

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 7, 2017

The regular meeting of the Second Injury Board convened at 2:11 p.m.

The following were present:

1. Mr. Steve Hawkland, representing the Secretary of State, Vice-Chairman
2. Ms. Lynette Mack, representing the State Treasurer
3. Pauline Williams, OWCA Deputy Director
4. Meridith Trahan, Acting Director of Second Injury Board
5. Michelle Bradley, General Counsel
6. Karl Scott, General Counsel
7. Darrick Lee, General Counsel
8. Michelle Sumrall, SIB Compliance Supervisor/Recording Secretary
9. Peter Kopfinger, Attorney representing Ville Platte Concrete

Mr. Hawkland called the meeting to order and began with *Item 1* on the agenda, being the reading of the minutes from the previous meeting. Mr. Hawkland 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 Ms. Williams, and passed unanimously.

Mr. Hawkland moved to *Item 2*, Hearing Requests. There were none listed on the agenda.

Mr. Hawkland then chose to take *Item 7*, Public Comment. Mr. Peter Kopfinger was present representing the employer, Ville Platte Concrete, on Claim #13-0072. Ms. Trahan then informed Mr. Kopfinger that Public Comment would be taken prior to Executive Session when the claim would be discussed.

Item 3 on the agenda lists (7) claims where recommendations were made for payment starting with Claim #16-0001 and ending with Claim #17-0555. The Vice-Chairman asked if there were any public comments on the recommendations. There were none. The motion to approve the claims for payment was made by Ms. Mack, seconded by Ms. Williams, and passed unanimously.

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| 1. | 16-0001 | Ace American Ins. Co. | 104 week deductible |
| 2. | 16-0497 | Bridgefield Employers Insurance Company | 104 week deductible |
| 3. | 16-0591 | Travelers Indemnity Company of Connecticut | 104 week deductible |
| 4. | 16-0723 | LAC-Self-Insured Fund | 104 week deductible |
| 5. | 17-0198 | LA Workers' Compensation Corp. | 104 week deductible |
| 6. | 17-0226 | St. Martin Parish School Board | 104 week deductible |
| 7. | 17-0555 | Wal-Mart Associates, Inc. | 104 week deductible |

The Vice-Chairman moved to *Item 4* on the agenda, (57) claims recommended for denial, beginning with Claim #13-0068 and ending with Claim #17-0643. It was noted that item #6, Claim #16-0396, item #21, Claim #17-0193, and item #48, Claim #17-0362, were postponed. The Vice-Chairman asked if there were any public comments on the recommendations. There were none. A request was made for a motion to approve the recommendation to deny the claims as described in the December 7, 2017 agenda excluding items 6, 21, and 48. The motion was made by Ms. Williams, seconded by Ms. Mack, and passed unanimously.

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| 1. | 13-0068 | Retailers Casualty Ins Co | |
| 2. | 14-0827 | Ace American Ins. Co | |
| 3. | 15-0156 | Zurich American Insurance Company | |
| 4. | 15-0631 | Recreation & Park Commission of East Baton Rouge | |
| 5. | 16-0134 | Louisiana Auto Dealers Association | |
| 6. | 16-0396 | Amtrust Ins. Co. of Kansas | POSTPONED |
| 7. | 16-0583 | Parish Government Risk Management Agency | |
| 8. | 16-0678 | Plaquemine Parish School Board | |
| 9. | 16-0696 | West Jefferson Medical Center | |
| 10. | 16-0699 | Louisiana Workers' Compensation Corporation | |
| 11. | 16-0702 | Louisiana Workers' Compensation Corporation | |
| 12. | 16-0714 | LUBA Casualty Insurance Company | |
| 13. | 16-0910 | Sewerage & Water Board of New Orleans | |
| 14. | 17-0060 | LCTA Casualty Ins. Co. | |
| 15. | 17-0100 | LA Automobile Dealers Assn. | |
| 16. | 17-0160 | LA Health Care- Self Ins. Fund | |
| 17. | 17-0173 | Office of Risk Management | |
| 18. | 17-0179 | Louisiana Workers' Compensation Corporation | |
| 19. | 17-0182 | Indemnity Ins. Co. of North America | |
| 20. | 17-0185 | Bridgefield Casualty Insurance Company | |
| 21. | 17-0193 | Beauregard Parish School Board | POSTPONED |
| 22. | 17-0196 | LA Health Care- Self Ins. Fund | |
| 23. | 17-0199 | LA Construction & Industry | |
| 24. | 17-0205 | LA Health Care- Self Ins. Fund | |
| 25. | 17-0208 | Jefferson Parish Public School System | |
| 26. | 17-0214 | Diocese of Baton Rouge | |
| 27. | 17-0217 | Diocese of Lake Charles | |
| 28. | 17-0238 | LUBA Casualty Insurance Company | |
| 29. | 17-0244 | American Casualty of Reading, PA | |
| 30. | 17-0247 | LUBA Casualty Insurance Company | |
| 31. | 17-0250 | Unknown | |
| 32. | 17-0256 | Louisiana Workers' Compensation Corporation | |
| 33. | 17-0262 | West Feliciana Parish School Board | |
| 34. | 17-0268 | Lafayette Parish School Board | |
| 35. | 17-0271 | Bridgefield Casualty Insurance Company | |
| 36. | 17-0274 | Unverified | |
| 37. | 17-0278 | Retailers Casualty Insurance Company | |
| 38. | 17-0280 | American Casualty of Reading, PA | |
| 39. | 17-0296 | Office of Risk Management | |
| 40. | 17-0299 | LUBA Casualty Insurance Company | |
| 41. | 17-0326 | Zurich American Insurance Company | |

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| 42. | 17-0332 | New Hampshire Insurance Company | |
| 43. | 17-0338 | City of New Orleans | |
| 44. | 17-0350 | Office of Risk Management | |
| 45. | 17-0353 | City of New Orleans | |
| 46. | 17-0356 | Louisiana Hospital Association | |
| 47. | 17-0359 | LA Commerce & Trade Assn. | |
| 48. | 17-0362 | Sentry Insurance A Mutual Company | POSTPONED |
| 49. | 17-0371 | EBR Parish School Board | |
| 50. | 17-0374 | LA Automobile Dealers Assn. | |
| 51. | 17-0380 | Zurich American Insurance Company | |
| 52. | 17-0383 | LUBA Casualty Insurance Company | |
| 53. | 17-0406 | Zenith Insurance Company | |
| 54. | 17-0523 | Unverified | |
| 55. | 17-0532 | Unverified | |
| 56. | 17-0553 | City of New Orleans | |
| 57. | 17-0643 | Indemnity Ins. Co. of North America | |

The Vice-Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (258) partial payments beginning with Claim #81-0470 and ending with Claim #16-0343. Mr. Hawkland asked if there were any public comments on the recommendations. There were none. He then asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 7, 2017. The motion was made by Ms. Williams, seconded by Ms. Mack, and passed unanimously.

The Vice-Chairman moved to *Item 6* on the agenda, being the recommendation to approve (85) quarterly payments due beginning with Claim #83-0084 and ending with Claim #15-0403. He asked if there were any public comments on the recommendations. There were none. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 7, 2017. The motion was seconded by Ms. Williams, and passed unanimously.

The Vice-Chairman moved to *Item 7*, Public Comment. Mr. Kopfinger stated he represents the employer, Ville Platte Concrete, on Claim #13-0072. The employer was insured by Louisiana Safety Association of Timbermen SIF (LSAT) which is now in bankruptcy. The employer is currently paying the workers' compensation benefits incurred on the claim and would like to settle with the employee with approval of the Second Injury Board. Mr. Kopfinger explained that any reimbursement would not be held by LSAT but would be released directly to the employer with SIB retaining an amount for assessment. Mr. Hawkland asked if there were any questions for Mr. Kopfinger. Ms. Williams asked for clarification of the payment/reimbursement flow to which Mr. Kopfinger obliged. He then left the room to allow the Board to enter Executive Session.

Mr. Hawkland then 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 Ms. Williams and it passed unanimously.

The Board briefly returned to the record to amend the agenda to add Item #16, Claim #14-0915 to the litigation to be discussed. The motion to accept the amendment was made by Ms. Williams, seconded by Ms. Mack, and passed unanimously.

The Vice-Chairman then asked for a motion to return to Executive Session. The motion was made by Ms. Mack, seconded by Ms. Williams, and passed unanimously.

Upon returning from Executive Session, the Vice-Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Vice-Chairman then requested a motion to approve the recommendations of the Acting 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. 01-0383
2. 02-0190
3. 03-0451
4. 04-0368
5. 11-0391
6. 12-1025
7. 14-0907
8. 15-0333
9. 15-0386
10. 15-0635
11. 16-0401
12. 16-0420

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

The following (2) claims were recommended for settlement denial and that they continue to be paid on an on-going basis:

1. 13-0072
2. 14-0512

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

The Vice-Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Vice-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 #09-0264 Settlement Authority
2. Claim #11-0889 Continued Litigation
3. Claim #13-0900 Settlement Authority
4. Claim #13-0956 Continued Litigation
5. Claim #14-0098 Continued Litigation
6. Claim #14-0580 Continued Litigation
7. Claim #15-0456 Settlement Authority
8. Claim #15-0553 Settlement Authority
9. Claim #15-0811 Settlement Authority
10. Claim #16-0099 Settlement Authority
11. Claim #16-0100 Settlement Authority
12. Claim #16-0533 Settlement Authority
13. Claim #16-0666 Settlement Authority
14. Claim #16-0711 Settlement Authority
15. Claim #16-0799 Continued Litigation
16. Claim #14-0915 Settlement Authority

The motion was made by Ms. Mack, seconded by Ms. Williams and passed unanimously.

The Chairman moved to *Item 9*, asking if there were any other matters to discuss. There were no other matters to discuss; therefore, the Vice-Chairman asked for a motion to adjourn. Ms. Williams moved to adjourn. The motion was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 3:25pm

Recording Secretary: Michelle Sumrall