

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of April 5, 2018

The regular meeting of the Second Injury Board convened at 2:00 p.m.

The following were present:

1. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Mr. Steve Hawkland, representing the Secretary of State, Vice-Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Meridith Trahan, Acting Director of Second Injury Board
5. Karl Scott, General Counsel
6. Darrick Lee, General Counsel
7. Michelle Bradley, General Counsel
8. Michelle Sumrall, SIB Compliance Supervisor
9. Erica Williams, SIF Compliance Officer
10. Peter Kopfinger, Attorney
11. Claudia Brumfield, Recording Secretary

Mr. Hansberry called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hansberry asked for motion to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There was one claim listed, Claim #17-0502. Ms. Sumrall gave a brief description of file activity. A motion was made by Mr. Hawkland to deny a hearing for claim # 17-0502. The motion was seconded by Ms. Mack and passed unanimously.

Item 3 on the agenda lists (7) claims where recommendations were made for payment starting with Claim #16-0667 and ending with Claim #18-0041. The motion to approve the claims for payment was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

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| 1. | 16-0667 | LA Workers' Compensation Corp. | 104 week deductible |
| 2. | 17-0223 | New Hampshire Insurance Company | 104 week deductible |
| 3. | 17-0251 | Great American Insurance Company | 104 week deductible |
| 4. | 17-0644 | LA Workers' Compensation Corp. | 104 week deductible |
| 5. | 17-0678 | Alaska National Insurance Company | 104 week deductible |
| 6. | 17-0859 | LA Workers' Compensation Corp. | 104 week deductible |
| 7. | 18-0041 | LA Workers' Compensation Corp. | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (81) claims recommended for denial, beginning with Claim #16-0434 and ending with Claim #18-0042. A request was made for a motion to approve the

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recommendation to deny the claims as described in the April 5, 2018 agenda. The motion was made by Ms. Mack; seconded by Mr. Hawkland and passed unanimously.

1. 16-0434 City of New Orleans
2. 16-0749 LA Workers' Compensation Corp.
3. 16-0911 LA Construction & Industry
4. 16-0914 Jefferson Parish Public School System
5. 17-0005 Bridgefield Casualty Insurance Company
6. 17-0017 Office of Risk Management
7. 17-0020 City of New Orleans
8. 17-0023 Jefferson Parish Public School System
9. 17-0034 Office of Risk Management
10. 17-0038 Midwest Employers Casualty Company
11. 17-0046 Plaquemine Parish Government
12. 17-0047 City of Kenner
13. 17-0049 LA Commerce & Trade Assn. - SIF
14. 17-0052 Indemnity Ins. Co. of North America
15. 17-0053 Entergy Services, Inc.
16. 17-0058 Office of Risk Management
17. 17-0061 LUBA Casualty Insurance Company
18. 17-0062 LA Workers' Compensation Corp.
19. 17-0073 Office of Risk Management
20. 17-0076 LA Health Care- Self Ins. Fund
21. 17-0079 American Interstate Insurance Company
22. 17-0088 Office of Risk Management
23. 17-0095 LA Health Care- Self Ins. Fund
24. 17-0097 LA Commerce & Trade Assn. - SIF
25. 17-0098 LCTA Casualty Ins. Co.
26. 17-0101 LA Automobile Dealers Assn.
27. 17-0103 LA Workers' Compensation Corp.
28. 17-0106 Zenith Insurance Company
29. 17-0112 LUBA Casualty Insurance Company
30. 17-0117 LA Workers' Compensation Corp.
31. 17-0121 Office of Risk Management
32. 17-0130 Office of Risk Management
33. 17-0170 LA Automobile Dealers Assn.
34. 17-0206 Sewerage & Water Board of New Orleans
35. 17-0234 LA Automobile Dealers Assn.
36. 17-0235 - Unverified
37. 17-0252 LA Health Care- Self Ins. Fund
38. 17-0300 LUBA Casualty Insurance Company
39. 17-0340 City of New Orleans
40. 17-0386 LA Health Care- Self Ins. Fund
41. 17-0416 LUBA Casualty Insurance Company
42. 17-0474 Stonetrust Commercial Ins. Co.
43. 17-0492 Union Tank Car Company
44. 17-0507 Bridgefield Casualty Insurance Company
45. 17-0511 LA Automobile Dealers Assn.
46. 17-0513 Louisiana Hospital Association

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47. 17-0517 - Unverified
48. 17-0519 Zurich American Insurance Company
49. 17-0531 Argonaut Insurance Group
50. 17-0534 Stonetrust Commercial Ins. Co.
51. 17-0537 LUBA Casualty Insurance Company
52. 17-0540 Iberia Parish School Board
53. 17-0546 Retailers Casualty Insurance Company
54. 17-0558 LUBA Casualty Insurance Company
55. 17-0561 LCTA Casualty Ins. Co.
56. 17-0564 Zurich American Insurance Company
57. 17-0569 LA Home Builders Assn.- SIF
58. 17-0579 LA Municipal Risk Mgmt. Agency
59. 17-0589 LA Automobile Dealers Assn.
60. 17-0592 - Unverified
61. 17-0595 Office of Risk Management
62. 17-0601 Office of Risk Management
63. 17-0608 LUBA Casualty Insurance Company
64. 17-0610 Parish Government Risk Management Agency
65. 17-0613 LA Workers' Compensation Corp.
66. 17-0616 The North River Insurance Co.
67. 17-0618 LA Automobile Dealers Assn.
68. 17-0619 LA Automobile Dealers Assn.
69. 17-0620 LA Health Care- Self Ins. Fund
70. 17-0625 LA Automobile Dealers Assn.
71. 17-0628 Jefferson Parish Public School System
72. 17-0634 - Unverified
73. 17-0639 Libbey, Inc.
74. 17-0647 Sentry Insurance A Mutual Company
75. 17-0651 LUBA Casualty Insurance Company
76. 17-0695 LA Health Care- Self Ins. Fund
77. 17-0716 LA Automobile Dealers Assn.
78. 17-0843 LA Health Care- Self Ins. Fund
79. 17-0849 - Unverified
80. 17-0905 LA Health Care- Self Ins. Fund
81. 18-0042 LA Home Builders Assn.- SIF

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (241) partial payments beginning with Claim #84-0455 and ending with Claim #16-0517. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of April 5, 2018. The motion was made by Mr. Hawkland seconded by Ms. Mack, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (74) quarterly payments due beginning with Claim #94-0137 and ending with Claim #15-0509. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as

submitted on the agenda of April 5, 2018. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Mr. Peter Kopfinger was present, representing the employer, Ville Platte Concrete, on Claim # 13-0072. A request was made for settlement authority by the Chapter 7 Trustee representing LA Safety Association of Timbermen. Mr. Kopfinger gave a presentation to the Board and requested they approve the settlement authority request of the carrier representative. Mr. Hansberry asked for a recommendation from staff to which Ms. Trahant responded with a recommendation to discuss the claim in Executive Session. Mr. Kopfinger then left the room so the Board could enter Executive Session.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland made the motion. It was seconded by Ms. Mack and it passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman then requested a motion to approve the recommendations of the Acting Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following (15) claims.

1. 97-0937
2. 00-0587
3. 09-0264
4. 11-0813
5. 11-0844
6. 12-0641
7. 13-0140
8. 13-0653
9. 13-0807 ---Indemnity only
10. 13-0820
11. 13-0953
12. 14-0262
13. 14-0588
14. 14-0650 ---Indemnity only
15. 15-0763

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The following (1) claim was recommended for settlement denial and that it continues to be paid on an on-going basis:

1. 13-0072

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for motion to grant authority to legal counsel to proceed in the manner shown on the following claims, as discussed in Executive Session.

1. Claim #11-0842 Continued Litigation
2. Claim #12-0663 Settlement Authority
3. Claim #12-0686 Continued Litigation
4. Claim #14-0014 Settlement Authority
5. Claim #14-0580 Settlement Authority
6. Claim #15-0116 Settlement Authority
7. Claim #15-0293 Settlement Authority
8. Claim #15-0372 Continued Litigation
9. Claim #16-0540 Settlement Authority
10. Claim #16-0561 Settlement Authority
11. Claim #16-0648 Settlement Authority

The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9*, asking if there were any other matters to discuss. Acting Director Ms. Trahant stated to the Board that she was returning the settlement evaluation package that was handed over by Mr. Kopfinger as it provided private information.

There were then no other matters to discuss. The Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. The motion was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 2:39pm

Recording Secretary: Claudia Brumfield