

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 13, 2014

The regular meeting of the Second Injury Board convened at 2:04 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Ms. Lori Pierce, representing State of Treasurer
4. Mr. Steve Hawkland, representing Secretary of State
5. Mrs. Pauline Williams, SIB Director
6. Mr. Gary Kern, representing Risk Savers
7. Mr. Kirk Landry, representing Risk Savers and Louisiana Construction & Industry
8. Ms. Joann, representing Risk Savers
9. Mr. Karl Scott, General Counsel
10. Mrs. Meridith Trahan, General Counsel
11. Mrs. Shaneka Davis, Recording Secretary

Mr. Hansberry, 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. Pierce and passed unanimously.

The Chairman moved to *Item 2* on the agenda for hearings, Hearing #1 Claim #13-0425 has been postponed. Chairman moved to hearing #2 Claim #13-0664 the employee is Rodger Ferchaud, employer is J. H. Walker Trucking, Inc. and the carrier is Louisiana Construction & Industry – SIF. Representing Risk Savers Gary Kern speaks on behalf (see attached). Mrs. Williams argues that none of the conditions that were listed was presume permanent partial disability (see attached). Mr. Landry stated that Mr. Wright has an affidavit indicating that he has the power to hire and fire, he also speaks regarding the merger (see attached). Mrs. Williams states that in her opinion a permanent partial disability hasn't been established, she recommends to the board that this claim is denied. Ms. Joann request clarification regarding the questionnaire form (see attached). Mr. Hansberry asked for the permanence to be explained to him regarding the letter was giving out from Mr. Kern (see attached). Mr. Kern addresses Mr. Hansberry question (see attached). Mr. Hansberry ask the pleasure of the board, Mr. Hataway states that this claim isn't black and white it has a lot of grey area (see attached). Mr. Hataway motion to deny, the motion was seconded by Mr. Hawkland and passed unanimously. The Chairman moved to hearing #3 Claim #13-0838, employee Terry Bell, employer R & R Wood Products, carrier Louisiana Construction & Industry – SIF. Mr. Landry representing this case states that Terry Bell has been treated for a number of years for COPD (Chronic Obstructive Pulmonary Disease). Mr. Landry states that he has all proper documents to support his claim that it presumes permanent partial disability. He states that SIB questions that COPD wasn't name as a condition prior to the accident that occurred (see attached). Mrs. Williams states that

SIB doesn't have a diagnosis of COPD prior to the accident. She states that he was treated for numerous respiratory issues but there's no diagnosis stating it (see attached). Mr. Hataway asked what the record that he had indicating he had COPD. Mr. Landry states it's a doctor report dated November 14, 2012 and the date of the accident is October 2012 (see attached). Mr. Hataway motion that this matter continues in executive session, and seconded by Ms. Pierce and passed unanimously

Next the Chairman moved to *Item 3* need to amend the agenda, add *Item #51* under *Item #4*, which will make *Item #3* having items 1 through 11 recommended for payment Claim #14-0171. Chairman made a motion to expand agenda. The motion was made by Mr. Hawkland and seconded by Mr. Hataway and passed unanimously. It's been recommended by staff to approve reimbursement on the following (11) claims; beginning with Claim #13-0393 and ending with Claim #14-0171. The motion was made by Mr. Hawkland and seconded by Mr. Hataway and passed unanimously.

1.	13-0393	Barber Brothers Contracting	104 week deductible
2.	13-0458	LUBA Casualty Insurance Company	104 week deductible
3.	13-0593	Willis-Knighton Medical Center	104 week deductible
4.	14-0002	LUBA Casualty Insurance Company	104 week deductible
5.	14-0063	Lafayette Parish School Board	104 week deductible
6.	14-0103	Star Insurance Company	104 week deductible
7.	14-0229	Louisiana Restaurant Association	104 week deductible
8.	14-0287	Louisiana Retailers Mutual Insurance Company	104 week deductible
9.	14-0457	Louisiana Auto Dealers Association	104 week deductible
10.	14-0621	LUBA Casualty Insurance Company	104 week deductible
11.	14-0171	Louisiana Health Care – SIF	104 week deductible

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (92) claims; beginning with Claim #12-0952 and ending with Claim #14-0669. There are several items that have been posted and they are as followed: *Item 34* Claim #14-0100, *Item 65* Claim #14-0223 and *Item 67* Claim #14-0230.

1.	12-0952	City of New Orleans
2.	12-0962	Louisiana Hospital Association
3.	13-0042	Louisiana Health Care - SIF
4.	13-0425	Louisiana Construction & Industry - SIF
5.	13-0429	New Hampshire Insurance Company
6.	13-0440	LUBA Casualty Insurance Company
7.	13-0480	New Hampshire Insurance Company
8.	13-0533	City of Alexandria
9.	13-0534	Recreation & Park Commission of East Baton Rouge
10.	13-0546	Louisiana Office of Risk Management
11.	13-0634	Louisiana Home Builders Association - SIF

12. 13-0652 Louisiana Workers' Compensation Corporation
13. 13-0770 Louisiana Commerce & Trade Association
14. 13-0818 Ace American Insurance Company
15. 13-0838 Louisiana Construction & Industry - SIF
16. 13-0936 LEMIC Insurance Company
17. 13-0962 Louisiana Workers' Compensation Corporation
18. 13-0978 Louisiana Workers' Compensation Corporation
19. 13-0993 Louisiana Office of Risk Management
20. 13-1012 Louisiana Workers' Compensation Corporation
21. 13-1081 Arch Insurance Company
22. 14-0001 Bridgefield Casualty Insurance Company
23. 14-0005 St. Bernard Parish School Board
24. 14-0007 East Baton Rouge Parish School Board
25. 14-0009 Louisiana Safety Association of Timberman
26. 14-0029 Louisiana Workers' Compensation Company
27. 14-0030 Louisiana Workers' Compensation Company
28. 14-0039 Bridgefield Casualty Insurance Company
29. 14-0041 Louisiana Retailers Mutual Insurance Company
30. 14-0056 Louisiana Office of Risk Management
31. 14-0071 Louisiana Office of Risk Management
32. 14-0074 City of Shreveport
33. 14-0088 Bridgefield Casualty Insurance Company
- ~~34. 14-0100 Louisiana Office of Risk Management POSTPONE~~
35. 14-0101 Louisiana Commerce & Trade Association
36. 14-0108 None Documented
37. 14-0111 None Documented
38. 14-0114 LUBA Casualty Insurance Company
39. 14-0116 LUBA Casualty Insurance Company
40. 14-0117 LUBA Casualty Insurance Company
41. 14-0118 LUBA Casualty Insurance Company
42. 14-0119 LUBA Casualty Insurance Company
43. 14-0121 Louisiana Commerce & Trade Association
44. 14-0133 Diocese of Baton Rouge
45. 14-0138 Jefferson Parish School Board
46. 14-0148 Gulf Island Fabricators
47. 14-0155 Louisiana Office of Risk Management
48. 14-0158 None Documented
49. 14-0161 Safety National Casualty Corporation
50. 14-0168 Louisiana Home Builders Association - SIF
- ~~51. 14-0171 Louisiana Health Care - SIF AMEND AGENDA~~
52. 14-0178 Louisiana Commerce & Trade Association
53. 14-0180 Louisiana Commerce & Trade Association
54. 14-0189 Valluzzo Companies
55. 14-0192 St. Tammany Parish School Board
56. 14-0195 Winn-Dixie Louisiana, Inc.
57. 14-0199 Ace American Insurance Company
58. 14-0201 Bridgefield Casualty Insurance Company
59. 14-0207 Louisiana Hospital Association
60. 14-0210 Louisiana Office of Risk Management

61. 14-0211 Louisiana Office of Risk Management
62. 14-0214 None Documented
63. 14-0217 Louisiana Office of Risk Management
64. 14-0220 Louisiana Office of Risk Management
- ~~65. 14-0223 Louisiana Office of Risk Management~~ POSTPONE
66. 14-0227 Louisiana Office of Risk Management
- ~~67. 14-0230 Louisiana Safety Association of Timbermen~~ POSTPONE
68. 14-0233 City of New Orleans
69. 14-0234 Louisiana Office of Risk Management
70. 14-0236 Louisiana Hospital Association
71. 14-0247 None Documented
72. 14-0251 Louisiana Workers' Compensation Corporation
73. 14-0257 City of New Orleans
74. 14-0284 Louisiana Office of Risk Management
75. 14-0311 Louisiana Office of Risk Management
76. 14-0324 Louisiana Health Care – SIF
77. 14-0325 Louisiana Home Builders Association – SIF
78. 14-0330 National Union Fire Insurance – Pittsburgh, PA
79. 14-0336 St. Tammany Parish School Board
80. 14-0359 Municipal Risk Management Agency
81. 14-0448 Louisiana Home Builders Association – SIF
82. 14-0456 None Documented
83. 14-0458 Argonaut Insurance Group
84. 14-0483 None Documented
85. 14-0487 Argonaut Insurance Group
86. 14-0530 Iberia Parish School Board
87. 14-0546 LUBA Casualty Insurance Company
88. 14-0577 Louisiana Office of Risk Management
89. 14-0602 Louisiana Office of Risk Management
90. 14-0643 Our Lady of the Lake, Inc.
91. 14-0654 Hartford Casualty Insurance Company
92. 14-0669 LUBA Casualty Insurance Company

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

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (137) partial payments beginning with Claim #87-0049 and ending with Claim #13-0090. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of November 13, 2014. The motion was made by Mr. Hawkland, seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (104) quarterly payments due beginning with Claim #87-0290 and ending with Claim #12-0327. Mr. Hawkland moved to accept

the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of November 13, 2014. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No members from the public in attendance. 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. Mr. Hataway seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman states that the board has discussed *Item 3* under the hearing section. Mr. Hataway motion that the matter continues in 60 days to allow the employer to find documentation of the diagnosis prior to the injury date (see attached) Mr. Hawkland seconded the motion and it was passed unanimously. The Chairman moved to *Item 8a* of the agenda, being settlement recommendations. Recommendation was requested to expand the agenda and make amendments. 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. 94-0263
2. 01-1215
3. 06-0049
4. 07-0200
5. 07-0249
6. 08-0550
7. 09-0191
8. 12-0107
9. 12-0122 – Indemnity Only
10. 12-0409
11. 12-0482
12. 12-1049
13. 13-0221
14. 13-0434
15. 13-0641
16. 13-0894
17. 13-0925
18. 13-1092
19. 14-0109

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

There's (3) claims that were recommended to be denied for settlement and be paid on an on-going basis:

1. 08-0375
2. 10-0942
3. 13-0780

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Mr. Hataway 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, to represent the Board in the following manner:

1. Claim #11-0805 continue ligation
2. Claim #11-0539 settlement authority
3. Claim #12-1078 settlement authority
4. Claim #13-0923 continue ligation

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

Mrs. Williams discuss the approval for the 2014 Second Injury Fund annual assessment rate to be set at 5.75% which is the same rate as the 2009, 2010, 2011 and 2013 assessments. The 2012 assessment rate ticked up slightly to 5.90% due to lower than anticipated benefits reported. (See attached). The request from the Second Injury Board to approve the recommended assess of \$50,548,328.52, which reflects a rate of 5.75%. There being no further business to discuss, the Chairman asked for a motion to adjourn. Mr. Hataway moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

The meeting was adjourned at 3:27 p.m.

Recording Secretary: Shaneka Davis