

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of October 04, 2018

The regular meeting of the Second Injury Board convened at 2:07 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. Mr. Chip Coulter, representing the Secretary of Dept. of Children and Family Services
5. Meridith Trahant, Director of Second Injury Board
6. Karl Scott, General Counsel
7. Judy Franklin, General Counsel
8. Michelle Bradley, General Counsel
9. Michelle Sumrall, SIB Compliance Supervisor
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 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*.

Item 3 on the agenda lists (5) claims where recommendations were made for payment starting with Claim #17-0287 and ending with Claim #18-0111. A motion to approve the claims for payment was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

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| 1. | 17-0287 | Berkshire Hathaway Homestate Ins. | 104 week deductible |
| 2. | 17-0787 | LA Workers' Compensation Corp. | 104 week deductible |
| 3. | 17-0845 | LA Construction & Industry | 104 week deductible |
| 4. | 18-0088 | LA Health Care- Self Ins. Fund | 104 week deductible |
| 5. | 18-0111 | American Zurich Ins. Co. | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (72) claims recommended for denial, beginning with Claim #14-0238 and ending with Claim #18-0345. A request was made for a motion to approve the recommendation to deny the claims as described in the October 04, 2018 agenda. The motion was made by Mr. Hawkland, seconded by Mr. Coulter and passed unanimously.

1. 14-0238 Zurich American Insurance Company
2. 14-0570 LA Health Care- Self Ins. Fund
3. 16-0252 Pathway Management, Inc. (Medico, Inc.)

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4. 16-0787 LUBA Casualty Insurance Company
5. 17-0037 Our Lady of the Lake, Inc.
6. 17-0369 East Jefferson General Hospital
7. 17-0379 LA Workers' Compensation Corp.
8. 17-0468 Zurich American Insurance Company
9. 17-0473 Bridgefield Casualty Insurance Company
10. 17-0490 LA Construction & Industry
11. 17-0501 State National Insurance Company
12. 17-0516 LA Workers' Compensation Corp.
13. 17-0543 EBR Parish School Board
14. 17-0641 Valluzzo Companies
15. 17-0661 LA Workers' Compensation Corp.
16. 17-0679 ACE Indemnity Insurance Co.
17. 17-0685 LA Workers' Compensation Corp.
18. 17-0689 Calcasieu Parish School Board
19. 17-0929 Unverified
20. 18-0011 Louisiana Restaurant Association
21. 18-0013 Travelers Property Casualty Company of America
22. 18-0015 Unverified
23. 18-0017 Louisiana Hospital Association
24. 18-0019 City of Baton Rouge, East Baton Rouge Parish
25. 18-0021 St. John Parish School Board
26. 18-0023 Retailers Casualty Insurance Company
27. 18-0027 Macy's, Inc.
28. 18-0033 LA Construction & Industry
29. 18-0035 LA Workers' Compensation Corp.
30. 18-0037 American Interstate Insurance Company
31. 18-0039 City of Shreveport
32. 18-0053 LUBA Casualty Insurance Company
33. 18-0054 LUBA Casualty Insurance Company
34. 18-0061 LA Workers' Compensation Corp.
35. 18-0063 LA Workers' Compensation Corp.
36. 18-0065 Retailers Casualty Insurance Company
37. 18-0067 Unverified
38. 18-0075 Ace American Ins. Co
39. 18-0077 Louisiana Hospital Association
40. 18-0079 St. Charles Parish School Board
41. 18-0081 Louisiana Hospital Association
42. 18-0083 Willis-Knighton Medical Center
43. 18-0087 Office of Risk Management
44. 18-0089 Coca-Cola Bottling Company United
45. 18-0092 Great American Alliance Insurance Company
46. 18-0097 LA Workers' Compensation Corp.
47. 18-0101 City of Baton Rouge, East Baton Rouge Parish
48. 18-0103 City of New Orleans
49. 18-0105 Jefferson Parish Public School System
50. 18-0109 Unverified
51. 18-0113 Bridgefield Casualty Insurance Company
52. 18-0115 LA Health Care- Self Ins. Fund
53. 18-0117 City of New Orleans
54. 18-0139 Walgreen Company
55. 18-0178 LA Workers' Compensation Corp.

56. 18-0181 Liberty Insurance Corporation
57. 18-0187 LUBA Casualty Insurance Company
58. 18-0190 XL Specialty Insurance Company
59. 18-0202 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
60. 18-0205 Willis-Knighton Medical Center
61. 18-0208 Louisiana Restaurant Association
62. 18-0210 Zurich American Insurance Company
63. 18-0211 Office of Risk Management
64. 18-0214 XL Specialty Insurance Company
65. 18-0217 American Casualty of Reading, PA
66. 18-0220 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
67. 18-0223 Office of Risk Management
68. 18-0224 Office of Risk Management
69. 18-0226 Safety National Casualty Corporation
70. 18-0241 Unknown
71. 18-0249 Office of Risk Management
72. 18-0345 Technology Insurance Company

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (211) partial payments beginning with Claim #83-0313 and ending with Claim #17-0302. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of October 04, 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 (78) quarterly payments due beginning with Claim #94-0137 and ending with Claim #16-0397. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of October 04, 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. Mr. Hawkland made the motion. It was seconded by Ms. Mack 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 (18) claims.

1. 86-0091
2. 95-0002
3. 98-0333
4. 04-0127
5. 09-0903
6. 13-0065
7. 14-0011
8. 15-0168
9. 15-0215
10. 15-0285
11. 16-0084
12. 16-0099
13. 16-0616
14. 16-0649 – Indemnity only
15. 16-0667
16. 17-0702
17. 17-0715
18. 17-0789

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

The following (3) claims were recommended for settlement denial and that they continue to be paid on an on-going basis:

1. 13-0126
2. 16-0224
3. 17-0357

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland 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 #03-0731 Continue Litigation
2. Claim #10-0273 Continue Litigation
3. Claim #12-0236 Continue Litigation

4. Claim #12-0326 Settlement Authority
5. Claim #13-0968 Continue Litigation
6. Claim #13-1056 Continue Litigation
7. Claim #14-0263 Continue Litigation
8. Claim #14-0412 Continue Litigation
9. Claim #14-0442 Continue Litigation
10. Claim #14-0454 Continue Litigation
11. Claim #14-0548 Continue Litigation
12. Claim #14-0782 Continue Litigation
13. Claim #14-0824 Continue Litigation
14. Claim #15-0158 Continue Litigation
15. Claim #15-0270 Continue Litigation
16. Claim #15-0410 Continue Litigation
17. Claim #15-0628 Continue Litigation
18. Claim #16-0053 Continue Litigation
19. Claim #16-0500 Settlement Authority
20. Claim #17-0122 Settlement Authority
21. Claim #17-0598 Settlement Authority
22. Claim #17-0601 Continue Litigation

The motion was made by Mr. Coulter, seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 9*, asking if there were any other matters to discuss.

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

The meeting adjourned at 2:57 pm

Recording Secretary: Claudia Brumfield