

MINUTES

METROPOLITAN EMPLOYEE BENEFIT BOARD

IN LINE OF DUTY COMMITTEE

August 22, 2017

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Tuesday, August 22, 2017 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; Vice-Chair: To be elected; Member: Christine Bradley, Alternate(s): Shannon B. Hall and Edna J. Jones

Members Charles D. Clariday and Talia Lomax-O'dneal were unable to be present.

Board member B.R. Hall was present.

Others present: Christina Hickey, Metro Human Resources and Nicki Eke, Attorney, Metro Legal Department and Dr. Gill Wright, Civil Service Medical Examiner.

Committee Chair Jerry Hall called the meeting to order and stated that the decisions of this Committee are only recommendations to the full Board for consideration. He also stated that any information that Alternative Service Concepts, (ASC), shares is simply what they have received from the medical provider.

He also stated that items 1-3 have requested to be deferred.

Christine Bradley moved for approval of deferring items 1-3. Edna Jones seconded and the Committee approved without objection.

He also stated that item 6 has withdrawn the appeal.

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

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

This item was deferred.

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

This item was deferred.

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

This item was deferred.

Item 5 was taken out of order without objection.

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

Vickie Hampton and Tracy Patterson, Alternative Service Concepts, (ASC), were present.

The employee was present.

Tracy Patterson reviewed the claim with the Committee. She stated that the employee has treated under his medical insurance for a right knee condition. She stated that he does have some prior in line of duty claims on file and requested them because his treating physician felt like it was related to his 101's that are on file. Ms. Patterson stated that ASC gathered all his medical information including prior surgeries, (1 prior to employment and another since employed) for review by Dr. Gill Wright. She stated that Dr. Wright stated that it is not related to any of the injuries on file and the claim was denied.

5. In line of duty medical care appeal - Employee from Police Department.(continued)

The employee addressed the Committee regarding the injuries. He stated that his treating physician felt that the condition was related to his injuries.

The Committee discussed the medical record and how it seems that the treating physician doesn't seem to know about the prior surgeries and that Dr. Gill Wright reviewed the entire medical record.

There was some discussion regarding the employee's job duties, and other conditions (osteoarthritis) related to causation and the need for surgery.

After some discussion regarding the medical information, Edna Jones moved to uphold ASC's recommendation to deny the claim.

The motion failed due to lack of a second.

It was noted that this item will go to the full Board without a recommendation from the Committee.

The Committee was in agreement that there was not adequate discussion on this item and would like to hear from Dr. Gill Wright on this item.

The Committee further discussed the 101's in medical record documenting knee injuries and how the employee did not seek any treatment.

Dr. Gill Wright stated that with arthritis there can be several causes. He stated that according to the American Medical Association, (AMA), guidelines some are due to trauma. He stated that when you review a combination of things such as running, kneeling, jumping, ect there is either no evidence or the lack of evidence in the medical literature that any of those things support a progression of arthritis. He stated that based on the fact that the surgeries occurred outside of a work related environment he did not find enough evidence that they were significant enough along with the literature, history and medical findings.

There was further discussion of the medical record and the knee surgeries.

It was also noted that there was not another motion on this item.

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

The employee and Kim Gilleland, attorney, were present.

Vickie Hampton reviewed the claim with the Committee. She stated that he was originally hired in 1997 and resigned in 2000 and returned to Metro in 2002. She stated that in 2014 there was an incident where the employee was involved and it led to him being decommissioned for approximately 7 months. Ms. Hampton stated that the employee filed a claim for hypertension in 2016 and that ReviewMed stated that the condition is 100% related to non-work related factors. Ms. Hampton noted that after investigation he stated he felt it was due to his punishment from his employer.

Kim Gilleland addressed the Committee regarding the claim. She also reviewed the medical record and noted where it was recommended by the CSME during one of his physicals that he see his physician and was put on medication for hypertension. She stated that his medical record shows a history of hypertension and no other medical evidence related to causation.

Dr. Gill Wright discussed the medical record with the Committee. He stated that in the medical record there is a family history of heart disease, but he can't say for sure that there is a strong family history other than what is in the record. He stated that if there is, then it does increase the likelihood of hypertension.

The Committee discussed getting some more clarification/information on the medical record and Vickie Hampton reminded the Committee that there was a request not to submit all of the medical records sent to ReviewMed due to the volume.

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

There was some discussion related to obtaining 10 years of medical records and that the employee let ASC know what physicians they have seen and what records they are privileged to.

There was some discussion regarding the presumption, rebutting that presumption and whether or not this summary provided by the attorney is a fair assessment.

Nicki Eke, Legal Department, stated that the Board is the one that assesses the credibility of the medical information to determine whether or not there is competent evidence that demonstrates that the health condition is not job related.

The Committee discussed how the review process works and the physicians in the network.

After discussion regarding the medical record, the presumption, case law and competent medical evidence, Christine Bradley moved to uphold ASC's decision to deny the claim. Edna Jones seconded and the Committee approved with Jerry Hall opposing.

With nothing further presented the meeting was adjourned at 10:16 a.m.

ATTEST:

APPROVED:

**Shannon B. Hall, Director
Human Resources**

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