## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of December 5, 2019

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

The following were present:

- 1. Charles Hansberry, representing the Commission of Insurance, Chairman
- 2. Steve Hawkland, representing the Secretary of State, Vice-Chairman
- 3. Lynette Mack, representing the State Treasurer
- 4. Meridith Trahant, Director of Second Injury Board
- 5. Karl Scott, General Counsel
- 6. Shana Veade, General Counsel
- 7. Claudia Rush, General Counsel
- 8. Michelle Sumrall, SIB Compliance Supervisor
- 9. Chandra Cola, SIB Audit & Finance 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 Ms. Mack, seconded by Mr. Hawkland, and passed unanimously.

Mr. Hansberry moved to *Item 2*, on the agenda listing (1) hearing requests.

1. 19-0270 Dillard's, Inc.

Ms. Trahant presented Claim #19-0270, Dillard's, Inc., stating that the claim had a recommendation for denial based on it not meeting the legal elements. She found no issues warranting a hearing and she recommended the Board deny the request. Mr. Hawkland made a motion to deny the request for a hearing. Ms. Mack seconded the motion and it passed unanimously.

*Item 3* on the agenda lists (7) claims where recommendations were made for payment starting with Claim #18-0795 and ending with Claim #19-0343. Ms. Mack made a motion to approve the listed claims for payment. Mr. Hawkland seconded the motion and it passed unanimously.

1.	18-0795	Recreation & Park Commission of East Baton Rouge	104 week deductible
2.	18-0810	St. Charles Parish School Board	104 week deductible
3.	18-0877	LUBA Casualty Insurance Company	104 week deductible
4.	19-0149	American Home/Nat' Union/N.H.Ins GP (AIG)	104 week deductible
5.	19-0167	Old Republic Insurance Company	104 week deductible
6.	19-0313	Ouachita Parish School Board	104 week deductible
7.	19-0343	Ouachita Parish School Board	104 week deductible

The Chairman moved to *Item 4* on the agenda, (55) claims recommended for denial, beginning with Claim #18-0575, ending with Claim #19-0644. The Chairman requested a motion to approve the recommendation to deny the claims as described in the December 5, 2019 agenda. Mr. Hawkland made motion to deny the claims for payment. Ms. Mack seconded the motion and it passed unanimously.

<ol> <li>18-0575</li></ol>			
<ul> <li>3. 18-0609 Louisiana Restaurant Association</li> <li>4. 18-0693 Lafourche Parish Council</li> <li>5. 18-0822 LUBA Casualty Insurance Company</li> <li>6. 19-0023 Ace American Ins. Co</li> <li>7. 19-0084 Stonetrust Commercial Ins. Co.</li> <li>8. 19-0095 Louisiana Hospital Association</li> <li>9. 19-0130 Bridgefield Casualty Insurance Company</li> <li>10. 19-0151 City of New Orleans</li> <li>11. 19-0204 Retailers Casualty Insurance Company</li> <li>12. 19-0213 LUBA Casualty Insurance Company</li> <li>13. 19-0222 Retailers Casualty Insurance Company</li> <li>14. 19-0224 LA Construction &amp; Industry</li> <li>15. 19-0228 Coca-Cola Bottling Company United</li> <li>16. 19-0229 LUBA Casualty Insurance Company</li> <li>17. 19-0234 - Unknown</li> <li>18. 19-0237 LA Workers' Compensation Corp.</li> <li>19. 19-0238 LA Workers' Compensation Corp.</li> <li>19. 19-0249 LA Construction &amp; Industry</li> <li>20. 19-0249 LA Construction &amp; Industry</li> <li>21. 19-0252 LA Construction &amp; Industry</li> <li>22. 19-0252 LA Construction &amp; Industry</li> <li>23. 19-0255 Lafayette Consolidated Government</li> <li>24. 19-0258 Bridgefield Casualty Insurance Company</li> <li>25. 19-0261 Zurich American Insurance Company</li> <li>26. 19-0262 LA Commerce &amp; Trade Assn SIF (LCTA Casualty Ins. Co.)</li> <li>27. 19-0267 Retailers Casualty Insurance Company</li> <li>28. 19-0380 Office of Risk Management</li> <li>29. 19-0300 LUBA Casualty Insurance Company</li> <li>30. 19-0324 LA Workers' Compensation Corp.</li> <li>31. 19-0332 Bridgefield Casualty Insurance Company</li> <li>32. 19-0331 LUBA Casualty Insurance Company</li> <li>33. 19-0332 Bridgefield Casualty Insurance Company</li> <li>34. 19-0341 Ace American Ins. Co</li> <li>35. 19-0380 Ace American Ins. Co</li> <li>36. 19-0381 LUBA Casualty Insurance Company</li> <li>37. 19-0366 Univerified</li> <li>38. 19-0389 - Unverified</li> <li>39. 19-0404 LA Workers' Compensation Corp.</li> <li>40. 19-0406 LUBA Casualty Insurance Company</li> <li>41. 19-0410 LA Home Builders Assn SIF</li> </ul>	1.	18-0575	LUBA Casualty Insurance Company
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35.       19-0380       Ace American Ins. Co         36.       19-0383       LUBA Casualty Insurance Company         37.       19-0386       - Unverified         38.       19-0389       - Unverified         39.       19-0404       LA Workers' Compensation Corp.         40.       19-0406       LUBA Casualty Insurance Company         41.       19-0410       LA Home Builders Assn SIF	33.	19-0332	Bridgefield Casualty Insurance Company
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<ul> <li>38. 19-0389 - Unverified</li> <li>39. 19-0404 LA Workers' Compensation Corp.</li> <li>40. 19-0406 LUBA Casualty Insurance Company</li> <li>41. 19-0410 LA Home Builders Assn SIF</li> </ul>	36.	19-0383	LUBA Casualty Insurance Company
<ul> <li>39. 19-0404 LA Workers' Compensation Corp.</li> <li>40. 19-0406 LUBA Casualty Insurance Company</li> <li>41. 19-0410 LA Home Builders Assn SIF</li> </ul>	37.	19-0386	- Unverified
<ul><li>40. 19-0406 LUBA Casualty Insurance Company</li><li>41. 19-0410 LA Home Builders Assn SIF</li></ul>	38.	19-0389	- Unverified
41. 19-0410 LA Home Builders Assn SIF	39.	19-0404	LA Workers' Compensation Corp.
	40.	19-0406	LUBA Casualty Insurance Company
42. 19-0411 Entergy Services, Inc.	41.	19-0410	LA Home Builders Assn SIF
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43. 19-0416 LUBA Casualty Insurance Company

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44. 19-0419
                 LA Commerce & Trade Assn. - SIF (LCTA Casualty Ins. Co.)
45. 19-0470
                 Jefferson Parish Public School System
46. 19-0474
                 United States Fire Insurance Company
47. 19-0477
                 LA Construction & Industry
48. 19-0489
                 LUBA Casualty Insurance Company
49. 19-0495
                 LUBA Casualty Insurance Company
50. 19-0507
                 LUBA Casualty Insurance Company
                 LUBA Casualty Insurance Company
51. 19-0518
52. 19-0537
                 LUBA Casualty Insurance Company
53. 19-0594
                 LUBA Casualty Insurance Company
54. 19-0598
                 LUBA Casualty Insurance Company
55. 19-0644
                 LUBA Casualty Insurance Company
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The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (233) partial payments beginning with Claim #80-0247 and ending with Claim #17-0715. The Chairman asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of December 5, 2019. Ms. Mack made the motion. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (49) quarterly payments due beginning with Claim #83-0557 and ending with Claim #17-0715. Ms. Mack moved to accept the recommendation of staff and approve reimbursement of quarterly payments as submitted on the agenda of December 5, 2019. Mr. Hawkland 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. Ms. Mack made the motion. Mr. Hawkland 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 (14) claims.

- 1. 94-0263
- 2. 03-0591 Indemnity only
- 3. 04-0368

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- 4. 13-0868
- 5. 13-0936
- 6. 13-0984
- 7. 15-0101
- 8. 16-0365
- 9. 17-0368
- 10. 17-0409
- 11. 17-0819
- 12. 18-0500
- 13. 18-0634
- 14. 18-0842

Mr. Hawkland moved to accept the recommendation. Ms. Mack seconded the motion and it passed unanimously.

The following (2) claims had recommendations for settlement denial and that reimbursement continue on and on-going basis:

- 1. 02-1253
- 2. 17-0078

Ms. Mack moved to accept the recommendation. Mr. Hawkland 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 #08-0863 Continue Litigation
- 2. Claim #09-0980 Settlement Authority
- 3. Claim #14-0555 Settlement Authority
- 4. Claim #15-0387 Continue Litigation
- 5. Claim #15-0773 Settlement Authority
- 6. Claim #16-0445 Settlement Authority
- 7. Claim #16-0479 Settlement Authority
- 8. Claim #16-0498 Settlement Authority
- 9. Claim #16-0849 Settlement Authority
- 10. Claim #17-0261 Settlement Authority
- 11. Claim #17-0551 Settlement Authority
- 12. Claim #17-0857 Settlement Authority

Minutes (cont'd) Page December 5, 2019

> 13. Claim #18-0010 Settlement Authority 14. Claim #18-0020 **Settlement Authority** Claim #18-0038 Settlement Authority 15. 16. Claim #18-0075 Settlement Authority 17. Claim #18-0185 Settlement Authority 18. Claim #18-0301 Settlement Authority 19. Claim #18-0708 Settlement Authority 20. Claim #18-0828 Settlement Authority

Ms. Mack made the motion. Mr. Hawkland seconded the motion and it passed unanimously.

The Chairman moved to *Item 9*, any other matters to discuss. Ms. Trahant presented her final update report for 2019 on LRS stating that as of November 30, 2019, the SIB Federal match money is \$1,540,670.00 with 399 open SIF cases; 286 closed cases; 276 cases closed due to employees employed; and a total served of 685. The average cost per claim is \$2,249.00 compared to a National average of \$3,400.00. Ms. Trahant then presented the Chairman an informational overview chart, showing financial statistics since the commencement of the SIF/LRS collaboration, given out at the last meeting.

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

The meeting adjourned at 2:52 pm

Recording Secretary: Claudia Brumfield