

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of August 5, 2021

The regular meeting of the Second Injury Board convened at 2:06 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. Michelle Sumrall, SIB Compliance Supervisor
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 amending the agenda to allow Mr. John Schweitzer to give the LA Rehabilitation Services (LRS) presentation. Mr. Schweitzer began by recognizing the 10th anniversary of the collaboration between the Second Injury Board and LRS in which up to one percent of the Fund's annual budget may be approved by the Board to be allocated to LRS (LA R.S. 23:1377 (G)). Allocated funds receive a match of 3.781% by federal funds. Over the past decade, LRS has invested over 25 million dollars in success stories. Mr. Schweitzer explained the goal of the program is to help people with disabilities obtain or retain employment. LRS has eight regional offices throughout the state, each with a single point of contact, to assist employees with their services. Mr. Schweitzer provided the following data regarding the prior year: the allocation was \$2,511,737.00; LRS opened 357 cases; there were 669 closures with 631 successfully employed; LRS provided 1026 total services; the average cost per case was less than \$2,500.00.

Mr. Hansberry questioned if LRS was serving all 64 parishes. Mr. Schweitzer confirmed they are. Prior to exiting the meeting, Mr. Schweitzer concluded his presentation by thanking the Board for their cooperation in the past and consideration for the coming year. The Board then discussed the recommendation of the Director to allocate .9% (approximately \$535,000.00) for FY21-22. Ms. Faber made a motion to accept the recommendation of the Director. Mr. Coulter seconded the motion and it passed unanimously.

The Chairman moved to *Item 1* on the agenda, being the reading of the minutes from the previous meeting of July 1, 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 was no hearing listed.

Item 3 on the agenda lists (10) claims where recommendations were made for payment starting with Claim #20-0045 and ending with Claim #21-0220. Mr. Hawkland made a motion to approve the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 20-0045 Crum & Foster Indemnity Company
2. 20-0289 LA Municipal Risk Mgmt. Agency
3. 20-0367 LUBA Casualty Insurance Company
4. 20-0432 LA Workers' Compensation Corp.
5. 20-0563 Indemnity Ins. Co. of North America
6. 20-0584 Bridgefield Casualty Insurance Company
7. 20-0657 Midwest Employers Casualty Company
8. 21-0094 Lafayette Parish School Board
9. 21-0118 Lafayette Parish School Board
10. 21-0220 LA Automobile Dealers Assn.

The Chairman moved to *Item 4* on the agenda, (80) claims recommended for denial, beginning with Claim #18-0725 and ending with Claim #21-0287. The Chairman requested a motion to approve the recommendation to deny the claims as described in the August 5, 2021 agenda. Mr. Hawkland made a motion to deny the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 18-0725 Terrebonne Parish Cons. Government
2. 20-0111 Ochsner Hospital (Ochsner Clinic Foundation)
3. 20-0234 Zurich American Insurance Company
4. 20-0250 Ace American Ins. Co
5. 20-0261 XL Specialty Insurance Company
6. 20-0273 LA Workers' Compensation Corp.
7. 20-0329 LUBA Casualty Insurance Company
8. 20-0332 - Unverified
9. 20-0370 LA Workers' Compensation Corp.
10. 20-0387 LA Workers' Compensation Corp.
11. 20-0390 City of Natchitoches
12. 20-0398 LA Health Care- Self Ins. Fund
13. 20-0412 - Unverified
14. 20-0418 LA Workers' Compensation Corp.
15. 20-0423 Ace American Ins. Co
16. 20-0431 Travelers Property Casualty Company of America
17. 20-0440 Louisiana Restaurant Association
18. 20-0442 LA Workers' Compensation Corp.

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19. 20-0444 - Unknown
20. 20-0448 Office of Risk Management
21. 20-0450 Ace American Ins. Co
22. 20-0459 LA Workers' Compensation Corp.
23. 20-0484 LA Construction & Industry SIF
24. 20-0486 Wal-Mart Associates, Inc.
25. 20-0488 LA Construction & Industry SIF
26. 20-0492 Office of Risk Management
27. 20-0494 LA Workers' Compensation Corp.
28. 20-0498 Arch Insurance Company
29. 20-0508 LA Workers' Compensation Corp.
30. 20-0514 LUBA Casualty Insurance Company
31. 20-0516 LUBA Casualty Insurance Company
32. 20-0518 Travelers Indemnity of America
33. 20-0526 LUBA Casualty Insurance Company
34. 20-0528 LA Health Care- Self Ins. Fund
35. 20-0532 Safety National Casualty Corporation
36. 20-0540 Charter Oak Fire Insurance Company, The
37. 20-0542 Parish Government Risk Management Agency
38. 20-0554 Office of Risk Management
39. 20-0612 Office of Risk Management
40. 20-0759 Office of Risk Management
41. 20-0762 ACE Indemnity Insurance Co.
42. 20-0765 LA Workers' Compensation Corp.
43. 20-0768 Office of Risk Management
44. 20-0770 City of Shreveport
45. 20-0774 Jefferson Parish Public School System
46. 20-0777 City of New Orleans
47. 20-0786 Liberty Mutual Ins. Co.
48. 20-0788 LA Construction & Industry SIF
49. 20-0790 Jefferson Parish Public School System
50. 20-0796 Continental Indemnity Company
51. 20-0798 Wal-Mart Associates, Inc.
52. 20-0804 Milford Casualty Ins. Co. (formerly Milwaukee Casualty Ins. Corp.)
53. 20-0806 American Interstate Insurance Company
54. 20-0810 LUBA Casualty Insurance Company
55. 20-0812 Retailers Casualty Insurance Company
56. 20-0816 LUBA Casualty Insurance Company
57. 20-0822 Bridgefield Casualty Insurance Company
58. 20-0826 Safety National Casualty Corporation
59. 20-0828 LA Workers' Compensation Corp.
60. 20-0836 LUBA Casualty Insurance Company
61. 20-0838 St. John Parish School Board
62. 20-0840 City of New Orleans
63. 20-0842 LA Construction & Industry SIF
64. 20-0844 LUBA Casualty Insurance Company
65. 20-0850 - Unknown
66. 20-0860 - Unknown
67. 20-0861 Lake Charles Memorial Hospital
68. 20-0880 - Unknown
69. 20-0884 Walgreen Company
70. 20-0890 Safety National Casualty Corporation
71. 20-0892 LUBA Casualty Insurance Company
72. 20-0894 Great American Insurance Company
73. 20-0950 LUBA Casualty Insurance Company
74. 20-0960 City of New Orleans

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| 75. 21-0098 | St. Tammany Parish Hospital |
| 76. 21-0165 | City of Shreveport |
| 77. 21-0195 | Indemnity Ins. Co. of North America |
| 78. 21-0201 | - Unknown |
| 79. 21-0269 | City of New Orleans |
| 80. 21-0287 | City of New Orleans |

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (61) partial payments due beginning with Claim #86-0107 and ending with Claim #19-0934. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of August 5, 2021. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (106) quarterly payments due beginning with Claim #86-0091 and ending with Claim #19-0413. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of August 5, 2021. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Ms. Claire Boles of the Shelby Law Firm was present. She asked for confirmation of the approval of claim number 20-0563 for reimbursement and said she was available for any questions the Board may have. The Board confirmed the approval.

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 (19) claims.

1. 98-0998
2. 14-0575
3. 15-0143
4. 16-0214
5. 16-0792
6. 17-0049
7. 17-0469
8. 17-0574
9. 17-0736
10. 17-0915
11. 18-0099

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12. 18-0357
13. 18-0581
14. 18-0783
15. 19-0543
16. 20-0297
17. 20-0655
18. 20-0656
19. 20-0665

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

The following (2) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

1. 97-0851
2. 02-1253

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 #11-0202 Settlement Authority
2. Claim #11-0842 Settlement Authority
3. Claim #13-0124 Settlement Authority
4. Claim #15-0534 Settlement Authority
5. Claim #15-0872 Settlement Authority
6. Claim #16-0183 Settlement Authority
7. Claim #16-0192 Postponed
8. Claim #16-0909 Settlement Authority
9. Claim #17-0102 Settlement Authority
10. Claim #17-0103 Settlement Authority
11. Claim #17-0213 Settlement Authority
12. Claim #17-0331 Settlement Authority
13. Claim #17-0369 Settlement Authority
14. Claim #17-0590 Settlement Authority
15. Claim #18-0542 Continued Litigation
16. Claim #18-0601 Settlement Authority
17. Claim #18-0625 Settlement Authority
18. Claim #18-0639 Settlement Authority
19. Claim #19-0080 Settlement Authority

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20. Claim #19-0087 Settlement Authority
21. Claim #19-0107 Settlement Authority
22. Claim #19-0112 Settlement Authority
23. Claim #19-0448 Continued Litigation
24. Claim #19-0449 Settlement Authority
25. Claim #19-0549 Settlement Authority
26. Claim #19-0550 Settlement Authority
27. Claim #19-0775 Settlement Authority
28. Claim #19-0793 Continued Litigation
29. Claim #19-0815 Continued Litigation
30. Claim #20-0016 Settlement Authority

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

The Chairman moved to *Item 9*, any other matters to discuss. 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 3:34 pm

Recording Secretary: Claudia Brumfield