

# LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 2, 2018

The regular meeting of the Second Injury Board convened at 2:05 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. Mr. John M. Schroder, Sr., State Treasurer
4. Ms. Lynette Mack, representing the State Treasurer
5. Mr. Chip Coulter, representing the Secretary of Dept. of Children and Family Services
6. Sheral Kellar, Assistant Secretary, Office of Worker's Compensation Administration
7. Meridith Trahant, Director of Second Injury Board
8. Mr. Kenneth Burrell, Deputy Secretary
9. Karl Scott, General Counsel
10. Darrick Lee, General Counsel
11. Michelle Bradley, General Counsel
12. Judy Franklin, General Counsel
13. Michelle Sumrall, SIB Compliance Supervisor
14. Mr. Chris Anthony, LRS Representative
15. Ms. Theresa Miller, LRS Assistant Director
16. 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 (2) claims where recommendations were made for payment starting with Claim #17-0365 and ending with Claim #17-0887. The motion to approve the claims for payment was made by Mr. Hawkland, seconded by Mr. Coulter and passed unanimously.

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|----|---------|-----------------------------|---------------------|
| 1. | 17-0365 | LA Construction & Industry  | 104 week deductible |
| 2. | 17-0887 | LA Home Builders Assn.- SIF | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (47) claims recommended for denial, beginning with Claim #14-0555 and ending with Claim #18-0387. A request was made for a motion to approve the recommendation to deny the claims as described in the August 2, 2018 agenda. The motion was made by Asst. Secretary Kellar; seconded by Mr. Hawkland and passed unanimously.

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1. 14-0555 Louisiana Office of Risk Management
2. 16-0081 Amerisure Insurance Company
3. 17-0225 Lafourche Parish Council
4. 17-0258 Bridgefield Casualty Insurance Company
5. 17-0333 American Casualty of Reading, PA
6. 17-0403 St. Tammany Parish Government
7. 17-0409 Louisiana Workers' Compensation Corporation
8. 17-0828 Unverified
9. 17-0830 Unverified
10. 17-0832 Lafayette General Health
11. 17-0834 LUBA Casualty Insurance Company
12. 17-0838 LA Health Care- Self Ins. Fund
13. 17-0842 Argonaut Insurance Group
14. 17-0846 East Jefferson General Hospital
15. 17-0852 Ace American Ins. Co
16. 17-0856 Office of Risk Management
17. 17-0860 Zurich American Insurance Company
18. 17-0862 Unverified
19. 17-0866 Louisiana Restaurant Association
20. 17-0868 Bridgefield Casualty Insurance Company
21. 17-0870 Coca-Cola Bottling Company United
22. 17-0922 LA Workers' Compensation Corp.
23. 17-0926 Bridgefield Casualty Insurance Company
24. 17-0928 Bridgefield Casualty Insurance Company
25. 17-0930 Safety National Casualty Corporation
26. 18-0004 LA Workers' Compensation Corp.
27. 18-0008 Retailers Casualty Insurance Company
28. 18-0010 LA Municipal Risk Mgmt. Agency
29. 18-0012 Lake Charles Memorial Hospital
30. 18-0014 LA Health Care- Self Ins. Fund
31. 18-0018 LA Commerce & Trade Assn. - SIF
32. 18-0020 LA Home Builders Assn.- SIF
33. 18-0022 LA Construction & Industry
34. 18-0026 Bridgefield Casualty Insurance Company
35. 18-0028 LUBA Casualty Insurance Company
36. 18-0049 LA Construction & Industry
37. 18-0068 Retailers Casualty Insurance Company
38. 18-0070 Bridgefield Casualty Insurance Company
39. 18-0076 Accident Fund Ins. Co. of America
40. 18-0086 Office of Risk Management
41. 18-0172 Slidell Memorial Hospital
42. 18-0179 Retailers Casualty Insurance Company
43. 18-0215 Unknown
44. 18-0236 Louisiana Hospital Association
45. 18-0261 Accident Fund Ins. Co. of America
46. 18-0274 LA Construction & Industry
47. 18-0387 LA Construction & Industry

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (207) partial payments beginning with Claim #82-0298 and ending with Claim #16-0844. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of August 02, 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 (78) quarterly payments due beginning with Claim #97-1350 and ending with Claim #16-0508. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of August 02, 2018. The motion was seconded by Asst. Secretary Kellar and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present. The Chairman then took the opportunity to welcome Secretary Schroder, State Treasurer, to the meeting. The Chairman 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. It was seconded by Mr. Hawkland 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 Acting 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. 97-0422
2. 01-0062
3. 09-0506
4. 11-0370
5. 11-0376
6. 14-0849
7. 16-0215 – Indemnity Only
8. 16-0648
9. 16-0767

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Asst. Secretary Kellar 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. 15-0322

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland 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 #09-0851 Continue Litigation
2. Claim #11-0819 Continue Litigation
3. Claim #13-0510 Continue Litigation
4. Claim #13-0995 Continue Litigation
5. Claim #13-1056 Continue Litigation
6. Claim #14-0893 Continue Litigation
7. Claim #15-0036 Settlement Authority
8. Claim #15-0411 Settlement Authority
9. Claim #15-0557 Continue Litigation
10. Claim #15-0780 Continue Litigation
11. Claim #15-0817 Settlement Authority
12. Claim #16-0191 Settlement Authority
13. Claim #16-0230 Continue Litigation
14. Claim #16-0468 Continue Litigation
15. Claim #16-0555 Continue Litigation
16. Claim #16-0577 Settlement Authority
17. Claim #16-0618 Settlement Authority
18. Claim #16-0732 Continue Litigation
19. Claim #17-0012 Continue Litigation
20. Claim #17-0263 Settlement Authority
21. Claim #17-0346 Continue Litigation
22. Claim #17-0368 Settlement Authority
23. Claim #17-0439 Continue Litigation
24. Claim #17-0469 Continue Litigation
25. Claim #17-0511 Settlement Authority

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

The Chairman moved to *Item 9*, asking if there were any other matters to discuss. Director Trahan, made an announcement regarding personnel changes. Mr. Darrick Lee will no longer represent the Board on litigated matters due to his new position as OWCA Fraud Manager. She welcomed aboard Judy Franklin as General Counsel for Second Injury Board.

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 3:37 pm

Recording Secretary: Claudia Brumfield