

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 8, 2022

The regular meeting of the Second Injury Board convened at 2:02 p.m.

The following were present:

1. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chris Kirby, representing Dept. of Children and Family Services
4. Kayla Kirby, representing the State Treasurer
5. Meridith Trahant, LWC Executive Counsel
6. Tavares Walker, representing the Office of Workers' Compensation Administration
7. Karl Scott, General Counsel
8. Shana Veade, General Counsel
9. Ta'Tanisha Youngblood, General Counsel
10. Michelle Sumrall, SIB Compliance Supervisor
11. Chandra Cola, SIB Audit & Finance Supervisor
12. Claudia Brumfield, Recording Secretary

The Chairman began the meeting with *Item 1* on the agenda, being the reading of the minutes from the previous meeting of November 3, 2022. 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. Kirby, and passed unanimously.

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

Item 3 on the agenda lists (30) claims where recommendations were made for payment starting with Claim #19-0616 and ending with Claim #22-0737. Mr. Hawkland made a motion to approve the claims for payment. Ms. Kirby seconded the motion and it passed unanimously.

1. 19-0616 LA Automobile Dealers Assn.
2. 21-0279 LA Construction & Industry SIF
3. 21-0305 Eastern Alliance Insurance Co.
4. 21-0395 City of New Orleans
5. 21-0405 St. Tammany Parish School Board
6. 21-0417 LCTA Casualty Ins. Co.
7. 21-0473 LA Automobile Dealers Assn.
8. 21-0566 Zurich American Insurance Company
9. 21-0614 City of New Orleans
10. 21-0618 Phoenix Insurance Company, The
11. 21-0627 LUBA Casualty Insurance Company
12. 21-0709 LA Health Care- Self Ins. Fund
13. 21-0713 City of Kenner
14. 21-0890 Lafayette Parish School Board
15. 21-0899 LCTA Casualty Ins. Co.
16. 22-0012 Jefferson Parish
17. 22-0043 Monroe City School Board

18. 22-0046 LA Construction & Industry SIF
19. 22-0193 Regional Transit Authority
20. 22-0214 Lafayette Parish School Board
21. 22-0220 Jefferson Parish
22. 22-0247 LA Workers' Compensation Corp.
23. 22-0280 LA Workers' Compensation Corp.
24. 22-0305 City of New Orleans
25. 22-0329 City of Monroe
26. 22-0347 LUBA Casualty Insurance Company
27. 22-0419 Monroe City School Board
28. 22-0481 LA Construction & Industry SIF
29. 22-0618 Lafayette Parish School Board
30. 22-0737 LA Workers' Compensation Corp.

The Chairman moved to *Item 4* on the agenda, (83) claims recommended for denial, beginning with Claim #17-0134, ending with Claim #22-0661, excluding item 47 – Claim #21-0617 which was removed. The Chairman requested a motion to approve the recommendation to deny the claims as described in the December 8, 2022 agenda. Mr. Hawkland made a motion to deny the claims for payment. Ms. Kirby seconded the motion and it passed unanimously.

1. 17-0134 St. Mary Parish School Board
2. 18-0786 LCTA Casualty Ins. Co.
3. 20-0071 Walgreen Company
4. 20-0116 City of Shreveport
5. 20-0982 LA Construction & Industry SIF
6. 20-0999 LA Workers' Compensation Corp.
7. 21-0132 Old Republic Insurance Company
8. 21-0296 Louisiana Hospital Association
9. 21-0299 Office of Risk Management
10. 21-0317 Old Republic General Ins. Co.
11. 21-0377 Great West Casualty Company
12. 21-0402 LA Workers' Compensation Corp.
13. 21-0413 LA Workers' Compensation Corp.
14. 21-0461 Office of Risk Management
15. 21-0467 LA Workers' Compensation Corp.
16. 21-0476 LUBA Casualty Insurance Company
17. 21-0488 Bridgefield Casualty Insurance Company
18. 21-0491 - Unverified
19. 21-0492 LA Workers' Compensation Corp.
20. 21-0500 Zurich American Insurance Company
21. 21-0503 LA Workers' Compensation Corp.
22. 21-0509 City of New Orleans
23. 21-0512 Parish Government Risk Management Agency
24. 21-0515 Bridgefield Employers Insurance Company
25. 21-0518 Zurich American Insurance Company
26. 21-0521 - Unverified
27. 21-0524 Office of Risk Management
28. 21-0530 Accident Fund Ins. Co. of America
29. 21-0533 Travelers Indemnity Company of Connecticut
30. 21-0536 LA Construction & Industry SIF
31. 21-0539 - Unknown
32. 21-0542 Lafayette General Health
33. 21-0545 Stonetrust Commercial Ins. Co.

- 34. 21-0548 - Unknown
- 35. 21-0551 City of New Orleans
- 36. 21-0554 - Unverified
- 37. 21-0557 LUBA Casualty Insurance Company
- 38. 21-0560 Bridgefield Casualty Insurance Company
- 39. 21-0563 Stonetrust Commercial Ins. Co.
- 40. 21-0569 LCTA Casualty Ins. Co.
- 41. 21-0572 Office of Risk Management
- 42. 21-0575 - Unverified
- 43. 21-0578 City of New Orleans
- 44. 21-0584 Great American Insurance Company
- 45. 21-0590 LA Construction & Industry SIF
- 46. 21-0605 Office of Risk Management
- 47. ~~21-0617 Bridgefield Employers Insurance Company~~
- 48. 21-0623 American Interstate Insurance Company
- 49. 21-0626 LUBA Casualty Insurance Company
- 50. 21-0641 Accident Fund Ins. Co. of America
- 51. 21-0642 LA Workers' Compensation Corp.
- 52. 21-0650 Bridgefield Employers Insurance Company
- 53. 21-0717 LA Workers' Compensation Corp.
- 54. 21-0735 Safety National Casualty Corporation
- 55. 21-0817 Office of Risk Management
- 56. 21-0930 Standard Fire Insurance Company
- 57. 22-0174 Office of Risk Management
- 58. 22-0186 Boise Cascade, LLC
- 59. 22-0189 Travelers Indemnity Company
- 60. 22-0195 Louisiana Hospital Association
- 61. 22-0204 LA Home Builders Assn.- SIF
- 62. 22-0207 Travelers Property Casualty Company of America
- 63. 22-0210 Gray Insurance Company
- 64. 22-0213 LA Construction & Industry SIF
- 65. 22-0219 LA Health Care- Self Ins. Fund
- 66. 22-0222 LUBA Casualty Insurance Company
- 67. 22-0228 City of New Orleans
- 68. 22-0234 LA Construction & Industry SIF
- 69. 22-0237 Liberty Mutual Ins. Co.
- 70. 22-0243 City of New Orleans
- 71. 22-0340 LA Health Care- Self Ins. Fund
- 72. 22-0411 LA Municipal Risk Mgmt. Agency
- 73. 22-0441 Manufacturers Alliance Insurance Co.
- 74. 22-0442 LA Municipal Risk Mgmt. Agency
- 75. 22-0472 Lafayette General Health
- 76. 22-0510 Zurich American Insurance Company
- 77. 22-0511 LA Automobile Dealers Assn.
- 78. 22-0517 LA Health Care- Self Ins. Fund
- 79. 22-0558 LUBA Casualty Insurance Company
- 80. 22-0596 St. Charles Parish School Board
- 81. 22-0612 LA Health Care- Self Ins. Fund
- 82. 22-0637 City of New Orleans
- 83. 22-0661 LA Automobile Dealers Assn.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (227) partial payments due beginning with Claim #00-0587 and ending with Claim #99-1028. Mr. Hawkland moved

to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of December 8, 2022. Ms. Kirby seconded the motion and it passed unanimously.

The Chairman then asked to return to *Item 3*, to make a correction regarding Claim #21-0617 which was removed from *Item 4*. He then asked for a motion to amend the agenda to add Claim #21-0617 to *Item 3*, Claims Recommended for Payment. Mr. Hawkland made the motion. Ms. Kirby seconded the motion and it passed unanimously. Additionally, Mr. Hawkland made a motion to approve the recommendation of Claim #21-0617, as the other items had previously been approved. Ms. Kirby seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (90) quarterly payments due beginning with Claim #04-0953 and ending with Claim #98-0998. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 8, 2022. Ms. Kirby seconded the motion and it passed unanimously.

Mr. Hansberry called on *Item 7*, Public Comments. There were no members of the public present; therefore, 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. Kirby 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 staff regarding settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on a quarterly basis for the following (10) claims.

1. 03-0086
2. 16-0813
3. 17-0251
4. 17-0658
5. 18-0844
6. 19-0324
7. 21-0084
8. 21-0189
9. 21-0677
10. 21-0681

Mr. Hawkland moved to accept the recommendations. Ms. Kirby seconded the motion and it passed unanimously.

The following (3) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis.

1. 16-0632
2. 19-0325
3. 19-0840

Mr. Hawkland moved to accept the recommendation. Ms. Kirby 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.

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| 1. Claim # 20-0328 | Settlement Authority |
| 2. Claim # 20-0909 | Settlement Authority |
| 3. Claim # 21-0116 | Settlement Authority |
| 4. Claim # 21-0166 | Settlement Authority |
| 5. Claim # 21-0172 | Settlement Authority |

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

The Chairman moved to *Item 9*, any other matters to discuss. Meridith Trahan, LWC Executive Counsel, provided the members with three optional rates, 7.4%, 7.25%, and 7%, and the amount forecasted to be collected using each option. Ms. Trahan reminded the members of the 2021 rate of 6.99%. After a lengthy discussion regarding each option, along with collection efforts of unpaid assessments from prior years, Mr. Hawkland made a motion to assess using the rate of 7.25%. Ms. Kirby seconded the motion and it passed unanimously.

Item 9b, the 2022 Actuarial Report, was next listed on the agenda. The members were provided a draft of the report to review and Ms. Veade summarized some highlights. It was decided to postpone a vote approving/denying the report to the January 12, 2023 meeting.

There were no other matters to discuss; therefore, the Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. Mr. Kirby seconded the motion and it passed unanimously.

The meeting adjourned at 2:54 pm

Recording Secretary: Claudia Brumfield