

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of July 7, 2016

The regular meeting of the Second Injury Board convened at 2:07 p.m.

The following were present:

1. Ms. Sheryl Kellar, OWCA Director
2. Mr. Charles Hansberry, Representing the Commissioner of Insurance, Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Mr. Steve Hawkland, representing the Secretary of State
5. Pauline Williams, Deputy Director/Acting Director of Second Injury Board
6. Tommy Green, representing LA Agricultural Corporation
7. Malinda Boyd, representing LA Agricultural Corporation
8. Jimmy Edwards, representing Ouachita Parish School Board
9. Karl Scott, General Counsel
10. Meridith Trahant, General Counsel
11. Shaneka Davis, 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. Ms. Mack moved to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was seconded by Mr. Hawkland and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda for hearings. No hearings were scheduled so the Chairman moved to *Item 3*.

The Chairman requested a motion to amend the agenda to replace *Item 3, #5, Claim #15-0367* with *Claim #15-0361*. The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously. Mr. Hansberry continued with *Item 3* on the agenda listing (12) claims for which a recommendation was made for payment starting with *Claim #14-0600* and ending with *Claim #16-0060*. Mr. Hansberry asked for a motion in support of the recommendation. The motion was made by Mr. Hawkland, seconded by Ms. Mack and passed unanimously.

1.	14-0600	Bridgefield Casualty Insurance Company	104 week deductible
2.	14-0661	Jefferson Parish School Board	104 week deductible
3.	15-0050	City of New Orleans	104 week deductible
4.	15-0242	New Hampshire Insurance Company	104 week deductible
5.	15-0361	Louisiana Home Builders Association - SIF	104 week deductible
6.	15-0407	Stonetrust Commercial Insurance Company	104 week deductible
7.	15-0517	Ouachita Parish Police Jury	104 week deductible
8.	15-0568	Louisiana Restaurant Association	104 week deductible
9.	15-0575	Louisiana Workers' Compensation Corporation	104 week deductible
10.	15-0630	Louisiana Municipal Risk Management Agency	104 week deductible
11.	15-0735	New Hampshire Insurance Company	104 week deductible
12.	16-0060	LUBA Casualty Insurance Company	104 week deductible

The Chairman requested a motion to amend the agenda to replace Item 4, #2, Claim #15-0126 with Claim #16-0126. Director Kellar made the motion to amend the agenda. The motion was seconded by Ms. Mack and passed unanimously. The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (51) claims; beginning with Claim #12-0799 and ending with Claim #16-0233. A request was made for a motion in support of the recommendation. The motion was made by Director Kellar, seconded by Mr. Hawkland and passed unanimously.

1. 12-0799 National Union Fire Insurance – Pittsburgh, PA
2. 16-0126 Louisiana Construction & Industry – SIF
3. 15-0204 UNVERIFIED
4. 15-0219 Silver Oak Casualty Insurance
5. 15-0289 LUBA Casualty Insurance Company
6. 15-0508 Jefferson Parish Public School System
7. 15-0580 Louisiana Workers' Compensation Corporation
8. 15-0608 Norguard Insurance Company
9. 15-0627 Stonetrust Commercial Insurance Company
10. 15-0680 Old Republic Insurance Company
11. 15-0697 Christus Schumpert Highland Hospital
12. 15-0707 Federal Insurance Company/DBA Chubb Insurance
13. 15-0708 Louisiana Retailers Mutual Insurance Company
14. 15-0710 Travelers Group
15. 15-0712 Louisiana Workers' Compensation Corporation
16. 15-0716 Iberia Parish School Board
17. 15-0726 XL Specialty Insurance Company
18. 15-0745 Louisiana Workers' Compensation Corporation
19. 15-0751 LUBA Casualty Insurance Company
20. 15-0755 UNVERIFIED
21. 15-0756 New Hampshire Insurance Company
22. 15-0761 LUBA Casualty Insurance Company
23. 15-0763 American Interstate Insurance Company
24. 15-0766 Louisiana Restaurant Association
25. 15-0769 Louisiana Office of Risk Management
26. 15-0772 City of New Orleans
27. 15-0775 Indemnity Insurance Company of North America
28. 15-0784 UNVERIFIED
29. 15-0787 UNVERIFIED
30. 15-0790 Louisiana Restaurant Association
31. 15-0793 City of New Orleans
32. 15-0799 Bridgefield Casualty Insurance Company
33. 15-0805 Lafayette Parish School Board
34. 15-0815 Louisiana Municipal Risk Management Agency
35. 15-0817 Travelers Property Casualty Company of America
36. 15-0820 Christus St. Patrick Hospital
37. 15-0822 Louisiana Office of Risk Management
38. 15-0835 LUBA Casualty Insurance Company
39. 15-0838 Louisiana Office of Risk Management

40. 15-0850 City of New Orleans
41. 15-0873 Arch Insurance Company
42. 15-0889 Louisiana Workers' Compensation Corporation
43. 16-0013 Louisiana Restaurant Association
44. 16-0014 Louisiana Health Care – SIF
45. 16-0017 Diocese of Baton Rouge
46. 16-0039 LUBA Casualty Insurance Company
47. 16-0050 Willis-Knighton Medical Center
48. 16-0072 Jefferson Parish
49. 16-0137 Louisiana Municipal Risk Management Agency
50. 16-0177 Silver Oak Casualty Insurance
51. 16-0233 Louisiana Construction & Industry - SIF

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (365) partial payments beginning with Claim #80-0247 and ending with Claim #14-0540. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of July 7, 2016. The motion was made by Director Kellar, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (80) quarterly payments due beginning with Claim #88-0204 and ending with Claim #15-0201. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of July 7, 2016. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. Mr. Jimmy Edwards was present representing Ouachita Parish School Board in connection with a Second Injury Fund claim that was previously approved but is currently in litigation regarding denial of settlement authority. Ms. Malinda Boyd, the adjuster assigned to the claim and Mr. Tommy Green, Claim Manager with LAC Claims were also present. Mr. Edwards began by stating this claim is currently on the board's agenda for Executive Session. He gave a history of the claim including the fact the requested settlement amount is specified as death benefits for the widow of the employee. He stressed the desire of the carrier to reduce administrative costs and the widow's desire to settle the claim for a discounted amount. Mr. Edwards stated the savings would be approximately \$201,000.00 by his calculations. He again asked the Board to consider settlement authority to allow closure of the matter. Mr. Hansberry asked Mr. Edwards to state the requested amount again and Mr. Edwards complied. Mr. Hansberry asked for any other comments from the Board. There being none, Mr. Hansberry thanked the representatives for appearing.

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 passed unanimously.

The Chairman moved to *Item 8a* of the agenda, being settlement recommendations on (17) claims. 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 claims:

1. 02-0945
2. 05-0285
3. 07-0136
4. 10-0603
5. 11-0036
6. 13-0123
7. 13-0226
8. 13-0384
9. 13-0474
10. 13-0520
11. 14-0037
12. 14-0736
13. 14-0760
14. 15-0062
15. 15-0351
16. 15-0371

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

The following claim was recommended for settlement denial and to continue to be paid on an on-going basis:

1. 11-0366

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

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session and to represent the Board in the following manner:

Minutes (cont'd)

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1. Claim #00-0890 Settlement Authority
2. Claim #13-0845 Settlement Authority
3. Claim #13-1056 Continue Litigation
4. Claim #14-0093 Settlement Authority
5. Claim #14-0117 Continue Litigation
6. Claim #14-0430 Settlement Authority
7. Claim #14-0572 Settlement Authority

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

The Chairman moved to *Item 9* by asking if there were any other matters to discuss. There being no further business 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 was adjourned at 3:25pm

Recording Secretary: Shaneka Davis