

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

IN LINE OF DUTY COMMITTEE

September 21, 2015

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Monday, September 21, 2015 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue North, Nashville, Tennessee, at approximately 9:30 a.m.

Committee Members present: Chair: Jerry Hall; Vice-Chair: Veronica Frazier; Members Charles D. Clariday.

Committee member Richard Riebeling was unable to be present.

Benefit Board Member: Edna J. Jones

Others present: Christina Hickey, Metro Human Resources, Nicki Eke, Attorney, Metro Legal Department, Claire Cobb Civil Service Medical Examiner's Office.

Jerry Hall called the meeting to order and informed the Committee that there is a request to defer item 5.

The Human Resources staff submitted the following for the Committee's consideration and appropriate action:

1. In line of duty medical care appeal – Employee from the Police Department.

The employee was present.

Vickie Hampton, Alternative Service Concepts, (ASC), was present and reviewed the claim with the Committee. Ms. Hampton stated that the employee was previously a recruit when she was injured on duty. She did not complete the academy and is currently working in Human Resources for the Police Department. Ms. Hampton stated that she has a history of knee surgeries prior to her employment and reviewed her in line of duty history, being at maximum medical improvement, (MMI), and receiving ongoing treatment past MMI. She stated that she received another opinion regarding her condition because of the ongoing pain and that her physician released her at MMI as well. Ms. Hampton stated that the employee filed another claim for injury on duty based on overcompensation on the right knee from the original injury on duty on the left knee and those claims for the right knee were paid based on the physician stating that it was due to compensation and the left was billed to her insurance. Ms. Hampton stated that the employee wanted the left knee covered under in line of duty, however, after clarification from the physician it was denied based on the individual was at baseline for the left knee.

The employee addressed the Committee regarding the initial injury on duty, ongoing treatment and the last surgery.

Vickie Hampton reviewed the two surgeries that were covered under injury on duty and getting clarification on being at baseline.

The Committee discussed being at baseline, the medical record showing two different things regarding why the surgery was performed and the medical record not being clear.

Doug Clariday moved to defer this item pending further information being brought to the full Board for clarification. Veronica Frazier seconded and the Committee approved without objection.

2. In line of duty medical care appeal – Employee from Fire Department.

The employee was present.

Kevin Neville, union representative was present.

Vickie Hampton, ASC, reviewed the claim with the Committee. She stated that the employee was seen by her chiropractor for an unrelated condition. She stated that the employee reported an injury, was treated by her chiropractor and several months later requested to return for treatment. Ms. Hampton stated that she reported a re-injury at the IOD clinic, however, the department has no record of a re-injury, but she did mention that she was involved in motor vehicle accident and the physician at the clinic stated that the condition she presented with was not related to the injury on duty.

The Committee discussed having 101 forms, when the accident occurred and the timeline of her request to return for treatment.

The employee addressed the Committee regarding her injury and having paperwork to document her back injury problems.

Kevin Neville also discussed her claim.

Jamie Summers, Fire Department, stated that the department safety officer is searching for any information related to claims for the employee, but they would not have any related to a personal accident.

The Committee discussed the medical information and the lack of the reporting of any incidents.

Mark Young, union representative, addressed the Committee regarding this treatment being related to the initial injury.

After some discussion of the 101 forms and the current condition not being related to the initial injury, Veronica Frazier moved to uphold ASC's recommendation to deny the claim. Jerry Hall seconded and the Committee approved with Doug Clariday opposing.

It was also noted that if she has additional information to supply it to the full Board.

3. In line of duty medical care appeal – Former employee from the Police Department.

Vickie Hampton reviewed the original injury with the Committee. She stated that the individual contacted ASC for treatment under an injury on duty while employed with Metro. She stated that the individual was at MMI when they left employment and is currently employed by a similar entity and admitted to reinjuring the ankle while hiking and did not approve any treatment.

Veronica Frazier moved to uphold ASC's recommendation to deny the claim. Jerry Hall seconded and the Committee approved with Doug Clariday opposing.

4. In line of duty medical care appeal – Pensioner from the Police Department.

Vickie Hampton, ASC, reviewed the claim with the Committee. Ms. Hampton stated that the individual retired in 1996 and filed a hearing loss claim in June of this year. She stated that ASC could not locate any active hearing loss claims during employment with Metro therefore ASC contacted the Civil Service Medical Examiner's, (CSME), office for any hearing exams on file during employment.

There was discussion of the types of examinations given by the Health or Fire Department related to hearing while employed with the Fire Department.

Veronica Frazier moved to uphold ASC's recommendation to deny the claim. Jerry Hall seconded and the Committee approved with Doug Clariday opposing.

5. In line of duty medical care appeal – Employee from the Police Department.

Veronica Frazier moved to defer this item. Doug Clariday seconded and the Committee approved without objection.

6. In line of duty medical care appeal – Employee from Fire Department.

Mark Young, union representative, was present for the employee.

Vickie Hampton reviewed the claim with the Committee. She stated that the individual has no history of hypertension and filed a sleep apnea claim after being diagnosed by his physician. She stated that in the past obstructive sleep apnea claims were covered under the heart lung presumption by a prior Civil Service Medical Examiner, (CSME) if the individual had a presumption claim on file. She stated with the individual not having any heart lung presumption claims on file, this could not be related to the presumption. She also stated that the individuals treating physician stated that the sleep apnea was due to interrupted sleep patterns from being a firefighter. She noted that if this is covered, it could set a precedent.

Mark Young addressed the Committee regarding the claim, sleep apnea, the individual's job duties, causes and treatment of sleep apnea.

The Committee discussed the treatment,

Nicki Eke, Legal Department, stated there are two opinions, from two physicians, (the opinion from the peer review and the treating physician), which needs to be reviewed to see which one is more credible.

The Committee discussed the physicians specialties.

Nicki Eke stated that the employee does bear the burden to show that the injury arose out of or in the course of employment.

Veronica Frazier moved to uphold ASC's recommendation to deny the claim with the notation that they may supply additional information to the Board in support of the claim. Jerry Hall seconded.

Mark Young requested that this item be heard at the November Board to allow for enough time to gather further information.

Veronica Frazier amended her motion with the caveat that the individual may provide further information to establish that this is work related at the November Board. A vote was taken on the motion and was approved with Doug Clariday opposing.

With nothing further presented the meeting was adjourned at 11:10 a.m.

ATTEST:

APPROVED:

**Ms. Veronica T. Frazier, Director
Human Resources**

**Mr. Jerry Hall, Chair
In Line of Duty Committee**