

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 7, 2019

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

The following were present:

1. Sheral Kellar, Assistant Secretary, Office of Workers' Compensation Administration
2. Steve Hawkland, representing the Secretary of State, Vice-Chairman
3. Lynette Mack, representing the State Treasurer
4. Meridith Trahant, Director of Second Injury Board
5. Karl Scott, General Counsel
6. Shana Veade, General Counsel
7. Claudia Rush, General Counsel
8. Michelle Sumrall, SIB Compliance Supervisor
9. Chandra Cola, SIB Audit & Finance Supervisor
10. Claudia Brumfield, Recording Secretary

Mr. Hawkland 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 asked for motion to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was made by Ms. Mack, seconded by Asst. Secretary Kellar, and passed unanimously.

Mr. Hawkland moved to *Item 2*, on the agenda listing (2) hearing requests.

Ms. Trahant presented the first item, Claim #19-0023, Ace American Insurance Company, stating that the claim had a recommendation for denial based on it not meeting the legal elements. She found no issues warranting a hearing and she recommended the Board deny the request. Asst. Secretary Kellar made a motion to deny the request for a hearing. Ms. Mack seconded the motion and it passed unanimously.

Ms. Trahant presented the second item, Claim #19-0224, LA Construction and Industry SIF, stating that the claim had a recommendation for denial based on it not meeting the legal elements. She found no issues warranting a hearing and she recommended the Board deny the request. Asst. Secretary Kellar made a motion to deny the request for a hearing. Ms. Mack seconded the motion and it passed unanimously.

Item 3 on the agenda lists (14) claims where recommendations were made for payment starting with Claim #18-0667 and ending with Claim #19-0545. Ms. Mack made a motion to approve the listed claims for payment. Asst. Secretary Kellar seconded the motion and it passed unanimously.

1.	18-0667 Amtrust Ins. Co. of Kansas	104 week deductible
2.	18-0727 Office of Risk Management	104 week deductible
3.	18-0745 Louisiana Restaurant Association	104 week deductible
4.	18-0808 St. Tammany Parish School Board	104 week deductible
5.	18-0854 LAC-Self-Insured Fund	104 week deductible
6.	18-0883 City of Shreveport	104 week deductible
7.	19-0011 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)	104 week deductible
8.	19-0012 LA Workers' Compensation Corp.	104 week deductible
9.	19-0030 LA Automobile Dealers Assn.	104 week deductible
10.	19-0040 LA Automobile Dealers Assn.	104 week deductible
11.	19-0079 St. Tammany Parish School Board	104 week deductible
12.	19-0113 LAC-Self-Insured Fund	104 week deductible
13.	19-0378 LA Workers' Compensation Corp.	104 week deductible
14.	19-0545 Lafayette General Health	104 week deductible

The Vice-Chairman moved to *Item 4* on the agenda, (59) claims recommended for denial, beginning with Claim #17-0755, ending with Claim #19-0579. The Chairman requested a motion to approve the recommendation to deny the claims as described in the November 7, 2019 agenda. Ms. Mack made motion to deny the claims for payment. Asst. Secretary Kellar seconded the motion and it passed unanimously.

1.	17-0755	LA Home Builders Assn.- SIF
2.	18-0625	LA Workers' Compensation Corp.
3.	18-0709	LUBA Casualty Insurance Company
4.	18-0751	Great American Alliance Insurance Company
5.	18-0778	Bridgefield Employers Insurance Company
6.	18-0781	Terrebonne Parish Cons. Government
7.	18-0794	City of New Orleans
8.	18-0823	Stupp Brothers, Inc.
9.	18-0830	Jefferson Parish
10.	19-0009	Bridgefield Casualty Insurance Company
11.	19-0041	- Unknown
12.	19-0053	Retailers Casualty Insurance Company
13.	19-0068	LA Construction & Industry
14.	19-0091	LA Automobile Dealers Assn.
15.	19-0120	Old Republic Insurance Company
16.	19-0123	Parish Government Risk Management Agency
17.	19-0126	Liberty Mutual Ins. Co.
18.	19-0129	Zurich American Insurance Company
19.	19-0132	Zurich American Insurance Company
20.	19-0138	EBR Parish School Board
21.	19-0141	Jefferson Parish
22.	19-0147	LA Construction & Industry
23.	19-0150	Bridgefield Casualty Insurance Company
24.	19-0153	Parish Government Risk Management Agency
25.	19-0171	City of Shreveport
26.	19-0173	LA Workers' Compensation Corp.
27.	19-0176	LA Workers' Compensation Corp.
28.	19-0180	Stonetrust Commercial Ins. Co.

29. 19-0183 - Unknown
30. 19-0198 LA Workers' Compensation Corp.
31. 19-0203 City of New Orleans
32. 19-0241 Argonaut Insurance Group
33. 19-0242 Argonaut Insurance Group
34. 19-0248 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
35. 19-0251 Zurich American Insurance Company
36. 19-0254 - Unverified
37. 19-0257 Retailers Casualty Insurance Company
38. 19-0260 Wesco Insurance Company
39. 19-0263 City of Shreveport
40. 19-0272 Jefferson Parish
41. 19-0278 Office of Risk Management
42. 19-0281 New Hampshire Insurance Company (AIG)
43. 19-0284 XL Specialty Insurance Company
44. 19-0287 Retailers Casualty Insurance Company
45. 19-0290 Frank Winston Crum Insurance Co.
46. 19-0291 West Feliciana Parish School Board
47. 19-0305 LA Workers' Compensation Corp.
48. 19-0311 Travelers Property Casualty Company of America
49. 19-0314 Bridgefield Casualty Insurance Company
50. 19-0315 Retailers Casualty Insurance Company
51. 19-0317 Stonetrust Commercial Ins. Co.
52. 19-0335 LA Construction & Industry
53. 19-0408 City of New Orleans
54. 19-0452 City of New Orleans
55. 19-0493 LUBA Casualty Insurance Company
56. 19-0544 Lake Charles Memorial Hospital
57. 19-0554 St. Tammany Parish School Board
58. 19-0572 LUBA Casualty Insurance Company
59. 19-0579 LA Construction & Industry

The Vice-Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (207) partial payments beginning with Claim #83-0653 and ending with Claim #18-0145. The Vice-Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of November 7, 2019. Asst. Secretary Kellar made the motion. Ms. Mack seconded the motion and it passed unanimously.

The Vice-Chairman moved to *Item 6* on the agenda, being the recommendation to approve (74) quarterly payments due beginning with Claim #87-0532 and ending with Claim #16-0753. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of November 7, 2019. Asst. Secretary Kellar seconded the motion and it passed unanimously.

The Vice-Chairman moved to *Item 7*, Public Comment. There were no members of the public present.

Mr. Hawkland asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Ms. Mack made the motion. Asst. Secretary Kellar seconded the motion and it passed unanimously.

Upon returning from Executive Session, the Vice-Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Vice-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 (16) claims.

1. 05-0277 – Indemnity only
2. 09-0393 – Indemnity only
3. 11-0235
4. 12-0156
5. 13-0543 – Indemnity only
6. 14-0100
7. 15-0410
8. 15-0557
9. 16-0198
10. 16-0230
11. 17-0469
12. 17-0845
13. 18-0036
14. 18-0156
15. 18-0378 – Indemnity only
16. 19-0413

Asst. Secretary Kellar moved to accept the recommendation. Ms. Mack seconded the motion and it passed unanimously.

The following (4) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

1. 05-0596
2. 10-0953
3. 11-0448
4. 13-0892

Asst. Secretary moved to accept the recommendation. Ms. Mack seconded the motion and it passed unanimously.

The Vice-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 #00-0702 Continue Litigation
2. Claim #05-0907 Continue Litigation
3. Claim #11-0267 Continue Litigation
4. Claim #15-0235 Settlement Authority
5. Claim #15-0483 Settlement Authority
6. Claim #15-0518 Settlement Authority
7. Claim #15-0823 Settlement Authority
8. Claim #16-0264 Settlement Authority
9. Claim #16-0349 Continue Litigation
10. Claim #16-0542 Settlement Authority
11. Claim #17-0011 Continue Litigation
12. Claim #17-0041 Settlement Authority
13. Claim #17-0259 Settlement Authority
14. Claim #17-0423 Settlement Authority
15. Claim #17-0594 Settlement Authority
16. Claim #18-0301 Continue Litigation
17. Claim #18-0467 Settlement Authority
18. Claim #18-0570 Settlement Authority
19. Claim #18-0618 Continue Litigation

Ms. Mack made the motion. Asst. Secretary Kellar seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss. Ms. Trahan presented her recommendation of a 6.65% rate to provide a total assessed amount of \$60,326,807.80. The collected amount will be slightly below the SIF appropriation of \$60,541,231.00. Asst. Secretary Kellar made a motion to approve the recommendation. Ms. Mack seconded the motion and it passed unanimously.

Minutes (cont'd)

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Ms. Trahant then presented the annual statistics regarding LA Rehabilitation Services. Asst. Secretary Kellar made a motion to table the discussion until additional members are present. Ms. Mack seconded the motion and it passed unanimously.

There were then no other matters to discuss. The Vice-Chairman asked for a motion to adjourn. Asst. Secretary Kellar moved to adjourn. Ms. Mack seconded the motion and it passed unanimously.

The meeting adjourned at 3:03 pm

Recording Secretary: Claudia Brumfield