

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of February 08, 2018

The regular meeting of the Second Injury Board convened at 2:02 p.m.

The following were present:

1. Director Sheral Kellar, Director of Workers' Compensation Administration
2. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Meridith Trahan, Acting Director of Second Injury Board
5. Michelle Bradley, General Counsel
6. Karl Scott, General Counsel
7. Darrick Lee, General Counsel
8. Michelle Sumrall, SIB Compliance Supervisor
9. 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 Director Kellar, seconded by Ms. Mack and passed unanimously.

Mr. Hansberry moved to *Item 3* on the agenda being there were no hearing requests listed under *Item 2*.

*Item 3* on the agenda lists (2) claims where recommendations were made for payment starting with Claim #16-0707 and ending with Claim #17-0581. The motion to approve the claims for payment was made by Ms. Mack, seconded by Director Kellar and passed unanimously.

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|----|---------|--------------------------------------|---------------------|
| 1. | 16-0707 | Ochsner Hospital                     | 104 week deductible |
| 2. | 17-0581 | LA Workers' Compensation Corporation | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (92) claims recommended for denial, beginning with Claim #16-0498 and ending with Claim #17-0863. A request was made for a motion to approve the recommendation to deny the claims as described in the February 08, 2018 agenda. The motion was made by Director Kellar; seconded by Ms. Mack and passed unanimously.

1. 16-0498 City of New Orleans
2. 16-0545 LA Health Care- Self Ins. Fund
3. 16-0563 LA Health Care- Self Ins. Fund
4. 16-0566 Jefferson Parish Public School System
5. 16-0601 Argonaut Insurance Group

6. 16-0604 LUBA Casualty Insurance Company
7. 16-0611 New Hampshire Insurance Company
8. 16-0620 LA Workers' Compensation Corp.
9. 16-0629 City of Kenner
10. 16-0632 St. Charles Parish School Board
11. 16-0635 Office of Risk Management
12. 16-0638 Office of Risk Management
13. 16-0641 Sentry Insurance A Mutual Company
14. 16-0653 LUBA Casualty Insurance Company
15. 16-0662 Office of Risk Management
16. 16-0680 LA Construction & Industry
17. 16-0683 LA Construction & Industry
18. 16-0698 American Zurich Ins. Co.
19. 16-0710 Calcasieu Parish School Board
20. 16-0722 Sentry Insurance A Mutual Company
21. 16-0728 Bridgefield Casualty Insurance Company
22. 16-0731 LUBA Casualty Insurance Company
23. 16-0740 Wal-Mart Associates, Inc.
24. 16-0755 Ins. Co. of the State of PA
25. 16-0761 Crum & Foster Indemnity Company
26. 16-0776 Retailers Casualty Insurance Company
27. 16-0779 LA Workers' Compensation Corp.
28. 16-0782 EBR Parish School Board
29. 16-0788 Recreation & Park Commission of East Baton Rouge
30. 16-0810 LA Workers' Compensation Corp.
31. 16-0813 East Jefferson General Hospital
32. 16-0828 Lafayette General Health
33. 16-0852 Roman Catholic Church of New Orleans
34. 17-0019 St. Martin Parish School Board
35. 17-0083 LA Workers' Compensation Corp.
36. 17-0084 LA Workers' Compensation Corp.
37. 17-0102 LA Workers' Compensation Corp.
38. 17-0281 LUBA Casualty Insurance Company
39. 17-0289 Old Republic Insurance Company
40. 17-0311 Ace American Ins. Co
41. 17-0329 LA Commerce & Trade Assn.
42. 17-0331 LA Workers' Compensation Corp.
43. 17-0344 Sentry Casualty Company
44. 17-0347 LA Commerce & Trade Assn.
45. 17-0355 Jefferson Parish
46. 17-0358 City of Monroe
47. 17-0361 LUBA Casualty Insurance Company
48. 17-0364 Charter Oak Fire Insurance Company, The
49. 17-0367 City of Alexandria
50. 17-0368 LA Automobile Dealers Assn.
51. 17-0370 Travelers Property Casualty Company of America
52. 17-0372 LA Commerce & Trade Assn.
53. 17-0373 LUBA Casualty Insurance Company
54. 17-0382 LUBA Casualty Insurance Company
55. 17-0385 Wal-Mart Associates, Inc.
56. 17-0391 Federated Service Insurance Co.
57. 17-0394 City of Alexandria

58. 17-0397 Office of Risk Management
59. 17-0404 Zurich American Insurance Company
60. 17-0415 Louisiana Restaurant Association
61. 17-0421 LA Municipal Risk Mgmt. Agency
62. 17-0428 Jefferson Parish Public School System
63. 17-0436 Unverified
64. 17-0439 Travelers Property Casualty Company of America
65. 17-0442 Entergy Services, Inc.
66. 17-0448 Lafayette Consolidated Government
67. 17-0451 LA Commerce & Trade Assn
68. 17-0457 Office of Risk Management
69. 17-0462 Ace American Ins. Co
70. 17-0463 LUBA Casualty Insurance Company
71. 17-0466 Bridgefield Employers Insurance Company
72. 17-0469 Arch Insurance Company
73. 17-0475 City of Shreveport
74. 17-0478 Louisiana Restaurant Association
75. 17-0493 LUBA Casualty Insurance Company
76. 17-0505 LA Construction & Industry
77. 17-0508 Bridgefield Casualty Insurance Company
78. 17-0522 Wal-Mart Associates, Inc.
79. 17-0525 Wal-Mart Associates, Inc.
80. 17-0567 Commerce And Industry Insurance Company
81. 17-0570 Wal-Mart Associates, Inc.
82. 17-0573 Wal-Mart Associates, Inc.
83. 17-0576 Wal-Mart Associates, Inc.
84. 17-0582 Wal-Mart Associates, Inc.
85. 17-0598 Commerce And Industry Insurance Company
86. 17-0660 Wal-Mart Associates, Inc.
87. 17-0684 Travelers Property Casualty Company of America
88. 17-0700 Wal-Mart Associates, Inc.
89. 17-0703 Stonetrust Commercial Ins. Co.
90. 17-0713 QBE Insurance Corporation
91. 17-0762 LA Construction & Industry
92. 17-0863 LA Construction & Industry

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (226) partial payments beginning with Claim #80-0247 and ending with Claim #16-0693. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of February 08, 2018. The motion was made by Ms. Mack seconded by Director Kellar, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (98) quarterly payments due beginning with Claim #88-0220 and ending with Claim #16-0508. Director Kellar moved to accept the recommendation of staff and approve reimbursement of quarterly payments as

submitted on the agenda of February 08, 2018. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present; therefore, the Chairman moved to the next item on the agenda.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Director Kellar 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 (12) claims.

1. 96-0468
2. 09-0181
3. 10-0603
4. 11-0540
5. 14-0511
6. 15-0242
7. 15-0370
8. 15-0532
9. 15-0542
10. 15-0679
11. 16-0723
12. 17-0524

Ms. Mack moved to accept the recommendation. The motion was seconded by Director Kellar 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. 09-0734

Director Kellar moved to accept the recommendation. It was seconded by Ms. Mack 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 #12-0110 Continued Litigation
2. Claim #13-0888 Settlement Authority
3. Claim #14-0011 Settlement Authority
4. Claim #14-0525 Continued Litigation
5. Claim #14-0704 Continued Litigation
6. Claim #14-0893 Settlement Authority
7. Claim #16-0380 Continued Litigation
8. Claim #16-0480 Settlement Authority

The motion was made by Director Kellar, seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9*, asking if there were any other matters to discuss.

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

The meeting was adjourned at 2:30pm

Recording Secretary: Claudia Brumfield