

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of July 11, 2019

The regular meeting of the Second Injury Board convened at 2:03 p.m.

The following were present:

1. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Lynette Mack, representing the State Treasurer
3. John Schroder, LA State Treasurer
4. Steve Hawkland, representing the Secretary of State, Vice-Chairman
5. Chip Coulter, representing the Dept. of Children and Family Services
6. Meredith Trahan, Director of Second Injury Board
7. Karl Scott, General Counsel
8. Shana Veade, General Counsel
9. Claudia Rush, General Counsel
10. Michelle Sumrall, SIB Compliance Supervisor
11. Chandra Cola, SIB Audit & Finance Supervisor
12. John Schweitzer, representing LRS
13. Chris Anthony, representing LRS
14. 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. Hawkland, 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 (11) claims where recommendations were made for payment starting with Claim #17-0819 and ending with Claim #19-0044. Mr. Hawkland made a motion to approve the listed claims for payment. Ms. Mack seconded the motion and it passed unanimously.

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| 1. | 17-0819 | Travelers Property Casualty Company of America | 104 week deductible |
| 2. | 17-0881 | LUBA Casualty Insurance Company | 104 week deductible |
| 3. | 18-0147 | Retailers Casualty Insurance Company | 104 week deductible |
| 4. | 18-0352 | Slidell Memorial Hospital | 104 week deductible |
| 5. | 18-0463 | LUBA Casualty Insurance Company | 104 week deductible |
| 6. | 18-0490 | LA Health Care- Self Ins. Fund | 104 week deductible |
| 7. | 18-0536 | LA Home Builders Assn.- SIF | 104 week deductible |
| 8. | 18-0678 | Entergy Services, Inc. | 104 week deductible |
| 9. | 18-0741 | Ochsner Hospital (Ochsner Clinic Foundation) | 104 week deductible |
| 10. | 18-0804 | LA Construction & Industry | 104 week deductible |
| 11. | 19-0044 | Lafayette General Health | 104 week deductible |

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The Chairman moved to *Item 4* on the agenda, (84) claims recommended for denial, beginning with Claim #17-0335, ending with Claim #19-0356. The Chairman requested a motion to approve the recommendation to deny the claims as described in the July 11, 2019 agenda. Mr. Coulter made motion to approve the claims for payment. Ms. Mack seconded the motion and it passed unanimously.

1. 17-0335 Manufacturers Alliance Insurance Co.
2. 17-0728 LUBA Casualty Insurance Company
3. 17-0805 EBR Parish School Board
4. 18-0116 - Unverified
5. 18-0206 Louisiana Restaurant Association
6. 18-0253 LA Workers' Compensation Corp.
7. 18-0291 Woman's Hospital
8. 18-0302 LA Workers' Compensation Corp.
9. 18-0303 LA Workers' Compensation Corp.
10. 18-0315 Arc of Acadiana, Inc.
11. 18-0329 LA Workers' Compensation Corp.
12. 18-0336 LA Health Care- Self Ins. Fund
13. 18-0368 LA Workers' Compensation Corp.
14. 18-0370 LA Workers' Compensation Corp.
15. 18-0429 Zurich American Insurance Company
16. 18-0511 LA Workers' Compensation Corp.
17. 18-0553 Bridgefield Casualty Insurance Company
18. 18-0598 St. Martin Parish School Board
19. 18-0599 Louisiana Restaurant Association
20. 18-0621 Louisiana Restaurant Association
21. 18-0702 Travelers Indemnity Company
22. 18-0705 Liberty Mutual Ins. Co.
23. 18-0707 LUBA Casualty Insurance Company
24. 18-0708 LA Construction & Industry
25. 18-0711 New Hampshire Insurance Company (AIG)
26. 18-0713 - Unverified
27. 18-0716 Stonetrust Commercial Ins. Co.
28. 18-0719 New Hampshire Insurance Company (AIG)
29. 18-0722 City of Shreveport
30. 18-0723 St. Tammany Parish School Board
31. 18-0726 Office of Risk Management
32. 18-0729 Lafayette General Health
33. 18-0738 New Hampshire Insurance Company (AIG)
34. 18-0743 Lafayette General Health
35. 18-0744 XL Specialty Insurance Company
36. 18-0746 - Unknown
37. 18-0747 Jefferson Parish Public School System
38. 18-0753 Parish Government Risk Management Agency
39. 18-0756 Lafayette Consolidated Government
40. 18-0758 - Unverified
41. 18-0759 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
42. 18-0761 - Unknown
43. 18-0762 Stonetrust Commercial Ins. Co.
44. 18-0763 Office of Risk Management
45. 18-0764 St. Charles Parish School Board
46. 18-0770 Bridgefield Casualty Insurance Company

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47. 18-0773 LA Workers' Compensation Corp.
48. 18-0774 Bridgefield Casualty Insurance Company
49. 18-0776 Bridgefield Casualty Insurance Company
50. 18-0777 Bridgefield Casualty Insurance Company
51. 18-0779 Bridgefield Casualty Insurance Company
52. 18-0780 Retailers Casualty Insurance Company
53. 18-0787 Indemnity Ins. Co. of North America
54. 18-0788 - Unknown
55. 18-0792 Office of Risk Management
56. 18-0800 Stonetrust Commercial Ins. Co.
57. 18-0812 American Interstate Insurance Company
58. 18-0817 Entergy Services, Inc.
59. 18-0818 LUBA Casualty Insurance Company
60. 18-0820 Stonetrust Commercial Ins. Co.
61. 18-0826 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
62. 18-0829 St. Tammany Parish School Board
63. 18-0835 Bridgefield Casualty Insurance Company
64. 18-0846 LUBA Casualty Insurance Company
65. 18-0847 Recreation & Park Commission of East Baton Rouge
66. 18-0848 LA Health Care- Self Ins. Fund
67. 18-0850 LA Construction & Industry
68. 18-0853 LA Construction & Industry
69. 18-0856 - Unverified
70. 18-0862 Liberty Mutual Ins. Co.
71. 18-0863 LUBA Casualty Insurance Company
72. 18-0864 LUBA Casualty Insurance Company
73. 18-0868 Travelers Casualty & Surety Co.
74. 18-0874 XL Specialty Insurance Company
75. 18-0875 - Unverified
76. 18-0886 LUBA Casualty Insurance Company
77. 18-0887 LUBA Casualty Insurance Company
78. 19-0014 American Zurich Ins. Co.
79. 19-0085 Parish Government Risk Management Agency
80. 19-0164 LUBA Casualty Insurance Company
81. 19-0188 LA Health Care- Self Ins. Fund
82. 19-0294 LA Health Care- Self Ins. Fund
83. 19-0295 LUBA Casualty Insurance Company
84. 19-0356 LA Construction & Industry

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (286) partial payments beginning with Claim #83-0072 and ending with Claim #17-0528. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of July 11, 2019. Mr. Hawkland made the motion. Ms. Mack seconded the motion and it passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (51) quarterly payments due beginning with Claim #95-0317 and ending with Claim #16-0709. Ms. Mack

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moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of July 11, 2019. Mr. Coulter seconded the motion and it passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Representatives from LA Rehabilitation Services were present but no other members of the public. The Chairman made a request to amend the agenda to allow for the LRS Presentation. With no opposition, Mr. Chris Anthony and Dr. John Schweitzer gave a brief historical summary of the relationship between the SIF and LRS and updated the Board with the current number of successful cases. Handouts given to the members contained statistical information for FY 2019. This year, there were 808 employees served and it was the most successful year since FY 2015. After a short question and answer session, the Chairman thanked the representatives for their presentation. He then 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. Ms. Mack made the motion. Mr. Hawkland 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 the Director 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. 94-0154
2. 01-1248
3. 05-0100
4. 06-0176 – Indemnity only
5. 08-0535
6. 09-0509 – Indemnity only
7. 13-1051
8. 15-0071
9. 18-0099
10. 18-0417 – Indemnity only

Mr. Hawkland moved to accept the recommendation. Ms. Mack seconded the motion and it passed unanimously.

The following (1) claim was recommended for settlement denial and that it continue to be paid on an on-going basis:

1. 08-0049

Mr. Hawkland moved to accept the recommendation. Ms. Mack seconded the motion and it passed unanimously.

The following (1) claim was recommended for settlement denial:

1. 03-0916

Ms. Mack moved to accept the recommendation. Mr. Hawkland 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.

1. Claim #10-0631 Continue Litigation
2. Claim #13-0015 Settlement Authority
3. Claim #14-0122 Settlement Authority
4. Claim #15-0696 Continue Litigation
5. Claim #16-0130 Settlement Authority
6. Claim #16-0733 Settlement Authority
7. Claim #16-0792 Settlement Authority
8. Claim #16-0904 Continue Litigation
9. Claim #17-0205 Settlement Authority
10. Claim #17-0438 Settlement Authority

Mr. Coulter made the motion. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss, which listed the Election of Chairman and Vice-Chairman. Meridith Trahan summarized the statute requiring the election. Mr. Hawkland nominated Mr. Charles Hansberry as Chairman; the motion, made by Mr. Hawkland and seconded by Mr. Coulter, passed unanimously. Mr. Coulter nominated Mr. Steve Hawkland as Vice-Chairman. The motion, made by Mr. Coulter and seconded by Ms. Mack, passed unanimously.

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Mr. Hansberry again asked if there were any other matters to discuss being the second item under the section, the LRS presentation, was previously heard by the Board. Ms. Trahan stated she plans to present her recommendation of the percentage/amount of funds for the LRS allocation at the meeting in August. Additional discussion took place regarding the LRS/SIF relationship.

Mr. Coulter inquired on the availability of a board member attending a meeting by phone conference. Ms. Trahan stated that the agency determined it would not be wise and did not allow that option, nor was the equipment needed available.

Mr. Schroder questioned the level of oversight the Board has on the Fund's budget and expenditures. Ms. Trahan responded. After some discussion, the matter concluded.

There were then no other matters to discuss. The Chairman asked for a motion to adjourn. Mr. Coulter moved to adjourn. Ms. Mack seconded the motion and it passed unanimously.

The meeting adjourned at 3:15 pm

Recording Secretary: Claudia Brumfield