

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 5, 2019

The regular meeting of the Second Injury Board convened at 2:05 p.m.

The following were present:

1. Charles Hansberry, representing the Commission of Insurance, Chairman
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. 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 Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

Mr. Hansberry moved to *Item 2*, on the agenda listing (1) hearing requests.

1. 19-0270 Dillard's, Inc.

Ms. Trahant presented Claim #19-0270, Dillard's, Inc., 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. Mr. Hawkland 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 (7) claims where recommendations were made for payment starting with Claim #18-0795 and ending with Claim #19-0343. Ms. Mack made a motion to approve the listed claims for payment. Mr. Hawkland seconded the motion and it passed unanimously.

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| 1. | 18-0795 | Recreation & Park Commission of East Baton Rouge | 104 week deductible |
| 2. | 18-0810 | St. Charles Parish School Board | 104 week deductible |
| 3. | 18-0877 | LUBA Casualty Insurance Company | 104 week deductible |
| 4. | 19-0149 | American Home/Nat' Union/N.H.Ins GP (AIG) | 104 week deductible |
| 5. | 19-0167 | Old Republic Insurance Company | 104 week deductible |
| 6. | 19-0313 | Ouachita Parish School Board | 104 week deductible |
| 7. | 19-0343 | Ouachita Parish School Board | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (55) claims recommended for denial, beginning with Claim #18-0575, ending with Claim #19-0644. The Chairman requested a motion to approve the recommendation to deny the claims as described in the December 5, 2019 agenda. Mr. Hawkland made motion to deny the claims for payment. Ms. Mack seconded the motion and it passed unanimously.

1. 18-0575 LUBA Casualty Insurance Company
2. 18-0597 City of New Orleans
3. 18-0609 Louisiana Restaurant Association
4. 18-0693 Lafourche Parish Council
5. 18-0822 LUBA Casualty Insurance Company
6. 19-0023 Ace American Ins. Co
7. 19-0084 Stonetrust Commercial Ins. Co.
8. 19-0095 Louisiana Hospital Association
9. 19-0130 Bridgefield Casualty Insurance Company
10. 19-0151 City of New Orleans
11. 19-0204 Retailers Casualty Insurance Company
12. 19-0213 LUBA Casualty Insurance Company
13. 19-0222 Retailers Casualty Insurance Company
14. 19-0224 LA Construction & Industry
15. 19-0228 Coca-Cola Bottling Company United
16. 19-0229 LUBA Casualty Insurance Company
17. 19-0234 - Unknown
18. 19-0237 LA Workers' Compensation Corp.
19. 19-0238 LA Workers' Compensation Corp.
20. 19-0243 Touro Infirmary
21. 19-0249 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
22. 19-0252 LA Construction & Industry
23. 19-0255 Lafayette Consolidated Government
24. 19-0258 Bridgefield Casualty Insurance Company
25. 19-0261 Zurich American Insurance Company
26. 19-0264 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
27. 19-0267 Retailers Casualty Insurance Company
28. 19-0288 Office of Risk Management
29. 19-0300 LUBA Casualty Insurance Company
30. 19-0324 LA Workers' Compensation Corp.
31. 19-0329 Office of Risk Management
32. 19-0331 LUBA Casualty Insurance Company
33. 19-0332 Bridgefield Casualty Insurance Company
34. 19-0341 Ace American Ins. Co
35. 19-0380 Ace American Ins. Co
36. 19-0383 LUBA Casualty Insurance Company
37. 19-0386 - Unverified
38. 19-0389 - Unverified
39. 19-0404 LA Workers' Compensation Corp.
40. 19-0406 LUBA Casualty Insurance Company
41. 19-0410 LA Home Builders Assn.- SIF
42. 19-0411 Entergy Services, Inc.
43. 19-0416 LUBA Casualty Insurance Company

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| 44. | 19-0419 | LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.) |
| 45. | 19-0470 | Jefferson Parish Public School System |
| 46. | 19-0474 | United States Fire Insurance Company |
| 47. | 19-0477 | LA Construction & Industry |
| 48. | 19-0489 | LUBA Casualty Insurance Company |
| 49. | 19-0495 | LUBA Casualty Insurance Company |
| 50. | 19-0507 | LUBA Casualty Insurance Company |
| 51. | 19-0518 | LUBA Casualty Insurance Company |
| 52. | 19-0537 | LUBA Casualty Insurance Company |
| 53. | 19-0594 | LUBA Casualty Insurance Company |
| 54. | 19-0598 | LUBA Casualty Insurance Company |
| 55. | 19-0644 | LUBA Casualty Insurance Company |

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (233) partial payments beginning with Claim #80-0247 and ending with Claim #17-0715. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 5, 2019. Ms. Mack made the motion. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (49) quarterly payments due beginning with Claim #83-0557 and ending with Claim #17-0715. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 5, 2019. Mr. Hawkland seconded the motion and it passed unanimously.

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

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 (14) claims.

1. 94-0263
2. 03-0591 – Indemnity only
3. 04-0368

4. 13-0868
5. 13-0936
6. 13-0984
7. 15-0101
8. 16-0365
9. 17-0368
10. 17-0409
11. 17-0819
12. 18-0500
13. 18-0634
14. 18-0842

Mr. Hawkland moved to accept the recommendation. Ms. Mack 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. 02-1253
2. 17-0078

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 #08-0863 Continue Litigation
2. Claim #09-0980 Settlement Authority
3. Claim #14-0555 Settlement Authority
4. Claim #15-0387 Continue Litigation
5. Claim #15-0773 Settlement Authority
6. Claim #16-0445 Settlement Authority
7. Claim #16-0479 Settlement Authority
8. Claim #16-0498 Settlement Authority
9. Claim #16-0849 Settlement Authority
10. Claim #17-0261 Settlement Authority
11. Claim #17-0551 Settlement Authority
12. Claim #17-0857 Settlement Authority

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13. Claim #18-0010 Settlement Authority
14. Claim #18-0020 Settlement Authority
15. Claim #18-0038 Settlement Authority
16. Claim #18-0075 Settlement Authority
17. Claim #18-0185 Settlement Authority
18. Claim #18-0301 Settlement Authority
19. Claim #18-0708 Settlement Authority
20. Claim #18-0828 Settlement Authority

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

The Chairman moved to *Item 9*, any other matters to discuss. Ms. Trahant presented her final update report for 2019 on LRS stating that as of November 30, 2019, the SIB Federal match money is \$1,540,670.00 with 399 open SIF cases; 286 closed cases; 276 cases closed due to employees employed; and a total served of 685. The average cost per claim is \$2,249.00 compared to a National average of \$3,400.00. Ms. Trahant then presented the Chairman an informational overview chart, showing financial statistics since the commencement of the SIF/LRS collaboration, given out at the last meeting.

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

The meeting adjourned at 2:52 pm

Recording Secretary: Claudia Brumfield