

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 4, 2021

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

The following were present or attended via Zoom/Teleconference:

1. Charles Hansberry, representing the Commission of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chip Coulter, representing Dept. of Children and Family Services
4. Leigh Anne Faber, representing the State Treasurer
5. Darrick Lee, Acting Director of Second Injury Board
6. Shana Veade, General Counsel
7. Ta'Tanisha Youngblood, General Counsel
8. Kendra Harris, General Counsel
9. Michelle Sumrall, SIB Compliance Supervisor, Recording Secretary
10. Chandra Cola, SIB Audit & Finance Supervisor

The Chairman began the meeting with *Item 1* on the agenda, being the reading of the minutes from the previous meeting of October 14, 2021. 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. Faber, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were none listed.

*Item 3* on the agenda lists (5) claims where recommendations were made for payment starting with Claim #20-0478 and ending with Claim #21-0517. Mr. Hawkland made a motion to approve the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 20-0478 Retailers Casualty Insurance Company
2. 20-0647 Louisiana Restaurant Association
3. 20-0984 LA Workers' Compensation Corp.
4. 21-0169 Eastern Alliance Insurance Co.
5. 21-0517 LA Workers' Compensation Corp.

The Chairman moved to *Item 4* on the agenda, (49) claims recommended for denial, beginning with Claim #20-0214 and ending with Claim #21-0579. The Chairman requested a motion to approve the recommendation to deny the claims as described in the November 4, 2021 agenda. Mr. Hawkland made a motion to deny the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 20-0214 LUBA Casualty Insurance Company
2. 20-0317 LA Workers' Compensation Corp.
3. 20-0328 Walgreen Company
4. 20-0349 Children's Hospital

5. 20-0485 LA Construction & Industry SIF
6. 20-0499 City of New Orleans
7. 20-0521 St. Tammany Parish School Board
8. 20-0547 Louisiana Restaurant Association
9. 20-0556 LA Workers' Compensation Corp.
10. 20-0557 LA Workers' Compensation Corp.
11. 20-0573 LA Workers' Compensation Corp.
12. 20-0579 Office of Risk Management
13. 20-0609 LA Workers' Compensation Corp.
14. 20-0686 LA Construction & Industry SIF
15. 20-0689 LA Construction & Industry SIF
16. 20-0692 LA Construction & Industry SIF
17. 20-0707 National Union Fire Insurance - Pittsburgh, PA (AIG)
18. 20-0716 - Unknown
19. 20-0720 East Jefferson General Hospital
20. 20-0722 LA Construction & Industry SIF
21. 20-0728 Louisiana Restaurant Association
22. 20-0731 Continental Indemnity Company
23. 20-0734 Liberty Insurance Corporation
24. 20-0743 LA Workers' Compensation Corp.
25. 20-0746 University Medical Center Mgmt
26. 20-0767 LA Workers' Compensation Corp.
27. 20-0773 LA Construction & Industry SIF
28. 20-0785 Liberty Mutual Ins. Co.
29. 20-0862 LA Workers' Compensation Corp.
30. 20-0868 Office of Risk Management
31. 20-0914 Bridgefield Employers Insurance Company
32. 20-0927 LUBA Casualty Insurance Company
33. 20-0945 Arch Insurance Company
34. 20-0971 Accident Fund Ins. Co. of America
35. 21-0028 LA Home Builders Assn.- SIF
36. 21-0073 LCTA Casualty Ins. Co.
37. 21-0142 HCA, Inc. - The Healthcare Company
38. 21-0177 LUBA Casualty Insurance Company
39. 21-0205 Lafayette Consolidated Government
40. 21-0207 Louisiana Restaurant Association
41. 21-0235 Old Republic Insurance Company
42. 21-0262 LUBA Casualty Insurance Company
43. 21-0274 LUBA Casualty Insurance Company
44. 21-0286 LUBA Casualty Insurance Company
45. 21-0300 St. Tammany Parish School Board
46. 21-0318 LUBA Casualty Insurance Company
47. 21-0396 Argonaut Insurance Group
48. 21-0508 Willis-Knighton Medical Center
49. 21-0579 LCTA Casualty Ins. Co.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (259) partial payments due beginning with Claim #00-0183 and ending with Claim #99-1028. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of November 4, 2021. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (67) quarterly payments due beginning with Claim #01-0048 and ending with Claim #99-0050. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of November 4, 2021. Ms. Faber seconded the motion and it passed unanimously.

Mr. Hansberry called on *Item 7*, Public Comments. No members of the public were wishing to speak at the time.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland made the motion. Ms. Faber 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 (22) claims.

1. 06-0298
2. 10-0486
3. 10-0942
4. 11-0202
5. 14-0089
6. 15-0591
7. 16-0362
8. 17-0101
9. 17-0226
10. 17-0668
11. 17-0782
12. 18-0125
13. 18-0253
14. 18-0578
15. 18-0889
16. 19-0268
17. 19-0371
18. 19-0744
19. 19-0964 Ind. Only
20. 20-0240
21. 20-0567
22. 20-0771

Mr. Hawkland moved to accept the recommendation. Ms. Faber seconded the motion and it passed unanimously.

The following (3) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

1. 01-0962
2. 14-0907
3. 20-0623

Mr. Hawkland moved to accept the recommendation. Ms. Faber 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 # 15-0069  | Continue Litigation  |
| 2. Claim # 15-0709  | Continue Litigation  |
| 3. Claim # 16-0390  | Settlement Authority |
| 4. Claim # 16-0567  | Settlement Authority |
| 5. Claim # 16-0812  | Settlement Authority |
| 6. Claim # 17-0286  | Settlement Authority |
| 7. Claim # 17-0515  | Continue Litigation  |
| 8. Claim # 17-0674  | Settlement Authority |
| 9. Claim # 17-0709  | Settlement Authority |
| 10. Claim # 17-0764 | Continue Litigation  |
| 11. Claim # 17-0795 | Settlement Authority |
| 12. Claim # 17-0840 | Settlement Authority |
| 13. Claim # 18-0013 | Continue Litigation  |
| 14. Claim # 18-0742 | Settlement Authority |
| 15. Claim # 18-0844 | Settlement Authority |
| 16. Claim # 18-0855 | Continue Litigation  |
| 17. Claim # 19-0197 | Settlement Authority |
| 18. Claim # 19-0410 | Settlement Authority |
| 19. Claim # 19-0611 | Continue Litigation  |
| 20. Claim # 19-0724 | Continue Litigation  |
| 21. Claim # 19-0777 | Continue Litigation  |
| 22. Claim # 19-0842 | Settlement Authority |
| 23. Claim # 19-0965 | Continue Litigation  |
| 24. Claim # 19-0966 | Settlement Authority |
| 25. Claim # 19-0978 | Settlement Authority |
| 26. Claim # 20-0051 | Continue Litigation  |
| 27. Claim # 20-0129 | Continue Litigation  |
| 28. Claim # 20-0248 | Continue Litigation  |
| 29. Claim # 20-0315 | Settlement Authority |

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| 30. Claim # 20-0332 | Continue Litigation |
| 31. Claim # 20-0370 | Continue Litigation |
| 32. Claim # 20-0387 | Continue Litigation |
| 33. Claim # 20-0492 | Continue Litigation |
| 34. Claim # 20-0685 | Continue Litigation |
| 35. Claim # 20-0721 | Continue Litigation |
| 36. Claim # 20-0741 | Continue Litigation |
| 37. Claim # 20-0774 | Continue Litigation |
| 38. Claim # 20-0790 | Continue Litigation |
| 39. Claim # 20-0804 | Continue Litigation |
| 40. Claim # 20-0842 | Continue Litigation |

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

The Chairman moved to *Item 9*, any other matters to discuss. Mr. Lee and Ms. Cola presented the 2021 SIB Assessment Rate recommendation of 6.99%. This rate is an increase from the prior year of 6.65% but the slight increase would be required in order to collect the appropriated amount of \$60,739,125.00. After discussion, Mr. Hawkland made a motion to approve the recommendation by the Director and Finance Supervisor of setting the 2021 rate at 6.99%. Mr. Coulter seconded the motion and it passed unanimously.

There were no other matters to discuss; therefore, the Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. Ms. Faber seconded the motion and it passed unanimously.

The meeting adjourned at 3:10 pm

Recording Secretary: Michelle Sumrall