

MINUTES

PCF OVERSIGHT BOARD

September 5, 2019

OUR LADY OF THE LAKE REGIONAL MEDICAL CENTER
HEROMAN BOARD ROOM
BATON ROUGE, LA

Dr. Christopher Foret, Chairman, convened the meeting of the Patient's Compensation Fund Oversight Board at 6:30 PM on Thursday, September 5, 2019.

The following Board members were in attendance:

Dr. Christopher Foret, Chairman	Mr. Robert Ruel	Mr. Marcus Naquin
Mr. Kent Guidry*	Dr. Luis Alvarado*	Ms. Jennifer DeCuir
Dr. Patrick Breaux	Mr. Gregory Waddell	

*Arrived after 6:30

The following Board member was absent:

Dr. Corey Hebert

Others present:

Mr. Ken Schnauder	Mr. Kurt Loup	Mr. Dave Woolridge
Ms. Barbara Woodard	Ms. Betty Patrick	Mr. Larry Warren

Dr. Foret called the meeting to order and asked that the record reflect eight Board members were in attendance and a quorum was present. Dr. Foret then welcomed the guests to the meeting and asked all present to introduce themselves.

Dr. Foret called for the approval of the August 1, 2019 minutes. Dr. Breaux moved for the minutes to be adopted and Mr. Naquin seconded the motion; by verbal vote, the minutes were adopted with no dissenting votes.

Dr. Foret called for the discussion of proposed amendments to the Board's rules. Mr. Woolridge provided the Board with a copy of a Notice of Intent which included the proposed new rules relative to the submission and consideration of a request/petition by an interested person for the Board to consider adopting a new rule or amending or repealing an existing rule (copy attached hereto). After some discussion, and upon motion by Mr. Naquin and a second by Mr. Ruel, by verbal vote, the proposed rule amendments were adopted by the Board with no dissenting votes, subject to meeting the requirements of publication in the *Louisiana Register* and compliance with the Louisiana Administrative Procedure Act.

Dr. Foret asked for the financial and budget reports. Ms. Woodard informed the Board the Fund balance for the fiscal year to date was approximately \$1,099,465,071, the total net collected in

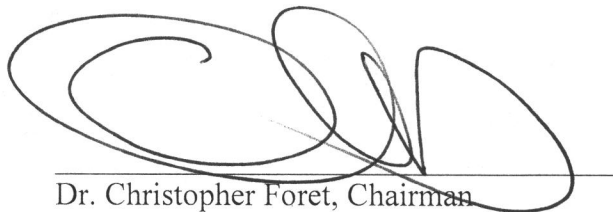
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surcharge payments to date was approximately \$17,399,406 and the total net filing fees collected to date were \$41,095. She advised the investment income through July was approximately \$2,346,917; the total operating expenses to date were \$794,590, and the claims expenses to date were \$24,427,059. Ms. Woodard also presented the final year-end figures for FY 2019. There were no questions asked and no public comments made.

Dr. Foret called for the claims report. Mr. Loup informed the Board for the month of August there were 82 panels filed, 115 panels closed, 91 claims opened, and 95 claims closed, ending the month with total pending claims count of 4,342. Mr. Loup advised \$0 in judicial interest was paid for the month and \$146,592 in legal fees and expenses were paid. Mr. Loup presented 15 claims for settlement approval for the month in the amount of \$6,467,000. There were no questions asked and no public comments made.

Dr. Foret asked if there were any questions or comments from the public. There were none.

Dr. Foret thanked the guests for attending the meeting. Ms. DeCuir then made a motion for the Board to move into Executive Session; Mr. Ruel seconded the motion. The verbal vote was unanimous, and the Board moved into Executive Session to discuss matters of litigation.



Dr. Christopher Foret, Chairman

10/3/19

Date

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Louisiana Patient's Compensation Fund Oversight Board**

Rulemaking Petitions (LAC 37:III.21)

The Louisiana Patient's Compensation Fund Oversight Board, under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1, *et seq.*, and in accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, specifically R.S. 49:953(C)(1), the Office of the Governor, Louisiana Patient's Compensation Fund Oversight Board, proposes to adopt the following rule outlining the process for considering rulemaking petitions.

Title 37

INSURANCE

Part III. Patient's Compensation Fund Oversight Board

Chapter 21. Rulemaking Petitions

§2101. Submission of a Rulemaking Petition

A. In accordance with R.S. 49:953(C)(1), any interested person may petition an agency to adopt a new rule, or to amend or repeal an existing rule.

B. To petition the board for changes to the board's current rules, or for the adoption of new rules within the board's purview, an interested person shall submit a written petition to the board. The petition shall include:

1. the petitioner's name and address;
2. the name of the promulgating agency for the rule in question;
3. specific text or a description of the proposed language desired for the adoption or amendment of a rule, or the specific rule and language identified for repeal;
4. justification for the proposed action; and
5. the petitioner's signature.

C. The rulemaking petition shall be submitted by certified mail and addressed to

Louisiana Patient's Compensation Fund Oversight Board
Attn: Mr. Kenneth H. Schnauder, Executive Director
Iberville Building, 627 North Fourth Street, Suite 2-300
Baton Rouge, LA 70802-5343

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and R.S. 49:953, *et seq.*

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Patient's Compensation Fund Oversight Board, LR _____

§2103. Consideration of a Rulemaking Petition

- A. Upon receipt, a rulemaking petition shall be forwarded to the board for review.
- B. Within 90 days of receipt of the rulemaking petition, the board shall either:
 - 1. initiate rulemaking procedures to adopt a new rule, or to amend or repeal an existing rule; or
 - 2. notify the petitioner in writing of the denial to proceed with rulemaking, stating the reason(s) therefor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and R.S. 953, *et seq.*

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Patient's Compensation Fund Oversight Board, LR _____

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on child, individual, or family poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

All interested persons are invited to submit written comments via the U.S. Mail to Kenneth H. Schnauder, Executive Director, Louisiana Patient's Compensation Fund Oversight Board, Iberville Building, 627 North Fourth Street, Suite 2-300, Baton Rouge, LA 70802-5343 and/or to David A. Woolridge, Jr., General Counsel, Louisiana Patient's Compensation Fund Oversight Board, 8440 Jefferson Highway, Suite 301, Baton Rouge, Louisiana 70809-7654. All written public comments are required to be signed by the person submitting the comments, dated, and received on or before November 20, 2019 by 4:30 p.m.

Kenneth H. Schnauder
Executive Director