

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of October 14, 2021

The regular meeting of the Second Injury Board convened at 2:01 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
10. Chandra Cola, SIB Audit & Finance Supervisor
11. 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.

The Chairman moved to *Item 1* on the agenda, being the reading of the minutes from the previous meeting of August 5, 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 (2) hearings listed.

1. 20-0328 Walgreen Company
2. 20-0971 Accident Fund Ins. Co. of America

Mr. Lee presented Claim #20-0328 to the Board, and stated that staff was not provided with merger information to support this claim. Mr. Fontenot, counsel for Walgreen Company, was present via teleconference and stated he would provide additional information to support merger. Mr. Lee recommended the hearing request be denied. Mr. Hawkland moved that the Board deny the request. Ms. Faber seconded the motion and it passed unanimously.

Mr. Lee presented Claim # 20-0971 to the Board, and stated that staff was provided with little evidence and no further information to support this claim. Mr. Lee recommended the hearing request be denied. Mr. Hawkland moved that the Board deny the request. Ms. Faber seconded the motion and it passed unanimously.

*Item 3* on the agenda lists (34) claims where recommendations were made for payment starting with Claim #20-0213 and ending with Claim #21-0451. Mr. Coulter made a motion to approve the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 20-0213 City of Alexandria
2. 20-0267 Liberty Mutual Ins. Co.
3. 20-0400 Accident Fund General Ins. Co.
4. 20-0405 LUBA Casualty Insurance Company
5. 20-0451 LUBA Casualty Insurance Company
6. 20-0452 LUBA Casualty Insurance Company
7. 20-0490 LA Workers' Compensation Corp.
8. 20-0562 Safety National Casualty Corporation
9. 20-0567 Retailers Casualty Insurance Company
10. 20-0585 Retailers Casualty Insurance Company
11. 20-0613 Lafayette Parish School Board
12. 20-0617 Bridgefield Employers Insurance Company
13. 20-0659 LA Municipal Risk Mgmt. Agency
14. 20-0711 Great American Alliance Insurance Company
15. 20-0748 Travelers Casualty & Surety Co.
16. 20-0752 Ouachita Parish School Board
17. 20-0801 Ouachita Parish School Board
18. 20-0833 Pennsylvania Manufacturers Assn Ins Co/PMA Ins Group
19. 20-0878 LA Workers' Compensation Corp.
20. 20-0888 LCTA Casualty Ins. Co.
21. 20-0983 Safety National Casualty Corporation
22. 20-0987 LA Automobile Dealers Assn.
23. 20-1024 St. Charles Parish School Board
24. 21-0008 LUBA Casualty Insurance Company
25. 21-0017 LA Workers' Compensation Corp.
26. 21-0033 Great American Alliance Insurance Company
27. 21-0048 LUBA Casualty Insurance Company
28. 21-0070 Jefferson Parish
29. 21-0087 LA Construction & Industry SIF
30. 21-0151 LUBA Casualty Insurance Company
31. 21-0266 Gray Insurance Company
32. 21-0311 Terrebonne Parish Cons. Government
33. 21-0337 Gray Insurance Company
34. 21-0451 LA Construction & Industry SIF

The Chairman moved to *Item 4* on the agenda, (184) claims recommended for denial, beginning with Claim #19-0492 and ending with Claim #21-0506. The Chairman requested to amend the agenda to postpone Item 69, claim #20-0753. Mr. Coulter moved to accept the postponement. Ms. Faber seconded the motion and it passed unanimously. The Chairman then requested a motion to approve the recommendation to deny the claims as described in the October 14, 2021 agenda. Mr. Hawkland made a motion to deny the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 19-0492 Coca-Cola Bottling Company United
2. 20-0081 Jefferson Parish
3. 20-0165 Parish of Ascension

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4. 20-0212 LA Home Builders Assn.- SIF
5. 20-0239 Louisiana Restaurant Association
6. 20-0252 LUBA Casualty Insurance Company
7. 20-0266 LA Workers' Compensation Corp.
8. 20-0274 LA Workers' Compensation Corp.
9. 20-0275 LA Workers' Compensation Corp.
10. 20-0376 LA Construction & Industry SIF
11. 20-0399 LA Workers' Compensation Corp.
12. 20-0407 LA Workers' Compensation Corp.
13. 20-0419 LA Workers' Compensation Corp.
14. 20-0447 Bridgefield Casualty Insurance Company
15. 20-0480 LA Workers' Compensation Corp.
16. 20-0483 LA Workers' Compensation Corp.
17. 20-0500 LA Workers' Compensation Corp.
18. 20-0510 Stonetrust Commercial Ins. Co.
19. 20-0512 New Hampshire Insurance Company (AIG)
20. 20-0522 Lafayette General Health
21. 20-0529 LA Health Care- Self Ins. Fund
22. 20-0530 Vinson Guard Service, Inc.
23. 20-0537 Travelers Property Casualty Company of America
24. 20-0538 LA Construction & Industry SIF
25. 20-0545 LA Workers' Compensation Corp.
26. 20-0548 St. Tammany Parish School Board
27. 20-0549 Jefferson Parish Public School System
28. 20-0550 Louisiana Restaurant Association
29. 20-0558 Zurich American Insurance Company
30. 20-0564 XL Specialty Insurance Company
31. 20-0566 American Zurich Ins. Co.
32. 20-0568 Retailers Casualty Insurance Company
33. 20-0572 - Unverified
34. 20-0574 LA Construction & Industry SIF
35. 20-0576 LA Workers' Compensation Corp.
36. 20-0578 - Unverified
37. 20-0583 Roman Catholic Church of New Orleans
38. 20-0588 Hunt Forest Products, Inc.
39. 20-0590 Travelers Property Casualty Company of America
40. 20-0592 LA Workers' Compensation Corp.
41. 20-0598 LA Workers' Compensation Corp.
42. 20-0600 LA Workers' Compensation Corp.
43. 20-0602 - Unknown
44. 20-0606 Retailers Casualty Insurance Company
45. 20-0610 Lincoln Parish School Board
46. 20-0611 Liberty Mutual Fire Ins. Co.
47. 20-0614 Retailers Casualty Insurance Company
48. 20-0619 LA Municipal Risk Mgmt. Agency
49. 20-0620 LA Construction & Industry SIF
50. 20-0629 Jefferson Parish
51. 20-0632 City of New Orleans
52. 20-0635 Office of Risk Management
53. 20-0638 LA Home Builders Assn.- SIF
54. 20-0643 - Unverified
55. 20-0644 LA Workers' Compensation Corp.
56. 20-0645 LA Workers' Compensation Corp.
57. 20-0648 LA Health Care- Self Ins. Fund
58. 20-0650 LA Construction & Industry SIF
59. 20-0653 LA Workers' Compensation Corp.
60. 20-0668 LA Workers' Compensation Corp.

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61. 20-0671 Vernon Parish School Board
62. 20-0677 Eastern Alliance Insurance Co.
63. 20-0679 Travelers Casualty & Surety Co.
64. 20-0683 St. Tammany Parish School Board
65. 20-0698 St. John Parish School Board
66. 20-0710 Safety National Casualty Corporation
67. 20-0737 Lafayette Parish School Board
68. 20-0739 Eastern Alliance Insurance Co.
69. ~~20-0753 Farmington Casualty Company~~ POSTPONED
70. 20-0755 LA Automobile Dealers Assn.
71. 20-0760 Office of Risk Management
72. 20-0776 Iberia Parish School Board
73. 20-0789 Midwest Employers Casualty Company
74. 20-0791 Zurich American Insurance Company
75. 20-0795 - Unverified
76. 20-0807 West Jefferson Medical Center
77. 20-0815 LUBA Casualty Insurance Company
78. 20-0817 LUBA Casualty Insurance Company
79. 20-0820 - Unverified
80. 20-0821 LA Workers' Compensation Corp.
81. 20-0823 Ace American Ins. Co
82. 20-0832 Bridgefield Casualty Insurance Company
83. 20-0835 Ace American Ins. Co
84. 20-0837 City of Alexandria
85. 20-0843 Arch Insurance Company
86. 20-0845 LUBA Casualty Insurance Company
87. 20-0847 LUBA Casualty Insurance Company
88. 20-0848 LA Workers' Compensation Corp.
89. 20-0849 Indemnity Ins. Co. of North America
90. 20-0853 - Unknown
91. 20-0854 LA Workers' Compensation Corp.
92. 20-0858 Office of Risk Management
93. 20-0864 Terrebonne Parish School Board
94. 20-0865 St. Landry Parish School Board
95. 20-0867 Valluzzo Companies
96. 20-0869 Bridgefield Casualty Insurance Company
97. 20-0870 - Unverified
98. 20-0874 Indemnity Ins. Co. of North America
99. 20-0879 LA Workers' Compensation Corp.
100. 20-0881 Office of Risk Management
101. 20-0886 Louisiana Hospital Association
102. 20-0891 Liberty Mutual Ins. Co.
103. 20-0893 LUBA Casualty Insurance Company
104. 20-0896 Norguard Insurance Company
105. 20-0897 - Unknown
106. 20-0898 LA Home Builders Assn.- SIF
107. 20-0899 LUBA Casualty Insurance Company
108. 20-0900 LUBA Casualty Insurance Company
109. 20-0903 LUBA Casualty Insurance Company
110. 20-0907 LUBA Casualty Insurance Company
111. 20-0910 Iberia Parish School Board
112. 20-0915 Jefferson Parish Public School System
113. 20-0923 City of Baton Rouge, East Baton Rouge Parish
114. 20-0925 Roman Catholic Church of New Orleans
115. 20-0929 Lowe's Home Center, Inc.
116. 20-0935 LUBA Casualty Insurance Company
117. 20-0938 Office of Risk Management

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- 118. 20-0959 City of New Orleans
- 119. 20-0968 - Unverified
- 120. 20-0986 - Unverified
- 121. 20-0992 Office of Risk Management
- 122. 20-0996 LUBA Casualty Insurance Company
- 123. 20-1002 LUBA Casualty Insurance Company
- 124. 20-1004 Louisiana Hospital Association
- 125. 20-1010 LUBA Casualty Insurance Company
- 126. 20-1015 City of Shreveport
- 127. 20-1019 Parish Government Risk Management Agency
- 128. 20-1025 Retailers Casualty Insurance Company
- 129. 20-1027 LA Health Care- Self Ins. Fund
- 130. 20-1028 XL Specialty Insurance Company
- 131. 20-1029 Ace American Ins. Co
- 132. 21-0003 LA Construction & Industry SIF
- 133. 21-0009 LA Municipal Risk Mgmt. Agency
- 134. 21-0015 Liberty Mutual Ins. Co.
- 135. 21-0018 HCA, Inc. - The Healthcare Company
- 136. 21-0024 Lafayette General Health
- 137. 21-0025 City of Kenner
- 138. 21-0030 Office of Risk Management
- 139. 21-0032 Stupp Brothers, Inc.
- 140. 21-0036 Old Republic Insurance Company
- 141. 21-0039 LUBA Casualty Insurance Company
- 142. 21-0045 LA Municipal Risk Mgmt. Agency
- 143. 21-0051 Office of Risk Management
- 144. 21-0054 Capital Area Transit System (Formerly Capital Transportation Corp.)
- 145. 21-0063 LA Construction & Industry SIF
- 146. 21-0064 Lafayette Parish School Board
- 147. 21-0066 Office of Risk Management
- 148. 21-0071 St. Tammany Parish Government
- 149. 21-0072 Louisiana Restaurant Association
- 150. 21-0075 LUBA Casualty Insurance Company
- 151. 21-0077 Great American Alliance Insurance Company
- 152. 21-0081 Office of Risk Management
- 153. 21-0093 Pennsylvania Manufacturers Assn Ins Co/PMA Ins Group
- 154. 21-0096 Argonaut Insurance Group
- 155. 21-0099 LA Health Care- Self Ins. Fund
- 156. 21-0100 Jefferson Parish Public School System
- 157. 21-0102 City of New Orleans
- 158. 21-0105 - Unverified
- 159. 21-0108 LUBA Casualty Insurance Company
- 160. 21-0111 Old Republic Insurance Company
- 161. 21-0114 LA Construction & Industry SIF
- 162. 21-0120 LA Health Care- Self Ins. Fund
- 163. 21-0123 Retailers Casualty Insurance Company
- 164. 21-0126 LA Health Care- Self Ins. Fund
- 165. 21-0129 LA Construction & Industry SIF
- 166. 21-0135 LA Health Care- Self Ins. Fund
- 167. 21-0141 Amtrust Ins. Co. of Kansas
- 168. 21-0144 LA Automobile Dealers Assn.
- 169. 21-0150 City of New Orleans
- 170. 21-0154 - Unverified
- 171. 21-0156 - Unverified
- 172. 21-0159 LA Automobile Dealers Assn.
- 173. 21-0160 Old Republic Insurance Company
- 174. 21-0217 Liberty Mutual Ins. Co.

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175. 21-0222	LUBA Casualty Insurance Company
176. 21-0226	Coca-Cola Bottling Company United
177. 21-0227	Coca-Cola Bottling Company United
178. 21-0228	LUBA Casualty Insurance Company
179. 21-0255	Lafayette General Health
180. 21-0256	Louisiana Restaurant Association
181. 21-0261	LUBA Casualty Insurance Company
182. 21-0288	LA Municipal Risk Mgmt. Agency
183. 21-0390	LA Health Care- Self Ins. Fund
184. 21-0506	LA Municipal Risk Mgmt. Agency

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (298) partial payments due beginning with Claim #00-0717 and ending with Claim #99-1104. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of October 14, 2021. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (164) quarterly payments due beginning with Claim #02-0535 and ending with Claim #97-1150. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of October 14, 2021. Ms. Faber seconded the motion and it passed unanimously.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Ms. Faber made the motion. Mr. Hawkland 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 (16) claims.

1. 11-0118
2. 12-0066
3. 12-0803
4. 14-0089
5. 16-0135
6. 16-0630
7. 17-0203
8. 17-0347
9. 18-0150
10. 18-0357
11. 18-0390
12. 18-0860
13. 19-0444
14. 19-0892

15. 19-0942

16. 20-0525

Mr. Hawkland moved to accept the recommendation. Ms. Faber 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. 09-0734

2. 10-0408

3. 12-1041

4. 16-0253

5. 18-0709

6. 18-0797

7. 19-0591

8. 20-0434

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.

1. Claim #08-0049 Continued Litigation

2. Claim #12-0401 Continued Litigation

3. Claim #12-0896 Continued Litigation

4. Claim #12-0968 Settlement Authority

5. Claim #13-0944 Continued Litigation

6. Claim #15-0186 Continued Litigation

7. Claim #15-0470 Continued Litigation

8. Claim #16-0192 Settlement Authority

9. Claim #16-0208 Settlement Authority

10. Claim #16-0680 Settlement Authority

11. Claim #17-0070 Settlement Authority

12. Claim #17-0125 Settlement Authority

13. Claim #17-0217 Settlement Authority

14. Claim #17-0500 Settlement Authority

15. Claim #18-0121 Settlement Authority

16. Claim #18-0283 Settlement Authority

17. Claim #18-0448 No Action Required

18. Claim #18-0742 Postponed

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- |     |                |                      |
|-----|----------------|----------------------|
| 19. | Claim #18-0850 | Settlement Authority |
| 20. | Claim #19-0019 | Settlement Authority |
| 21. | Claim #19-0120 | No Action Required   |
| 22. | Claim #19-0156 | Settlement Authority |
| 23. | Claim #19-0160 | Settlement Authority |
| 24. | Claim #19-0280 | Settlement Authority |
| 25. | Claim #19-0282 | Settlement Authority |
| 26. | Claim #19-0303 | Settlement Authority |
| 27. | Claim #19-0310 | Continued Litigation |
| 28. | Claim #19-0516 | Settlement Authority |
| 29. | Claim #19-0690 | Settlement Authority |
| 30. | Claim #19-0862 | No Action Required   |
| 31. | Claim #19-0882 | Settlement Authority |
| 32. | Claim #19-0978 | Postponed            |
| 33. | Claim #20-0171 | Settlement Authority |
| 34. | Claim #20-0190 | Settlement Authority |

Mr. Coulter 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 introduced new counsel, Ms. Kendra Harris to the Board. 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 3:07 pm

Recording Secretary: Claudia Brumfield