

# LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of April 4, 2019

The regular meeting of the Second Injury Board convened at 2:01 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. Meridith Trahant, Director of Second Injury Board
5. Ariel Dixon, Assistant Attorney, Fraud
6. Michelle Sumrall, SIB Compliance Supervisor
7. 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 Ms. Mack, seconded by Mr. Hawkland, 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 #18-0029 and ending with Claim #18-0782. A motion to approve the claims for payment was made by Mr. Hawkland, seconded by Ms. Mack, and passed unanimously.

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|----|---------|--|---------------------|
| 1. | 18-0029 | Recreation & Park Commission of East Baton Rouge | 104 week deductible |
| 2. | 18-0358 | Safety National Casualty Corporation             | 104 week deductible |
| 3. | 18-0634 | LA Health Care- Self Ins. Fund                   | 104 week deductible |
| 4. | 18-0766 | Office of Risk Management                        | 104 week deductible |
| 5. | 18-0782 | Jefferson Parish                                 | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, (45) claims recommended for denial, beginning with Claim #16-0036, ending with Claim #18-0841. A request was made for a motion to approve the recommendation to deny the claims as described in the April 4, 2019 agenda. The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

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|----|---------|--------------------------------------|
| 1. | 16-0036 | Indemnity Ins. Co. of North America  |
| 2. | 17-0422 | American Zurich Ins. Co.             |
| 3. | 17-0622 | LA Health Care- Self Ins. Fund       |
| 4. | 18-0069 | Retailers Casualty Insurance Company |
| 5. | 18-0118 | LA Home Builders Assn.- SIF          |
| 6. | 18-0157 | LA Municipal Risk Mgmt. Agency       |
| 7. | 18-0169 | Stonetrust Commercial Ins. Co.       |

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8. 18-0199 LA Construction & Industry
9. 18-0232 LA Automobile Dealers Assn.
10. 18-0273 Family Dollar Stores of Louisiana
11. 18-0284 Safety National Casualty Corporation
12. 18-0427 Wal-Mart Associates, Inc.
13. 18-0428 Wal-Mart Associates, Inc.
14. 18-0430 Zurich American Insurance Company
15. 18-0467 Ins. Co. of the State of PA (AIG)
16. 18-0494 Liberty Mutual Ins. Co.
17. 18-0509 Housing Authority of New Orleans
18. 18-0512 LA Workers' Compensation Corp.
19. 18-0519 - Unknown
20. 18-0520 Silver Oak Casualty Insurance
21. 18-0524 LA Health Care- Self Ins. Fund
22. 18-0525 LA Health Care- Self Ins. Fund
23. 18-0527 LA Construction & Industry
24. 18-0528 Property, Casualty Insurance Company
25. 18-0530 Bridgefield Casualty Insurance Company
26. 18-0534 LA Home Builders Assn.- SIF
27. 18-0539 LA Automobile Dealers Assn.
28. 18-0543 Florists Mutual Insurance Company
29. 18-0546 Willis-Knighton Medical Center
30. 18-0548 Jefferson Parish Public School System
31. 18-0549 Housing Authority of New Orleans
32. 18-0551 Jefferson Parish Public School System
33. 18-0555 Ace American Ins. Co
34. 18-0558 Office of Risk Management
35. 18-0569 Louisiana Restaurant Association
36. 18-0572 Wal-Mart Associates, Inc.
37. 18-0573 Terrebonne Parish School Board
38. 18-0584 Indemnity Ins. Co. of North America
39. 18-0637 Lake Charles Memorial Hospital
40. 18-0669 Ace American Ins. Co
41. 18-0677 Retailers Casualty Insurance Company
42. 18-0688 Jefferson Parish Public School System
43. 18-0789 Sentry Insurance A Mutual Company
44. 18-0833 Jefferson Parish
45. 18-0841 Louisiana Restaurant Association

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (196) partial payments beginning with Claim #80-0247 and ending with Claim #17-0737. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of April 4, 2019. Ms. Mack made the motion. It was seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (69) quarterly payments due beginning with Claim #94-0137 and ending with Claim #16-0709. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as

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submitted on the agenda of April 4, 2019. 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. Ms. Mack made the motion. It was seconded by Mr. Hawkland 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 (12) claims.

1. 02-0740
2. 05-0925
3. 10-0693
4. 12-0644 – Indemnity only
5. 14-0684
6. 16-0191
7. 16-0259
8. 16-0260
9. 16-0323
10. 17-0401
11. 17-0469
12. 18-0201

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

The following (1) claim was recommended for settlement denial and that it continue to be paid on an on-going basis:

1. 16-0365

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland and passed unanimously.

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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 #09-0650 Settlement Authority
2. Claim #11-0842 Dismissed
3. Claim #13-0118 Continue Litigation
4. Claim #13-0958 Continue Litigation
5. Claim #15-0535 Continue Litigation
6. Claim #16-0059 Settlement Authority
7. Claim #16-0286 Settlement Authority
8. Claim #16-0466 Settlement Authority
9. Claim #16-0468 Settlement Authority
10. Claim #16-0585 Settlement Authority

A motion was made Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 9*, 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 2:18 pm

Recording Secretary: Claudia Brumfield