

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 5, 2013

The regular meeting of the Second Injury Board convened at 3:14 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Ms. Lynette Mack, representing State Treasurer
4. Ms. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Meridith Trahant, General Counsel
7. Karl Scott, General Counsel
8. Will Green, General Counsel
9. LaQuita Jackson, Administrative Assistant
10. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Ms. Mack moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 2* on the agenda, being hearings on pending claims on the December 5, 2013 agenda. *Item 1* claim# 13-0021 was postponed.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (6) claims; beginning with Claim #12-0783 and ending with Claim #13-0488.

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| 1. | 12-0783 | City of Lake Charles | 104 week deductible |
| 2. | 12-1075 | Travelers Property Casualty Company of America | 104 week deductible |
| 3. | 13-0072 | Louisiana Safety Association of Timbermen | 104 week deductible |
| 4. | 13-0181 | Louisiana Restaurant Association | 104 week deductible |
| 5. | 13-0265 | City of New Orleans | 104 week deductible |
| 6. | 13-0488 | Zurich American Insurance Company | 104 week deductible |

Mr. Hansberry asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Ms. Mack, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (57) claims; beginning with Claim #12-0778 and ending with Claim #13-0799; excluding *Item # 3*.

1. 12-0778 Louisiana Workers' Compensation Corporation
2. 12-0790 Louisiana Commerce & Trade Association
3. ~~12-0808 LUBA Casualty Insurance Company~~ REMOVED
4. 12-0856 North Oaks Health System
5. 12-0862 Louisiana Workers' Compensation Corporation
6. 12-0886 Iberia Parish School Board
7. 12-0997 Louisiana Workers' Compensation Corporation
8. 12-1030 Tulane University
9. 12-1036 New Hampshire Insurance Company
10. 12-1054 Bridgefield Casualty Insurance Company
11. 13-0003 LEMIC Insurance Company
12. 13-0006 Louisiana Retailers Mutual Insurance Company
13. 13-0022 Louisiana Retailers Mutual Insurance Company
14. 13-0025 Louisiana Office of Risk Management
15. 13-0028 Louisiana Office of Risk Management
16. 13-0082 LEMIC Insurance Company
17. 13-0088 Not Documented
18. 13-0091 Flowers Food, Inc.
19. 13-0094 Louisiana Auto Dealers Association
20. 13-0127 Jefferson Parish
21. 13-0187 Bridgefield Casualty Insurance Company
22. 13-0200 Louisiana Workers' Compensation Corporation
23. 13-0208 LUBA Casualty Insurance Company
24. 13-0211 Ace American Insurance Company
25. 13-0220 Louisiana Restaurant Association
26. 13-0222 Federated Rural Electric Insurance
27. 13-0223 Ace American Insurance Company
28. 13-0226 CNA Insurance Company
29. 13-0235 Tulane University
30. 13-0238 Star Insurance Company
31. 13-0255 Not Documented
32. 13-0267 Commerce And Industry Insurance Company
33. 13-0268 Bridgefield Casualty Insurance Company
34. 13-0374 Not Documented
35. 13-0377 Not Documented
36. 13-0382 Not Documented
37. 13-0385 Ins. Co. of the State of PA
38. 13-0388 Commerce And Industry Insurance Company
39. 13-0392 Louisiana Office of Risk Management
40. 13-0401 Ace American Insurance Company
41. 13-0406 St. Francis Medical Center
42. 13-0409 Commerce And Industry Insurance Company
43. 13-0412 Louisiana Retailers Mutual Insurance Company
44. 13-0443 Louisiana Office of Risk Management
45. 13-0452 Not Documented
46. 13-0470 East Baton Rouge Parish School Board
47. 13-0497 Louisiana Workers' Compensation Corporation
48. 13-0506 Louisiana Office of Risk Management
49. 13-0514 Jefferson Parish School Board

- 50. 13-0597 LUBA Casualty Insurance Company
- 51. 13-0620 Autozone, Inc.
- 52. 13-0646 Not Documented
- 53. 13-0656 LEMIC Insurance Company
- 54. 13-0669 Harrah's Operating Company, Inc
- 55. 13-0771 LEMIC Insurance Company
- 56. 13-0778 New Hampshire Insurance Company
- 57. 13-0799 International Paper

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

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (193) partial payments beginning with Claim #81-0333 and ending with Claim #11-0969. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 5, 2013. The motion was made by Ms. Mack, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (72) quarterly payments due beginning with Claim #92-0968 and ending with Claim #11-0537. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of December 5, 2013. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Ms. Mack made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hataway seconded the motion and it was 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 claims:

1. 89-0078
2. 00-0265
3. 04-0492
4. 05-0397
5. 08-0913
6. 09-0739
7. 10-0461
8. 10-0757
9. 12-0428

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

1. 08-0837
2. 03-1045

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

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman 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 #09-0976 settlement authority
2. Claim #09-0248 settlement authority
3. Claim #11-0838 settlement authority
4. Claim #08-0281 continued litigation
5. Claim #11-0544 continued litigation
6. Claim #04-0813 continued litigation
7. Claim #11-0686 settlement authority
8. Claim #12-0073 settlement authority
9. Claim #12-0644 settlement authority
10. Claim #09-0942 settlement authority
11. Claim #12-0103 settlement authority
12. Claim #09-0581 continued litigation
13. Claim #10-0511 settlement authority
14. Claim #12-0069 settlement authority
15. Claim #12-0462 settlement authority

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

There being no further business to discuss, the Chairman asked for a motion to adjourn. Ms. Mack made the motion which was seconded by Mr. Hataway and passed unanimously.

Minutes (cont'd)
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The meeting was adjourned at 3:55 p.m.

Recording Secretary: Shaneka Davis