

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of March 6, 2014

The regular meeting of the Second Injury Board convened at 2:10 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Mr. Steve Hawkland, representing Secretary of State
4. Ms. Lynette Mack, representing State Treasurer
5. Ms. Pauline Williams, SIB Director
6. Michelle Sumrall, Compliance Supervisor
7. Karl Scott, General Counsel
8. Jason Reid, Precision Drilling Rep
9. 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. Hataway and passed unanimously.

The Chairman moved to *Item 2* on the agenda, under the hearing sections, one hearing that scheduled claim #13-0945, the employee is Gary Kennedy, the employer is Precision Drilling Company LP the carrier is Chartis Insurance Company. Jason Reid (Representative for Precision) states that he appeared before the board during our January board meeting concerning Gary Kennedy case. Mr. Reid briefs the board on the claim (See attached). Mrs. Pauline Williams (SIB Director) states that her recommendation to deny remains the same despite Precision request. She states that the statute (1378: B1) does not allow to make an exception for the fact that benefits were paid out of state, also stating that Chartis has a claim against SIB and Precision does not. (See attached). The Chairman asks what's the pleasure of the board, Mr. Hawkland pleads that the board follow the plain wording of the statute and deny the claim, second by Mr. Hataway and passed unanimously.

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 #12-1062 and ending with Claim #13-1019.

The motion was made by Mr. Hawkland and seconded by Ms. Mack and passed unanimously.

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| 1. | 12-1062 | Jefferson Parish | 104 week deductible |
| 2. | 13-0010 | City of New Orleans | 104 week deductible |
| 3. | 13-0158 | LUBA Casualty Insurance Company | 104 week deductible |
| 4. | 13-0183 | Jefferson Parish | 104 week deductible |
| 5. | 13-0231 | La. Safety Assoc. of Timbermen | 104 week deductible |
| 6. | 13-0612 | Lafayette Parish School Board | 104 week deductible |
| 7. | 13-1019 | Louisiana Hospital Association | 104 week deductible |

Mr. Hansberry asked for a motion to accept the recommendation of staff and approve reimbursement of these claims. The motion was made by Mr. Hawkland, 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 (39) claims; beginning with Claim #12-1014 and ending with Claim #13-1029.

1. 12-1014 Harrah's Operating
2. 12-1057 Jefferson Parish School Board
3. 12-1078 Louisiana Workers' Compensation Company
4. 13-0055 LUBA Casualty Insurance Company
5. 13-0453 LUBA Casualty Insurance Company
6. 13-0457 New Hampshire Ins. Co.
7. 13-0512 Woman's Hospital
8. 13-0517 Ace American Ins. Company
9. 13-0558 New Hampshire Ins. Co.
10. 13-0564 None Documented
11. 13-0567 Louisiana Retailers Mutual Insurance Company
12. 13-0570 Bridgefield Casualty Insurance Company
13. 13-0572 La. Office of Risk Mgmt.
14. 13-0573 Louisiana Office of Risk Management
15. 13-0575 New Hampshire Ins. Co.
16. 13-0578 La. Retailers Mutual Ins. Co.
17. 13-0579 City of New Orleans
18. 13-0582 LA Office of Risk Management
19. 13-0585 Bridgefield Casualty Ins. Co.
20. 13-0590 La. Workers' Comp. Corp.
21. 13-0603 Louisiana Hospital Association
22. 13-0608 XL Specialty Ins. Co.
23. 13-0609 Bridgefield Casualty Insurance Company
24. 13-0618 LEMIC Insurance Company
25. 13-0623 Bridgefield Casualty Insurance Company
26. 13-0626 La Commerce & Trade Assoc.
27. 13-0644 Jefferson Parish School Board
28. 13-0650 LEMIC Insurance Company
29. 13-0662 Travelers Casualty Ins Co of America
30. 13-0665 LA Construction & Industry
31. 13-0774 New Hampshire Ins. Co.
32. 13-0789 Great American Ins. Co.
33. 13-0835 Louisiana Workers' Compensation Corporation
34. 13-0889 LEMIC Insurance Company
35. 13-0923 Ace American Ins. Co.
36. 13-0976 East Jefferson General Hospital
37. 13-0977 East Jefferson General Hospital
38. 13-0980 Louisiana Hospital Association
39. 13-1029 City of Shreveport

Ms. Mack 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 (183) partial payments beginning with Claim #81-0040 and ending with Claim #12-0262. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of March 6, 2014. The motion was made by Mr. Hawkland, seconded by Ms. Mack, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (87) quarterly payments due beginning with Claim #92-0968 and ending with Claim #12-0349. Ms. Mack moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of March 6, 2014. The motion was seconded by Mr. Hawkland 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. Hawkland 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. There's (7) 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. 04-0470
2. 05-0710
3. 11-0712
4. 11-0785
5. 12-0172
6. 12-0480
7. 12-0803- Indemnity portion only

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

Minutes (cont'd)

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There's (5) times were recommended to be denied for settlement and be paid on an on-going basis:

1. 03-0630
2. 03-1045
3. 05-0160
4. 07-0717
5. 09-0244

Mr. Hawkland moved to accept the recommendation. The motion was seconded by Ms. Mack 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 #12-0386 continued litigation
2. Claim #12-0543 settlement authority
3. Claim #11-0555 continued litigation
4. Claim #12-0409 continued litigation
5. Claim #13-0106 settlement authority

Ms. Mack 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. Hawkland made the motion which was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 2:38 p.m.

Recording Secretary: Shaneka Davis