

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of July 06, 2017

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

The following were present:

1. Mr. Steve Hawkland, representing Secretary of State, Vice-Chairman
2. Ms. Lynette Mack, representing the State Treasurer
3. Mr. Chip Coulter, representing DCFS
4. Meridith Trahant, Acting Director of Second Injury Board
5. Michelle Sumrall, SIB Compliance Supervisor
6. Tiffany M. Mason, SIB Compliance Officer
7. Karl Scott, General Counsel
8. Darrick Lee, General Counsel
9. 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 and seconded by Mr. Coulter and passed unanimously.

Mr. Hawkland moved to *Item 2* on the agenda for hearing requests. The agenda list (5) claims where requests were made for hearings starting with Claim #15-0860 and ending with Claim #16-0850. A motion to deny the requests for hearings was made by Mr. Coulter, seconded by Ms. Mack and passed unanimously.

1. 15-0860 Louisiana Construction & Industry - Sif
2. 16-0003 Louisiana Construction & Industry - Sif
3. 16-0567 Louisiana Construction & Industry - Sif
4. 16-0741 Louisiana Construction & Industry - Sif
5. 16-0850 Safety National Casualty Corporation

*Item 3* on the agenda lists (10) claims where recommendations were made for payment starting with Claim #15-0856 and ending with Claim #17-0302. The motion to approve the claims for payment was made by Ms. Mack, seconded by Mr. Coulter and passed unanimously.

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|-----|---------|---------------------------------------|---------------------|
| 1.  | 15-0856 | American Interstate Insurance Company | 104 week deductible |
| 2.  | 16-0424 | QBE Insurance Corporation             | 104 week deductible |
| 3.  | 16-0594 | LAC-Self-Insured Fund                 | 104 week deductible |
| 4.  | 16-0717 | St. Elizabeth Hospital                | 104 week deductible |
| 5.  | 16-0752 | LA Workers' Compensation Corp.        | 104 week deductible |
| 6.  | 16-0843 | City of New Orleans                   | 104 week deductible |
| 7.  | 17-0016 | Lake Charles Memorial Hospital        | 104 week deductible |
| 8.  | 17-0054 | City of New Orleans                   | 104 week deductible |
| 9.  | 17-0138 | LA Municipal Risk Mgmt. Agency        | 104 week deductible |
| 10. | 17-0302 | LUBA Casualty Insurance Company       | 104 week deductible |

The Vice-Chairman moved to *Item 4* on the agenda, (70) claims recommended for denial, beginning with Claim #15-0210 and ending with Claim #17-0323. A request was made for a motion to approve the recommendation to deny the claims as described in the July 06, 2017 agenda. The motion was made by Mr. Coulter; seconded by Ms. Mack and passed unanimously.

1. 15-0210 Zurich American Insurance Company
2. 15-0672 Lumbermen's Underwriting Alliance
3. 15-0695 City of Baton Rouge, East Baton Rouge Parish
4. 16-0094 Unverified
5. 16-0107 New Hampshire Insurance Company
6. 16-0120 Willis-Knighton Medical Center
7. 16-0168 Louisiana Health Care SIF
8. 16-0227 LA Health Care- Self Ins. Fund
9. 16-0239 LA Automobile Dealers Assn.
10. 16-0259 LA Workers' Compensation Corp.
11. 16-0260 Louisiana Workers' Compensation Corporation
12. 16-0263 City of Shreveport
13. 16-0269 LUBA Casualty Insurance Company
14. 16-0279 LUBA Casualty Insurance Company
15. 16-0281 LUBA Casualty Insurance Company
16. 16-0288 Louisiana Hospital Association
17. 16-0296 Zurich American Insurance Company
18. 16-0302 City of New Orleans
19. 16-0328 LA Workers' Compensation Corp.
20. 16-0359 LA Construction & Industry
21. 16-0377 Unverified
22. 16-0392 LCTA Casualty Ins. Co.
23. 16-0463 Louisiana Restaurant Association
24. 16-0467 Indemnity Ins. Co. of North America
25. 16-0482 Stonetrust Commercial Ins. Co.
26. 16-0487 Office of Risk Management
27. 16-0493 Stonetrust Commercial Ins. Co.
28. 16-0541 LA Workers' Compensation Corp.
29. 16-0675 Unverified
30. 16-0700 Ace American Ins. Co
31. 16-0705 Bridgefield Casualty Insurance Company
32. 16-0720 St. Tammany Parish Hospital
33. 16-0721 Unverified
34. 16-0729 Bridgefield Casualty Insurance Company
35. 16-0730 Louisiana Restaurant Association
36. 16-0732 LUBA Casualty Insurance Company
37. 16-0759 City of New Orleans
38. 16-0771 Coca-Cola Bottling Company United
39. 16-0774 LA Municipal Risk Mgmt. Agency
40. 16-0780 Louisiana Workers' Compensation Corporation

41. 16-0783 Office of Risk Management
42. 16-0792 Louisiana Workers' Compensation Corporation
43. 16-0795 Office of Risk Management
44. 16-0796 Unverified
45. 16-0799 Phoenix Insurance Company, The
46. 16-0804 Office of Risk Management
47. 16-0835 Office of Risk Management
48. 16-0838 Retailers Casualty Insurance Company
49. 16-0847 Office of Risk Management
50. 16-0853 City of Shreveport
51. 16-0865 Lafayette Consolidated Government
52. 16-0874 LA Home Builders Assn.- SIF
53. 16-0877 Unverified
54. 16-0883 Office of Risk Management
55. 16-0889 Louisiana Restaurant Association
56. 16-0890 Twin City Fire Insurance Company
57. 16-0892 Jefferson Parish Public School System
58. 16-0895 Unverified
59. 16-0898 Lafayette General Health
60. 16-0915 Louisiana Restaurant Association
61. 17-0003 LA Automobile Dealers Assn.
62. 17-0022 Louisiana Restaurant Association
63. 17-0077 Louisiana Workers' Compensation Corporation
64. 17-0091 Louisiana Restaurant Association
65. 17-0105 Unverified
66. 17-0107 Midwest Employers Casualty Company
67. 17-0110 Louisiana Restaurant Association
68. 17-0119 Safety National Casualty Corporation
69. 17-0195 Diocese of Houma -Thibodaux
70. 17-0323 Old Republic Insurance Company

The Vice-Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (252) partial payments beginning with Claim #83-0557 and ending with Claim #15-0861. The Vice-Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of July 06, 2017. The motion was made by Ms. Mack seconded by Mr. Coulter, and passed unanimously.

The Vice-Chairman moved to *Item 6* on the agenda, being the recommendation to approve (79) quarterly payments due beginning with Claim #88-0204 and ending with Claim #15-0509. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of July 06, 2017. The motion was seconded by Mr. Coulter and passed unanimously.

The Vice-Chairman moved to *Item 7*, Public Comment. No one from the public was present; therefore, the Vice-Chairman moved to *Item 8* on the agenda, Executive Session. Ms. Mack made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Coulter 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 quarterly basis for the following (15) claims:

1. 01-1215
2. 06-0675
3. 08-0268
4. 10-0416
5. 10-0472
6. 13-1037 – Ind. only
7. 14-0490
8. 14-0645
9. 14-0850
10. 15-0042
11. 15-0079 – Ind. only
12. 15-0136
13. 16-0217
14. 16-0291 – Med. only
15. 16-0549

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

The following (4) claims were recommended for settlement denial and they continue to be paid on an on-going basis:

1. 10-0562
2. 13-0072
3. 14-0042
4. 16-0215

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Coulter and passed unanimously.

Minutes (cont'd)

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The Vice-Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Vice-Chairman asked for motion to grant authority to legal counsel to represent the Board in the following manner, as discussed in Executive Session.

1. Claim #12-0326 Settlement Authority
2. Claim #14-0565 Settlement Authority
3. Claim #14-0838 Settlement Authority
4. Claim #14-0924 Settlement Authority
5. Claim #15-0567 Settlement Authority
6. Claim #15-0736 Settlement Authority
7. Claim #16-0224 Settlement Authority

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

The Vice-Chairman moved to *Item 9*, asking if there were any other matters to discuss. Atty. Karl Scott briefly discussed with the Board the recent court decisions on two claims.

There were no other matters to discuss. The Vice-Chairman asked for a motion to adjourn. Ms. Mack moved to adjourn. The motion was seconded by Mr. Coulter and passed unanimously.

The meeting was adjourned at 2:45pm

Recording Secretary: Claudia Brumfield