



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

October 28, 2009

LABI Conference Center

9:30a.m. – 11:00p.m.

Members Present:

Chuck Davoli – co-chair
JimPatterson - 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 2nd 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 2nd Injury Fund and to make it more relevant to returning injured workers to work.

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

Jim Patterson offers a substitute motion that the W. C. Advisory Council will explore ways to improve the work of the 2nd 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