

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

#### IN LINE OF DUTY COMMITTEE

May 26, 2016

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Thursday, May 26 2016 in the Sonny West Conference Room, Howard Office Building, 700 2nd Avenue South, Nashville, Tennessee, at approximately 9:30 a.m.

Committee Members present: Chair: Jerry Hall; Members: Christine Bradley and Charles D. Clariday.  
Alternate(s) Talia Lomax-O'dneal and Edna J. Jones

Vice-Chair: Veronica Frazier was unable to be present.

Benefit Board Members present: B.R. Hall

Others present: Christina Hickey, Metro Human Resources and Nicki Eke, Attorney, Metro Legal Department.

Committee Chair Jerry Hall called the meeting to order and informed those present that what this Committee does is only make a recommendation to the full Board for consideration. He also noted that items 1 and 4 have asked to be deferred.

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 Fire Department.

This item was deferred to the next meeting.

2. In line of duty medical care appeal - Pensioner from Fire Department.

Mark Young, Fire Department representative was present.

Hunter Branstetter, attorney, was present.

Vickie Hampton, Alternative Service Concepts, (ASC) was present and reviewed the claim with the Committee. She stated that the individual's pre-employment and medical records were sent to ReviewMed. She stated that the claim was denied based on risk factors that may have contributed more than 50% to the medical condition.

Hunter Branstetter stated that he is requesting that this item be deferred pending additional medical information from the treating primary care physician.

After some clarification, the Committee unanimously voted on deferring items 1, 2 and 4.

3. In line of duty medical care appeal - Employee from Fire Department.

The employee was present.

Mark Young, Fire Department representative was also present.

Vickie Hampton, ASC, reviewed the claim with the Committee. She stated that the individual filed a heart presumption claim in 2015 and his pre-employment and medical records were sent to ReviewMed. She stated that the claim was denied based on risk factors (40 year history of smoking) that may have contributed more than 50% to the medical condition.

The employee addressed the Board regarding being healthy up until this incident and his job.

3. In line of duty medical care appeal - Employee from Fire Department. (continued)

Mark Young stated that there are many risk factors in addition to tobacco use.

The Committee discussed other factors in addition to smoking and whether or not smoking would be considered to determine whether this is approved or not.

Nicki Eke, Legal Department, indicated that this is an appropriate factor. She stated that is a factor that a physician can rely on in determining whether a particular condition arises out of and in the course of employment. She also stated that the Board has to look at the medical evidence and determine whether the evidence is sufficient to rebut the presumption. Essentially the presumption can be rebutted by competent medical evidence which demonstrates that the health impairment is not job related.

After some discussion regarding any additional medical information, the Committee unanimously voted to defer this item.

4. In line of duty medical care appeal - Employee from Police Department.

This item was deferred to the next meeting.

5. In line of duty medical care appeal - Employee from Fire Department.

Mark Young, Fire Department representative, was present.

Hunter Branstetter, attorney, was present.

Vickie Hampton, ASC, reviewed the claim with the Committee. She stated that the medical record shows the individual has a history for this condition which was related to a fall at home and that treating physician has recommended surgery. She stated that he filed a 101 form related to falling while at work and treated at the injury on duty clinic.

She stated that ASC denied the claim based on the treating physician/surgeon stating that the condition was not work related and recommended that his care be filed under his private insurance.

There was some discussion of the individual possibly requesting a second opinion, having the surgery and the medical record indicating that the condition was related to a fall at home.

Talia Lomax-O'dneal moved to uphold ASC's denial of the claim. Christine Bradley seconded and the Committee approved with Doug Clariday opposing.

6. In line of duty medical care appeal - Employee from Health Department.

Christina Hickey stated that this item was deferred at the last Committee meeting based on a request from the Committee that someone from the Health Department needed to be present.

John Dunn, Health Department, was present. He addressed the individual's claim and stated that the ergonomic conditions have been addressed.

Vickie Hampton, ASC, reviewed the claim. She stated that the treating/orthopedic surgeon/physician indicated that the condition is likely degenerative and not work related.

After some discussion regarding the Americans with Disabilities Act, (ADA), accommodations and the individual retiring, Christine Bradley moved to uphold ASC's denial of the claim. Talia Lomax-O'dneal seconded and the Committee approved with Doug Clariday opposing.

7. In line of duty medical care appeal - Former employee from Public Schools.

Vickie Hampton stated that this item was deferred from the last meeting. She stated that she presented additional information at the meeting. She stated that the medical information also stated that the condition was not work related to a previous injury from 2013 and does not change ASC's opinion.

Talia Lomax-O'dneal moved to uphold ASC's denial of the claim. Christine Bradley seconded and the Committee approved with Doug Clariday opposing.

8. In line of duty medical care appeal - Employee from Sheriff's Office.

The employee was present.

Byron Grizzle, Sheriff's Office, was present.

Vickie Hampton, ASC, reviewed the claim. She stated that she has over a seven year history of being treated for this condition. She stated that she reported an injury from getting in and out of her vehicle and was treated at the injury on duty clinic, where the results of an magnetic resonance imaging (MRI), when compared to her MRI's under her private insurance showed no changes that would support a work injury.

Byron Grizzle gave a description of her job duties, which an essential function of the job is to get in and out of a vehicle.

The employee was reviewed her medical history and condition with the Committee.

After some discussion regarding reporting they injury and the claim, Doug Clariday moved to approve the claim as injury on duty.

The motion died for lack of a second.

Talia Lomax-O'dneal moved to uphold ASC's denial of the claim. Christine Bradley seconded and the Committee approved with Doug Clariday opposing and Jerry Hall abstaining.

9. In line of duty medical care appeal - Employee from Public Works.

The employee was present.

Don Allen, Public Works, was also present.

Vickie Hampton, ASC, reviewed the claim. She reported that the individual was helping another employee, fell and treated at the injury on duty clinic. She stated that the MRI revealed where he previously had surgery and now this new injury. Ms. Hampton states that the conflict arises with his work status. She stated that his treating physician indicated that he was not ready to go back to work, however, he did obtain a return to work at his request.

Doug Allen stated that the department had received a note from the employee's physician stating that he could return to work.

After some discussion of his returning to work, Doug Clariday moved to approve the claim as injury on duty. Christine Bradley seconded and the Committee approved with Talia Lomax-O'dneal opposing.

10. In line of duty medical care appeal - Pensioner from Police Department.

Vickie Hampton, ASC, reviewed the claim with the Committee. She stated that this pensioner has hearing loss as the result of a gunshot wound. She stated that the individual has obtained new hearing aids, however, there are no accessories to help him hear his television. She stated that he is requesting approval for equipment that connects to his hearing aids allowing him to hear his television at a low level. She stated that it was denied based on medical necessity.

10. In line of duty medical care appeal - Pensioner from Police Department. (continued)

Doug Clariday moved for approval of the in line of duty medical care appeal. Talia Lomax-O'dneal seconded and the Committee approved without objection.

With nothing further presented the meeting was adjourned at 10:25  
a.m.

ATTEST:

APPROVED:

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

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