



1001 North 23rd Street
Post Office Box 94040
Baton Rouge, LA 70804-9040

(O) 225-342-7561
(F) 225-342-5665
www.laworks.net

Bobby Jindal, Governor
Curt Eysink, Executive Director

Office of Workers' Compensation Administration

WORKERS' COMPENSATION ADVISORY COUNCIL

Meeting Minutes
April 16, 2010
LABI Conference Center
9:30a.m. – 12:00p.m.

Members Present:

Troy Prevot
Dickie Patterson
Cherie Pinac
Julie Cherry
Ken Hawkins
Michael Morris
Eddie Crawford
Jim Patterson
Clark Cosse

Members via conference call:

Greg Hubachek
Mark Kruse
Chuck Davoli

Members Absent:

Dr. Joe Laughlin
Dr. Jim Quillin
Denis Juge
Dr. Dan Gallagher

Director Broadwater started meeting at 10:00a.m.

There was discussion on Rep. Henry's bill HB 1097 in house committee yesterday. There is a request of the committee and Rep. Henry, that this Council try to take back up the bill in current format, which now applies to all employees and employers, not just pro-athletes, and to provide some guidance and recommendations for a different/better solution that helps solve the problem. This issue will not be solved today. Council will need to schedule a meeting to discuss this bill.

Pharmacy Claims (Rep. LeBas and/or his rep. has been invited to attend)
HB 170 - LeBas

Bill was filed in Title 22, but needs to be moved to Title 23. Chris will set up meeting with payors and pharmacy people to discuss.

Reserve Police Officers
HB 1034 - Richmond

Dale Cronin, LMA suggests to change language as follows: In the last sentence following the word amended and before the comma, “as may be required by the carrier, but no less than every six months”.

Ken Hawkins – motions to support bill with additional language recommended by the Executive Council.

Dickie Patterson – seconds motion.

No opposition, motion carries.

Dickie Patterson – makes a substitute motion to merge language from Dale Cronin’s suggestion.

Michael Morris – seconds substitute motion.

No opposition, motion carries.

Sole Proprietor
SB 107-Riser, HB 818- Ponti

The issue is a problem of some contractors having all of their employees identify themselves as sole proprietors and entering into a written agreement with them that that independent contractor would exclude themselves from coverage, therefore operating in an un-insured capacity, leaving no protection for them if they were hurt, and also providing damage to the employee and the ultimate carrier who has liability but no premium being paid on those issues. The initial draft addressed that a written agreement must be between the sole proprietor and their insurer.

Compliance/Fraud Penalty
HB 873 – P.Smith

Director Broadwater – The intent is an attempt to expand the penalties for those who are not in compliance with having insurance for their employees.

Troy Prevot- motions to draft the proposal for civil penalties to remain at \$250.00 per employee up to a \$10,000 cap on a 1st offense. Second offense at \$500.00 per employee with no cap. Criminal penalties calculated by the courts at \$250.00 per day. Draft and circulate and move in committee.

Julie Cherry- seconds motion.

Motion carries, Director will get draft and circulate probably by Monday.

W. C. Preamble
HB 899 – Ponti

Deferred to next meeting date.

Second Injury Fund

HB 1223 – Edwards, SB 639 – Murray

Michael Morris – motions to support with adding a sunset clause on fund – (clarify time frame) 4 year sunset on receipt of new claims only. On page 2 line 22, “medical and indemnity” and would be changed to “or”. On page 3 line 25, “Hire and fire authority shall mean the authority of a representative of the employer who plays an integral part of fulfilling the business of the employer with the responsibility to closely control the employee regarding their physical conduct and time as well as providing significant input into the hiring, detention and firing decisions relative to that employee. Replace deductible section in 1223 with the chart from 639 senate bill. Page 3 line 17 change “medical and indemnity” to be consistent with page 2.

Jim Patterson – seconds motion.

All in favor except:

Cherie Pinac – abstains

Troy Prevot – abstains

Motion carries.

HB 1197 – Ponti

Already opposed at March 25 Council meeting

SB 424 – Donahue

Julie Cherry – motions to oppose as drafted.

Ken Hawkins – seconds motion.

Troy Prevot – opposes

Cherie Pinac – abstains

Motion carries.

Dickie Patterson - motions to adjourn.

Ken Hawkins – seconds motion.

Adjourn