tish Sommer, Workers' Compensation Court; Jessica Casey, Sooner Strategies; Arlene Wulz, FKG Consulting; and Bryan Smith, ecapitol.net.

Call to Order: The meeting was called to order at 2:01 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Howard Klubeck, Sterling Zearley, and ex-officio nonvoting member Presiding Judge Kent Eldridge, who were unable to attend. A quorum was noted.

Announcements and Introductions: Advisory Council members and staff identified themselves for those in attendance. Tish Sommer announced that two new judges were appointed to the Court; David Reid, succeeding former Judge Mary A. Black, and Owen T. Evans, succeeding former Judge Tom Leonard. Both were sworn in on September 15, 2010.

Discussion and possible action regarding minutes of the May 13, 2010 regular meeting of the Advisory Council: Vice-Chairman Jim Curry moved to approve the minutes as written. The motion was seconded by Dave Koenek and the vote was as follows:

Mr. Virgin	aye	Mr. Klubek	absent
Mr. Curry	aye	Mr. Koenek	aye
Mr. Carter	aye	Mr. Simmons	aye
Mr. Curtin	aye	Mr. Zearley	absent
Ms. Edwards	aye		

There being at least five members present voting in favor of the motion, the motion was declared adopted.

Review, discussion and possible action pertaining to workers' compensation related legislation passed by the 2nd Regular Session of the 52nd Oklahoma Legislature (2010): A summary of 2010 workers' compensation related legislative changes was distributed. Chairman Virgin invited discussion or questions about the legislation. Ellen Edwards asked if the Court had scheduled any meetings to consider changes to the Court's rules stemming from the legislation. Tish Sommer said that was contemplated but she was not aware of any scheduled meetings. Vice-Chairman Curry asked about interim studies. In response, Tish Sommer reported on the Task Force on Vocational Rehabilitation for Injured Workers. She said the Task Force was created until November 30, 2010 to study and report on methods and procedures to improve vocational rehabilitation programs for injured workers, and that nothing had occurred yet because appointments to the Task Force were pending.

New Business: Mike Carter suggested that a letter expressing appreciation for the judicial service of former Judges Mary A. Black and Tom Leonard be sent to the Council's appointing authorities. There was no objection. Chairman Virgin said he would prepare the letter with staff assistance.

Adjournment: There being no further business, the meeting adjourned at 2:10 p.m.

Advisory Council on Workers' Compensation

NOTICE OF REGULAR MEETING

The Advisory Council on Workers' Compensation
has regularly scheduled a meeting on
November 10, 2010
2:00 p.m.
at the
2nd floor courtroom
Workers' Compensation Court
1915 N. Stiles
Oklahoma City, Oklahoma

AGENDA

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 September 16, 2010 regular meeting of the Advisory Council.
5. Update on the Task Force on Vocational Rehabilitation for Injured Workers created per HB 2650 of the 2nd Regular Session of the 52nd Oklahoma Legislature.
6. Discussion and possible action regarding scheduling the date, time and place of regular meetings of the Advisory Council on Workers' Compensation for calendar year 2011.
7. New Business.
8. Adjournment.

MINUTES OF THE REGULAR MEETING OF THE ADVISORY COUNCIL ON WORKERS' COMPENSATION HELD ON NOVEMBER 10, 2010 in the 2nd Floor Courtroom of the Workers' Compensation Court, 1915 N. Stiles Avenue, Oklahoma City, Oklahoma

PRESENT: Blake Virgin, Jim Curry, Shane Curtin, Ellen Edwards, Dave Koeneker, Dan Simmons, and David Stockwell

OTHERS PRESENT: Tish Sommer

Call to Order: The meeting was called to order at 2:06 p.m. by Chairman Blake Virgin.

Roll Call and Determination of Quorum: All members were present, except for Shane Curtin who arrived shortly after roll call, and Michael Carter, Sterling Zearley, and ex-officio nonvoting member Presiding Judge Kent Eldridge, who were unable to attend. A quorum was noted.

Announcements and Introductions: Chairman Virgin introduced David Stockwell as a new member of the Council, replacing Howard Klubek. Advisory Council members and staff identified themselves for those in attendance.

Discussion and possible action regarding minutes of the September 16, 2010 regular meeting of the Advisory Council: Vice-Chairman Jim Curry moved to approve the minutes as written. The motion was seconded by Dan Simmons. There was no debate. The vote was as follows:

Mr. Virgin	aye	Mr. Koeneker	aye
Mr. Curry	aye	Mr. Simmons	aye
Mr. Carter	absent	Mr. Stockwell	abstain
Mr. Curtin	absent at vote	Mr. Zearley	absent
Ms. Edwards	aye		

There being at least five members present voting in favor of the motion, the motion was declared adopted.

Update on the Task Force on Vocational Rehabilitation for Injured Workers created per HB 2650 of the 2nd Regular Session of the 52nd Oklahoma Legislature (2010): Tish Sommer reported the Task Force set a meeting on November 18 but had not yet released an agenda, and that its final report is due November 30. Council members discussed the purpose of the Task Force and its possible focus on efforts to introduce vocational rehabilitation and job placement earlier in the workers' compensation process. Staff was asked to provide Council members with the list of individuals appointed to the Task Force.

Discussion and possible action regarding scheduling the date, time and place of regular meetings of the Advisory Council on Workers' Compensation for calendar year 2011. Vice-Chairman Jim Curry moved to set the regular meetings on February 10, March 10, April 7, May 12, September 15 and October 10, with all meetings to be held at 2:00 p.m. at the Court's Oklahoma City location, 1915 N. Stiles Avenue. The motion was seconded by Dave Koeneker. There was no debate. The vote was as follows:

Mr. Virgin	aye	Mr. Koeneker	aye
Mr. Curry	aye	Mr. Simmons	aye
Mr. Carter	absent	Mr. Stockwell	aye
Mr. Curtin	aye	Mr. Zearley	absent
Ms. Edwards	aye		

There being at least five members present voting in favor of the motion, the motion was declared adopted. Staff was asked to notify the Secretary of State of the meeting schedule.

New Business: Dave Koeneker asked about a notice to workers being sent by the Court Administrator upon the filing of an Employer's First Notice of Injury (Form 2). Tish Sommer explained the notice was pursuant to a 2010 law change and that the content was virtually identical to the notice required under prior law upon the filing of the worker's claim for compensation (Form 3).

Adjournment: There being no further business, the meeting adjourned at 2:30 p.m.