

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of April 2, 2015

The regular meeting of the Second Injury Board convened at 2:01 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Patrick Robinson, OWCA Director Candidate
3. Mr. Larry White, I. T. Consultant
4. Mr. Steve Hawkland, representing Secretary of State
5. Ms. Lynette Mack, representing State Treasurer
6. Ms. Pauline Williams, SIB Director
7. Michelle Sumrall, Compliance Supervisor
8. Karl Scott, General Counsel
9. Meridith Trahant, General Counsel
10. Ashley Deshotels, General Counsel
11. Gary Kern, representing Risk Savers Management
12. 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 Mr. White and passed unanimously.

The Chairman moved to *Item 2* on the agenda, under the hearing sections, First hearing is Claim #11-0238 the employee is Scott Hahn and the employer is XCEL Air Conditioning Service, Inc., the carrier is Lumbermens Underwriting Alliance representing the company; Mr. Gary Kern. Mr. Kern states that this is the 2nd hearing on this claim, he explains that on the last time he was given extension to provide documents from his treating doctor to prove merger (see attached). Ms. Sumrall states that they document received doesn't clear up the issues concerning what conditions the subsequent injury merger with (see attached). Mrs. Williams that's that there has to be actually knowledge of a permanent partial disability and the subsequent injury has to merge with the permanent partial disability (see attached). The Chairman asked what's the pleasure of the board, Mr. White motion to go along with the recommendation of the board to deny this claim. The motion was seconded by Mr. Hawkland and passed unanimously.

The Chairman moved to the next hearing. Claim # 13-0425 the employee is Voris Mitchell, the employer is Dirt Worx of Louisiana and the carrier is Louisiana Construction & Industry -SIF. Mr. Kern with Risk Savers states the board request for an additional merger statement which was provided as well as an affidavit from the employer of knowledge (see attached). Mr. Kern request that this matter is postpone in order to receive have Dr. Bankston answer additional questions The Chairman requests the pleasure of the board, Mr. Hawkland motion

accept the recommendation to postpone this matter. The motion was seconded by Mr. White and passed unanimously.

The Chairman moved to the next hearing. Claim # 14-0374 the employee is Jose Arita, the employer is Jasmynes Sewer & Drain Cleaning and the carrier is Louisiana Construction & Industry - SIF. Mr. Kern from Risk Savers is here representing this case however; Mrs. Sumrall states that sufficient information was received to make this claim eligible for reimbursement. She states that the recommendation is to approve this claim. Mr. Hawkland motion to accept the recommendation to deny this claim. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to the next hearing. Claim # 14-0548 the employee is Aaron Arceneaux, the employer is Diversified Warehouse Services, LLC and the carrier is Louisiana Construction & Industry - SIF. Mr. Hansberry states that he's been informed by staff that this matter is postponed for 60 days.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (7) claims; beginning with Claim #13-0110 and ending with Claim #14-0884. The motion was made by Ms. Mack and seconded by Mr. White and passed unanimously.

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| 1. | 13-0110 | Ace American Insurance Co | 104 week deductible |
| 2. | 13-0535 | Lincoln Parish School Board | 104 week deductible |
| 3. | 13-0990 | Louisiana Health Care - SIF | 104 week deductible |
| 4. | 14-0167 | City of New Orleans | 104 week deductible |
| 5. | 14-0333 | Zurich American Insurance Co | 104 week deductible |
| 6. | 14-0822 | St. Francis Medical Center | 104 week deductible |
| 7. | 14-0884 | Louisiana Restaurant Association | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (96) claims; beginning with Claim #12-0121 and ending with Claim #15-0538. Item (46) Claim# 14-0507 has been postponed and Item (9) Claim # 14-0800 we need to amend the agenda to change the carrier to Louisiana Office of Risk Management.

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| 1. | 12-0121 | LUBA Casualty Insurance Company |
| 2. | 13-0384 | Louisiana Retailers Mutual Insurance Company |
| 3. | 13-0552 | LEMIC Insurance Company |
| 4. | 13-0565 | New Hampshire Insurance Company |
| 5. | 13-0568 | Louisiana Retailers Mutual Insurance Company |
| 6. | 13-0571 | Louisiana Retailers Mutual Insurance Company |
| 7. | 13-0574 | Louisiana Office of Risk Management |
| 8. | 13-0580 | Louisiana Office of Risk Management |

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9. 13-0586 Bridgefield Casualty Insurance Company
10. 13-0592 City of New Orleans
11. 13-0604 Employers Mutual Casualty Company
12. 13-0607 Arch Insurance Company
13. 13-0613 Bridgefield Casualty Insurance Company
14. 13-0619 LEMIC Insurance Company
15. 13-0625 Louisiana Office of Risk Management
16. 13-0628 Louisiana Commerce & Trade Association
17. 13-0640 Louisiana Workers' Compensation Corporation
18. 13-0649 Bridgefield Casualty Insurance Company
19. 13-0655 Louisiana Office of Risk Management
20. 13-0658 North Oaks Health System
21. 13-0773 Liberty Mutual Fire Insurance Company
22. 13-0776 None Documented
23. 13-0779 None Documented
24. 13-0797 LAC - SIF
25. 13-0809 Louisiana Health Care SIF
26. 13-0878 Louisiana Workers' Compensation Corporation
27. 13-0914 Dolese Brothers Company
28. 13-0956 Louisiana Office of Risk Management
29. 13-0968 Bituminous Casualty Corporation
30. 13-1072 Ace American Insurance Co
31. 14-0075 Louisiana Home Builders Association - SIF
32. 14-0080 Ace American Insurance Co
33. 14-0104 Ace American Insurance Co
34. 14-0153 Lafayette Parish School Board
35. 14-0286 Louisiana Office or Risk Management
36. 14-0372 None Documented
37. 14-0388 Louisiana Municipal Risk Management Agency
38. 14-0399 City of Baton Rouge, East Baton Rouge Parish
39. 14-0405 Bridgefield Casualty Insurance Company
40. 14-0406 Bridgefield Casualty Insurance Company
41. 14-0408 LUBA Casualty Insurance Company
42. 14-0429 Louisiana Retailers Mutual Insurance Company
43. 14-0432 Louisiana Commerce & Trade Association
44. 14-0447 Electric Insurance Company/GE
45. 14-0505 St. Joseph Nursing Home
46. ~~14-0507 Louisiana Health Care SIF~~ POSTPONE
47. 14-0520 West Jefferson Medical Center
48. 14-0531 Liberty Mutual Insurance Company
49. 14-0532 Louisiana Office of Risk Management
50. 14-0541 Illinois National Insurance Company
51. 14-0543 Zurich American Insurance Company
52. 14-0550 Louisiana Office of Risk Management
53. 14-0561 Louisiana Office of Risk Management
54. 14-0562 LUBA Casualty Insurance Company
55. 14-0579 Louisiana Workers' Compensation Corporation
56. 14-0591 Louisiana Office of Risk Management
57. 14-0592 New Hampshire Insurance Company

58. 14-0593 None Documented
59. 14-0594 Bridgefield Casualty Insurance Company
60. 14-0595 American Casualty of Reading, PA
61. 14-0596 Winn-Dixie Louisiana, Inc.
62. 14-0597 City of New Orleans
63. 14-0599 Acadia Parish School Board
64. 14-0604 Louisiana Workers' Compensation Corporation
65. 14-0606 Calcasieu Parish Police Jury
66. 14-0607 Louisiana Office of Risk Management
67. 14-0609 Louisiana Office of Risk Management
68. 14-0610 Safety National Casualty Corporation
69. 14-0612 Ace American Insurance Co
70. 14-0613 Louisiana Office of Risk Management
71. 14-0618 Louisiana Health Care - SIF
72. 14-0623 New Hampshire Insurance Company
73. 14-0626 Jefferson Parish School Board
74. 14-0655 Louisiana Workers' Compensation Corporation
75. 14-0658 Louisiana Retailers Mutual Insurance Co
76. 14-0664 Louisiana Office of Risk Management
77. 14-0673 Louisiana Workers' Compensation Corporation
78. 14-0676 Louisiana Workers' Compensation Corporation
79. 14-0682 Louisiana Office of Risk Management
80. 14-0686 City of Baton Rouge
81. 14-0687 City of New Orleans
82. 14-0689 Argonaut Insurance Group
83. 14-0692 Jefferson Parish School Board
84. 14-0713 LEMIC Insurance Co
85. 14-0717 Louisiana Office of Risk Management
86. 14-0719 Jefferson Parish School Board
87. 14-0730 Louisiana Office of Risk Management
88. 14-0756 Louisiana Auto Dealers Association
89. 14-0800 Jefferson Parish School Board
90. 14-0835 None Documented
91. 14-0860 City of New Orleans
92. 14-0914 Argonaut Insurance Group
93. 15-0063 Old Republic Insurance Company
94. 15-0081 Louisiana Office of Risk Management
95. 15-0535 Louisiana Safety Association of Timbermen
96. 15-0538 Entergy Services, Inc.

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

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (158) partial payments beginning with Claim #77-0304 and ending with Claim #13-0641. Mr. Hansberry asked

for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of April 2, 2015. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (87) quarterly payments due beginning with Claim #88-0204 and ending with Claim #12-0789. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of April 2, 2015. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Mr. White 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, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman states that we need to expand the agenda to add (2) items under 8a recommendation for review of settlements. Claim # 09-0739 and Claim # 12-1075 of the agenda. The Chairman requests a motion to expand the agenda. The motion was accepted by Mr. White, seconded by Ms. Mack, and passed unanimously.

There's (10) 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. 98-0333
2. 06-0788
3. 09-0152
4. 09-0739
5. 11-0555
6. 12-0293
7. 12-0690
8. 12-1075
9. 13-0110 Indemnity portion only – Denial of waiver of subjugation
10. 14-0228

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

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The following (1) claims were recommended to be denied for settlement and be paid on an on-going basis:

1. 13-1056

Ms. Mack moved to accept the recommendation. The motion was seconded by Mr. White 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 #10-0443 settlement authority
2. Claim #11-0322 settlement authority
3. Claim #11-0606 settlement authority
4. Claim #13-0614 continued litigation
5. Claim #13-0662 continued litigation
6. Claim #13-1032 continued litigation

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

The Chairman states we need to expand the agenda to add discusses related to the ESIF vs its matter against the board. It's the recommendation of the board that settlement authority be granted to staff to settle this matter. Mr. White moved to accept the recommendation. The motion was seconded by Mr. Hawkland and passed unanimously.

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

The meeting was adjourned at 2:49 p.m.

Recording Secretary: Shaneka Davis