

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 4, 2022

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

The following were present:

1. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chip Coulter, representing Dept. of Children and Family Services
4. Leigh Anne Faber, representing the State Treasurer
5. Tavares Walker, representing the Office of Workers' Compensation Administration
6. Karl Scott, General Counsel
7. Shana Veade, General Counsel
8. Ta'Tanisha Youngblood, General Counsel
9. Michelle Sumrall, SIB Compliance Supervisor, Recording Secretary
10. Chandra Cola, SIB Audit & Finance Supervisor

The Chairman began the meeting with *Item 1* on the agenda, being the reading of the minutes from the previous meeting of July 7, 2022. 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 Mr. Hawkland, seconded by Ms. Faber, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were none listed.

Item 3 on the agenda lists (11) claims where recommendations were made for payment starting with Claim #20-0640 and ending with Claim #22-0096. Mr. Hawkland made a motion to approve the claims for payment. Mr. Coulter seconded the motion and it passed unanimously.

1. 20-0640 LA Home Builders Assn.- SIF
2. 21-0122 Louisiana Hospital Association
3. 21-0153 Retailers Casualty Insurance Company
4. 21-0158 Norguard Insurance Company
5. 21-0281 Travelers Indemnity Company of Connecticut
6. 21-0481 LUBA Casualty Insurance Company
7. 21-0611 St. Landry Parish School Board
8. 21-0819 LA Workers' Compensation Corp.
9. 21-0832 Trumbull Insurance Company
10. 22-0060 LA Workers' Compensation Corp.
11. 22-0096 LA Health Care- Self Ins. Fund

The Chairman moved to *Item 4* on the agenda, (79) claims recommended for denial, beginning with Claim #18-0587, ending with Claim #22-0225. The Chairman requested a motion to approve the recommendation to deny the claims as described in the August 4, 2022 agenda. Mr. Hawkland made a motion to deny the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

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1. 18-0587 LA Workers' Compensation Corp.
2. 18-0815 Wal-Mart Associates, Inc.
3. 18-0821 LA Workers' Compensation Corp.
4. 19-0339 Ace American Ins. Co
5. 19-0657 LA Construction & Industry SIF
6. 19-0735 - Unverified
7. 20-0740 Barber Brothers Contracting
8. 20-0852 - Unknown
9. 20-0941 LA Workers' Compensation Corp.
10. 20-0985 LA Workers' Compensation Corp.
11. 20-0988 Office of Risk Management
12. 20-0991 Office of Risk Management
13. 20-1021 City of New Orleans
14. 21-0005 Tangipahoa Parish School Board
15. 21-0011 Racetrac Petroleum, Inc.
16. 21-0029 LA Municipal Risk Mgmt. Agency
17. 21-0047 LUBA Casualty Insurance Company
18. 21-0050 Old Republic Insurance Company
19. 21-0053 Norguard Insurance Company
20. 21-0056 ACE Indemnity Insurance Co.
21. 21-0059 LA Workers' Compensation Corp.
22. 21-0065 - Unverified
23. 21-0080 Christus Schumpert Highland Hospital
24. 21-0083 Bridgefield Casualty Insurance Company
25. 21-0086 AIG Assurance Company (AIG)
26. 21-0089 City of Lake Charles
27. 21-0092 Office of Risk Management
28. 21-0095 LA Workers' Compensation Corp.
29. 21-0110 - Unknown
30. 21-0116 Stonetrust Commercial Ins. Co.
31. 21-0119 Zurich American Insurance Company
32. 21-0128 Zurich American Insurance Company
33. 21-0140 Retailers Casualty Insurance Company
34. 21-0155 LA Workers' Compensation Corp.
35. 21-0161 Liberty Mutual Ins. Co.
36. 21-0164 Stonetrust Commercial Ins. Co.
37. 21-0167 Stonetrust Commercial Ins. Co.
38. 21-0170 Norguard Insurance Company
39. 21-0174 Ace American Ins. Co
40. 21-0176 LUBA Casualty Insurance Company
41. 21-0179 - Unknown
42. 21-0185 LA Workers' Compensation Corp.
43. 21-0188 United Wisconsin Ins. Co.
44. 21-0194 Travelers Indemnity Company of Connecticut
45. 21-0197 Office of Risk Management
46. 21-0203 City of New Orleans
47. 21-0209 - Unknown
48. 21-0212 Retailers Casualty Insurance Company
49. 21-0221 LA Workers' Compensation Corp.
50. 21-0251 Arch Insurance Company
51. 21-0275 Ins. Co. of the State of PA (AIG)
52. 21-0278 Amguard Insurance Company
53. 21-0404 Accident Fund Ins. Co. of America
54. 21-0436 New Hampshire Insurance Company (AIG)
55. 21-0484 LA Workers' Compensation Corp.
56. 21-0490 LA Home Builders Assn.- SIF
57. 21-0499 LUBA Casualty Insurance Company

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- 58. 21-0514 Ace American Ins. Co
- 59. 21-0523 LA Workers' Compensation Corp.
- 60. 21-0526 City of New Orleans
- 61. 21-0550 LA Workers' Compensation Corp.
- 62. 21-0661 LUBA Casualty Insurance Company
- 63. 21-0664 Zurich American Insurance Company
- 64. 21-0667 LUBA Casualty Insurance Company
- 65. 21-0679 - Unknown
- 66. 21-0736 Bridgefield Casualty Insurance Company
- 67. 21-0820 LA Workers' Compensation Corp.
- 68. 21-0826 Great American Insurance Company
- 69. 21-0829 LA Construction & Industry SIF
- 70. 21-0835 - Unknown
- 71. 21-0838 LA Workers' Compensation Corp.
- 72. 21-0847 LA Workers' Compensation Corp.
- 73. 21-0850 LA Health Care- Self Ins. Fund
- 74. 21-0853 LA Health Care- Self Ins. Fund
- 75. 22-0003 Liberty Mutual Ins. Co.
- 76. 22-0018 St. Tammany Parish School Board
- 77. 22-0020 Louisiana Restaurant Association
- 78. 22-0212 LUBA Casualty Insurance Company
- 79. 22-0225 Liberty Mutual Ins. Co.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (232) partial payments due beginning with Claim #00-0183 and ending with Claim #99-0888. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of August 4, 2022. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (98) quarterly payments due beginning with Claim #01-0048 and ending with Claim #96-0018. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of August 4, 2022. Ms. Faber seconded the motion and it passed unanimously.

Mr. Hansberry called on *Item 7*, Public Comments. John Schweitzer, Ph.D., representing Louisiana Rehabilitation Services, was present and provided an update identifying successes seen by LRS due to the partnership with the Second Injury Board. Dr. Schweitzer also briefed the Board on technology advances in the Rehabilitation field and although retiring, requested to return during a future meeting to demonstrate tools available. Mr. Coulter shared his disappointment in learning Mr. Schweitzer will be retiring from LRS. Deputy Director Walker, having previously served as Assistant Secretary of the Office of Workforce Development, which includes LRS, also wished Dr. Schweitzer well in his retirement. Members present thanked Dr. Schweitzer for his years of service, having served as the Department of Social Services designee at Second Injury Board meetings January 2005 – October 2010, then subsequently as a representative of LRS during the partnership with SIB.

At the conclusion of Dr. Schweitzer's presentation, Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland made the motion. Ms. Faber seconded the motion 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 staff regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on a quarterly basis for the following (10) claims.

1. 16-0323
2. 16-0503
3. 16-0541
4. 17-0101 Ind. only
5. 17-0631
6. 17-0709
7. 18-0681
8. 18-0850
9. 19-0184
10. 21-0414

Mr. Hawkland moved to accept the recommendations. Ms. Faber seconded the motion and it passed unanimously.

The following (2) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

1. 01-0898
2. 21-0112

Mr. Hawkland moved to accept the recommendation. Ms. Faber seconded the motion and it 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.

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| 1. Claim # 12-0173 | Settlement Authority |
| 2. Claim # 12-0869 | Continue Litigation |
| 3. Claim # 17-0474 | Continue Litigation |
| 4. Claim # 19-0789 | Settlement Authority |

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| 5. Claim # 19-0840 | Settlement Authority |
| 6. Claim # 20-0039 | Settlement Authority |
| 7. Claim # 20-0470 | Settlement Authority |
| 8. Claim # 20-0697 | Settlement Authority |
| 9. Claim # 20-0739 | Settlement Authority |
| 10. Claim # 20-0790 | Settlement Authority |
| 11. Claim # 21-0078 | Settlement Authority |
| 12. Claim # 21-0532 | Settlement Authority |

Mr. Hawkland made the motion. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss. Ms. Chandra Cola, Audit and Finance Supervisor, presented her calculations and recommendation of allocating .9% (\$535,000.00) of the SIB Appropriation for FY2022-23 to Louisiana Rehabilitation Services. This percentage is consistent with the allocation approved since FY2017-18. After some discussion, Ms. Faber moved to approve the recommendation of .9%. Mr. Hawkland seconded the motion and it passed unanimously.

There were no other matters to discuss; therefore, the Chairman asked for a motion to adjourn. Ms. Faber moved to adjourn. Mr. Hawkland seconded the motion and it passed unanimously.

The meeting adjourned at 2:40 pm

Recording Secretary: Michelle Sumrall