

M I N U T E S

MEETING DATE: July 14, 2009

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Mr. Ben Garris, Jimmy Pohlmann, Ms. Ann Polak, Ms. Carolyn Stapleton, Ms. Lucille Williams,

MEMBERS ABSENT: Mr. Kenneth Jones, Ms. Sharon Rodi

STAFF PRESENT: Robert Wertz, Linda Gautier, Carla Domingue

GUESTS PRESENT: Erich Duchmann, PhD., Kent Wolkart

I. CALL TO ORDER

The meeting of the CVR Board was called to order by Mr. Davis at 9:30 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. DiBenedetto made a motion to approve the minutes of the previous meeting. Ms. Polak seconded the motion and the motion passed unanimously.

III. APPEALS

A 1. Orleans 09-034

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Ms. Williams seconded the motion and the motion passed unanimously.

A 2. Orleans 09-047

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

A 3. Tangipahoa 09-019

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Mr. Garris seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Mr. Garris made a motion to confirm the emergency rulings for the previous month. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Acadia 07-003

Ms. Polak made a motion to award \$2,134.06 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 2. Avoyelles 09-001

Ms. Polak made a motion to award \$35.00 for MEDICAL. Estimate approved for: \$1,388.10 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 3. Bossier 09-011

Ms. Adcock made a motion to award \$150.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Stapleton seconded the motion and the motion passed unanimously.

F 4. Bossier 09-014

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Mr. DiBenedetto seconded the motion and the motion passed 8 to 1 with no abstentions.

F 5. Bossier 09-015

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Stapleton seconded the motion and the motion passed unanimously.

F 6. Bossier 09-019

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 7. Bossier 09-020

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 8. Bossier 09-021

Ms. Adcock made a motion to award \$3,159.42 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 9. Bossier 09-023

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

F 10. Caddo 09-021

Ms. Polak made a motion to award. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 06/27/09.

F 11. Caddo 09-022

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 12. Calcasieu 08-039

Ms. Polak made a motion to award \$60.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 13. Calcasieu 08-041

Ms. Polak made a motion to award \$60.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 14. Calcasieu 08-075

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$186.20 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 15. Calcasieu 09-002

Ms. Polak made a motion to award \$150.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 05/10/09.

F 16. Calcasieu 09-004

Ms. Polak made a motion to award \$375.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 17. Calcasieu 09-009

Ms. Polak made a motion to award \$900.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously.

F 18. Calcasieu 09-015

Ms. Polak made a motion to award \$62.37 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 19. Calcasieu 09-023

Ms. Polak made a motion to award \$420.00 for MENTAL HEALTH. Mr. Pohlmann seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 20. Calcasieu 09-036

Ms. Polak made a motion to award \$360.00 for MENTAL HEALTH and to only consider mental health claims for payment through the end of August. Mr. Garris seconded the motion and the motion passed unanimously.

F 21. Claiborne 08-014

Ms. Adcock made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed unanimously.

F 22. Concordia 08-013

Ms. Polak made a motion to award \$35.34 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 23. East Baton Rouge 09-007

Mr. DiBenedetto made a motion to award \$4,500.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 24. East Baton Rouge 09-021

Mr. DiBenedetto made a motion to award \$35.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 25. East Baton Rouge 09-022

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed 7 to 1 with 1 abstention.

F 26. East Baton Rouge 09-027

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed 8 to 0 with 1 abstention. The board agreed to waive the one year deadline for applying for reparations.

F 27. East Baton Rouge 09-030

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 8 to 0 with 1 abstention. The board agreed to waive the one year deadline for applying for reparations.

F 28. East Baton Rouge 09-031

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 29. East Baton Rouge 09-034

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 30. East Baton Rouge 09-050

Mr. DiBenedetto made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 31. Iberville 09-003

Ms. Polak made a motion to award \$52.45 for MEDICAL. Ms. Fanara seconded the

V. ITEMS FOR FULL DISCUSSION

motion and the motion passed unanimously.

F 32. Lafourche 08-054

Ms. Stapleton made a motion to award \$240.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 02/26/09.

F 33. Lafourche 09-014

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(3)(g) (chapter date). Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 02/26/09.

F 34. Lafourche 09-015

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(3)(g) (chapter date). Ms. Adcock seconded the motion and the motion passed unanimously.

F 35. Lafourche 09-023

Ms. Stapleton made a motion to award \$10,000.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 36. Lafourche 09-044

Ms. Stapleton made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 37. Lafourche 09-049

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 38. Livingston 09-002

Ms. Stapleton made a motion to award \$3,215.06 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 39. Orleans 08-004

Ms. Polak made a motion to award \$1,563.25 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 40. Orleans 08-090

Ms. Fanara made a motion to award \$3,898.64 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 41. Orleans 08-131

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Williams seconded the motion and the motion passed 7 to 2 with no abstentions.

F 42. Orleans 08-150

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Adcock seconded the motion and the motion passed 8 to 1 with no abstentions.

V. ITEMS FOR FULL DISCUSSION

F 43. Orleans 09-009

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Fanara seconded the motion and the motion passed unanimously.

F 44. Orleans 09-014

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Fanara seconded the motion and the motion passed 8 to 1 with no abstentions.

F 45. Orleans 09-019

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Adcock seconded the motion and the motion passed 8 to 1 with no abstentions.

F 46. Orleans 09-020

Ms. Stapleton made a motion to award \$1,500.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 8 to 1 with no abstentions.

F 47. Orleans 09-027

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. Pohlmann seconded the motion and the motion passed 8 to 1 with no abstentions.

F 48. Orleans 09-035

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 49. Orleans 09-038

Ms. Williams made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 50. Orleans 09-039

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 51. Orleans 09-048

Ms. Polak made a motion to award \$5,000.00 for FUNERAL, \$420.00 for MENTAL HEALTH. Jim Pohlmann seconded the motion and the motion passed unanimously.

F 52. Orleans 09-088

Ms. Williams made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 53. Orleans 09-099

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Garris seconded the motion and the motion passed unanimously.

F 54. Rapides 09-004

Ms. Williams made a motion to award \$4,500.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 55. Richland 09-001

Ms. Polak made a motion to award \$7,743.40 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 56. St. Charles 09-018

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. Garris seconded the motion and the motion passed unanimously.

F 57. St. Martin 09-014

Mr. DiBenedetto made a motion to award \$1,474.73 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 58. St. Martin 09-017

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Mr. Garris seconded the motion and the motion passed 8 to 1 with no abstentions.

F 59. St. Mary 09-002

Ms. Stapleton made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 60. St. Mary 09-005

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

F 61. St. Tammany 09-016

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 62. Tangipahoa 09-002

Ms. Stapleton made a motion to approve to approve the eligibility of the case but to deny the claim, under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Williams seconded the motion and the motion passed unanimously.

F 63. Union 09-006

Ms. Stapleton made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. Garris seconded the motion and the motion passed unanimously.

L 1. Bossier 07-045

Ms. Polak made a motion to award \$170.00 for MENTAL HEALTH, \$20.80 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 2. Bossier 09-007

Ms. Adcock made a motion to award \$166.40 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

L 3. Caddo 08-062

Ms. Fanara made a motion to award \$156.80 for WAGE. Ms. Williams seconded the

VI. LATE ADDITIONS

motion and the motion passed unanimously.

L 4. Caddo 09-018

Ms. Williams made a motion to award \$4,800.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

L 5. Calcasieu 06-037

Ms. Polak made a motion to award \$900.00 for MENTAL HEALTH and to consider mental health claims for payment only through September, 2009. Ms. Williams seconded the motion and the motion passed unanimously.

L 6. Calcasieu 06-038

Ms. Polak made a motion to award \$840.00 for MENTAL HEALTH and to consider mental health claims for payment only through September, 2009. Ms. Williams seconded the motion and the motion passed unanimously.

L 7. Calcasieu 08-061

Ms. Polak made a motion to award \$2,109.60 for WAGE. Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 8. Calcasieu 09-030

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 9. Calcasieu 09-035

Ms. Polak made a motion to award \$9,040.00 for WAGE, \$960.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 10. Concordia 08-006

Ms. Polak made a motion to award \$43.68 for MEDICAL MILEAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

L 11. East Baton Rouge 09-014

Mr. DiBenedetto made a motion to award \$247.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed 8 to 0 with 1 abstention.

L 12. East Baton Rouge 09-015

Ms. Fanara made a motion to award \$1,296.00 for WAGE. Mr. Pohlmann seconded the motion and the motion passed 8 to 0 with 1 abstention.

L 13. East Baton Rouge 09-035

Mr. DiBenedetto made a motion to award \$420.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed 8 to 0 with 1 abstention.

L 14. East Baton Rouge 09-046

Mr. DiBenedetto made a motion to award \$1,306.94 for WAGE. Mr. Garris seconded the motion and the motion passed 8 to 0 with 1 abstention.

VI. LATE ADDITIONS

L 15. East Baton Rouge 09-049

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously.

L 16. Franklin 08-003

Ms. Polak made a motion to defer ruling awaiting supplemental police report. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 17. Iberia 08-066

Mr. Garris made a motion to award \$1,020.80 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

L 18. Jefferson Davis 09-002

Ms. Polak made a motion to award \$262.50 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 19. Jefferson 09-016

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Williams seconded the motion and the motion passed unanimously.

L 20. Jefferson 09-017

Ms. Stapleton made a motion to award \$4,598.35 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

L 21. Jefferson 09-018

Ms. Stapleton made a motion to award \$4,950.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

L 22. Lafourche 08-029

Ms. Polak made a motion to award \$460.00 for MENTAL HEALTH, \$574.56 for MEDICAL MILEAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

III. APPEALS

L 23. Lafourche 08-031

Mr. Pohlmann made a motion to award \$2,400.00 for WAGE. Mr. Garris seconded the motion and the motion passed 7 to 2 with no abstentions.

VI. LATE ADDITIONS

L 24. Lafourche 09-029

Ms. Polak made a motion to approve. The motion died for a lack of second. Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Ms. Fanara seconded the motion and the motion passed unanimously.

L 25. Madison 09-001

Mr. Pohlmann made a motion to award \$1,132.60 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 26. Orleans 09-010

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Ms. Williams seconded the motion and the motion passed unanimously.

L 27. Orleans 09-028

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B (3) e (filed late). Ms. Fanara seconded the motion and the motion passed unanimously.

L 28. Orleans 09-036

Ms. Polak made a motion to award \$2,604.80 for WAGE, \$3,203.15 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 29. Orleans 09-057

Ms. Polak made a motion to approve the eligibility of the case, but to deny the claim (no loss) . Ms. Williams seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 30. Orleans 09-097

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 9 to -1 with no abstentions.

L 31. St. Bernard 09-002

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

L 32. St. Bernard 09-003

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Mr. DiBenedetto seconded the motion and the motion passed 8 to 0 with 1 abstention.

L 33. St. Bernard 09-006

Mr. Garris made a motion to award \$2,417.77 for MEDICAL. Ms. Williams seconded the motion and the motion passed 8 to 0 with 1 abstention.

L 34. St. Charles 09-007

Ms. Polak made a motion to award \$1,540.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

L 35. St. Mary 08-011

Mr. Garris made a motion to approve the eligibilty with a 50% contribution penalty. Ms. Polak seconded the motion. The motion failed for lack of majority vote. Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Fanara seconded the motion and the motion passed 8 to 1 with no abstentions.

L 36. St. Tammany 09-011

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or

VI. LATE ADDITIONS

refused cooperation) (Mental health provider has not provided necessary documentation to the CVR Board). Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 10/02/05, 4/2/06, 10/2/06, 4/2/07, 10/2/07, 4/2/08 and 10/2/08.

V. ITEMS FOR FULL DISCUSSION

L 37. St. Tammany 09-014

Mr. Garris made a motion to award \$5,048.96 for WAGE, \$4,651.04 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

VI. LATE ADDITIONS

L 38. St. Tammany 09-015

Mr. Garris made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

L 39. St. Tammany 09-019

Mr. Garris made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 40. Tangipahoa 07-040

Ms. Polak made a motion to award \$728.83 for MEDICAL MILEAGE. Mr. Pohlmann seconded the motion and the motion passed unanimously.

L 41. Tangipahoa 08-012

Mr. Garris made a motion to award \$236.47 for WAGE (1 week). Ms. Stapleton seconded the motion and the motion passed unanimously.

L 42. Vermilion 09-008

Ms. Polak made a motion to award \$373.94 for WAGE. Ms. Stapleton seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Williams seconded the motion. Mr. Davis adjourned the meeting at 12:25 p.m.