

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of September 6, 2018

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

The following were present:

1. Mr. Charles Hansberry, representing the Commissioner of Insurance, Chairman
2. Mr. Steve Hawkland, representing the Secretary of State, Vice-Chairman
3. Ms. Lynette Mack, representing the State Treasurer
4. Mr. Chip Coulter, representing the Secretary of Dept. of Children and Family Services
5. Meridith Trahan, Director of Second Injury Board
6. Karl Scott, General Counsel
7. Judy Franklin, General Counsel
8. Michelle Bradley, General Counsel
9. Michelle Sumrall, SIB Compliance Supervisor
10. 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. 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. Hawkland, seconded by Mr. Coulter, and passed unanimously.

The Chairman moved to *Item 2*, Hearing Requests, which lists (2) claims.

1. 14-0462 Commerce & Industry Ins. Co.
2. 16-0569 LA Construction & Industry SIF

Mr. John Barron of the O'Pry Law Firm was present to represent the carrier on the first request, Claim 14-0462. Ms. Trahan presented the basis for denial and recommended denial of the hearing request. Mr. Barron again requested a hearing and stated his (client's) opinion that the claim meets the criteria for approval. Mr. Coulter moved to deny the hearing and clear explanation be provided to Mr. Barron regarding reasons for denial and what additional information is needed to meet the requirement for approval. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman called for the second request, regarding Claim #16-0569. Ms. Trahan presented staff's position and recommended denial of the request. Mr. Hawkland made a motion to deny the hearing request of Claim #16-0569. Ms. Mack seconded the motion and it passed unanimously.

*Item 3* on the agenda lists (6) claims where recommendations were made for payment starting with Claim #16-0250 and ending with Claim #18-0145. A motion to approve the claims for payment was made by Mr. Hawkland, seconded by Ms. Mack, and passed unanimously.

1.	16-0250	City of New Orleans	104 week deductible
2.	17-0357	LA Loggers Self-Insured Fund	104 week deductible
3.	17-0876	American Sugar Refinery	104 week deductible
4.	18-0036	Hartford Casualty Insurance Company	104 week deductible
5.	18-0120	Great American Insurance Company	104 week deductible
1.	18-0145	Ins. Co. of the State of PA (AIG)	104 week deductible

The Chairman moved to *Item 4* on the agenda, (99) claims recommended for denial, beginning with Claim #14-0861 and ending with Claim #18-0483 and to postpone claim #18-0118. A request was made for a motion to approve the recommendation to deny and postpone the claims as described in the September 6, 2018 agenda. The motion was made by Mr. Coulter, seconded by Mr. Hawkland and passed unanimously.

1.	14-0861	City of New Orleans
2.	15-0483	LUBA Casualty Insurance Company
3.	16-0109	Lafayette Parish School Board
4.	16-0476	LUBA Casualty Insurance Company
5.	16-0682	Federal Express Corporation
6.	16-0807	Praetorian Insurance Company
7.	16-0833	LUBA Casualty Insurance Company
8.	16-0862	QBE Insurance Corporation
9.	16-0868	Am.Home/Nat' Union/N.H.Ins GP
10.	17-0276	LA Construction & Industry
11.	17-0348	LUBA Casualty Insurance Company
12.	17-0360	Louisiana Restaurant Association
13.	17-0378	- Unknown
14.	17-0399	Jefferson Parish Public School System
15.	17-0423	Louisiana Workers' Compensation Corporation
16.	17-0425	Wal-Mart Associates, Inc.
17.	17-0438	Louisiana Workers' Compensation Corporation
18.	17-0445	LA Workers' Compensation Corp.
19.	17-0446	LA Workers' Compensation Corp.
20.	17-0456	Louisiana Workers' Compensation Corporation
21.	17-0461	Louisiana Hospital Association
22.	17-0471	Louisiana Workers' Compensation Corporation
23.	17-0482	St. Tammany Parish Government
24.	17-0491	Louisiana Machinery Company, Inc.
25.	17-0530	LA Workers' Compensation Corp.
26.	17-0542	American Interstate Insurance Company
27.	17-0611	- Unverified
28.	17-0612	- Unverified
29.	17-0621	LA Automobile Dealers Assn.
30.	17-0624	LA Health Care- Self Ins. Fund
31.	17-0627	LA Health Care- Self Ins. Fund
32.	17-0686	Office of Risk Management
33.	17-0723	Bridgefield Casualty Insurance Company
34.	17-0768	Indemnity Ins. Co. of North America

35. 17-0872 LA Construction & Industry
36. 17-0874 Walgreen Company
37. 17-0878 Louisiana Restaurant Association
38. 17-0884 City of Shreveport
39. 17-0890 Bridgefield Casualty Insurance Company
40. 17-0892 New Hampshire Insurance Company (AIG)
41. 17-0894 LCTA Casualty Ins. Co.
42. 17-0895 Wal-Mart Associates, Inc.
43. 17-0898 Crum & Foster Indemnity Company
44. 17-0901 Bridgefield Employers Insurance Company
45. 17-0911 Louisiana Workers' Compensation Corporation
46. 17-0913 Louisiana Workers' Compensation Corporation
47. 17-0915 Bridgefield Casualty Insurance Company
48. 17-0917 Office of Risk Management
49. 17-0921 LA Construction & Industry
50. 17-0927 New Hampshire Insurance Company (AIG)
51. 18-0001 - Unverified
52. 18-0003 Louisiana Workers' Compensation Corporation
53. 18-0007 Office of Risk Management
54. 18-0030 St. John Parish School Board
55. 18-0034 PMA Ins Group
56. 18-0040 LA Workers' Compensation Corp.
57. 18-0044 LUBA Casualty Insurance Company
58. 18-0046 LUBA Casualty Insurance Company
59. 18-0047 LUBA Casualty Insurance Company
60. 18-0048 LUBA Casualty Insurance Company
61. 18-0050 National Union Fire Insurance Company (AIG)
62. 18-0052 Indemnity Ins. Co. of North America
63. 18-0062 Office of Risk Management
64. 18-0066 Ace Fire Underwriters Ins. Co.
65. 18-0072 Ace American Ins. Co
66. 18-0078 LUBA Casualty Insurance Company
67. 18-0080 Slidell Memorial Hospital
68. 18-0082 Lake Charles Memorial Hospital
69. 18-0090 Jefferson Parish Public School System
70. 18-0094 - Unverified
71. 18-0098 LA Automobile Dealers Assn.
72. 18-0100 LA Health Care- Self Ins. Fund
73. 18-0102 LA Commerce & Trade Assn.
74. 18-0104 St. Tammany Parish School Board
75. 18-0108 Lafayette Parish School Board
76. 18-0110 LUBA Casualty Insurance Company
77. 18-0112 Office of Risk Management
78. 18-0114 LA Health Care- Self Ins. Fund
- ~~79. 18-0118 LA Home Builders Assn.- SIF~~ **Postponed**
80. 18-0119 LA Home Builders Assn.- SIF
81. 18-0122 New Hampshire Insurance Company (AIG)
82. 18-0124 LA Construction & Industry
83. 18-0130 Zurich American Insurance Company
84. 18-0132 - Unverified
85. 18-0134 LA Commerce & Trade Assn.
86. 18-0136 City of New Orleans

- 87. 18-0138 - Unverified
- 88. 18-0142 LA Commerce & Trade Assn.
- 89. 18-0144 Retailers Casualty Insurance Company
- 90. 18-0146 Office of Risk Management
- 91. 18-0150 - Unverified
- 92. 18-0152 Indemnity Ins. Co. of North America
- 93. 18-0158 Zurich American Insurance Company
- 94. 18-0175 Retailers Casualty Insurance Company
- 95. 18-0192 LUBA Casualty Insurance Company
- 96. 18-0244 LA Construction & Industry
- 97. 18-0290 LUBA Casualty Insurance Company
- 98. 18-0393 Silver Oak Casualty Insurance
- 99. 18-0483 American Zurich Ins. Co.

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (194) partial payments beginning with Claim #81-0333 and ending with Claim #17-0030. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of September 6, 2018. The motion was made by Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (104) quarterly payments due beginning with Claim #83-0084 and ending with Claim #16-0594. Mr. Hawkland moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of September 6, 2018. The motion was seconded by Ms. Mack and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present. The Chairman then moved to the next item on the agenda.

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

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. 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 (14) claims.

1. 01-1240
2. 06-0548
3. 11-0599
4. 13-0017
5. 13-0155
6. 13-0904
7. 15-0176
8. 15-0219
9. 15-0326
10. 15-0489
11. 15-0582
12. 15-0663
13. 15-0714
14. 16-0209

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

1. Claim #09-0650 Continue to Comply with the Court's request
2. Claim #12-0686 Settlement Authority
3. Claim #13-1076 Settlement Authority
4. Claim #15-0537 Settlement Authority
5. Claim #15-0780 Settlement Authority
6. Claim #16-0597 Continue Litigation
7. Claim #16-0732 Settlement Authority
8. Claim #16-0736 Settlement Authority
9. Claim #16-0810 Continue Litigation
10. Claim #17-0450 Continue Litigation
11. Claim #17-0487 Settlement Authority
12. Claim #17-0589 Continue Litigation
13. Claim #17-0598 Settlement Authority

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

The Chairman moved to *Item 9*, asking if there were any other matters to discuss. Mr. Coulter recognized the absence of Asst. Secretary Kellar and congratulated her on her new addition to her family.

Minutes (cont'd)  
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There were then no other matters 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 adjourned at 3:00 pm

Recording Secretary: Claudia Brumfield