

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of May 7, 2015

The regular meeting of the Second Injury Board convened at 2:00 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Patrick Robinson, OWCA Director
3. Mr. Steve Hawkland, representing Secretary of State
4. Ms. Lynette Mack, representing State Treasurer
5. Ms. Pauline Williams, SIB Director
6. Michelle Sumrall, Compliance Supervisor
7. Karl Scott, General Counsel
8. Meridith Trahant, General Counsel
9. Ashley Deshotels, General Counsel
10. Shaneka Davis, Recording Secretary

Mr. Patrick, Director, 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 moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hawkland and passed unanimously.

The Director moved to *Item 2* on the agenda, under the hearing sections, First hearing is Claim #14-0409 the party requesting the hearing request for this matter to be postpone.

Next the Director moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (5) claims; beginning with Claim #13-0417 and ending with Claim #14-0760. The motion was made by Ms. Mack and seconded by Mr. Hawkland and passed unanimously.

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|----|---------|---------------------------------|---------------------|
| 1. | 13-0417 | LUBA Casualty Insurance Company | 104 week deductible |
| 2. | 13-0596 | LUBA Casualty Insurance Company | 104 week deductible |
| 3. | 13-0843 | City of Baton Rouge | 104 week deductible |
| 4. | 14-0089 | Insurance Co of the State of PA | 104 week deductible |
| 5. | 14-0760 | LUBA Casualty Insurance Company | 104 week deductible |

The Director moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (108) claims; beginning with Claim #11-0307 and ending with Claim #15-0090. Item (34) Claim# 14-0415 has been postponed. There were errors made on at the April 2nd meeting: (#95) 15-0535 & (#96) 15-0538 were listed incorrectly it should as reflect claim numbers for year 2014. Request for a motion to rescind the decision of denial made during April 2, 2015 meeting regarding the claims. The motion was made by Mr. Hansberry and seconded by Mr. Hawkland and passed unanimously.

1. 11-0307 Bridgefield Casualty Insurance Company
2. 12-1027 None Documented
3. 13-0788 Louisiana Construction & Industry - SIF
4. 13-0791 Louisiana Construction & Industry - SIF
5. 13-0794 Bridgefield Casualty Insurance Company
6. 13-0803 Ace American Insurance Company
7. 13-0806 Louisiana Workers' Compensation Corporation
8. 13-0815 Louisiana Workers' Compensation Corporation
9. 13-0829 Louisiana Workers' Compensation Corporation
10. 13-0833 Louisiana Workers' Compensation Corporation
11. 13-0841 Lafayette Parish School Board
12. 13-0848 Autozone, Inc.
13. 13-0853 Louisiana Commerce & Trade Association
14. 13-0854 Louisiana Workers' Compensation Corporation
15. 13-0856 City of Shreveport
16. 13-0857 Louisiana Office of Risk Management
17. 13-0863 LEMIC Insurance Company
18. 13-0872 Louisiana Commerce & Trade Association
19. 13-0875 Liberty Mutual Insurance Company
20. 13-0952 Louisiana Health Care SIF
21. 13-0964 Winn Dixie Louisiana, Inc.
22. 13-0991 Louisiana Commerce & Trade Association
23. 13-1009 Louisiana Office of Risk Management
24. 13-1093 Louisiana Office of Risk Management
25. 14-0052 New Hampshire Insurance Co
26. 14-0061 LA Auto Dealers Association
27. 14-0062 Twin City Fire Insurance Company
28. 14-0100 Louisiana Office or Risk Management
29. 14-0132 Louisiana Workers' Compensation Corporation
30. 14-0135 LUBA Casualty Insurance Company
31. 14-0184 LA Safety Association of Timberman
32. 14-0194 Lafayette Parish School Board
33. 14-0316 Louisiana Office of Risk Management
34. ~~14-0415 Amerisure Insurance Company~~ POSTPONE
35. 14-0481 Bridgefield Casualty Insurance Company
36. 14-0486 LEMIC Insurance Company
37. 14-0516 Safety National Casualty Corporation
38. 14-0522 Bridgefield Casualty Insurance Company
39. 14-0525 Louisiana Office of Risk Management
40. 14-0535 Louisiana Safety Association of Timbermen
41. 14-0536 Terrebonne Parish School
42. 14-0538 Entergy Services, Inc.
43. 14-0563 Safety National Casualty Corporation
44. 14-0574 Louisiana Office of Risk Management
45. 14-0587 State National Insurance Company
46. 14-0598 Zurich American Insurance Company
47. 14-0603 City of Baton Rouge
48. 14-0605 Ace American Insurance Co

49. 14-0611 Hartford Casualty Insurance Company
50. 14-0617 Federated Rural Electric Insurance
51. 14-0625 Jefferson Parish
52. 14-0628 New Hampshire Insurance Company
53. 14-0631 Zurich American Insurance Company
54. 14-0633 Bridgefield Casualty Insurance Company
55. 14-0634 Bridgefield Casualty Insurance Company
56. 14-0640 Louisiana Commerce & Trade Association
57. 14-0647 Louisiana Office of Risk Management
58. 14-0649 Webster Parish School Board
59. 14-0651 Louisiana Workers' Compensation Corporation
60. 14-0652 Louisiana Office of Risk Management
61. 14-0656 Old Republic Insurance Company
62. 14-0657 Tulane University
63. 14-0659 American Casualty of Reading, PA
64. 14-0670 North Oak Health System
65. 14-0675 Louisiana Workers' Compensation Corporation
66. 14-0678 Louisiana Commerce & Trade Association
67. 14-0679 Louisiana Office of Risk Management
68. 14-0680 Louisiana Retailers Mutual Insurance Company
69. 14-0681 Louisiana Retailers Mutual Insurance Company
70. 14-0699 XL Specialty Insurance Company
71. 14-0702 None Documented
72. 14-0704 Louisiana Office of Risk Management
73. 14-0705 Farmington Casualty Company
74. 14-0707 Audubon Nature Institute, Inc.
75. 14-0708 National Union Fire Insurance Company
76. 14-0710 New Hampshire Insurance Company
77. 14-0711 New Hampshire Insurance Company
78. 14-0725 LA Safety Association of Timberman
79. 14-0728 St. Tammany Parish School Board
80. 14-0731 Louisiana Office of Risk Management
81. 14-0733 Louisiana Office of Risk Management
82. 14-0734 Iberia Parish School Board
83. 14-0740 Louisiana Office of Risk Management
84. 14-0743 Louisiana Workers' Compensation Corporation
85. 14-0746 Louisiana Office of Risk Management
86. 14-0747 LUBA Casualty Insurance Company
87. 14-0752 Louisiana Office of Risk Management
88. 14-0758 Louisiana Office of Risk Management
89. 14-0761 Bridgefield Casualty Insurance Company
90. 14-0764 Louisiana Retailers Mutual Insurance Company
91. 14-0767 Safety National Casualty Corporation
92. 14-0773 Bridgefield Casualty Insurance Company
93. 14-0776 Louisiana Workers' Compensation Corporation
94. 14-0779 St. Tammany Parish School Board
95. 14-0784 Louisiana Office of Risk Management
96. 14-0791 Louisiana Office of Risk Management
97. 14-0799 Louisiana Office of Risk Management

98. 14-0801 Jefferson Parish School Board
99. 14-0803 None Documented
100. 14-0808 City of Baton Rouge, East Baton Rouge Parish
101. 14-0810 Iberia Parish School Board
102. 14-0812 Louisiana Office of Risk Management
103. 14-0818 City of Baton Rouge, East Baton Rouge Parish
104. 14-0841 St. John Parish School Board
105. 14-0891 Lafayette General Medical Center
106. 14-0903 Terrebonne General Medical Center
107. 15-0012 Louisiana Office of Risk Management
108. 15-0090 Zurich American Insurance Company

Mr. Hawkland moved to accept the recommendation of staff to deny these claims. The motion was seconded by Ms. Mack and passed unanimously.

The Director moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (179) partial payments beginning with Claim #84-0549 and ending with Claim #12-1075. Mr. Patrick asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of May 7, 2015. The motion was made by Mr. Hansberry, seconded by Ms. Mack, and passed unanimously.

The Director moved to *Item 6* on the agenda, being the recommendation to approve (78) quarterly payments due beginning with Claim #87-0290 and ending with Claim #12-1048. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of May 7, 2015. The motion was seconded by Mr. Hawkland and passed unanimously.

The Director moved to *Item 7*, Public Comment. No one from the public was present therefore, The Director moved to *Item 8* on the agenda. Mr. Hansberry made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland seconded the motion and it was passed unanimously.

There's (15) claims The Director 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 claims:

1. 92-0265
2. 04-0149 – Indemnity Only
3. 04-0465 - Indemnity Only
4. 06-0177

5. 08-0285
6. 08-0870
7. 09-0016
8. 09-0248
9. 10-0603
10. 10-1021
11. 11-0778 – Settlement with a waiver with a 3rd party lien
12. 13-0110 – Indemnity Only – waiver with a 3rd party lien
13. 14-0107
14. 14-0445
15. 14-0680

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

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

1. 03-1045
2. 13-1056

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

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

1. Claim #05-0344 continued litigation
2. Claim #11-0322 settlement authority
3. Claim #12-0053 settlement authority
4. Claim #12-0156 settlement authority
5. Claim #12-0219 settlement authority
6. Claim #12-0336 continued litigation
7. Claim #12-0630 continued litigation
8. Claim #13-0515 settlement authority
9. Claim #13-0652 continued litigation
10. Claim #13-0662 settlement litigation
11. Claim #13-1024 continued litigation

Minutes (cont'd)

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

The Director asked if there is any other matter to discuss. Mrs. Williams states that senate bill 107 did go to committee which it will remove the end date for the deductible (see attached). Mrs. Williams also wants to go on record to say that the senate finance committee approve the increase, which will allow us to pay what was collected. Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

There's being no further business to discuss, The Director asked for a motion to adjourn. Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 2:34 p.m.

Recording Secretary: Shaneka Davis