

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 1, 2016

The regular meeting of the Second Injury Board convened at 2:03 p.m.

The following were present:

1. Director Sheryl Kellar, Director of Workers' Compensation Administration
2. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
3. Ms. Lori Pierce, representing the State Treasurer (Interim)
4. Mr. Steve Hawkland, representing the Secretary of State
5. Pauline Williams, Deputy Director/Acting Director of Second Injury Board
6. Michelle Sumrall, SIB Compliance Supervisor
7. Meridith Trahan, General Counsel
8. Darrick Lee, General Counsel
9. Claudia Brumfield, 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. 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.

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

*Item 3* on the agenda lists (7) claims where recommendations were made for payment starting with Claim #15-0176 and ending with Claim #16-0405. The motion to approve the claims for payment was made by Mr. Hawkland, seconded by Ms. Pierce and passed unanimously.

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|----|---------|-----------------------------------|---------------------|
| 1. | 15-0176 | Amerisure Insurance Company       | 104 week deductible |
| 2. | 15-0882 | Zurich American Insurance Company | 104 week deductible |
| 3. | 16-0135 | Lafayette Parish School Board     | 104 week deductible |
| 4. | 16-0225 | City of New Orleans               | 104 week deductible |
| 5. | 16-0324 | LUBA Casualty Insurance Company   | 104 week deductible |
| 6. | 16-0337 | LUBA Casualty Insurance Company   | 104 week deductible |
| 7. | 16-0405 | CNA 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 (54) claims; beginning with Claim #12-0839 and ending with Claim #16-0681. The motion to deny reimbursement was made by Mr. Hawkland, seconded by Ms. Pierce and passed unanimously.

1. 12-0839 City of Abbeville
2. 13-0444 Louisiana Office of Risk Management
3. 13-0456 Unverified
4. 13-0462 Bridgefield Casualty Insurance Company
5. 13-0465 Bridgefield Casualty Insurance Company
6. 13-0468 Retailers Casualty Insurance Company
7. 13-0483 Bridgefield Casualty Insurance Company
8. 13-0495 Bridgefield Casualty Insurance Company
9. 15-0116 Louisiana Workers' Compensation Corporation
10. 15-0185 Louisiana Workers' Compensation Corporation
11. 15-0479 St. John the Baptist Parish Council
12. 15-0553 Bridgefield Casualty Insurance Co
13. 15-0604 American Interstate Insurance Co
14. 15-0666 Louisiana Commerce & Trade Association
15. 15-0675 Arch Insurance Company
16. 15-0684 Louisiana Commerce & Trade Association
17. 15-0714 Louisiana Workers' Compensation Corporation
18. 15-0773 Louisiana Workers' Compensation Corporation
19. 15-0776 Ace American Ins. Co
20. 15-0806 Louisiana Office of Risk Management
21. 15-0826 Unverified
22. 16-0092 American Interstate Insurance Company
23. 16-0111 Louisiana Workers' Compensation Corp
24. 16-0132 Unverified
25. 16-0151 American Interstate Insurance Company
26. 16-0164 Silver Oak Casualty Insurance
27. 16-0179 Louisiana Retailers Mutual Insurance Company
28. 16-0180 Bridgefield Casualty Insurance Co
29. 16-0182 Louisiana Office of Risk Management
30. 16-0183 Louisiana Workers' Compensation Corp
31. 16-0186 LUBA Casualty Insurance Company
32. 16-0192 Louisiana Workers' Compensation Corp
33. 16-0195 LUBA Casualty Insurance Company
34. 16-0204 LUBA Casualty Insurance Company
35. 16-0210 Louisiana Workers' Compensation Corp
36. 16-0216 Valluzzo Companies
37. 16-0219 Office of Risk Management
38. 16-0243 Bridgefield Casualty Insurance Co
39. 16-0246 Lafayette Parish School Board
40. 16-0249 St John Parish School Board
41. 16-0261 Louisiana Workers' Compensation Corp
42. 16-0264 Office of Risk Management
43. 16-0267 Unverified
44. 16-0270 LA Home Builders Assn - SIF
45. 16-0273 Calcasieu Parish School Board
46. 16-0319 Louisiana Workers' Compensation Corporation
47. 16-0356 Louisiana Workers' Compensation Corp
48. 16-0363 Louisiana Office of Risk Management
49. 16-0421 LUBA Casualty Insurance Company

- 50. 16-0449 Office of Risk Management
- 51. 16-0452 Office of Risk Management
- 52. 16-0473 Sentry Casualty Company
- 53. 16-0666 Louisiana Workers' Compensation Corporation
- 54. 16-0681 Louisiana Office of Risk Management

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (321) partial payments beginning with Claim #81-0004 and ending with Claim #14-0884. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 1, 2016. The motion was made by Mr. Hawkland seconded by Ms. Pierce, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (71) quarterly payments due beginning with Claim #95-0585 and ending with Claim #14-0540. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 1, 2016. The motion was seconded by Ms. Pierce and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present and 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. Director Kellar seconded the motion and it passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations on (6) 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. 04-0555
- 2. 05-0664 Indemnity Only
- 3. 11-0724
- 4. 13-0966
- 5. 15-0528

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

The following (1) claim was recommended for settlement denial and to continue to be paid on an on-going basis:

1. 12-0641

Mr. Hawkland moved to accept the recommendation. It was seconded by Director Kellar 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 #11-0140 Settlement Authority
2. Claim #12-0391 Settlement Authority
3. Claim #13-0526 Settlement Authority
4. Claim #13-0803 Settlement Authority
5. Claim #13-0942 Settlement Authority
6. Claim #14-0121 Continued Litigation
7. Claim #14-0296 Settlement Authority
8. Claim #14-0516 Settlement Authority
9. Claim #14-0696 Settlement Authority
10. Claim #14-0817 Settlement Authority
11. Claim #15-0399 Postponed
12. Claim #15-0482 Settlement Authority
13. Claim #15-0635 Settlement Authority
14. Claim #15-0679 Settlement Authority

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

There being no further business to discuss, the Chairman asked for a motion to adjourn. Director Kellar moved to adjourn. The motion was seconded by Mr. Hawkland and passed unanimously.

The meeting was adjourned at 2:31pm  
Recording Secretary: Shaneka Davis