

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 3, 2022

The regular meeting of the Second Injury Board convened at 2:01 p.m.

The following were present:

1. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chris Kirby, representing Dept. of Children and Family Services
4. Kayla Kirby, representing the State Treasurer
5. Meridith Trahant, LWC Executive Counsel
6. Tavares Walker, representing the Office of Workers' Compensation Administration
7. Karl Scott, General Counsel
8. Shana Veade, General Counsel
9. Ta'Tanisha Youngblood, General Counsel
10. Michelle Sumrall, SIB Compliance Supervisor
11. Chandra Cola, SIB Audit & Finance Supervisor
12. Claudia Brumfield, Recording Secretary

The Chairman began the meeting with *Item 1* on the agenda, being the reading of the minutes from the previous meeting of October 6, 2022. 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 Mr. Kirby, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were none listed.

Item 3 on the agenda lists (10) claims where recommendations were made for payment starting with Claim #21-0677 and ending with Claim #22-0644. Mr. Hawkland made a motion to approve the claims for payment. Mr. Kirby seconded the motion and it passed unanimously.

1. 21-0677 Zurich American Insurance Company
2. 21-0726 Washington Parish School Board
3. 21-0763 Roman Catholic Church of New Orleans
4. 21-0806 Eastern Alliance Insurance Co.
5. 21-0860 LA Workers' Compensation Corp.
6. 22-0063 Zurich American Insurance Company
7. 22-0084 Lafayette Parish School Board
8. 22-0100 Louisiana Restaurant Association
9. 22-0177 Touro Infirmary
10. 22-0644 LA Workers' Compensation Corp.

The Chairman moved to *Item 4* on the agenda, (53) claims recommended for denial, beginning with Claim #21-0411, ending with Claim #22-0683. The Chairman requested a motion to approve the

recommendation to deny the claims as described in the November 3, 2022 agenda. Mr. Hawkland made a motion to deny the claims for payment. Mr. Kirby seconded the motion and it passed unanimously.

1. 21-0411 LA Workers' Compensation Corp.
2. 21-0527 LUBA Casualty Insurance Company
3. 21-0599 Parish Government Risk Management Agency
4. 21-0632 - Unverified
5. 21-0634 Liberty Mutual Ins. Co.
6. 21-0676 LUBA Casualty Insurance Company
7. 21-0697 Office of Risk Management
8. 21-0761 Louisiana Restaurant Association
9. 21-0769 Midwest Employers Casualty Company
10. 21-0772 LA Workers' Compensation Corp.
11. 21-0775 Sentry Casualty Company
12. 21-0781 LA Workers' Compensation Corp.
13. 21-0796 United States Fire Insurance Company
14. 21-0897 LUBA Casualty Insurance Company
15. 21-0919 LUBA Casualty Insurance Company
16. 22-0015 LUBA Casualty Insurance Company
17. 22-0023 North Oaks Medical Center
18. 22-0025 Lake Charles Memorial Hospital
19. 22-0034 City of New Orleans
20. 22-0066 Amtrust Ins. Co. of Kansas
21. 22-0069 LUBA Casualty Insurance Company
22. 22-0071 LUBA Casualty Insurance Company
23. 22-0072 American Interstate Insurance Company
24. 22-0081 LA Workers' Compensation Corp. 25.
22. 22-0086 St. Tammany Parish Government
26. 22-0093 Eastern Alliance Insurance Co.
27. 22-0097 - Unverified
28. 22-0098 - Unverified
29. 22-0099 LA Automobile Dealers Assn.
30. 22-0102 Regional Transit Authority
31. 22-0114 City of New Orleans
32. 22-0120 LUBA Casualty Insurance Company
33. 22-0126 Retailers Casualty Insurance Company
34. 22-0129 LA Workers' Compensation Corp.
35. 22-0135 GuideOne Mutual Insurance Company
36. 22-0138 LA Construction & Industry SIF
37. 22-0144 LUBA Casualty Insurance Company
38. 22-0153 Technology Insurance Company
39. 22-0159 - Unverified
40. 22-0165 - Unknown
41. 22-0168 City of New Orleans
42. 22-0175 LUBA Casualty Insurance Company
43. 22-0197 Jefferson Parish Public School System
44. 22-0310 LUBA Casualty Insurance Company
45. 22-0313 Eastern Alliance Insurance Co.
46. 22-0326 Zurich American Insurance Company
47. 22-0405 Lafayette Parish Sheriff's Office
48. 22-0425 Louisiana Restaurant Association
49. 22-0443 City of New Orleans
50. 22-0490 Brookshire Grocery Company

- 51. 22-0595 LUBA Casualty Insurance Company
- 52. 22-0650 St. Charles Parish School Board
- 53. 22-0683 Louisiana Restaurant Association

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (238) partial payments due beginning with Claim #00-0464 and ending with Claim #99-1104. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of November 3, 2022. Mr. Kirby seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (97) quarterly payments due beginning with Claim #00-0048 and ending with Claim #96-0018. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of November 3, 2022. Mr. Kirby seconded the motion and it passed unanimously.

Mr. Hansberry called on *Item 7*, Public Comments. There were no members of the public present; therefore, Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland made the motion. Mr. Kirby 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 staff regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on a quarterly basis for the following (13) claims.

- 1. 04-0042
- 2. 09-1028
- 3. 13-0995
- 4. 14-0789
- 5. 15-0387
- 6. 17-0581
- 7. 19-0550 –Indemnity only
- 8. 19-0942
- 9. 20-0028
- 10. 20-0508
- 11. 20-0802
- 12. 21-0206
- 13. 21-0451

Mr. Hawkland moved to accept the recommendations. Mr. Kirby seconded the motion and it passed unanimously.

The following (2) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis.

1. 01-1151
2. 05-0035

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

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| 1. Claim # 13-0551 | Settlement Authority |
| 2. Claim # 17-0503 | Continue Litigation |
| 3. Claim # 18-0735 | Settlement Authority |
| 4. Claim # 19-0130 | Settlement Authority |
| 5. Claim # 19-0511 | Settlement Authority |
| 6. Claim # 20-0611 | Settlement Authority |
| 7. Claim # 20-0718 | Continue Litigation |
| 8. Claim # 20-0988 | Continue Litigation |
| 9. Claim # 21-0244 | Settlement Authority |
| 10. Claim # 21-0291 | Settlement Authority |
| 11. Claim # 21-0327 | Settlement Authority |
| 12. Claim # 21-0558 | Settlement Authority |
| 13. Claim # 21-0570 | Settlement Authority |

Mr. Hawkland made the motion. Ms. Kirby seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss. Meridith Trahan, LWC Executive Counsel, spoke to the members about the 2022 SIF Assessment giving a summary of how the assessment is calculated. She then explained that currently there are approximately 70 employers that have not reported benefits paid which will affect the calculation, causing the rate to be much higher than in past years. She discussed the possibility of enforcing the 20% penalty as allowed by statute. Ms. Trahan provided the members with additional information regarding dollar amounts reported, and amounts

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required to sufficiently fund the Fund. It was decided that additional discussion would take place at the December meeting regarding the rate, and additional attempts to obtain the remaining reports from employers would continue until then. There was additional discussion regarding the annual Actuarial Study and rescheduling the December meeting to December 8, 2022 due to schedule conflicts.

There were no other matters to discuss; therefore, the Chairman asked for a motion to adjourn.

Mr. Hawkland moved to adjourn. Mr. Kirby seconded the motion and it passed unanimously.

The meeting adjourned at 2:35 pm

Recording Secretary: Claudia Brumfield