

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of January 10, 2019

The regular meeting of the Second Injury Board convened at 2:06 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. Mr. Chip Coulter, representing the Department of Children and Family Services
5. Meridith Trahan, Director of Second Injury Board
6. Karl Scott, General Counsel
7. Judy Franklin, General Counsel
8. Ariel, Assistant Attorney, Fraud
9. Mr. Chris Anthony, Louisiana Rehabilitation Services
10. Mr. John Schweitzer, Louisiana Rehabilitation Services
11. Michelle Sumrall, SIB Compliance Supervisor
12. 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 Mr. Coulter, seconded by Mr. Hawkland, 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 (10) claims where recommendations were made for payment starting with Claim #16-0357 and ending with Claim #18-0418. A motion to approve the claims for payment was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

1.	16-0357	Indemnity Ins. Co. of North America	104 week deductible
2.	17-0305	Calcasieu Parish School Board	104 week deductible
3.	17-0376	Old Republic Insurance Company	104 week deductible
4.	17-0783	LA Workers' Compensation Corp.	104 week deductible
5.	17-0812	City of Monroe	104 week deductible
6.	17-0866	Louisiana Restaurant Association	104 week deductible
7.	18-0099	LA Health Care- Self Ins. Fund	104 week deductible
8.	18-0353	LA Health Care- Self Ins. Fund	104 week deductible
9.	18-0417	LA Workers' Compensation Corp.	104 week deductible
10.	18-0418	LA Health Care- Self Ins. Fund	104 week deductible

The Chairman moved to *Item 4* on the agenda, (65) claims recommended for denial, beginning with Claim #14-0462, ending with Claim #18-0627. A request was made for a motion to approve the

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recommendation to deny the claims as described in the January 10, 2019 agenda. The motion was made by Mr. Hawkland, seconded by Mr. Coulter and passed unanimously.

1. 14-0462 Commerce And Industry Insurance Company (AIG)
2. 16-0201 LUBA Casualty Insurance Company
3. 17-0727 LA Construction & Industry
4. 17-0749 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
5. 17-0782 LA Workers' Compensation Corp.
6. 17-0784 LA Workers' Compensation Corp.
7. 17-0794 LA Workers' Compensation Corp.
8. 17-0796 Louisiana Restaurant Association
9. 17-0815 LA Health Care- Self Ins. Fund
10. 17-0818 Jefferson Parish
11. 17-0820 St. Tammany Parish School Board
12. 17-0822 St. Tammany Parish School Board
13. 18-0057 LA Workers' Compensation Corp.
14. 18-0143 Lafayette Parish School Board
15. 18-0160 Great American Insurance Company
16. 18-0247 - Unknown
17. 18-0288 Lafayette Parish School Board
18. 18-0294 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
19. 18-0297 Coca-Cola Bottling Company United
20. 18-0300 - Unknown
21. 18-0301 LA Health Care- Self Ins. Fund
22. 18-0306 - Unknown
23. 18-0308 Christus St. Frances Cabrini Hospital
24. 18-0309 City of New Orleans
25. 18-0310 Zurich American Insurance Company
26. 18-0311 American Interstate Insurance Company
27. 18-0313 LA Municipal Risk Mgmt. Agency
28. 18-0314 LA Workers' Compensation Corp.
29. 18-0318 Ace American Ins. Co
30. 18-0321 LA Construction & Industry
31. 18-0326 Bridgefield Casualty Insurance Company
32. 18-0327 Travelers Property Casualty Company of America
33. 18-0330 LA Workers' Compensation Corp.
34. 18-0333 Dillard's, Inc.
35. 18-0335 Recreation & Park Commission of East Baton Rouge
36. 18-0339 LA Workers' Compensation Corp.
37. 18-0342 - Unknown
38. 18-0344 Electric Insurance Company/GE
39. 18-0347 Office of Risk Management
40. 18-0349 Ochsner Hospital (Ochsner Clinic Foundation)
41. 18-0354 LUBA Casualty Insurance Company
42. 18-0356 Office of Risk Management
43. 18-0359 Office of Risk Management
44. 18-0360 Jefferson Parish
45. 18-0362 LUBA Casualty Insurance Company
46. 18-0363 LA Workers' Compensation Corp.
47. 18-0369 Old Republic Insurance Company
48. 18-0385 Office of Risk Management

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49.	18-0391	Accident Fund Ins. Co. of America
50.	18-0403	Ace American Ins. Co
51.	18-0405	Ace American Ins. Co
52.	18-0406	Retailers Casualty Insurance Company
53.	18-0409	- Unverified
54.	18-0412	LA Automobile Dealers Assn.
55.	18-0423	Office of Risk Management
56.	18-0433	Roman Catholic Church of New Orleans
57.	18-0436	LA Construction & Industry
58.	18-0448	American Interstate Insurance Company
59.	18-0450	LUBA Casualty Insurance Company
60.	18-0457	- Unknown
61.	18-0460	Liberty Mutual Ins. Co.
62.	18-0472	St. Tammany Parish School Board
63.	18-0478	Travelers Property Casualty Company of America
64.	18-0533	Retailers Casualty Insurance Company
65.	18-0627	City of Lake Charles

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (247) partial payments beginning with Claim #80-0247 and ending with Claim #16-0623. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of January 10, 2019. Ms. Mack made the motion. It was seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (79) quarterly payments due beginning with Claim #94-0137 and ending with Claim #16-0709. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of January 10, 2019. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Present to represent LRS were, Mr. Chris Anthony and Mr. John Schweitzer, giving an update on the 2018 Quarterly Summaries, with handouts. Director Trahan, introduced Ariel, an attorney currently positioned in the Fraud Department, who will be assisting with SIF cases due to Judy Franklin resigning to enter into private practice. The Chairman then moved to the next item on the agenda. The Chairman then asked LRS to proceed with their presentation.

Mr. Anthony began with thanking the Board for inviting them to speak and for the collaboration between LRS and the SIF. Mr. Schweitzer then proceeded to present 306 case closures resulting in clients employed during the first half of fiscal year 2019. He then explained that due to a new software program developed by Mr. Anthony, he is now has the ability to quickly determine the locations of clients served.

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Mr. Schweitzer was happy to inform the Board that LRS now has statewide coverage with all parishes served by their program. LRS currently has a 93-94% success rate with the average cost per case of \$2,799.00.

Mr. Hansberry 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 Mr. Mack and it passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. 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 (9) claims.

1. 04-0953
2. 11-0195
3. 12-0933
4. 13-0054
5. 13-1076
6. 15-0242
7. 15-0456
8. 15-0818
9. 17-0122

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hawkland 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. 10-0953

Mr. Hawkland moved to accept the recommendation. It was seconded by Mr. Coulter 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.

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1. Claim #09-0865 Continue Litigation
2. Claim #09-0980 Continue Litigation
3. Claim #11-0814 Continue Litigation
4. Claim #13-0583 Continue Litigation
5. Claim #13-0915 Continue Litigation
6. Claim #13-0956 Continue Litigation
7. Claim #14-0510 Continue Litigation
8. Claim #14-0644 No Action by the Board Required
9. Claim #15-0071 Settlement Authority
10. Claim #15-0268 Continue Litigation
11. Claim #15-0394 Continue Litigation
12. Claim #15-0604 Settlement Authority
13. Claim #15-0724 Settlement Authority
14. Claim #16-0220 Settlement Authority
15. Claim #16-0227 ~~Settlement Authority~~ DENIED
16. Claim #16-0620 Settlement Authority
17. Claim #17-0200 Settlement Authority
18. Claim #17-0346 Settlement Authority
19. Claim #17-0469 Settlement Authority

A motion was made to accept the recommendations by Mr. Hawkland. Mr. Coulter objected to the recommendation on #15, claim #16-0227, due to merger. The request for a motion was revised by the Chairman to accept the recommendations of staff except on item 15, Claim #16-0227 in which the recommendation of "settlement authority" would be denied. The motion was made by Mr. Hawkland, seconded by Mr. Coulter, and passed unanimously. Ms. Trahan then asked the Chairman for a vote to authorize council to continue litigation on item #15, Claim #16-0227. The motion was made by Mr. Coulter, seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss, 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 adjourned at 2:52 pm

Recording Secretary: Claudia Brumfield