

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 03, 2017

The regular meeting of the Second Injury Board convened at 2:05 p.m.

The following were present:

1. Director Sheral Kellar, Director of Workers' Compensation Administration
2. Mr. Steve Hawkland, representing the Secretary of State, Vice-Chairman
3. Mr. Chip Coulter, representing DCFS
4. Meridith Trahan, Acting Director of Second Injury Board
5. Michelle Sumrall, SIB Compliance Supervisor
6. Karl Scott, General Counsel
7. Darrick Lee, General Counsel
8. Mr. John Schweitzer, representing LRS
9. Mr. Chris Anthony, representing LRS
10. Mr. Mark Martin, representing LRS
11. Claudia Brumfield, Recording Secretary

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

Mr. Hawkland moved to *Item 2* on the agenda for hearing requests. The agenda lists (1) claim, Claim #16-0798, where a request was made for a hearing. A motion was requested to move this claim to *Item 9b* for discussion. The motion was made by Director Kellar, seconded by Mr. Coulter and passed unanimously.

Item 3 on the agenda lists (6) claims where recommendations were made for payment starting with Claim #16-0258 and ending with Claim #17-0349. The motion to approve the claims for payment was made by Director Kellar, seconded by Mr. Coulter and passed unanimously.

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| 1. | 16-0258 | LA Health Care- Self Ins. Fund | 104 week deductible |
| 2. | 16-0353 | Continental Indemnity Company | 104 week deductible |
| 3. | 16-0401 | Bridgefield Casualty Insurance Company | 104 week deductible |
| 4. | 16-0415 | St. Tammany Parish School Board | 104 week deductible |
| 5. | 16-0616 | LA Workers' Compensation Corp. | 104 week deductible |
| 6. | 17-0349 | Louisiana Workers' Compensation Corporation | 104 week deductible |

The Vice-Chairman moved to *Item 4* on the agenda, (48) claims recommended for denial, beginning with Claim #15-0811 and ending with Claim #17-0424. A request was made for a motion to approve the recommendation to deny the claims as described in the August 03, 2017 agenda. The motion was made by Mr. Coulter; seconded by Director Kellar and passed unanimously.

1. 15-0811 Louisiana Workers' Compensation Corporation
2. 15-0823 Louisiana Health Care SIF
3. 15-0842 Louisiana Health Care SIF
4. 15-0860 LA Construction & Industry
5. 16-0003 LA Construction & Industry
6. 16-0121 Hartford Accident & Indemnity
7. 16-0231 LA Construction & Industry
8. 16-0338 LA Workers' Compensation Corp.
9. 16-0344 Louisiana Restaurant Association
10. 16-0370 City of Alexandria
11. 16-0376 LUBA Casualty Insurance Company
12. 16-0388 QBE Insurance Corporation
13. 16-0429 LA Health Care- Self Ins. Fund
14. 16-0436 Amerisure Insurance Company
15. 16-0506 LA Commerce & Trade Assn. - SIF
16. 16-0546 Recreation & Park Commission of East Baton Rouge
17. 16-0567 LA Construction & Industry
18. 16-0626 Terrebonne Parish School Board
19. 16-0640 LUBA Casualty Insurance Company
20. 16-0661 Unverified
21. 16-0736 LA Workers' Compensation Corp.
22. 16-0741 LA Construction & Industry
23. 16-0744 Unverified
24. 16-0773 Recreation & Park Commission of East Baton Rouge
25. 16-0822 Office of Risk Management
26. 16-0834 Lafayette Parish School Board
27. 16-0840 Liberty Mutual Insurance Company
28. 16-0846 Office of Risk Management
29. 16-0849 Office of Risk Management
30. 16-0855 Zenith Insurance Company
31. 16-0856 Unverified
32. 16-0858 City of Baton Rouge, East Baton Rouge Parish
33. 16-0861 Office of Risk Management
34. 16-0864 Louisiana Workers' Compensation Corporation
35. 16-0875 St. Tammany Parish School Board
36. 16-0907 City of New Orleans
37. 16-0916 Jefferson Parish
38. 17-0001 Office of Risk Management
39. 17-0004 Unverified
40. 17-0010 Diocese of Baton Rouge
41. 17-0013 Louisiana Restaurant Association
42. 17-0036 LUBA Casualty Insurance Company
43. 17-0055 Unverified
44. 17-0094 Harrah's Operating Company, Inc.
45. 17-0236 Louisiana Restaurant Association

- 46. 17-0272 Harrah's Operating Company, Inc.
- 47. 17-0328 LA Municipal Risk Mgmt. Agency
- 48. 17-0424 Liberty Mutual Ins. Co.

The Vice-Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (307) partial payments beginning with Claim #77-0304 and ending with Claim #16-0321. The Vice-Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of August 03, 2017. The motion was made by Director Kellar seconded by Mr. Coulter, and passed unanimously.

The Vice-Chairman moved to *Item 6* on the agenda, being the recommendation to approve (102) quarterly payments due beginning with Claim #88-0220 and ending with Claim #15-0062. Mr. Coulter moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of August 03 2017. The motion was seconded by Director Kellar and passed unanimously.

The Vice-Chairman moved to *Item 7*, Public Comment. No one from the public was present; therefore, the Vice-Chairman moved to the next item on the agenda. It was decided at the time to move *Item 9a*, the LRS Presentation, to that point in the meeting.

Mr. Mark Martin, Director of Louisiana Rehabilitation Services, began the presentation by describing the partnership between LRS and SIB and explaining the potential value of the funds received from SIB. Dr. John Schweitzer then gave examples of how the collaboration has been a benefit to individuals. Mr. Coulter asked questions regarding the potential impact of LRS to individuals if additional federal funds were obtained due to additional state funding. Mr. Chris Anthony commented on the significant increased value additional state funds would bring to the program. Acting Director Meridith Trahan gave a history of prior allocations and also the dollar amounts of potential options for the current allocation. Director Kellar requested that Ms. Trahan have a recommendation prepared for the September 7, 2017 meeting.

Mr. Hawkland then returned to the issue of a hearing request on Claim #16-0798 which was previously moved to *Item 9b*. Mr. Coulter made a motion to deny the request for a hearing. The motion was seconded by Director Kellar and passed unanimously.

- 1. 16-0798 Louisiana Construction & Industry – Sif

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

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

1. 01-0383
2. 10-0164
3. 14-0103
4. 14-0499
5. 14-0749
6. 15-0476
7. 15-0749
8. 16-0617

Mr. Coulter moved to accept the recommendation. The motion was seconded by Director Kellar and passed unanimously.

The Vice-Chairman moved to *Item 8b* of the agenda, Regarding Settlement Issues. The Vice-Chairman asked for motion to proceed in the following manner on the claims listed below, as discussed in Executive Session.

1. 09-0907- Denial
2. 13-0103- No Action

Director Kellar made the motion. It was seconded by Mr. Coulter and passed unanimously.

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

1. Claim #13-0889 Settlement Authority
2. Claim #13-1043 Settlement Authority
3. Claim #14-0254 Settlement Authority
4. Claim #14-0468 Settlement Authority
5. Claim #15-0666 Settlement Authority
6. Claim #15-0671 Settlement Authority

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Mr. Coulter moved to accept the recommendation. The motion was seconded by Director Kellar and passed unanimously.

The Vice-Chairman asked for motion to grant authority to legal counsel to continue litigation on the following claims, as discussed in Executive Session.

1. Claim #15-0096 Continued Litigation
2. Claim #15-0852 Continued Litigation
3. Claim #16-0533 Continued Litigation

The Vice-Chairman moved to *Item 9*, asking if there were any other matters to discuss. There were no other matters to discuss. The Vice-Chairman asked for a motion to adjourn. Director Kellar moved to adjourn. The motion was seconded by Mr. Coulter and passed unanimously.

The meeting was adjourned at 3:39pm

Recording Secretary: Claudia Brumfield