

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of July 10, 2014

The regular meeting of the Second Injury Board convened at 2:09 p.m.

The following were present:

1. Mr. Larry White, I. T. Consultant
2. Mr. Steve Hawkland, representing Secretary of State
3. Ms. Lynette Mack, representing State Treasury
4. Ms. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Megan Penzato, representing J K Martin Pulpwood
7. Joseph Guilbeau, representing AIG Insurance Company & Great American Insurance Company
8. Karl Scott, General Counsel
9. Meridith Trahant, General Counsel
10. Jessica Masaracchia, Audit & Finance Supervisor
11. Shaneka Davis, Recording Secretary

Mr. White, Chairman, 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 moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 2* on the agenda, there are three hearings schedule, Mrs. Williams's states that on the first hearing Claim #13-0133 she spoke ahead of the meeting with Ms. Penzato with J K Martin Pulpwood, concerning this case and agreed to postpone (see attached). Mr. White motions that Claim #13-0133 be removed from the agenda, the moves the next hearing on the agenda Claim #13-0583. Ms. Sumrall states that Claim #13-0583 for the employer Unifirst Corporation and carrier AIG Insurance Company the claim recommended for denial due to insufficient knowledge on several bases as well as a possible merger issue (see attached). Mr. Guilbeau states he's not aware that the form is the only way the board can obtain knowledge of claim. Mrs. Williams responding by saying, "If that form was the form used by the employer, then that form was used as a presumption of knowledge" (see attached). Mr. Guilbeau states that only the preexisting condition is what he's contending causing a merger is the shoulder, he also states that it's a merger between a shoulder and a back. He requests that the board considers (see attached). Ms. Sumrall states that when the board looks at what a permanent partial disability if it's not one of the presumptive conditions the test that's used if the employer makes modification to the employee job (see attached). Mr. White motion to continue with the recommendation of the staff. Mr. Hawkland accepts the motion and Ms. Mack second and passed unanimously. Mr. White moves to the next hearing Claim #13-0789, calls on Ms. Sumrall to speak. Ms. Sumrall states that the employers Rouse Enterprises and the carriers Great American Insurance Company. Ms. Sumrall explains that this claim is also recommended for denial due to knowledge issues regarding the questionnaires and the way to prove knowledge

(see attached). Mr. Guilbeau answered by stating the diabetes did not affect his recovery he's willing to accept the boards denial. Mr. White motion to accept the board recommendation, Mr. Hawkland accepts the motion and Ms. Mack second and passed unanimously.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (8) claims; beginning with Claim #12-1049 and ending with Claim #14-0266. The motion was made by Ms. Mack and seconded by Mr. Hawkland and passed unanimously.

1.	12-1049	Louisiana Workers' Compensation Corporation	104 week deductible
2.	13-0054	Louisiana Home Builders Association - SIF	104 week deductible
3.	13-0387	City of New Orleans	104 week deductible
4.	13-0415	Bridgefield Casualty Insurance Company	104 week deductible
5.	13-1005	Terrebonne Parish School Board	104 week deductible
6.	14-0065	Zurich American Insurance	104 week deductible
7.	14-0225	Louisiana Workers' Compensation Corporation	104 week deductible
8.	13-0266	LUBA Casualty Insurance Company	104 week deductible

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (66) claims; beginning with Claim #11-0509 and ending with Claim #14-0307. Item 39 Claim # 13-0999 has been postponed.

1.	11-0509	Parish Government Risk Management Agency
2.	13-0017	Cargill Inc. & Subsidiaries
3.	13-0115	City of New Orleans
4.	13-0139	Terrebonne Parish School Board
5.	13-0178	New Hampshire Insurance Company
6.	13-0250	Louisiana Commerce & Trade Association
7.	13-0380	Recreation & Park Commission of East Baton Rouge Parish
8.	13-0442	LUBA Casualty Insurance Company
9.	13-0477	Louisiana Office of Risk Management
10.	13-0481	Parish Government Risk Management
11.	13-0555	Recreation & Park Commission of East Baton Rouge
12.	13-0611	None Documented
13.	13-0617	Entergy Services, Inc.
14.	13-0624	Louisiana Construction & Industry - SIF
15.	13-0627	Sentry Select Insurance Company
16.	13-0647	Louisiana Commerce & Trade Association
17.	13-0651	Old Republic Insurance Company
18.	13-0653	Louisiana Workers' Compensation Corporation
19.	13-0667	Louisiana Restaurant Association
20.	13-0798	LUBA Casualty Insurance Company
21.	13-0805	Louisiana Hospital Association
22.	13-0823	Bridgefield Casualty Insurance Company

23. 13-0831 Louisiana Workers' Compensation Corporation
24. 13-0844 Stonetrust Commerical Insurance Company
25. 13-0855 City of Shreveport
26. 13-0862 Great American Insurance Company
27. 13-0915 Louisiana Workers' Compensation Company
28. 13-0943 Hartford Casualty Insurance Company
29. 13-0944 LEMIC Insurance Company
30. 13-0955 Louisiana Health Care SIF
31. 13-0961 Bridgefield Casualty Insurance Company
32. 13-0963 Monroe City School Board
33. 13-0967 City of Shreveport
34. 13-0969 Louisiana Office of Risk Management
35. 13-0973 Ace American Insurance Company
36. 13-0975 East Jefferson General Hospital
37. 13-0996 Louisiana Safety Association of Timberman
38. 13-0998 East Baton Rouge Parish School Board
39. ~~13-0999 Bridgefield Casualty Insurance Company~~
40. 13-1000 Bridgefield Casualty Insurance Company
41. 13-1003 None Documented
42. 13-1004 Ace American Insurance Company
43. 13-1006 Louisiana Commerce & Trade Association
44. 13-1014 Louisiana Hospital Association
45. 13-1020 Bridgefield Casualty Insurance Company
46. 13-1022 Bridgefield Casualty Insurance Company
47. 13-1024 Louisiana Workers' Compensation Corporation
48. 13-1032 Louisiana Retailers Mutual Insurance Company
49. 13-1041 City of Baton Rouge, East Baton Rouge Parish
50. 13-1042 Bridgefield Casualty Insurance Company
51. 13-1044 Arch Insurance Company
52. 13-1068 New Hampshire Insurance Company
53. 13-1085 LUBA Casualty Insurance Company
54. 14-0018 Safety National Casualty Corporation
55. 14-0067 LEMIC Insurance Company
56. 14-0081 Louisiana Hospital Association
57. 14-0126 City of Shreveport
58. 14-0127 LEMIC Insurance Company
59. 14-0142 Parish Government Risk Management Agency
60. 14-0154 Louisiana Home Builders Associate SIF
61. 14-0157 LEMIC Insurance Company
62. 14-0166 LUBA Casualty Insurance Company
63. 14-0182 Louisiana Home Builders Associate SIF
64. 14-0186 None Documented
65. 14-0203 Louisiana Safety Association of Timbermen
66. 14-0273 Terrebonne Parish School Board
67. 14-0307 Louisiana Office of Risk Management

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

Mr. White moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (250) partial payments beginning with Claim #81-0004 and ending with Claim #12-0637. Mr. White asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of July 10, 2014. The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

Mr. White moved to *Item 6* on the agenda, being the recommendation to approve (92) quarterly payments due beginning with Claim #87-0341 and ending with Claim #12-0789. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of July 10, 2014. The motion was seconded by Mr. Hawkland and passed unanimously.

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

Upon returning from Executive Session, Mr. White moved to *Item 8a* of the agenda, being settlement recommendations. It's been recommended by staff that (11) items be paid on a quarterly bases, (see attached). Mr. White 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. 03-0611
2. 04-0365
3. 05-0263
4. 09-0356
5. 09-0376
6. 10-0804
7. 10-1022
8. 11-0652
9. 11-0921
10. 11-0957
11. 13-0541

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

There's (8) items were recommended to be denied for settlement and be paid on an on-going basis:

1. 82-0040
2. 98-0333
3. 08-0586
4. 09-0244
5. 10-0942
6. 11-0467
7. 11-0712
8. 11-0810

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

Mr. White moved to *Item 8b* of the agenda, being Additional Settlement Issues, first Claim #07-0598 carrier settled prior to getting Second Injury Board approval, therefore the settlement was denied. Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously. Next Claim # 11-0352 recommends resending and granting the approval (see attached). Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

Mr. White moved to *Item 8c* being Second Injury Board litigation. Mr. White asked to postpone Claim #05-0344 and for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

1. Claim #11-0778 settlement authority
2. Claim #12-0891 settlement authority
3. Claim #12-1003 settlement authority
4. Claim #12-0862 continue litigation
5. Claim #12-0385 settlement authority
6. Claim #09-0775 settlement authority

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

Mr. White moved to *Item 9a* being other matters requiring attention. Mrs. Williams ask the board to approve the fourth and final installment of settlement on USF&G litigation in the amount of \$4,000,000.00 to be paid in the next 30 days. Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack and passed unanimously.

Minutes (cont'd)

Page 6

July 10, 2014

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

The meeting was adjourned at 3:15 p.m.

Recording Secretary: Shaneka Davis