

## LA WORKERS' COMPENSATION SECOND INJURY BOARD

Meeting of January 8, 2015

The regular meeting of the Second Injury Board convened at 2:01 p.m.

The following were present:

1. Mr. Charles Hansberry, Chairman, representing Commissioner of Insurance
2. Mr. Wes Hataway, OWCA Director
3. Mr. Steve Hawkland, representing Secretary of State
4. Ms. Pauline Williams, SIB Director
5. Michelle Sumrall, Compliance Supervisor
6. Karl Scott, General Counsel
7. Meridith Trahant, General Counsel
8. Gary Kern, representing Risk Savers Management
9. Nathan Schvautz, attorney for Risk Savers Management
10. Shaneka Davis, Recording Secretary

Mr. Hansberry, Chairman, 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. Hataway and passed unanimously.

The Chairman moved to *Item 2* on the agenda, under the hearing sections, we have two matter, 1<sup>st</sup> matter is Claim #11-0238 the employee is Scott Hahn and the employer is XCEL Air Conditioning Services, Inc., the carrier is Lumbermens Underwriting Alliance. Representing the company; Mr. Gary Kern and Mr. Nathan Schvautz. Mr. Kern states Mr. Hahn came to work for the employer in 2006, when he came to work he completed a medical history questionnaire, where he disclosed the he a prior knee injury, high blood pressure and that he was manic depressive he was hired him put him in a management position in the office, he did light delivery work. In 2008 he develop heart problems, he had to have heart surgery. In 2009 he was involved in an automobile accident he continued to work after the accident (see attached). Ms. Sumrall states that the only issue in dispute is the merger issue. Ms. Sumrall states that it's normally our practice that we request merger from a treating physician (see attached). The Chairman asked what's the pleasure of the board, Mr. Hawkland motion to postpone the decision for 60 days to allow time to Mr. Kern to get documents needed for this claim. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to the next hearing. Claim # 14-0293 the employee is Rebecca Wagaman, the employer is Salvage Store, Inc. and the carrier is Louisiana Construction & Industry. Mr. Kern states Ms. Wagaman she stock refrigerators at the salvage store she injured her back and a fall. She was put as a cashier where she would not be lifting items that she would be lifting in the cooler. She requested to be put back to stock and she wouldn't lift anything heavy. She eventually lifts something heavy and causes her to reinjure her back (see attached). They are not able to get prior medical history because she signed a medical authorization (see

attached). Ms. Sumrall states she recommends this claim is denied because there's had no information on this claim (see attached). The Chairman requests the pleasure of the board, Mr. Hataway motion to deny this claim. The motion was seconded by Mr. Hawkland and passed unanimously.

Next the Chairman moved to *Item 3* on the agenda, being the recommendation of staff to approve reimbursement on the following (10) claims; beginning with Claim #13-0904 and ending with Claim #14-0787. The motion was made by Mr. Hawkland and seconded by Mr. Hataway and passed unanimously.

1.	13-0904	LUBA Casualty Insurance Company	104 week deductible
2.	13-0940	West Tree Service	104 week deductible
3.	14-0004	Winn Dixie LA, Inc.	104 week deductible
4.	14-0068	Louisiana Loggers SIF	104 week deductible
5.	14-0106	Louisiana Workers' Compensation Corporation	104 week deductible
6.	14-0145	Bridgefield Casualty Insurance Company	104 week deductible
7.	14-0193	Louisiana Workers' Compensation Corporation	104 week deductible
8.	14-0265	City of New Orleans	104 week deductible
9.	14-0674	Louisiana Workers' Compensation Corporation	104 week deductible
10.	14-0787	Parish Government Risk Management Agency	104 week deductible

The Chairman moved to *Item 4* on the agenda, being the recommendation of staff to deny reimbursement for the following (83) claims; beginning with Claim #13-0260 and ending with Claim #14-0785. *Item 21* Claim #13-0952 and *Item 77* Claim #14-0507 have both been postpone.

1.	13-0260	Louisiana Commerce & Trade Association	
2.	13-0491	EMC Property and Casualty Company	
3.	13-0526	Louisiana Retail Mutual Insurance Company	
4.	13-0551	LEMIC Insurance Company	
5.	13-0576	Louisiana Workers' Compensation Corporation	
6.	13-0588	Louisiana Safety Association of Timbermen	
7.	13-0591	Louisiana Safety Association of Timbermen	
8.	13-0616	Louisiana Office of Risk Management	
9.	13-0622	Louisiana Workers' Compensation Corporation	
10.	13-0637	Louisiana Office of Risk Management	
11.	13-0666	United State Fidelity	
12.	13-0787	Starnet Insurance Company	
13.	13-0790	Louisiana Commerce & Trade Association	
14.	13-0811	Louisiana Workers' Compensation Corporation	
15.	13-0814	Louisiana Workers' Compensation Corporation	
16.	13-0817	Louisiana Commerce & Trade Association	
17.	13-0826	Lake Charles Memorial Hospital	
18.	13-0836	LEMIC Insurance Company	
19.	13-0845	LEMIC Insurance Company	
20.	13-0911	City of Shreveport	
21.	13-0952	Louisiana Health Care SIF	POSTPONE

22. 13-1083 Lafayette Parish Sheriff's Office
23. 13-1087 City of Shreveport
24. 14-0051 Louisiana Workers' Compensation Corporation
25. 14-0066 St. Tammany Parish School Board
26. 14-0097 Stonetrust Commercial Insurance Company
27. 14-0110 LEMIC Insurance Company
28. 14-0144 St. Landry Parish School Board
29. 14-0175 Louisiana Workers' Compensation Corporation
30. 14-0183 Louisiana Restaurant Association
31. 14-0196 Stonetrust Commercial Insurance Company
32. 14-0226 Caddo Parish School Board
33. 14-0249 State National Insurance Company
34. 14-0254 Louisiana Workers' Compensation Corporation
35. 14-0259 Touro Infirmary
36. 14-0263 Bituminous Group
37. 14-0269 Jefferson Parish School Board
38. 14-0282 Louisiana Office of Risk Management
39. 14-0285 Louisiana Office of Risk Management
40. 14-0295 Jefferson Parish School Board
41. 14-0299 LUBA Casualty Insurance Company
42. 14-0300 Travelers Insurance Company of Connecticut
43. 14-0302 Louisiana Retailers Mutual Insurance Company
44. 14-0303 New Hampshire Insurance Company
45. 14-0305 New Hampshire Insurance Company
46. 14-0306 Autozone, Inc.
47. 14-0308 Louisiana Office of Risk Management
48. 14-0309 Louisiana Office of Risk Management
49. 14-0312 None Documented
50. 14-0314 Federated Rural Electric Insurance
51. 14-0317 Farmington Casualty Company
52. 14-0318 Insurance Company of the State of PA
53. 14-0320 New Hampshire Insurance Company
54. 14-0321 Autozone, Inc.
55. 14-0322 Zurich American Insurance Company
56. 14-0323 None Documented
57. 14-0328 Louisiana Office of Risk Management
58. 14-0329 Louisiana Office of Risk Management
59. 14-0332 Great American Insurance Company
60. 14-0334 Jefferson Parish School Board
61. 14-0337 Travelers Casualty Insurance Company of America
62. 14-0338 Louisiana Commerce & Trade Association
63. 14-0340 None Documented
64. 14-0341 None Documented
65. 14-0343 Louisiana Office of Risk Management
66. 14-0346 Bridgefield Casualty Insurance Company
67. 14-0347 Bridgefield Casualty Insurance Company
68. 14-0349 Slidell Memorial Hospital
69. 14-0352 Louisiana Restaurant Association
70. 14-0355 Louisiana Restaurant Association

- 71. 14-0358 None Documented
- 72. 14-0361 None Documented
- 73. 14-0394 City of Alexandria
- 74. 14-0416 Louisiana Commerce & Trade Association
- 75. 14-0452 Louisiana Office of Risk Management
- 76. 14-0476 Louisiana Hospital Associates
- ~~77. 14-0507 Louisiana Health Care SIF~~ POSTPONE
- 78. 14-0551 LUBA Casualty Insurance Company
- 79. 14-0554 None Documented
- 80. 14-0624 None Documented
- 81. 14-0630 Hartford Casualty Insurance Company
- 82. 14-0721 St. Tammany Parish School Board
- 83. 14-0757 None Documented
- 84. 14-0771 St. Tammany Parish School Board
- 85. 14-0785 None Documented

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

The Chairman moved to *Item 5* on the agenda, being the recommendation to approve reimbursement of (167) partial payments beginning with Claim #87-0049 and ending with Claim #13-0265. Mr. Hansberry asked for a motion to accept the recommendation and approve reimbursement of the partial payments as submitted on the agenda of January 8, 2015. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

The Chairman moved to *Item 6* on the agenda, being the recommendation to approve (82) quarterly payments due beginning with Claim #88-0204 and ending with Claim #12-0789. Mr. Hawkland moved to accept the recommendation of the Director and approve reimbursement of quarterly payments as submitted on the agenda of January 8, 2015. The motion was seconded by Mr. Hataway and passed unanimously.

The Chairman moved to *Item 7*, Public Comment. No one from the public was present therefore, the Chairman moved to *Item 8* on the agenda. Mr. Hawkland made a motion to go into Executive Session to discuss Second Injury Board litigation and settlements. Mr. Hataway seconded the motion and it was passed unanimously.

Upon returning from Executive Session, the Chairman moved to *Item 8a* of the agenda, being settlement recommendations. The Chairman takes a motion to amend the agenda to add Claim #11-0143 to *Item 8a* to the agenda. The motion was made by Mr. Hawkland, seconded by Mr. Hataway, and passed unanimously.

There's (20) 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 claims:

1. 97-0762
2. 05-0100
3. 11-0225
4. 09-0378
5. 11-0143
6. 11-0804
7. 11-0938
8. 11-0971
9. 12-0010
10. 12-0657
11. 12-0836
12. 13-0155- Indemnity potion only
13. 13-0593
14. 13-1059

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

The following claim were recommended to be denied for settlement and be paid on an on-going basis:

1. 94-0137
2. 97-0851
3. 07-0174
4. 07-0869
5. 08-0247
6. 11-0090
7. 11-0712

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

The Chairman moved to *Item 8b* of the agenda, being Second Injury Board litigation. The Chairman asked for a motion to grant authority to legal counsel as discussed in Executive Session, to represent the Board in the following manner:

Minutes (cont'd)

Page 6

January 8, 2015

1. Claim #12-0219 continued litigation
2. Claim #12-0450 continued litigation
3. Claim #12-0533 continued litigation
4. Claim #13-0795 continued litigation
5. Claim #08-0710 settlement authority

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

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

The meeting was adjourned at 2:56 p.m.

Recording Secretary: Shaneka Davis