

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of September 3, 2020

The regular meeting of the Second Injury Board convened at 2:07 p.m.

The following were present or attended via Zoom/Teleconference:

1. Charles Hansberry, representing the Commission of Insurance, Chairman
2. Steve Hawkland, representing the Secretary of State
3. Chip Coulter, representing Dept. of Children and Family Services
4. Leigh Anne Faber, representing the State Treasurer
5. Darrick Lee, Acting Director of Second Injury Board
6. Karl Scott, General Counsel
7. Shana Veade, General Counsel
8. Claudia Rush, General Counsel
9. Michelle Sumrall, SIB Compliance Supervisor
10. Chandra Cola, SIB Audit & Finance Supervisor
11. Jeffrey Nelson, SIB Compliance Officer
12. Claudia Brumfield, Recording Secretary

Mr. Lee made note that the Board was holding the meeting through video/teleconference pursuant to John Bel Edwards' Executive Order #84-2020, Section 2c.

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 of August 6, 2020. Mr. Hansberry asked for motion to dispense with the reading of the minutes and approve the minutes as printed and distributed. The motion was made by Mr. Coulter, seconded by Mr. Hawkland, and passed unanimously.

Mr. Hansberry moved to *Item 2* on the agenda, Hearing Requests. There were two hearings listed.

1. 18-0283 LA Construction & Industry
2. 19-0799 LA Construction & Industry

Mr. Lee presented Claim #18-0283 to the Board, and stated that staff did not receive medical reports to support the elements. He recommended the hearing request be denied. Mr. Hawkland moved to deny the request. Mr. Coulter seconded the motion and it passed unanimously.

Mr. Lee presented Claim #19-0799, stating that the claim did not meet the required elements and recommended denial of the request. Mr. Hawkland moved that the Board deny the request for a hearing. Mr. Coulter seconded the motion and it passed unanimously.

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*Item 3* on the agenda lists (9) claims where recommendations were made for payment starting with Claim #18-0251 and ending with Claim #20-0264. Mr. Hawkland made a motion to approve the claims for payment. Ms. Faber seconded the motion and it passed unanimously.

1. 18-0251 XL Specialty Insurance Company
2. 18-0859 LA Workers' Compensation Corp.
3. 19-0491 Louisiana Restaurant Association
4. 19-0621 American Casualty of Reading, PA
5. 19-0745 LA Automobile Dealers Assn.
6. 20-0052 City of Alexandria
7. 20-0073 Louisiana Restaurant Association
8. 20-0170 Lafayette Parish School Board
9. 20-0264 LA Municipal Risk Mgmt. Agency

The Chairman moved to *Item 4* on the agenda, (87) claims recommended for denial, beginning with Claim #19-0039, and ending with Claim #20-0362. The Chairman then requested a motion to approve the recommendation to deny the claims as described in the September 3, 2020 agenda. Mr. Coulter made a motion to deny the claims for payment. Mr. Hawkland seconded the motion and it passed unanimously.

1. 19-0039 LA Automobile Dealers Assn.
2. 19-0045 LA Workers' Compensation Corp.
3. 19-0112 LA Workers' Compensation Corp.
4. 19-0127 St. Tammany Parish School Board
5. 19-0160 LA Workers' Compensation Corp.
6. 19-0166 East Jefferson General Hospital
7. 19-0168 City of New Orleans
8. 19-0169 LUBA Casualty Insurance Company
9. 19-0174 LA Workers' Compensation Corp.
10. 19-0184 LA Workers' Compensation Corp.
11. 19-0187 LUBA Casualty Insurance Company
12. 19-0219 Roman Catholic Church of New Orleans
13. 19-0225 Argonaut Insurance Group
14. 19-0459 LA Workers' Compensation Corp.
15. 19-0567 Great American Alliance Insurance Company
16. 19-0613 LUBA Casualty Insurance Company
17. 19-0682 LA Municipal Risk Mgmt. Agency
18. 19-0688 City of Shreveport
19. 19-0692 St. Charles Parish School Board
20. 19-0702 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
21. 19-0708 Jefferson Parish
22. 19-0710 Lafayette Parish Sheriff's Office
23. 19-0714 Jefferson Parish
24. 19-0724 XL Specialty Insurance Company
25. 19-0733 Indemnity Ins. Co. of North America
26. 19-0734 Indemnity Ins. Co. of North America
27. 19-0746 City of New Orleans
28. 19-0749 Argonaut Insurance Group
29. 19-0761 - Unverified

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30. 19-0772 LA Construction & Industry
31. 19-0776 LA Construction & Industry
32. 19-0782 - Unknown
33. 19-0784 LUBA Casualty Insurance Company
34. 19-0785 Plaquemines Parish Government
35. 19-0788 Ace American Ins. Co
36. 19-0794 - Unknown
37. 19-0798 Old Republic General Ins. Co.
38. 19-0803 Gray Insurance Company
39. 19-0808 LA Municipal Risk Mgmt. Agency
40. 19-0810 LUBA Casualty Insurance Company
41. 19-0814 St. Charles Parish School Board
42. 19-0819 Travelers Indemnity of America
43. 19-0820 Bridgefield Casualty Insurance Company
44. 19-0825 Nova Casualty Company
45. 19-0831 City of New Orleans
46. 19-0833 Bridgefield Casualty Insurance Company
47. 19-0836 LA Workers' Compensation Corp.
48. 19-0843 LA Workers' Compensation Corp.
49. 19-0846 Office of Risk Management
50. 19-0857 West Jefferson Medical Center
51. 19-0863 Amguard Insurance Company
52. 19-0866 Bridgefield Casualty Insurance Company
53. 19-0867 XL Specialty Insurance Company
54. 19-0869 LA Construction & Industry
55. 19-0875 Lafayette General Health
56. 19-0881 Retailers Casualty Insurance Company
57. 19-0885 City of New Orleans
58. 19-0887 Hunt Forest Products, Inc.
59. 19-0890 Retailers Casualty Insurance Company
60. 19-0893 LA Construction & Industry
61. 19-0925 Sentry Casualty Company
62. 19-0938 City of Shreveport
63. 19-0946 Louisiana Hospital Association
64. 19-0979 Plaquemines Parish School Board
65. 20-0003 - Unknown
66. 20-0024 LA Construction & Industry
67. 20-0053 Hartford Casualty Insurance Company
68. 20-0054 - Unverified
69. 20-0057 Office of Risk Management
70. 20-0109 - Unknown
71. 20-0123 Liberty Mutual Ins. Co.
72. 20-0136 Liberty Mutual Ins. Co.
73. 20-0139 - Unverified
74. 20-0140 Zurich American Insurance Company
75. 20-0144 Zurich American Insurance Company
76. 20-0155 Jefferson Parish Public School System
77. 20-0158 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
78. 20-0184 LA Construction & Industry
79. 20-0193 Liberty Insurance Corporation
80. 20-0200 Louisiana Restaurant Association
81. 20-0224 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
82. 20-0227 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
83. 20-0247 Liberty Mutual Ins. Co.
84. 20-0259 - Unknown

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- 85. 20-0271 - Unknown
- 86. 20-0352 American Zurich Ins. Co.
- 87. 20-0362 West American Ins. Co., The

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve (235) partial payments due beginning with Claim #81-0333 and ending with Claim #19-0602. Ms. Faber moved to accept the recommendation of staff and approve reimbursement of partial payments as submitted on the agenda of September 3, 2020. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 6*, on the agenda, being the recommendation to approve (85) quarterly payments due beginning with Claim #83-0557 and ending with Claim #18-0804. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of September 3, 2020. Mr. Coulter seconded the motion and it passed unanimously.

The Chairman moved to *Item 7*, Public Comment. There were no members of the public present.

Mr. Hansberry asked for a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hawkland made the motion. Ms. Faber seconded the motion and it passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman then 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 a quarterly basis for the following (9) claims.

- 1. 13-0830
- 2. 16-0537
- 3. 17-0547
- 4. 17-0906
- 5. 18-0007
- 6. 18-0020
- 7. 18-0828
- 8. 18-0881
- 9. 19-0343

Mr. Hawkland moved to accept the recommendation. Mr. Coulter seconded the motion and it 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 proceed in the manner shown on the following claims, as discussed in Executive Session.

1. Claim #10-0638 Settlement Authority
2. Claim #16-0057 Settlement Authority
3. Claim #16-0329 Settlement Authority
4. Claim #17-0219 Settlement Authority
5. Claim #17-0639 Settlement Authority
6. Claim #18-0597 Settlement Authority
7. Claim #18-0704 Continued Litigation
8. Claim #18-0751 Settlement Authority
9. Claim #18-0798 Settlement Authority
10. Claim #19-0033 Settlement Authority
11. Claim #19-0278 Settlement Authority
12. Claim #19-0394 Continued Litigation

Ms. Faber made the motion. Mr. Coulter seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss. Mr. Lee discussed the digital knowledge questionnaire and requested the Board's review and approval prior to making it available for the public.

There were then no other matters to discuss. The Chairman asked for a motion to adjourn. Mr. Hawkland moved to adjourn. Mr. Coulter seconded the motion and it passed unanimously.

The meeting adjourned at 2:36 pm

Recording Secretary: Claudia Brumfield