

LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of March 9, 2017

The regular meeting of the Second Injury Board convened at 2:08 p.m.

The following were present:

1. Director Sheral Kellar, Director of Workers' Compensation Administration
2. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Mr. Steve Hawkland, representing Secretary of State
5. Mr. Chip Coulter, representing the DCFS
6. Pauline Williams, Deputy Director/Acting Director of Second Injury Board
7. Michelle Sumrall, SIB Compliance Supervisor
8. Karl Scott, General Counsel
9. Meridith Trahant, General Counsel
10. Darrick Lee, General Counsel
11. Shaneka Davis, 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. Mack 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 (5) claims where recommendations were made for payment starting with Claim #15-0182 and ending with Claim #16-0643. The motion to approve the claims for payment was made by Mr. Coulter, seconded by Ms. Mack and passed unanimously.

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|----|---------|-------------------------------------|---------------------|
| 1. | 15-0182 | Hartford Casualty Insurance Company | 104 week deductible |
| 2. | 16-0234 | LA Construction & Industry | 104 week deductible |
| 3. | 16-0309 | New Hampshire Insurance Company | 104 week deductible |
| 4. | 16-0321 | St. Francis Medical Center | 104 week deductible |
| 5. | 16-0643 | LA. Home Builders Assn. - SIF | 104 week deductible |

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (71) claims; beginning with Claim #14-0139 and ending with Claim #16-0918. The motion to deny reimbursement was made by Ms. Mack seconded by Mr. Hawkland and passed unanimously.

1. 14-0139 Marriott International, Inc.
2. 15-0518 Louisiana Construction & Industry - SIF
3. 15-0645 Lafourche Parish Government

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4. 15-0699 Ins. Co. of the State of PA
5. 15-0728 St. Martin Parish School Board
6. 15-0785 Retailers Casualty Insurance Company
7. 15-0788 Bridgefield Casualty Insurance Company
8. 16-0008 LA. Workers' Compensation Corporation
9. 16-0010 St. Tammany Parish School Board
10. 16-0047 Louisiana Construction & Industry - SIF
11. 16-0099 LA. Workers' Compensation Corporation
12. 16-0268 EBR Parish School Board
13. 16-0298 Willis-Knighton Medical Center
14. 16-0307 New Hampshire Insurance Company
15. 16-0308 University Medical Center Mgmt
16. 16-0352 Zurich American Insurance Co.
17. 16-0365 Bridgefield Casualty Insurance Company
18. 16-0384 LUBA Casualty Insurance Company
19. 16-0400 Bridgefield Casualty Insurance Company
20. 16-0406 American Casualty of Reading, PA
21. 16-0411 Stonetrust Commercial Insurance Co.
22. 16-0412 Zurich American Insurance Company
23. 16-0414 City of Kenner
24. 16-0418 Sentry Casualty Company
25. 16-0426 Louisiana Construction & Industry - SIF
26. 16-0428 Bridgefield Casualty Insurance Company
27. 16-0432 Unverified
28. 16-0440 State National Insurance Company
29. 16-0442 Bridgefield Casualty Insurance Company
30. 16-0448 Stonetrust Commercial Ins. Co.
31. 16-0451 Office of Risk Management
32. 16-0457 Lafayette Consolidated Government
33. 16-0459 St. Charles Parish School Board
34. 16-0460 LA Municipal Risk Management Agency
35. 16-0477 LA Construction & Industry
36. 16-0480 PH3 Healthcare Management
37. 16-0485 Zurich American Insurance Co.
38. 16-0486 Ace American Ins. Co
39. 16-0491 Office of Risk Management
40. 16-0492 Retailers Casualty Insurance Company
41. 16-0495 Lafayette Parish School Board
42. 16-0500 LA. Workers' Compensation Corporation
43. 16-0504 Office of Risk Management
44. 16-0509 Office of Risk Management
45. 16-0513 Office of Risk Management
46. 16-0518 Zurich American Insurance Co.
47. 16-0521 Bridgefield Casualty Insurance Co.
48. 16-0524 Bridgefield Casualty Insurance Co.
49. 16-0530 Office of Risk Management
50. 16-0533 LA. Workers' Compensation Corporation
51. 16-0536 LA. Workers' Compensation Corporation
52. 16-0559 Retailers Casualty Insurance Company

- 53. 16-0562 Office of Risk Management
- 54. 16-0568 Retailers Casualty Insurance Company
- 55. 16-0571 Office of Risk Management
- 56. 16-0578 Lafayette General Health
- 57. 16-0580 LUBA Casualty Insurance Company
- 58. 16-0589 Continental Indemnity Company
- 59. 16-0625 Unverified
- 60. 16-0668 Diocese of Lake Charles
- 61. 16-0694 St. Tammany Parish School Library
- 62. 16-0716 Slidell Memorial Hospital
- 63. 16-0772 LUBA Casualty Insurance Company
- 64. 16-0790 LUBA Casualty Insurance Company
- 65. 16-0816 Lafayette General Health
- 66. 16-0818 Office of Risk Management
- 67. 16-0848 LA Municipal Risk Mgmt. Agency
- 68. 16-0873 LA Healthcare- SIF
- 69. 16-0880 Unverified
- 70. 16-0901 Sabine Parish School Board
- 71. 16-0918 Ins. Co. of the State of PA

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (267) partial payments beginning with Claim #77-0304 and ending with Claim #15-0371. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of March 9, 2017. 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 (75) quarterly payments due beginning with Claim #95-0585 and ending with Claim #14-0540. Mr. Coulter moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of March 9, 2017. The motion was seconded by Director Kellar 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, Executive Session. Ms. Mack made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Coulter seconded the motion and it passed unanimously.

Upon returning from Executive Session, the Chairman requested a motion to amend the agenda to add an item under litigation Claim #16-0006. The employee is Brenda Broussard, Suit #648,452 the

parties are La Construction & Industry vs La Workers' Compensation SIB. Mr. Hawkland made the motion, Ms. Mack seconded the motion and it was passed unanimously.

The Chairman again requested a motion to briefly re-enter into Executive Session. Mr. Coulter made a motion to go into Executive Session. Ms. Mack 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 (13) 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 (10) claims:

1. 08-0483
2. 11-0541
3. 12-1044
4. 13-0226
5. 13-0602
6. 13-0803
7. 14-0826
8. 16-0337
9. 16-0373
10. 16-0753

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

The following (3) claims were recommended for settlement denial and to continue to be paid on an on-going basis:

1. 92-0874
2. 11-0445
3. 14-0296

Ms. Mack moved to accept the recommendation. It was seconded by Mr. Hawkland and 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 represent the Board in the following manner, as discussed in Executive Session.

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1. Claim #11-0370 Continued Litigation
2. Claim #12-0515 Continued Litigation
3. Claim #13-0892 Settlement Authority
4. Claim #14-0030 Settlement Authority
5. Claim #14-0459 Settlement Authority
6. Claim #14-0548 Continued Litigation
7. Claim #15-0333 Settlement Authority
8. Claim #15-0745 Settlement Authority
9. Claim #16-0006 Continued Litigation

Director Kellar 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 moved to adjourn. The motion was seconded by Ms. Mack and passed unanimously.

The meeting was adjourned at 2:45pm

Recording Secretary: Shaneka Davis