

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of October 1, 2020

The regular meeting of the Second Injury Board convened at 2:08 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. Karl Scott, General Counsel
7. Shana Veade, General Counsel
8. Claudia Rush, General Counsel
9. Chandra Cola, SIB Audit & Finance Supervisor
10. Claudia Brumfield, Recording Secretary

Mr. Lee made note that the Board was holding the meeting through video/teleconference pursuant to John Bel Edwards' Executive Order #84-2020, Section 2c.

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 of September 3, 2020. 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 Mr. Coulter, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were three hearings listed.

1. 17-0706 Dillard's, Inc.
2. 19-0915 LA Construction & Industry SIF
3. 20-0162 LA Construction & Industry SIF

Mr. Lee presented Claim #17-0706 to the Board, and stated that staff did not receive medical reports to support the elements of PPD, knowledge, and merger. He recommended the hearing request be denied. Mr. Hawkland moved that the Board deny the request. Mr. Coulter seconded the motion and it passed unanimously.

Mr. Lee presented Claim #19-0915, stating that the claim did not receive medical reports required to support the elements of PPD, knowledge, and merger, and recommended denial of the request. Mr. Hawkland moved that the Board deny the request for a hearing. Ms. Faber seconded the motion and it passed unanimously.

Mr. Lee presented Claim #20-0162 to the Board, and stated that staff did not receive medical reports to support the elements of a PPD, nor subsequent injury. Additionally, information for knowledge was defective/insufficient and staff did not receive documents to support merger. He recommended the hearing request

be denied. Mr. Hawkland moved to deny the request. Ms. Faber seconded the motion and it passed unanimously.

Item 3 on the agenda lists (10) claims where recommendations were made for payment starting with Claim #19-0235 and ending with Claim #20-0341. Mr. Hawkland made a motion to approve the claims for payment. Mr. Coulter seconded the motion and it passed unanimously.

1. 19-0235 LA Workers' Compensation Corp.
2. 19-0338 Praetorian Insurance Company
3. 19-0436 Recreation & Park Commission of East Baton Rouge
4. 19-0526 Louisiana Hospital Association
5. 19-0599 Roman Catholic Church of New Orleans
6. 19-0720 LA Construction & Industry SIF
7. 19-0744 Gray Insurance Company
8. 20-0166 AAA Cooper Transportation
9. 20-0210 LA Municipal Risk Mgmt. Agency
10. 20-0341 LUBA Casualty Insurance Company

The Chairman moved to *Item 4* on the agenda, (70) claims recommended for denial, beginning with Claim #18-0283, and ending with Claim #20-0366. The Chairman then requested a motion to approve the recommendation to deny the claims as described in the October 1, 2020 agenda. Mr. Coulter made a motion to deny the claims for payment. Mr. Hawkland seconded the motion and it passed unanimously.

1. 18-0283 LA Construction & Industry SIF
2. 19-0087 Bridgefield Casualty Insurance Company
3. 19-0089 - Unknown
4. 19-0144 LA Construction & Industry SIF
5. 19-0156 City of New Orleans
6. 19-0240 Argonaut Insurance Group
7. 19-0245 Retailers Casualty Insurance Company
8. 19-0266 Old Republic Insurance Company
9. 19-0449 Office of Risk Management
10. 19-0527 Retailers Casualty Insurance Company
11. 19-0575 Louisiana Restaurant Association
12. 19-0596 LCTA Casualty Ins. Co.
13. 19-0689 LA Construction & Industry SIF
14. 19-0690 Office of Risk Management
15. 19-0737 LA Construction & Industry SIF
16. 19-0739 LUBA Casualty Insurance Company
17. 19-0742 LA Workers' Compensation Corp.
18. 19-0750 Jefferson Parish
19. 19-0755 Bridgefield Casualty Insurance Company
20. 19-0757 Bridgefield Employers Insurance Company
21. 19-0766 Office of Risk Management
22. 19-0774 LA Home Builders Assn.- SIF
23. 19-0780 St. John Parish School Board
24. 19-0799 LA Construction & Industry SIF

Minutes (cont'd)

Page

October 1, 2020

25. 19-0813 Argonaut Insurance Group
26. 19-0839 City of Shreveport
27. 19-0842 - Unverified
28. 19-0845 Office of Risk Management
29. 19-0860 Office of Risk Management
30. 19-0888 Ace American Ins. Co
31. 19-0896 LA Workers' Compensation Corp.
32. 19-0905 City of New Orleans
33. 19-0906 LA Home Builders Assn.- SIF
34. 19-0909 LCTA Casualty Ins. Co.
35. 19-0911 Office of Risk Management
36. 19-0912 Roman Catholic Church of New Orleans
37. 19-0914 Arch Insurance Company
38. 19-0917 Bridgefield Employers Insurance Company
39. 19-0918 State National Insurance Company
40. 19-0920 Travelers Indemnity of America
41. 19-0921 - Unknown
42. 19-0927 St. Francis Medical Center
43. 19-0930 LA Construction & Industry SIF
44. 19-0935 XL Specialty Insurance Company
45. 19-0939 Office of Risk Management
46. 19-0941 Lafayette Consolidated Government
47. 19-0942 Office of Risk Management
48. 19-0944 Argonaut Insurance Group
49. 19-0947 LCTA Casualty Ins. Co.
50. 19-0948 LA Workers' Compensation Corp.
51. 19-0956 LA Construction & Industry SIF
52. 19-0959 Coca-Cola Bottling Company United
53. 19-0960 Travelers Casualty & Surety Co.
54. 19-0962 Zurich American Insurance Company
55. 19-0965 LA Workers' Compensation Corp.
56. 19-0974 LUBA Casualty Insurance Company
57. 19-0977 Retailers Casualty Insurance Company
58. 19-0983 XL Specialty Insurance Company
59. 20-0006 - Unverified
60. 20-0009 Louisiana Hospital Association
61. 20-0027 LA Home Builders Assn.- SIF
62. 20-0033 - Unknown
63. 20-0061 - Unverified
64. 20-0075 Coca-Cola Bottling Company United
65. 20-0094 Lowe's Home Center, Inc.
66. 20-0138 - Unknown
67. 20-0177 Bridgefield Casualty Insurance Company
68. 20-0323 LA Construction & Industry SIF
69. 20-0327 LA Construction & Industry SIF
70. 20-0366 - Unverified

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (210) partial payments due beginning with Claim #80-0247 and ending with Claim #19-0413. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of October 1, 2020. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (75) quarterly payments due beginning with Claim #96-0468 and ending with Claim #18-0156. Mr. Coulter moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of October 1, 2020. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 7, Public Comment*. There were no members of the public present.

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 (23) claims.

1. 08-0285
2. 09-0393 – Indemnity only
3. 12-0385
4. 13-0780
5. 14-0165
6. 15-0270
7. 15-0773
8. 16-0456
9. 16-0904
10. 17-0422
11. 17-0430
12. 17-0469
13. 18-0038
14. 18-0099
15. 18-0199
16. 18-0260 - Indemnity only
17. 18-0476
18. 18-0827
19. 19-0210
20. 19-0630
21. 19-0678
22. 19-0848
23. 20-0104

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

The following (8) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

1. 97-0719
2. 08-0049
3. 09-0734
4. 10-0290
5. 10-0942
6. 12-0896
7. 16-0615
8. 18-0062

Mr. Coulter moved to accept the recommendation. Mr. Hawkland 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.

1. Claim #16-0563 Settlement Authority
2. Claim #16-0852 Settlement Authority
3. Claim #17-0374 Settlement Authority
4. Claim #17-0454 Settlement Authority
5. Claim #18-0447 Settlement Authority
6. Claim #18-0498 Settlement Authority
7. Claim #18-0596 Settlement Authority
8. Claim #18-0624 Continued Litigation
9. Claim #18-0739 Settlement Authority
10. Claim #19-0016 Settlement Authority
11. Claim #19-0181 Settlement Authority
12. Claim #19-0262 Settlement Authority
13. Claim #19-0281 Settlement Authority
14. Claim #19-0355 Settlement Authority
15. Claim #19-0444 Settlement Authority

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

Minutes (cont'd)

Page

October 1, 2020

The Chairman moved to *Item 9*, any other matters to discuss.

1. 20-0003 Safety National Casualty Corporation

Mr. Lee presented claim # 20-0003, Safety National Casualty Corporation, asking the board to rescind the denial from the September 3, 2020 meeting. Mr. Coulter made a motion to enter into Executive Session to discuss the claim. Mr. Hawkland seconded the motion and it passed unanimously. After existing, Mr. Hansberry asked the pleasure of the Board. Mr. Coulter made a motion to follow the recommendation of counsel, rescinding the denial and rescheduling the claim to appear on the agenda on a later date. Mr. Coulter made the motion. Mr. Hawkland seconded the motion and it passed unanimously.

There were then no other matters to discuss. The Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. Mr. Coulter seconded the motion and it passed unanimously.

The meeting adjourned at 2:56 pm

Recording Secretary: Claudia Brumfield