

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of June 6, 2019

The regular meeting of the Second Injury Board convened at 2:17 p.m.

The following were present:

1. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Ms. Lynette Mack, representing the State Treasurer
3. Sheral Kellar, Assistant Secretary, Office of Workers' Compensation Admin.
4. Meridith Trahan, Director of Second Injury Board
5. Karl Scott, General Counsel
6. Shana Veade, General Counsel
7. Michelle Sumrall, SIB Compliance Supervisor
8. Chandra Cola, SIB Audit & Finance Supervisor
9. Tiffany Mason, SIB Compliance Officer
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 Asst. Sec. Kellar, seconded by Ms. Mack, and passed unanimously.

Mr. Hansberry moved to *Item 2*, on the agenda listing one hearing request.

1. 18-0702

Ms. Trahan stated that this claim was not acceptable for a hearing due to insufficient documentation in the file. Asst. Sec. 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 (9) claims where recommendations were made for payment starting with Claim #17-0631 and ending with Claim #18-0673. Ms. Mack made motion to approve the claims for payment. Asst. Sec. Kellar seconded the motion and it passed unanimously.

- |    |         |  |                     |
|----|---------|--|---------------------|
| 1. | 17-0631 | City of Natchitoches                                     | 104 week deductible |
| 2. | 18-0154 | Louisiana Restaurant Association                         | 104 week deductible |
| 3. | 18-0269 | LUBA Casualty Insurance Company                          | 104 week deductible |
| 4. | 18-0282 | LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.) | 104 week deductible |
| 5. | 18-0305 | LUBA Casualty Insurance Company                          | 104 week deductible |
| 6. | 18-0373 | LA Automobile Dealers Assn.                              | 104 week deductible |
| 7. | 18-0535 | LA Home Builders Assn.- SIF                              | 104 week deductible |
| 8. | 18-0578 | LA Automobile Dealers Assn.                              | 104 week deductible |
| 9. | 18-0673 | LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.) | 104 week deductible |

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The Chairman moved to *Item 4* on the agenda, (66) claims recommended for denial, beginning with Claim #16-0569, ending with Claim #19-0194. The Chairman requested a motion to approve the recommendation to deny the claims as described in the June 6, 2019 agenda. Ms. Mack made motion to approve the claims for payment. Asst. Sec. Kellar seconded the motion and it passed unanimously.

1. 16-0569 LA Construction & Industry
2. 16-0762 Ins. Co. of the State of PA (AIG)
3. 17-0360 Louisiana Restaurant Association
4. 17-0571 LA Workers' Compensation Corp.
5. 17-0671 St. Tammany Parish School Board
6. 18-0084 St. Tammany Parish School Board
7. 18-0095 - Unverified
8. 18-0106 Farmington Casualty Company
9. 18-0194 Jefferson Parish
10. 18-0237 National Union Fire Insurance Company (AIG)
11. 18-0267 - Unverified
12. 18-0287 New Hampshire Insurance Company (AIG)
13. 18-0350 Zurich American Insurance Company
14. 18-0367 LA Workers' Compensation Corp.
15. 18-0381 FCCI Insurance Group
16. 18-0454 LUBA Casualty Insurance Company
17. 18-0474 Lafayette General Health
18. 18-0544 City of Shreveport
19. 18-0554 Bridgefield Casualty Insurance Company
20. 18-0557 Ace American Ins. Co
21. 18-0560 - Unverified
22. 18-0589 LA Workers' Compensation Corp.
23. 18-0623 Office of Risk Management
24. 18-0642 Office of Risk Management
25. 18-0644 LA Workers' Compensation Corp.
26. 18-0645 North Oaks Medical Center
27. 18-0650 LUBA Casualty Insurance Company
28. 18-0654 Performance Contractors, Inc.
29. 18-0655 LA Workers' Compensation Corp.
30. 18-0656 LA Workers' Compensation Corp.
31. 18-0660 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
32. 18-0662 Office of Risk Management
33. 18-0663 Terrebonne Parish School Board
34. 18-0666 Great American Alliance Insurance Company
35. 18-0671 Lafayette Parish School Board
36. 18-0672 City of New Orleans
37. 18-0675 General Health, Inc.
38. 18-0684 Recreation & Park Commission of East Baton Rouge
39. 18-0686 LUBA Casualty Insurance Company
40. 18-0687 Entergy Services, Inc.
41. 18-0689 LA Workers' Compensation Corp.
42. 18-0690 Office of Risk Management
43. 18-0692 LA Workers' Compensation Corp.
44. 18-0695 City of New Orleans
45. 18-0698 Ace American Ins. Co
46. 18-0699 Ace American Ins. Co
47. 18-0720 Safety National Casualty Corporation
48. 18-0724 North River Insurance Co., The

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- 49. 18-0734 Tangipahoa Parish School Board
- 50. 18-0736 St. Bernard Parish School Board
- 51. 18-0742 LA Construction & Industry
- 52. 18-0750 LA Municipal Risk Mgmt. Agency
- 53. 18-0754 Zurich American Insurance Company
- 54. 18-0760 LA Construction & Industry
- 55. 18-0775 Bridgefield Employers Insurance Company
- 56. 18-0785 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
- 57. 18-0793 - Unknown
- 58. 18-0796 LA Home Builders Assn.- SIF
- 59. 18-0801 Jefferson Parish
- 60. 18-0811 - Unverified
- 61. 18-0816 Safety National Casualty Corporation
- 62. 18-0831 Lafayette General Health
- 63. 18-0871 Retailers Casualty Insurance Company
- 64. 19-0059 LA Municipal Risk Mgmt. Agency
- 65. 19-0066 Retailers Casualty Insurance Company
- 66. 19-0194 LA Workers' Compensation Corp.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (95) partial payments beginning with Claim #82-0100 and ending with Claim #18-0111. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of June 6, 2019. Asst. Sec. Kellar made the motion. Ms. Mack seconded the motion and it passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (122) quarterly payments due beginning with Claim #94-0137 and ending with Claim #16-0594. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of June 6, 2019. Asst. Sec. Kellar seconded the motion and it 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. Asst. Sec. Kellar 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 quarterly basis for the following (23) claims.

1. 92-0803
2. 01-0120
3. 03-0591 – Indemnity only
4. 09-1028
5. 10-0105
6. 10-0698
7. 10-0924
8. 14-0512
9. 14-0693
10. 15-0111
11. 16-0215 – Indemnity only
12. 16-0220
13. 16-0324
14. 16-0462
15. 16-0500
16. 16-0645
17. 16-0732
18. 16-0785 – Indemnity only
19. 17-0260
20. 17-0315
21. 17-0787
22. 17-0829
23. 18-0016

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

The following (1) claim was recommended for settlement denial and that it continue to be paid on an on-going basis:

1. 11-0235

Asst. Sec. Kellar moved to accept the recommendation. Ms. Mack 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.

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1. Claim #12-0592 Settlement Authority
2. Claim #13-0246 Continue Litigation
3. Claim #13-0936 Settlement Authority
4. Claim #13-0941 No Action/Dismissed
5. Claim #13-0956 Settlement Authority
6. Claim #16-0041 Settlement Authority
7. Claim #16-0735 Settlement Authority
8. Claim #17-0101 Settlement Authority
9. Claim #17-0467 Settlement Authority
10. Claim #17-0633 Settlement Authority
11. Claim #17-0888 Settlement Authority

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

The Chairman moved to *Item 9*, any other matters to discuss, which listed the Election of Chairman and Vice-Chairman. Ms. Trahan requested to place the Election of Chairman and Vice-Chairman on the July 2019 agenda due to absence board members at the current meeting. Ms. Trahan also presented the LRS summary for June 2019.

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

The meeting adjourned at 2:43 pm

Recording Secretary: Claudia Brumfield