

## MINUTES

### METROPOLITAN EMPLOYEE BENEFIT BOARD

#### IN LINE OF DUTY COMMITTEE

May 17, 2019

The Metropolitan Employee Benefit Board's In Line of Duty Committee met on Friday, May 17, 2019 in the Sonny West Conference Room, Howard Office Building, 700 2<sup>nd</sup> Avenue South, Nashville, Tennessee, at approximately 9:28 a.m.

Committee Members present: Chair: Jerry Hall; Vice-Chair: Christine Bradley; Members: Shannon B. Hall and Stacey Rucker. Alternate: \*Edna J. Jones

Benefit Board Member(s) present: B.R. Hall, Sr.

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

The meeting was called to order and Committee Chair Jerry Hall 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.

Jerry Hall noted that item 1 has withdrawn their appeal and item 2 has requested a deferral.

Christine Bradley moved to defer item 2, the in line of duty medical care appeal – former employee from Fire Department. Stacey Rucker seconded and the Committee approved without objection.

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

1. In line of duty medical care appeal – Former employee from Fire Department.

This item was withdrawn.

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 Fire Department.

Vickie Hampton, ASC, was present.

The employee was present.

Mark Young, union representative, was present.

Vickie Hampton reported to the Committee that this employee did pass his pre-employment physical. She stated that he was diagnosed with hypertension in December of 2015 and when he had his annual physical in July of 2018 he was removed from duty due to his hypertension. She stated that he filed a 101 for hypertension and the records were sent for review and it was determined that he was not compliant with his medications and has a family history of hypertension.

Mark Young discussed the pre-employment physical and the presumption.

The employee addressed not being compliant with taking his medications. He stated that he has been taking his medications, however, on the day of the physical it spiked.

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

There was some discussion regarding any stressors prior to the physical, the correlation of stress and elevated blood pressures, other contributing factors and a documented family history of hypertension for two generations.

Dr. Gill Wright stated that there is not a lot of data that shows a strong relationship with hypertension being job related whereas there is a very strong relationship with family history and some social history.

There was some discussion regarding what are considered to be significant contributing factors for hypertension, which typically are smoking, obesity, and family history.

Stacey Rucker moved to approve the medical care appeal. Jerry Hall seconded. A vote was taken on the motion and resulted in a tie vote, Stacey Rucker and Jerry Hall in favor and Shannon Hall and Christine Bradley opposed.

This item will go to the Board without a recommendation.

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

The employee was present.

Vickie Hampton, ASC, reviewed the claim. She stated that the employee was doing some follow up work at Vanderbilt and he fell injuring his left elbow after leaving a restaurant for lunch. She stated that he did not file an incident report. She stated that he eventually started getting treatment with his physician for a right elbow and neck injury and eventually for the left elbow. She stated that a few months later his intake sheet indicates it was not work related and that it was an onset of about two weeks from weightlifting. Ms. Hampton stated that the record was reviewed by the CSME and he concluded that it was due to the weightlifting.

The employee addressed the Committee regarding his treatment and the initial injury. He also stated that during his treatment is when he realized that this was probably related to his fall and when he went to his supervisor again to fill out a 101 Form he was told that it was too late.

It was noted that an employee can not be denied the right to fill out a 101 Form.

There was some discussion regarding the timeline from the time he fell and filled out the 101 Form.

There was some discussion of the medical record and that the record does not document reporting any pain until after a weightlifting injury and that being the onset.

Dr. Gill Wright stated that there were no initial complaints of pain and his first complaint of pain is several months after the fall and it is not even related to the initial left elbow incident. He stated that months later he reports the weightlifting injury which can cause the same type of tear and that is how he came to his decision. He said he can not relate that partial tear relationally to the initial left elbow incident.

There was also some discussion regarding the employees workout routine.

Stacey Rucker moved to approve the medical care appeal. Christine Bradley seconded. A vote was taken on the motion and was approved with Shannon Hall opposed and Jerry Hall abstaining.

5. In line of duty medical care appeal – Employee from Sheriff's Office.

The employee was present.

Vickie Hampton, ASC, reviewed the claim. She stated that the employee was assisting an inmate in the shower when he got scratched on his right forearm, which exposed him to urine and feces. She

5. In line of duty medical care appeal – Employee from Sheriff's Office. (continued)

stated he immediately treated at the injury on duty clinic and the treating physician did the normal protocol for exposures. She stated that he continued to treat at the clinic by being checked for different exposures, injections and having labs done. Ms. Hampton stated that he went to the hospital with complaints of a sore throat and was diagnosed with pharyngitis. She stated he went a few days later with worsening symptoms and was diagnosed with acute tonsillitis. She stated a few days later he was actually inpatient with diarrhea and vomiting and was found to have severe sepsis, secondary to C-Diff colitis. Ms. Hampton stated that after review of the medical record it was determined that the C-Diff was related to the medications and not the initial exposure.

The employee addressed the Committee regarding the initial incident and his illnesses thereafter.

Dr. Gill Wright stated that the majority of C-Diff cases are related to antibiotic use and could not be contracted by feces. He stated that it is contracted the same way as Hepatitis A (oral fecal route). He stated that he agrees with the physician at the injury on duty clinic that the cause is the antibiotics used to treat him for other conditions.

There was some discussion that if it was not for the initial incident these conditions would not have developed.

The employee further described his conditions and stated that when he treated at General Hospital they treated it as flu like symptoms with no medications.

There was some discussion that the medical record from General Hospital is not part of this record.

The Committee discussed the incident, the medical record and asked to obtain the records from General Hospital.

Christine Bradley moved to approve the medical care appeal. Stacey Rucker seconded and the Committee approved without objection.

Committee Chair Jerry Hall noted that there is some additional information related to item 6.

Christina Hickey stated that the additional information does not change the recommendation from ASC.

The Committee took a break to review the additional information for item 6.

\*Denotes Edna Jones leaving the meeting.

6. In line of duty medical care appeal – Employee from Public Works.

The employee was present.

Charles Boddie, Public Works, was present.

Vickie Hampton, ASC, reviewed the claim. She stated that the employee fainted at work and hit her forehead. She stated she treated at the emergency room and was diagnosed with syncope. Ms. Hampton stated that she was seen at the injury on duty clinic and the treating physician indicated that the syncope was representative of cardiac arrhythmia, a medication reaction or some underlying condition and not from just being in a hot room. She also stated that the employee has indicated she is seeing a neurologist, but she has not provided any medical information from them.

The employee addressed the Committee regarding the conditions in the office at the time of the incident and the incident itself. She described her visit to the injury on duty clinic where she stated the treating physician did not examine her and just sent her back to work. She also indicated that she was diagnosed with a concussion.

6. In line of duty medical care appeal – Employee from Public Works. (continued)

There was discussion of the medical record, the emergency room notes, the diagnosis from the incident (syncope) and current medications. It was also noted that there is no mention of a concussion in the emergency room record. It was also noted that the treating physician at the injury on duty clinic making a diagnosis without examination is troubling.

There was some discussion regarding the cause of her fainting.

The Committee questioned what she is appealing since the initial emergency room visit has been covered.

The Committee discussed the employee being off of work and whether or not there is medical information from any physician that states that she not be at work.

It was concluded that more medical information be provided before the Committee can make a determination on this item.

Shannon Hall moved to defer this item. Stacey Rucker seconded and the Committee approved without objection.

With nothing further presented the meeting was adjourned at 10:53 a.m.

ATTEST:

APPROVED:

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

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