

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of November 5, 2020

The regular meeting of the Second Injury Board convened at 2:05 p.m.

The following were present or attended via Zoom/Teleconference:

1. Charles Hansberry, representing the Commission of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chip Coulter, representing Dept. of Children and Family Services
4. Leigh Anne Faber, representing the State Treasurer
5. Darrick Lee, Acting Director of Second Injury Board
6. Karl Scott, General Counsel
7. Shana Veade, General Counsel
8. Claudia Rush, 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

Mr. Lee made note that the Board was holding the meeting through video/teleconference pursuant to John Bel Edwards' Executive Order #84-2020, Section 2c.

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 of October 1, 2020. 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 Mr. Coulter, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were three hearings listed.

1. 19-0951 New Hampshire Insurance Company (AIG)
2. 19-0978 LA Construction & Industry SIF
3. 20-0018 LA Construction & Industry SIF

Mr. Lee presented Claim #19-0951 to the Board, and stated that staff did not receive medical reports to support merger and knowledge. He recommended the hearing request be denied. Mr. Hawkland moved that the Board deny the request. Mr. Coulter seconded the motion and it passed unanimously.

Mr. Lee presented Claim #19-0978, stating that the staff did not receive sufficient reports required to support the elements of PPD, knowledge, and merger, and recommended denial of the request on all three issues. Mr. Hawkland moved that the Board deny the request for a hearing. Ms. Faber seconded the motion and it passed unanimously.

Mr. Lee presented Claim #20-0018 to the Board, and stated that staff did not receive medical reports to support the elements of a PPD, nor subsequent injury. Additionally, information for knowledge was defective/insufficient and staff did not receive documents to support merger. He recommended the hearing request be denied. Mr. Coulter moved to deny the request. Mr. Hawkland seconded the motion and it passed unanimously.

*Item 3* on the agenda lists (14) claims where recommendations were made for payment starting with Claim #19-0192 and ending with Claim #20-0268. Mr. Hawkland made a motion to approve the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 19-0192 LA Workers' Compensation Corp.
2. 19-0269 LAC-Self-Insured Fund
3. 19-0370 St. Tammany Parish Government
4. 19-0430 West Jefferson Medical Center
5. 19-0660 LA Workers' Compensation Corp.
6. 19-0672 Louisiana Hospital Association
7. 19-0730 LA Workers' Compensation Corp
8. 19-0943 LUBA Casualty Insurance Company
9. 19-0950 Eastern Alliance Insurance Co.
10. 20-0148 LA Municipal Risk Mgmt. Agency
11. 20-0191 LA Health Care- Self Ins. Fund
12. 20-0207 Old Republic Insurance Company
13. 20-0218 City of New Orleans
14. 20-0268 LA Workers' Compensation Corp.

The Chairman moved to *Item 4* on the agenda, (101) claims recommended for denial, beginning with Claim #17-0706, and ending with Claim #20-0501. The Chairman then requested a motion to approve the recommendation to deny the claims as described in the November 5, 2020 agenda. Mr. Hawkland made a motion to deny the claims for payment. Mr. Coulter seconded the motion and it passed unanimously.

1. 17-0706 Dillard's, Inc.
2. 19-0186 City of Shreveport
3. 19-0193 LUBA Casualty Insurance Company
4. 19-0211 LA Health Care- Self Ins. Fund
5. 19-0250 Lafayette Parish Sheriff's Office
6. 19-0282 LA Workers' Compensation Corp.
7. 19-0325 National Fire Insurance Company of Hartford
8. 19-0330 LCTA Casualty Ins. Co.
9. 19-0350 LA Workers' Compensation Corp.
10. 19-0362 LA Workers' Compensation Corp.
11. 19-0437 LUBA Casualty Insurance Company
12. 19-0439 LUBA Casualty Insurance Company
13. 19-0472 LA Automobile Dealers Assn.

14. 19-0478 United States Fire Insurance Company
15. 19-0497 LA Workers' Compensation Corp.
16. 19-0502 LA Workers' Compensation Corp.
17. 19-0530 LA Workers' Compensation Corp.
18. 19-0553 Bridgefield Casualty Insurance Company
19. 19-0558 Office of Risk Management
20. 19-0566 LCTA Casualty Ins. Co.
21. 19-0571 LUBA Casualty Insurance Company
22. 19-0595 Louisiana Hospital Association
23. 19-0622 LUBA Casualty Insurance Company
24. 19-0642 St. Tammany Parish School Board
25. 19-0676 LA Workers' Compensation Corp.
26. 19-0707 University Medical Center Mgmt.
27. 19-0732 Office of Risk Management
28. 19-0753 Travelers Indemnity Company
29. 19-0775 LA Workers' Compensation Corp.
30. 19-0777 LA Workers' Compensation Corp.
31. 19-0779 LA Workers' Compensation Corp.
32. 19-0781 Caddo Parish Commission
33. 19-0783 LUBA Casualty Insurance Company
34. 19-0786 Jefferson Parish Public School System
35. 19-0787 Office of Risk Management
36. 19-0793 Retailers Casualty Insurance Company
37. 19-0797 Retailers Casualty Insurance Company
38. 19-0801 City of Lake Charles
39. 19-0804 St. Tammany Parish School Board
40. 19-0805 General Health, Inc.
41. 19-0809 City of New Orleans
42. 19-0815 LA Workers' Compensation Corp.
43. 19-0823 City of New Orleans
44. 19-0827 LA Workers' Compensation Corp.
45. 19-0829 - Unverified
46. 19-0834 LA Workers' Compensation Corp.
47. 19-0835 LA Workers' Compensation Corp.
48. 19-0837 Saia Motor Freight Line
49. 19-0838 - Unverified
50. 19-0840 - Unverified
51. 19-0894 Retailers Casualty Insurance Company
52. 19-0901 Office of Risk Management
53. 19-0904 Continental Casualty Company
54. 19-0907 LUBA Casualty Insurance Company
55. 19-0915 LA Construction & Industry SIF
56. 19-0916 Bridgefield Employers Insurance Company
57. 19-0940 North Oaks Medical Center
58. 19-0952 Jefferson Parish
59. 19-0955 LUBA Casualty Insurance Company
60. 19-0961 Louisiana Restaurant Association
61. 19-0966 Retailers Casualty Insurance Company
62. 19-0970 Jefferson Parish Public School System
63. 19-0973 Travelers Casualty & Surety Co.
64. 19-0976 LUBA Casualty Insurance Company
65. 19-0981 Office of Risk Management

66. 19-0986 Memic Indemnity Company
67. 19-0987 LA Construction & Industry SIF
68. 20-0007 LA Construction & Industry SIF
69. 20-0010 - Unverified
70. 20-0018 State National Insurance Company
71. 20-0036 LA Health Care- Self Ins. Fund
72. 20-0065 Indemnity Ins. Co. of North America
73. 20-0099 - Unverified
74. 20-0100 - Unverified
75. 20-0112 Office of Risk Management
76. 20-0113 Retailers Casualty Insurance Company
77. 20-0115 LUBA Casualty Insurance Company
78. 20-0121 St. Tammany Parish School Board
79. 20-0122 General Health, Inc.
80. 20-0130 Bridgefield Employers Insurance Company
81. 20-0141 - Unverified
82. 20-0142 Bridgefield Casualty Insurance Company
83. 20-0146 Ace American Ins. Co
84. 20-0152 Ace American Ins. Co
85. 20-0157 LA Health Care- Self Ins. Fund
86. 20-0160 Louisiana Hospital Association
87. 20-0162 LA Construction & Industry SIF
88. 20-0183 International Paper
89. 20-0208 LUBA Casualty Insurance Company
90. 20-0211 LUBA Casualty Insurance Company
91. 20-0220 LUBA Casualty Insurance Company
92. 20-0223 LA Health Care- Self Ins. Fund
93. 20-0232 Jefferson Parish Public School System
94. 20-0235 LCTA Casualty Ins. Co.
95. 20-0238 Louisiana Restaurant Association
96. 20-0241 Louisiana Restaurant Association
97. 20-0270 Office of Risk Management
98. 20-0325 Bridgefield Casualty Insurance Company
99. 20-0377 LA Construction & Industry SIF
100. 20-0417 Louisiana Restaurant Association
101. 20-0501 LA Home Builders Assn.- SIF

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (185) partial payments due beginning with Claim #82-0100 and ending with Claim #19-0232. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of November 5, 2020. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (98) quarterly payments due beginning with Claim #86-0091 and ending with Claim #19-0413. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of November 5, 2020. Ms. Faber seconded the motion and it passed unanimously.

The Chairman moved to Item 7, Public Comment. There were no members of the public present.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Coulter made the motion. Ms. Faber 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 the Director 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. 05-0147
2. 14-0505
3. 15-0823
4. 16-0258
5. 16-0615
6. 18-0287
7. 18-0418
8. 18-0859
9. 19-0465
10. 19-0745

Mr. Hawkland moved to accept the recommendation. Mr. Coulter 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. 14-0907
2. 16-0735
3. 18-0702

Mr. Coulter moved to accept the recommendation. Mr. Hawkland 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.

1. Claim #14-0412 Settlement Authority
2. Claim #14-0575 Settlement Authority
3. Claim #16-0657 Settlement Authority
4. Claim #17-0189 Settlement Authority
5. Claim #17-0610 Settlement Authority
6. Claim #17-0736 Settlement Authority
7. Claim #18-0207 Settlement Authority
8. Claim #18-0422 Settlement Authority
9. Claim #18-0631 Settlement Authority
10. Claim #18-0852 Settlement Authority
11. Claim #19-0002 Settlement Authority
12. Claim #19-0170 Settlement Authority
13. Claim #19-0511 Continued Litigation
14. Claim #19-0557 Settlement Authority
15. Claim #19-0591 Settlement Authority

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

The Chairman moved to *Item 9*, any other matters to discuss.

1. SIF Assessment Rate

Mr. Lee requested Chandra Cola, SIB Audit Supervisor, to speak to the Board regarding the issue. Ms. Cola recommended that the 2020 Assessment rate be set at 6.65%, the same as last year. After a brief discussion, Mr. Coulter moved to accept the 2020 SIF Assessment rate of 6.65%. Mr. Hawkland seconded the motion and it passed unanimously.

Mr. Lee next took the opportunity to introduce Ms. Ta'Tanisha Youngblood, attorney, as the new addition the SIF Legal department.

Mr. Hansberry asked if there were any other matters to discuss. There were no other matters to discuss; therefore, the Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. Ms. Faber seconded the motion and it passed unanimously.

The meeting adjourned at 2:56 pm

Recording Secretary: Claudia Brumfield