



WORKERS' COMPENSATION
ADVISORY COUNCIL MEETING

November 30, 2016

Members Present:

Sheral Kellar
Mark Kruse
Shannon Dartez
Julie Cherry
"Bray" Williams
Charles Davoli
Alejandro Perkins
Shannon Lindsey
Michael Morris

Members Absent:

Dr. Daniel Gallagher
Edwin Murray
Maria Losavio
Pierce Nunley, MD
Dr. James Quillin

MINUTES

I. CALL TO ORDER at 9:23am

a. Introductions

1. Alejandro Perkins
 - Attorney
 - Represent employer/insurer
2. Mark Kruse
 - Chiropractor
 - Represent Chiropractor Association of Louisiana

II. MINUTES

- a. Review minutes from October 26, 2016 meeting
 1. Julie Cherry made corrections
- b. Minutes are posted on laworks.net website
- c. Need quorum to accept

III. WORKERS' COMPENSATION ADVISORY COUNCIL VACANICES

- a. 2 Representatives of business and 2nd PSC
- b. Ray Peters volunteer on committee but not chair
- c. Maria Losavio appointed as 4th PSC

IV. COREY GAINES (timestamp 9:33am)

- a. Safety Taskforce agenda
 1. State projects need safety plan
- b. Atkinson, Dan (2016, November 15). Permit Crackdown Eyed. *Boston Herald*, p. 15

1. Measure filed for permit applications to list all current and resolved OSHA violations. It also includes power to reject applications based on safety concerns.
- c. Director Kellar-
 1. Contracting Board only requires residential contractors to have WC insurance to get/have a license.
 2. No one checks to make sure the insurance is maintained. Insurance company does notify them when the insurance lapse. However, the Board doesn't have personnel to go out to make sure the contractors stop working. They do have *Stop Work Order* authority.
 3. Hearings are held by the Board for those without WC prior to pulling license.

** Kaye Fournet, manager of Fraud, is retiring in January 2017.

**Executive Director, Ava Dejoie is looking to combine Unemployment Insurance and WC fraud/auditor units.

V. LEGISLATIVE INFO (timestamp 9:55:23)

- a. Bulletin handed out giving timeline of legislative deadlines.
- b. No legislation at this time.

II. MINUTES –REVISITED (timestamp 9:56:42)

- a. Shannon Lindsey & Michael Morris arrived
- b. Minutes with corrections approved.

VI. BY-LAWS AND RULES FOR CONDUCT OF ADVISORY COUNCIL MEETING (timestamp 9:58:42)

- a. red entry are suggestions made by Michael Morris.
- b. Dr. Kruse- Section 11; put full name “Chiropractor Association of Louisiana”
- c. Michael Morris corrections:
 - 1) Article II, Section 1- add “...legislation and...” when defining purpose.
 - 2) Article VIII, Section 1- needs to say “...on behalf of the council...” since members may have to take different position based on job.
 - Chuck Davoli- committee may ask if your group is in agreement of council consensus
 - 3) Article VIII, Section 9- says only chairman or co-chairman can report on the council
 - Shannon Dartez- what does “report” mean?
 - Director Kellar- due to busyness of legislative session, anyone can respond to committee
 - Chuck Davoli/Michael Morris- should it read “Any report...may be made, by its chairman or co-chairman or in the absence thereof any member of the council...”?
 - Mark Kruse- read “Any report...shall be made, by its chairman or co-chairman or in the absence thereof any member of the council may be made...”? (all agreed)
 - 4) Article III, Section 3- correct to “...be representatives of business...”

- 5) Article VIII, Section 7- stronger recommendation if says “super” majority
 - Need to define what super majority means
 - Chuck Davoli- missing viewpoints
 - Alejandro Perkins- concerned due to attendance; super majority of entire council is different than super majority of those present
- 6) Article VIII, Section 9- “...and may include broader objectives or recommendations regarding such legislation ...”
 - Director Kellar- can only give facts due to state employment
 - Shannon Lindsey- would the recommendations give the opinion of the super majority or would it give the dissent opinion and possibly tally of vote
 - Michael Morris- dissent opinion may be not
 - Shannon Dartez- if close, give reasoning
 - Charles Davoli- like giving reason so intent is clarified
 - Mark Kruse- Article II , Section 1 & 2 say recommendations
 - Shannon Dartez- Edit language to “...and may include recommendations and comments regarding such legislation...”
- 7) Article VIII, Section 4- change “shall” to “may”

VII. DIRECTOR’S ADVISORY COUNCIL (timestamp 10:26:58)

- a. Judge Charlotte Bushnell
- b. Greg Hubachek from Metairie
 - 1) Formerly on WCAC

** Motion to add agenda item- Mark Kruse Motioned; Shannon Dartez Second= all agreed
OWC Business (timestamp 10:28:00)

- a. Head hunter request for public documents
 - 1) R.S. 23§1293= confidentiality statute; public documents
 - 2) May violate ADA since potential employee do not know about the request
 - 3) Meridith Trahant, esq. (OWC)
 - 50-80 requests per day
 - Reviewing what other states do
 - Adding fee for these services (\$25) due to storage fee is \$5000/month & archive charges \$20 for retrieval
 - Promulgate form & fee
 - Charles Davoli- is reason for query given? (No)
 - HIPAA excluded WC
 - 4) Current fee is 25¢ per page if there are records
 - 5) Shannon Dartez- caveat on form about violations; possible check box for pre vs post offer
 - 6) Michael Morris- cite for general public records law? (R.S. Title 44)
 - 7) Shannon Lindsey-
 - Could redact information on medical if for pre-offer (can’t redact in judgment)
 - Attestation to not be used?
- b. SIB questionnaire to be promulgated

~~VIII.~~ IX. OTHER BUSINESS (timestamp 10:44:43)

- a. Next meeting dates will be published online
- b. January 26th, February 23rd, March 23rd
- c. More meetings may be set prior to & during legislative session
- d. Meetings will be at LaSalle Building- downtown Baton Rouge

~~IX.~~ VIII. PUBLIC COMMENT (timestamp 10:44:23)

a. Cindy Bishop (*audience*) (timestamp 10:46:16)

1) Is there an attendance requirement in bylaws?

- Charles Davoli- statute doesn't require attendance; medical providers affected by impromptu meetings
- "Bray" Williams- send attendance annual report to governor
- Mark Kruse- I cancel appointments to attend

X. ADJOURNMENT at 10:49am

* Michael Morris- **Moved**; Shannon Dartez- **Second**