

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 06, 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. Ms. Lynette Mack, representing the State Treasurer
4. Meridith Trahant, Director of Second Injury Board
5. Karl Scott, General Counsel
6. Judy Franklin, General Counsel
7. Michelle Sumrall, SIB Compliance Supervisor
8. 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*.

In moving to *Item 3* the Chairman made an amendment to section 4 on the agenda, removing #73 claim# 18-0268 and adding it section 3, as number 12 on the agenda. A motion to accept the change to the agenda was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

*Item 3* on the agenda lists (12) claims where recommendations were made for payment starting with Claim #15-0845 and ending with Claim #18-0268. A motion to approve the claims for payment was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

- |     |         |                                   |                     |
|-----|---------|-----------------------------------|---------------------|
| 1.  | 15-0845 | Iberia Parish School Board        | 104 week deductible |
| 2.  | 16-0878 | City of Kenner                    | 104 week deductible |
| 3.  | 17-0260 | LA Workers' Compensation Corp.    | 104 week deductible |
| 4.  | 17-0465 | LUBA Casualty Insurance Company   | 104 week deductible |
| 5.  | 17-0533 | Willis-Knighton Medical Center    | 104 week deductible |
| 6.  | 17-0729 | LUBA Casualty Insurance Company   | 104 week deductible |
| 7.  | 17-0914 | Ins. Co. of the State of PA (AIG) | 104 week deductible |
| 8.  | 18-0009 | LUBA Casualty Insurance Company   | 104 week deductible |
| 9.  | 18-0126 | LUBA Casualty Insurance Company   | 104 week deductible |
| 10. | 18-0201 | Louisiana Restaurant Association  | 104 week deductible |
| 11. | 18-0324 | LA Home Builders Assn.- SIF       | 104 week deductible |
| 12. | 18-0268 | LA Workers' Compensation Corp.    | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (103) claims recommended for denial, beginning with Claim #15-0640, ending with Claim #18-0588, and excluding #32, Claim #18-0167 which was postponed. A request was made for a motion to approve the recommendation to deny the claims as described in the December 6, 2018 agenda. The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

1. 15-0640 LA Construction & Industry
2. 17-0057 LA Construction & Industry
3. 17-0241 - Unverified
4. 17-0281 LUBA Casualty Insurance Company
5. 17-0303 Zurich American Insurance Company
6. 17-0410 LA Workers' Compensation Corp.
7. 17-0472 LA Workers' Compensation Corp.
8. 17-0476 Jefferson Parish Public School System
9. 17-0479 Parish Government Risk Management Agency
10. 17-0497 Lafayette Parish School Board
11. 17-0510 LA Construction & Industry
12. 17-0551 LA Workers' Compensation Corp.
13. 17-0590 LA Workers' Compensation Corp.
14. 17-0617 Bridgefield Casualty Insurance Company
15. 17-0666 LA Health Care- Self Ins. Fund
16. 17-0705 LA Workers' Compensation Corp.
17. 17-0711 Travelers Property Casualty Company of America
18. 17-0722 Stonetrust Commercial Ins. Co.
19. 17-0736 LA Workers' Compensation Corp.
20. 17-0740 Louisiana Restaurant Association
21. 17-0747 Lion Insurance Company
22. 17-0772 Trumbull Insurance Company
23. 17-0780 LA Construction & Industry
24. 17-0885 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
25. 18-0002 Ace American Ins. Co
26. 18-0038 LA Workers' Compensation Corp.
27. 18-0056 City of Lake Charles
28. 18-0064 LA Workers' Compensation Corp.
29. 18-0071 Bridgefield Casualty Insurance Company
30. 18-0093 Office of Risk Management
31. 18-0128 New Hampshire Insurance Company (AIG)
32. ~~18-0167 Indemnity Ins. Co. of North America~~ **POSTPONED**
33. 18-0173 Bridgefield Casualty Insurance Company
34. 18-0182 Office of Risk Management
35. 18-0183 LA Workers' Compensation Corp.
36. 18-0188 LA Workers' Compensation Corp.
37. 18-0189 LA Workers' Compensation Corp.
38. 18-0191 Ace American Ins. Co
39. 18-0195 LA Workers' Compensation Corp.
40. 18-0203 Iberia Parish School Board
41. 18-0204 Iberia Parish School Board
42. 18-0207 Office of Risk Management
43. 18-0209 Louisiana Restaurant Association

44. 18-0212 Office of Risk Management
45. 18-0213 Bridgefield Casualty Insurance Company
46. 18-0216 Property, Casualty Insurance Company
47. 18-0218 - Unknown
48. 18-0221 Office of Risk Management
49. 18-0222 Sewerage & Water Board of New Orleans
50. 18-0225 Zurich American Insurance Company
51. 18-0227 LA Home Builders Assn.- SIF
52. 18-0229 LUBA Casualty Insurance Company
53. 18-0230 LUBA Casualty Insurance Company
54. 18-0233 Argonaut Insurance Group
55. 18-0234 American Casualty of Reading, PA
56. 18-0238 Zurich American Insurance Company
57. 18-0239 Office of Risk Management
58. 18-0240 Bridgefield Casualty Insurance Company
59. 18-0242 St. Martin Parish School Board
60. 18-0243 Louisiana Hospital Association
61. 18-0245 - Unknown
62. 18-0246 Great American Insurance Company
63. 18-0248 Great American Insurance Company
64. 18-0254 - Unknown
65. 18-0255 St. Tammany Parish School Board
66. 18-0256 Diocese of Alexandria
67. 18-0258 Zurich American Insurance Company
68. 18-0259 Office of Risk Management
69. 18-0260 LA Construction & Industry
70. 18-0262 Beauregard Parish School Board
71. 18-0264 LA Health Care- Self Ins. Fund
72. 18-0266 LA Automobile Dealers Assn.
73. 18-0270 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
74. 18-0271 Ochsner West Bank
75. 18-0275 Office of Risk Management
76. 18-0277 City of Baton Rouge, East Baton Rouge Parish
77. 18-0278 LA Automobile Dealers Assn.
78. 18-0279 Liberty Mutual Ins. Co.
79. 18-0280 LUBA Casualty Insurance Company
80. 18-0285 City of Shreveport
81. 18-0286 State National Insurance Company
82. 18-0289 LA Municipal Risk Mgmt. Agency
83. 18-0292 LA Health Care- Self Ins. Fund
84. 18-0293 LA Municipal Risk Mgmt. Agency
85. 18-0295 Jefferson Parish Public School System
86. 18-0296 LA Home Builders Assn.- SIF
87. 18-0298 LUBA Casualty Insurance Company
88. 18-0319 Travelers Indemnity Company
89. 18-0328 Willis-Knighton Medical Center
90. 18-0331 Bridgefield Casualty Insurance Company
91. 18-0334 LUBA Casualty Insurance Company
92. 18-0337 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
93. 18-0340 St. John Parish School Board
94. 18-0341 St. John Parish School Board
95. 18-0361 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)

96. 18-0364 Zurich American Insurance Company
97. 18-0376 Argonaut Insurance Group
98. 18-0379 Electric Insurance Company/GE
99. 18-0389 Bridgefield Casualty Insurance Company
100. 18-0445 Louisiana Restaurant Association
101. 18-0518 Performance Contractors, Inc.
102. 18-0541 City of New Orleans
103. 18-0588 American Interstate Insurance Company

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (175) partial payments beginning with Claim #82-0298 and ending with Claim #16-0408. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 6, 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 (93) quarterly payments due beginning with Claim #83-0084 and ending with Claim #16-0594. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 6, 2018. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present. 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 Director regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following (8) claims.

1. 96-0094
2. 09-0901 –Indemnity only
3. 11-0546
4. 12-0478
5. 12-0663
6. 15-0818
7. 16-0261

8. 17-0876

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The following (2) claims were recommended for settlement denial and that they continue to be paid on an on-going basis:

1. 10-0304
2. 16-0157

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 #11-0814 Continue Litigation
2. Claim #12-0160 Continue Litigation
3. Claim #12-0630 Continue Litigation
4. Claim #13-0246 Continue Litigation
5. Claim #13-0818 Continue Litigation
6. Claim #13-0958 Continue Litigation
7. Claim #13-1056 No Action by the Board Required
8. Claim #13-1076 Continue Litigation
9. Claim #14-0105 Continue Litigation
10. Claim #14-0505 Settlement Authority
11. Claim #14-0815 Settlement Authority
12. Claim #15-0112 Settlement Authority
13. Claim #15-0599 Settlement Authority
14. Claim #16-0113 Continue Litigation
15. Claim #16-0227 Continue Litigation
16. Claim #16-0279 Settlement Authority
17. Claim #16-0286 Continue Litigation
18. Claim #16-0741 Settlement Authority
19. Claim #16-0785 Settlement Authority
20. Claim #17-0829 Settlement Authority

Minutes (cont'd)  
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The motion was made by Ms. Mack, seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss, Ms. Trahant gave an update from Louisiana Rehabilitation Services. To date there have been 261 closures with 241 being successful. Currently there are 255 open cases. To date there have been 516 individuals assisted by LRS at a total cost of \$1,348,820.00 averaging \$2,614.00 per person.

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 adjourned at 2:38 pm  
Recording Secretary: Claudia Brumfield