

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of March 01, 2018

The regular meeting of the Second Injury Board convened at 2:13 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. Meridith Trahant, Acting Director of Second Injury Board
5. Karl Scott, General Counsel
6. Darrick Lee, General Counsel
7. Michelle Bradley, 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 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 (4) claims where recommendations were made for payment starting with Claim #16-0025 and ending with Claim #17-0658. The motion to approve the claims for payment was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

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|----|---------|--|---------------------|
| 1. | 16-0025 | Ins. Co. of the State of PA | 104 week deductible |
| 2. | 16-0462 | Parish Government Risk Management Agency | 104 week deductible |
| 3. | 17-0212 | Gray Insurance Company | 104 week deductible |
| 4. | 17-0658 | Wal-Mart Associates, Inc. | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (71) claims recommended for denial, beginning with Claim #14-0667 and ending with Claim #17-0790. A request was made for a motion to approve the recommendation to deny the claims as described in the March 01, 2018 agenda. The motion was made by Mr. Hawkland; seconded by Ms. Mack and passed unanimously.

1. 14-0667 Louisiana Office of Risk Management
2. 16-0660 City of New Orleans
3. 16-0786 City of New Orleans

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4. 16-0791 Parish Government Risk Management Agency
5. 16-0803 Liberty Mutual Ins. Co.
6. 16-0806 Jefferson Parish Public School System
7. 16-0809 LA Workers' Compensation Corp.
8. 16-0812 Lake Charles Memorial Hospital
9. 16-0824 Office of Risk Management
10. 16-0827 Office of Risk Management
11. 16-0830 Retailers Casualty Insurance Company
12. 16-0836 City of New Orleans
13. 16-0837 Old Republic Insurance Company
14. 16-0839 Bridgefield Casualty Insurance Company
15. 16-0845 Jefferson Parish
16. 16-0851 Indemnity Ins. Co. of North America
17. 16-0854 Office of Risk Management
18. 16-0857 LUBA Casualty Insurance Company
19. 16-0860 City of Baton Rouge, East Baton Rouge Parish
20. 16-0866 Retailers Casualty Insurance Company
21. 16-0869 LA Workers' Compensation Corp.
22. 16-0872 City of New Orleans
23. 16-0879 City of Kenner
24. 16-0881 American Zurich Ins. Co.
25. 16-0884 Electric Insurance Company/GE
26. 16-0893 Parish Government Risk Management Agency
27. 16-0894 St. Tammany Parish School Board
28. 16-0896 Jefferson Parish
29. 16-0902 Lake Charles Memorial Hospital
30. 16-0905 West Jefferson Medical Center
31. 16-0906 City of New Orleans
32. 17-0007 LA Workers' Compensation Corp.
33. 17-0012 City of Slidell
34. 17-0044 City of New Orleans
35. 17-0045 LUBA Casualty Insurance Company
36. 17-0189 LA Automobile Dealers Assn.
37. 17-0197 Lafayette General Health
38. 17-0218 Stonetrust Commercial Ins. Co.
39. 17-0221 Monroe City School Board
40. 17-0398 LA Workers' Compensation Corp.
41. 17-0414 LA Construction & Industry
42. 17-0417 Louisiana Restaurant Association
43. 17-0426 Office of Risk Management
44. 17-0432 LA Health Care- Self Ins. Fund
45. 17-0435 Office of Risk Management
46. 17-0441 Unverified
47. 17-0444 Louisiana Workers' Compensation Corporation
48. 17-0447 Continental Indemnity Company
49. 17-0450 Continental Indemnity Company
50. 17-0453 Bridgefield Casualty Insurance Company
51. 17-0459 LCTA Casualty Ins. Co.
52. 17-0460 Unverified
53. 17-0477 St. Tammany Parish School Board
54. 17-0480 LA Automobile Dealers Assn.
55. 17-0483 Jefferson Parish Public School System

- 56. 17-0487 Unverified
- 57. 17-0499 LUBA Casualty Insurance Company
- 58. 17-0529 Unverified
- 59. 17-0538 LUBA Casualty Insurance Company
- 60. 17-0541 Parish Government Risk Management Agency
- 61. 17-0556 Office of Risk Management
- 62. 17-0559 LUBA Casualty Insurance Company
- 63. 17-0562 St. John Parish School Board
- 64. 17-0568 Unverified
- 65. 17-0574 LA Commerce & Trade Assn.
- 66. 17-0577 LUBA Casualty Insurance Company
- 67. 17-0580 Indemnity Ins. Co. of North America
- 68. 17-0586 LUBA Casualty Insurance Company
- 69. 17-0604 LUBA Casualty Insurance Company
- 70. 17-0607 LUBA Casualty Insurance Company
- 71. 17-0790 LA Construction & Industry

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (308) partial payments beginning with Claim #81-0470 and ending with Claim #16-0469. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of March 01, 2018. 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 (88) quarterly payments due beginning with Claim #83-0084 and ending with Claim #15-0538. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of March 01, 2018. 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 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. Mr. Hawkland 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 (5) claims.

1. 97-1140
2. 13-1086
3. 15-0312
4. 16-0029
5. 16-0591

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. 09-0976

Mr. Hawkland 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 #11-0370 Settlement Authority
2. Claim #12-0844 Continued Litigation
3. Claim #12-0968 Continued Litigation
4. Claim #13-0003 Continued Litigation
5. Claim #13-0956 Continued Litigation
6. Claim #15-0055 Settlement Authority
7. Claim #15-0168 Settlement Authority
8. Claim #15-0212 Continued Litigation
9. Claim #15-0387 Continued Litigation
10. Claim #15-0684 Settlement Authority
11. Claim #15-0809 Settlement Authority
12. Claim #15-0826 Settlement Authority
13. Claim #15-0852 Settlement Authority
14. Claim #15-0889 Settlement Authority
15. Claim #16-0047 Continued Litigation
16. Claim #16-0121 Continued Litigation

17. Claim #16-0261 Settlement Authority
18. Claim #16-0323 Settlement Authority
19. Claim #16-0537 Continued Litigation
20. Claim #16-0625 Settlement Authority
21. Claim #16-0671 Settlement Authority
22. Claim #16-0705 Continued Litigation
23. Claim #16-0735 Continued Litigation
24. Claim #16-0834 Continued Litigation

The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9*, asking if there were any other matters to discuss. Mr. Hansberry asked for a motion to expand the agenda to correct an error from the previous meeting. The motion to expand the agenda for the correction was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously. The Chairman informed the room that a denial was issued in error on claim #17-0281 at the February 8, 2018 meeting. The recommendation of denial had been postponed by staff prior to the meeting but claim inadvertently remained on the agenda. Mr. Hansberry then asked for a motion to rescind the denial on claim #17-0281 and to postpone a decision on the claim. The motion was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

Acting Director Ms. Trahant brought to the Board concerns about the Second Injury Board Knowledge Questionnaire regarding whether or not electronic signatures would be acceptable. After discussion, Mr. Hawkland made a motion to allow electronic signatures which comply with the Louisiana Uniform Electronic Transactions Act as acceptable on the SIB Knowledge Questionnaire. The motion was second by Ms. Mack and passed unanimously.

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 was adjourned at 2:55pm

Recording Secretary: Claudia Brumfield