



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

(O) 225-342-7561  
(F) 225-342-5665  
[www.laworks.net](http://www.laworks.net)

**Bobby Jindal**, Governor  
**Curt Eysink**, Executive Director

**Office of Workers' Compensation Administration**

WORKERS' COMPENSATION ADVISORY COUNCIL

October 28, 2009

LABI Conference Center

9:30a.m. – 11:00p.m.

Members Present:

Chuck Davoli – co-chair  
Jim Patterson - co-chair  
Eddie Crawford  
Julie Cherry  
Denis Juge  
Mike Morris  
Dickie Patterson  
Clark Cosse  
Dr. Dan Gallagher

Members Absent:

Director Chris Broadwater  
Dr. Joe Laughlin  
Dr. Jim Quillin  
Troy Prevot – Proxy Mark Bellue  
Ken Hawkins  
Greg Hubachek  
Dr. Mark Kruse  
Cherie Pinac

Others from LWC-OWCA:

Teresa Boeneke, Adm. Asst. to Director  
Sheral Kellar, Chief Judge  
Dr. Larry Ferachi, Medical Director  
Lisa Fontenot, Special Asst.  
Myles Donahue, Mediator

10:00 a.m. Meeting was brought to order by Jim Patterson and Chuck Davoli, (co- chairs)

**Introduction and Welcome Dr. Daniel Gallagher, new member of the Council**

Jim Patterson introduced and welcomed Dr. Daniel Gallagher to serve on the Advisory Council.

**Subcommittee Reports:**

**Update of Hearing Rules - Chief Judge Sheral Kellar, Chair**

The sub-committee has met. Members are Myles Donahue, Mediator for Covington; Judy Franklin, Statewide Mediator; Cassandra Allen, Mediator for Houma; Judges, Sheral Kellar, Baton Rouge; Brenza Irving-Jones, Monroe; Charlotte Bushnell, Lake Charles; James Braddock, Alexandria; Diane Lundeen, New Orleans. Steve Glusman and Jackie Matakey, claimant's attorney in Crowley.

Proposed Changes to the Hearing Rules - Attached

**Update of UR Rules - Cherie Pinac, Chair**

Deferred discussion to next meeting on December 2, 2009

**Return To Work Fund - Jim Patterson and Chuck Davoli, Co-Chairs**

Will have updates at next meeting on December 2, 2009.

**Electronic Billing/Payment - Dickie Patterson, Chair**

Goal is to have all payments and billing (WC) done electronically. We will need legislation. Will keep Mary O'Brien posted.

**Issues raised by Rep. Roy and Rep. LeBas - Denis Juge, Chair**

Rep. Roy has held small town meeting and has been lobbied on this issue. Bill may not re-appear.

Rep. LeBas' bill will now be handled by the proper committee chaired by Dickie Patterson.

**Second Injury Fund - Troy Prevot and Greg Hubachek, Co-Chairs**

Streamlining Commission has in their recommendations to dissolve the 2<sup>nd</sup> Injury Fund. The W. C. Executive Council has discussed this issue. The Advisory Council will work on finding ways to improve the functions of the 2<sup>nd</sup> Injury Fund and to make it more relevant to returning injured workers to work.

Denis Juge moved to support legislation to tighten the 2<sup>nd</sup> Injury claims process, but not eliminate the 2<sup>nd</sup> Injury Fund.

Jim Patterson offers a substitute motion that the W. C. Advisory Council will explore ways to improve the work of the 2<sup>nd</sup> Injury Fund to return people to work. The Council should provide an alternative to the Streamlining Commissions' recommendation of abolition of the Fund. The Council should not necessarily take a position on the continuation of the Fund.

Chuck Davoli seconds motion.

Call of the question.  
All in favor.  
No opposed. Motion passes.

**Discussion of Mediation Processes – Chris Broadwater**

Deferred discussion to next meeting on December 2, 2009.

**Other Business**

Judge Kellar – Office of Disciplinary Council (ODC) is pursuing attorneys in the workers' comp. arena who have failed to either advise their clients that they are pursuing a settlement, that force their clients to sign settlement documents, or have failed to give the proceeds of the settlement to their clients once the settlement is approved by the OWC Judge. Judge Kellar inquired whether we need to revert back to the old proceedings, where parties come before the judge in every case, with their claimant to perfect their settlement. Judge Kellar is seeking the guidance

of the Advisory Council on this issue. Judge Kellar suggests to monitor this situation for the next few months and take a look back into this issue at the end of next year.

There is a recommendation to move the Council meetings to Thursdays to better accommodate the Physicians on the Council.

Chuck Davoli and Greg Hubachek have been working on standardization of FCEs and will report back to the Council in the future regarding their findings.

Adjourn