

# LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of March 5, 2015

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

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Patrick Robinson, OWCA Director Candidate
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. Mr. Trent Oubre, representing Breazene, Sachse & Wilson LLP
8. Karl Scott, General Counsel
9. Meridith Trahant, General Counsel
10. Ashley Deshotels, General Counsel
11. Shaneka Davis, Recording Secretary

Mr. Robinson 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. Hansberry and passed unanimously.

Mr. Robinson moved to *Item 2* on the agenda, under the hearing sections, claim # 14-0548 was postponed.

Next Mr. Robinson moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (7) claims; beginning with Claim #13-0966 and ending with Claim #14-0874. The motion was made by Ms. Mack and seconded by Mr. Hawkland and passed unanimously.

- |    |         |  |                     |
|----|---------|--|---------------------|
| 1. | 13-0966 | Louisiana Restaurant Association           | 104 week deductible |
| 2. | 14-0038 | LA Auto Dealers Association                | 104 week deductible |
| 3. | 14-0054 | Louisiana Municipal Risk Management Agency | 104 week deductible |
| 4. | 14-0344 | City of New Orleans                        | 104 week deductible |
| 5. | 14-0608 | Louisiana Safety Association of Timbermen  | 104 week deductible |
| 6. | 14-0695 | Louisiana Restaurant Association           | 104 week deductible |
| 7. | 14-0874 | Federated Rural Electric Insurance         | 104 week deductible |

Mr. Robinson moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (79) claims; beginning with Claim #12-1039 and ending with Claim #14-0898. Mrs. Williams states there are (2) items to be postpone, Claim # 14-0409 and Claim # 14-0462.

1. 12-1039 Louisiana Restaurant Association
2. 13-0197 Louisiana Restaurant Association
3. 13-0245 Hartford Insurance Company of the Midwest
4. 13-0888 Louisiana Office of Risk Management
5. 13-0892 American Casualty of Reading, PA
6. 13-0938 Bridgefield Casualty Insurance Company
7. 13-0948 American Interstate Insurance Company
8. 13-0958 Lafayette Parish School Board
9. 13-0960 American Interstate Insurance Company
10. 13-0974 Jefferson Parish
11. 13-0997 Starnet Insurance Company
12. 13-0999 Bridgefield Casualty Insurance Company
13. 13-1063 Diocese of Baton Rouge
14. 13-1091 Louisiana Retailers Mutual Insurance Company
15. 14-0023 Louisiana Workers' Compensation Corporation
16. 14-0025 City of Baton Rouge, East Baton Rouge Parish
17. 14-0073 Hartford Accident & Indemnity
18. 14-0134 LEMIC Insurance Company
19. 14-0149 LUBA Casualty Insurance Company
20. 14-0319 Autozone, Inc.
21. 14-0345 Bridgefield Casualty Insurance Company
22. 14-0357 Plaquemine Parish Government
23. 14-0366 Louisiana Retailers Mutual Insurance Company
24. 14-0369 Louisiana Office of Risk Management
- ~~25. 14-0409 CNA Insurance Company POSTPONED~~
26. 14-0412 LEMIC Insurance Company
27. 14-0422 Louisiana Restaurant Association
28. 14-0425 Bridgefield Casualty Insurance Company
29. 14-0427 None Documented
30. 14-0430 Bridgefield Casualty Insurance Company
31. 14-0433 Louisiana Workers' Compensation Corporation
32. 14-0442 Raeford Farms of Louisiana, LLC
33. 14-0449 Louisiana Home Builders Association SIF
34. 14-0451 St. Tammany Parish School Board
35. 14-0454 EMC Property and Casualty Company
- ~~36. 14-0462 Commerce and Industry Insurance Company POSTPONED~~
37. 14-0463 Louisiana Office of Risk Management
38. 14-0466 Bridgefield Casualty Insurance Company
39. 14-0469 Bridgefield Casualty Insurance Company
40. 14-0470 Lafayette Parish School Board
41. 14-0478 Louisiana Retailers Mutual Insurance Company
42. 14-0479 Louisiana Retailers Mutual Insurance Company
43. 14-0480 Bridgefield Casualty Insurance Company
44. 14-0484 Caddo Parish Commission
45. 14-0488 Louisiana Workers' Compensation Corporation
46. 14-0491 American Interstate Insurance Company
47. 14-0494 Louisiana Health Care SIF
48. 14-0500 Bridgefield Casualty Insurance Company
49. 14-0506 Caddo Parish School Board

50. 14-0509 American Interstate Insurance Company
51. 14-0515 LUBA Casualty Insurance Company
52. 14-0517 Louisiana Workers' Compensation Corporation
53. 14-0518 Old Republic Insurance Company
54. 14-0519 Slidell Memorial Hospital
55. 14-0521 Willis-Knighton Medical Center
56. 14-0523 Louisiana Office of Risk Management
57. 14-0524 Ace American Insurance Company
58. 14-0527 Louisiana Workers' Compensation Corporation
59. 14-0533 Chubb Group of Insurance
60. 14-0539 Louisiana Safety Association of Timbermen
61. 14-0542 Winn Dixie La, Inc.
62. 14-0557 Bituminous Fire & Marine Insurance Company
63. 14-0558 LUBA Casualty Insurance Company
64. 14-0566 Bridgefield Casualty Insurance Company
65. 14-0572 American Interstate Insurance Company
66. 14-0575 Louisiana Commerce & Trade Association
67. 14-0578 Louisiana Workers' Compensation Corporation
68. 14-0581 Bridgefield Casualty Insurance Company
69. 14-0620 LUBA Casualty Insurance Company
70. 14-0627 Louisiana Office of Risk Management
71. 14-0637 Louisiana Office of Risk Management
72. 14-0646 Louisiana Construction & Industry - SIF
73. 14-0739 Louisiana Office of Risk Management
74. 14-0802 Touro Infirmary
75. 14-0811 Louisiana Office of Risk Management
76. 14-0828 Arch Insurance Company
77. 14-0831 Lafayette Parish Sheriff's Office
78. 14-0863 LUBA Casualty Insurance Company
79. 14-0898 St. Tammany Parish School Board

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

Mr. Robinson moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (173) partial payments beginning with Claim #81-0004 and ending with Claim #13-0160. Mr. Robinson asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of March 5, 2015. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

Mr. Robinson moved to *Item 6* on the agenda, being the recommendation to approve (77) quarterly payments due beginning with Claim #94-0503 and ending with Claim #13-0160. Mr. Hansberry moved to accept

the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of March 5, 2015. The motion was seconded by Mr. Hawkland and passed unanimously.

Mr. Robinson moved to *Item 7*, Public Comment. Mr. Trent Oube, representing Breazene, Sachse & Wilson. Mr. Oube would like to see if they can resolve a matter that's in litigation for AAA Cooper Transportation (see attached). Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hansberry seconded the motion and it was passed unanimously.

Upon returning from Executive Session, Mr. Robinson moved to *Item 8a* of the agenda, being settlement recommendations. Mrs. Williams states there's (11) claims that are being recommended for approval of settlement authority as discussed in Executive Session and to extend settlement authority to be reimbursed on quarterly basis for the following claims:

1. 01-0779
2. 01-0840
3. 03-0818
4. 05-0741
5. 10-0040
6. 10-0378
7. 10-0713
8. 10-1022
9. 11-0121
10. 11-0467
11. 12-0657

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

The following (2) claims were recommended to be denied for settlement and be paid on an on-going basis:

1. 07-0921
2. 14-0193

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

Mr. Robinson moved to *Item 8b* of the agenda, being Second Injury Board litigation. Mr. Robinson 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 #05-0869 continued litigation; Mr. Hawkland moved to accept the recommendation. The motion was second by Mr. Hansberry.
2. Claim #11-0606 continued litigation; Mr. Hawkland moved to accept the recommendation. The motion was second by Ms. Mack.
3. Claim #11-0805 settlement authority; Mr. Hawkland moved to accept the recommendation. The motion was second by Mr. Hansberry.
4. Claim #12-0545 settlement authority; Mr. Hawkland moved to accept the recommendation. The motion was second by Ms. Mack.
5. Claim #12-0914 settlement authority; Mr. Hansberry moved to accept the recommendation. The motion was second by Mr. Hawkland.
6. Claim #12-0984 continued litigation; Ms. Mack moved to accept the recommendation. The motion was second by Mr. Hawkland.
7. Claim #12-1054 continued litigation; Mr. Hansberry moved to accept the recommendation. The motion was second by Ms. Mack.
8. Claim #13-0226 continued litigation; Mr. Hansberry moved to accept the recommendation. The motion was second by Mr. Hansberry.
9. Claim #13-0910 continued litigation; Ms. Mack moved to accept the recommendation. The motion was second by Mr. Hawkland.

Ms. Williams's states that at the request of Mr. Landry on the behalf of LCI would like to have the board take the deposition of Dr. Chelsea Gregory in the matter of Claim #13-0838. Mr. Hawkland moved to accept the recommendation. The motion was second by Ms. Mack.

There being no further business to discuss, Mr. Robinson asked for a motion to adjourn. Mr. Hansberry made the motion which was seconded by Mr. Hawkland and passed unanimously.

The meeting was adjourned at 3:21 p.m.

Recording Secretary: Shaneka Davis