

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of February 5, 2015

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

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Patrick Robinson, OWCA Director Candidate
3. Mr. Larry White, I. T. Consultant
4. Mr. Steve Hawkland, representing Secretary of State
5. Ms. Lynette Mack, representing State Treasurer
6. Ms. Pauline Williams, SIB Director
7. Michelle Sumrall, Compliance Supervisor
8. Karl Scott, General Counsel
9. Meridith Trahant, General Counsel
10. Gary Kern, representing Risk Savers Management
11. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, 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 moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 2* on the agenda, under the hearing sections, we have three matters, 1<sup>st</sup> matter is Claim #10-0273 the employee is Robert Harris and the employer is Germillion Trucking, the carrier is Louisiana Construction & Industry – SIF representing the company; Mr. Gary Kern. Mr. Kern states that there was a question about the final payment and the amount paid, the check was returned and he's asking that the check be reissued (see attached). Mrs. Williams states that Mr. Kern feels a SEB (Supplement Earning Benefits) rate of \$91.18 should be used in calculating the remaining twenty-nine weeks. They are focusing on the calculation. Mrs. Williams states that she feels the deductible should be taken on the full comp rate TTD (Temporarily Total Disability) of \$283.51 because there was no wage earning capacity in this file (see attached). Mrs. Williams's states she recommend to the board that the remaining of the deductible be at the full 130 weeks at the full comp rate. Mr. Kern asks the board to use the \$91.18 as the deductible (see attached). The Chairman asked what's the pleasure of the board, Mr. White motion to go along with the recommendation of the board to deny this claim. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to the next hearing. Claim # 13-0995 the employee is Judson Routt, the employer is Rainey's Painting and the carrier is Louisiana Construction & Industry -SIF. Mr. Kern states Mr. Routt was a body and fender man he worked with the employed with the company my numerous years, his employer knew about is prior back injury (see attached). He states his employer states that he will not be about to return back to work as a body and fender man due to him having 3 back injuries, one back surgery, he states he's more disable

then he was before (see attached). Ms. Sumrall states that there are insufficient documents for his claim. She states that back surgeries and heart surgeries are not stated in the law as presumption conditions (see attached). Mrs. Sumrall states she recommends the claim for denial, more knowledge was requested numerous times, and it has not met any of the elements. The Chairman requests the pleasure of the board, Mr. Hawkland motion accept the recommendation to deny this claim. The motion was seconded by Mr. White and passed unanimously.

The Chairman moved to the next hearing. Claim # 140383 the employee is Keith Edwards, the employer is Turnaround Welding and the carrier is Insurance Company of the State of PA. Mrs. Sumrall states that they received notice they would like to proceed with the recommendation to deny this claim. Mr. White motion to accept the recommendation to deny this claim. The motion was seconded by Ms. Mack and passed unanimously.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (9) claims; beginning with Claim #13-0902 and ending with Claim #14-0789. The motion was made by Ms. Mack and seconded by Mr. Hawkland and passed unanimously.

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|----|---------|---|---------------------|
| 1. | 13-0902 | LUBA Casualty Insurance Company             | 104 week deductible |
| 2. | 13-1018 | Willis-Knighton Medical Center              | 104 week deductible |
| 3. | 14-0037 | Louisiana Auto Dealers Association          | 104 week deductible |
| 4. | 14-0228 | US Fire Insurance Company                   | 104 week deductible |
| 5. | 14-0255 | Louisiana Workers' Compensation Corporation | 104 week deductible |
| 6. | 14-0268 | St. Charles Parish School Board             | 104 week deductible |
| 7. | 14-0511 | Louisiana Construction & Industry           | 104 week deductible |
| 8. | 14-0693 | Louisiana Restaurant Association            | 104 week deductible |
| 9. | 14-0789 | Louisiana Restaurant Association            | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (113) claims; beginning with Claim #12-1002 and ending with Claim #14-0887.

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|-----|---------|---|
| 1.  | 12-1002 | LUBA Casualty Insurance Company             |
| 2.  | 13-0184 | Indemnity Insurance Company of NA           |
| 3.  | 13-0539 | Louisiana Workers' Compensation Corporation |
| 4.  | 13-0545 | Louisiana Workers' Compensation Corporation |
| 5.  | 13-0630 | Louisiana Commerce & Trade Association      |
| 6.  | 13-0631 | Louisiana Auto Dealers Association          |
| 7.  | 13-0648 | Liberty Mutual                              |
| 8.  | 13-0654 | Emcasco Insurance Company                   |
| 9.  | 13-0660 | Iberia Parish School Board                  |
| 10. | 13-0821 | Bridgefield Casualty Insurance Company      |
| 11. | 13-0869 | Louisiana Office of Risk Management         |
| 12. | 13-0874 | Louisiana Office of Risk Management         |
| 13. | 13-0900 | Louisiana Commerce & Trade Association      |

14. 13-0916 Calcasieu Parish School Board
15. 13-0922 Ace American
16. 13-0989 Property, Casualty Insurance Company
17. 13-0995 Louisiana Construction & Industry - SIF
18. 13-1002 Bridgefield Casualty Insurance Company
19. 13-1026 Terrebonne Parish Government
20. 13-1037 Louisiana Retailers Mutual Insurance Company
21. 13-1060 City of New Orleans
22. 13-1064 LUBA Casualty Insurance Company
23. 13-1086 LUBA Casualty Insurance Company
24. 13-1088 Diocese of Baton Rouge
25. 14-0070 New Hampshire Insurance Company
26. 14-0094 LEMIC Insurance Company
27. 14-0122 Federated Rural Electric Insurance
28. 14-0128 Zurich American Insurance Company
29. 14-0150 Bridgefield Casualty Insurance Company
30. 14-0162 Autozone, Inc.
31. 140-164 LA Safety Association of Timbermen
32. 14-0176 Louisiana Workers' Compensation Corporation
33. 14-0188 Ace American Insurance Company
34. 14-0197 Travelers Insurance Company of America
35. 14-0198 Bridgefield Casualty Insurance Company
36. 14-0200 Bridgefield Casualty Insurance Company
37. 14-0206 Bridgefield Casualty Insurance Company
38. 14-0235 Bridgefield Casualty Insurance Company
39. 14-0241 Acadia Parish School Board
40. 14-0252 Louisiana Workers' Compensation Corporation
41. 14-0256 Bridgefield Casualty Insurance Company
42. 14-0271 Jefferson Parish School Board
43. 14-0272 Lafayette General Medical Center
44. 14-0277 Louisiana Retailers Mutual Insurance Company
45. 14-0289 American Interstate Insurance Company
46. 14-0292 Louisiana Office of Risk Management
47. 14-0297 Louisiana Commerce & Trade Association
48. 14-0301 Louisiana Retailers Mutual Insurance Company
49. 14-0304 Arch Insurance Company
50. 14-0310 Louisiana Office of Risk Management
51. 14-0348 Safety National Casualty Corporation
52. 14-0362 Starnet Insurance Co
53. 14-0364 Louisiana Commerce & Trade Association
54. 14-0365 Bridgefield Casualty Insurance Company
55. 14-0368 Opelousas General Hospital
56. 14-0371 New Hampshire Insurance Co
57. 14-0373 Great American Alliance
58. 14-0377 Louisiana Retailers Mutual Insurance Company
59. 14-0378 Louisiana Retailers Mutual Insurance Company
60. 14-0379 LUBA Casualty Insurance Company
61. 14-0380 Our Lady of the Lake, Inc.
62. 14-0381 Louisiana Retailers Mutual Insurance Company

63. 14-0382 Bridgefield Casualty Insurance Company
64. 14-0386 Louisiana Office of Risk Management
65. 14-0387 Louisiana Auto Dealers Association
66. 14-0390 Louisiana Health Care SIF
67. 14-0391 Louisiana Commerce & Trade Association
68. 14-0392 LEMIC Insurance Company
69. 14-0393 Wesco Insurance Company
70. 14-0395 Louisiana Office of Risk Management
71. 14-0396 Louisiana Auto Dealers Association
72. 14-0397 City of Baton Rouge, East Baton Rouge Parish
73. 14-0398 Lafayette Parish School Board
74. 14-0401 Cameron Parish Police Jury
75. 14-0402 City of New Orleans
76. 14-0403 Bridgefield Casualty Insurance Company
77. 14-0404 Bridgefield Casualty Insurance Company
78. 14-0407 Louisiana Office of Risk Management
79. 14-0410 New Hampshire Insurance Co
80. 14-0413 LEMIC Insurance Company
81. 14-0414 LEMIC Insurance Company
82. 14-0417 Bridgefield Casualty Insurance Company
83. 14-0419 Louisiana Office of Risk Management
84. 14-0423 Louisiana Retailers Mutual Insurance Company
85. 14-0424 Bridgefield Casualty Insurance Company
86. 14-0426 LA Municipal Risk Management Agency
87. 14-0428 Bridgefield Casualty Insurance Company
88. 14-0431 None Documented
89. 14-0437 LA Municipal Risk Management Agency
90. 14-0438 LA Municipal Risk Management Agency
91. 14-0439 Bridgefield Casualty Insurance Company
92. 14-0440 Jefferson Parish School Board
93. 14-0441 Winn-Dixie Louisiana, Inc.
94. 14-0443 Louisiana Office of Risk Management
95. 14-0444 Technology Insurance Company
96. 14-0446 Louisiana Office of Risk Management
97. 14-0450 City of New Orleans
98. 14-0455 Continental Indemnity Co
99. 14-0461 New Hampshire Insurance Co
100. 14-0464 Louisiana Office of Risk Management
101. 14-0467 Bridgefield Casualty Insurance Company
102. 14-0473 Great American Insurance Co
103. 14-0474 Gray Insurance Company
104. 14-0502 Plaquemines Parish Sheriff's Office
105. 14-0514 Louisiana Auto Dealers Association
106. 14-0644 Louisiana Office of Risk Management
107. 14-0648 Louisiana Office of Risk Management
108. 14-0706 Louisiana Restaurant Association
109. 14-0716 Louisiana Office of Risk Management
110. 14-0718 Louisiana Office of Risk Management
111. 14-0770 LA Municipal Risk Management Agency

- 112. 14-0851 Zurich American Insurance Company
- 113. 14-0887 Harrah's Operating Company, Inc.

Mr. White moved to accept the recommendation of staff to deny these claims. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (163) partial payments beginning with Claim #82-0425 and ending with Claim #12-0657. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of February 5, 2015. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (70) quarterly payments due beginning with Claim #87-0290 and ending with Claim #12-0446. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of February 5, 2015. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Mr. White made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Ms. Mack seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. There's (22) claims The Chairman 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 claims:

- 1. 92-0137
- 2. 94-0137
- 3. 02-1293
- 4. 04-0368
- 5. 05-0669
- 6. 07-0869
- 7. 08-0375
- 8. 08-0482
- 9. 09-0379
- 10. 10-0918
- 11. 11-0695
- 12. 11-0936

13. 12-0040
14. 12-0294
15. 12-0303
16. 12-0801
17. 12-1003
18. 13-0881
19. 13-0904
20. 14-0065
21. 14-0106
22. 14-0171

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

The following (3) claims were recommended to be denied for settlement and be paid on an on-going basis:

1. 06-0420
2. 07-0717
3. 10-0290

Mr. Hawkland moved to accept the recommendation. The motion 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 a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #11-0318 settlement authority
2. Claim #11-0805 continued litigation
3. Claim #12-0219 continued litigation
4. Claim #12-1052 settlement authority
5. Claim #13-0650 settlement authority
6. Claim #14-0214 continued litigation

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

There being no further business to discuss, the Chairman asked for a motion to adjourn. Ms. Mack made the motion which was seconded by Mr. Hawkland and passed unanimously.

Minutes (cont'd)

Page 7

February 5, 2015

The meeting was adjourned at 2:54 p.m.

Recording Secretary: Shaneka Davis