

## SELF-INSURING EMPLOYERS EVALUATION BOARD

Karen L. Gillmor, Ph.D., *Chairman*  
Christopher J. Royer, *Member*  
Carol A. Wilson, *Member*

John R. Kasich, *Governor*

## SELF-INSURING EMPLOYERS EVALUATION BOARD

IN THE MATTER OF:

Atrium Health System (Employer), SI #20003110-0

and

[REDACTED] (Injured Worker), Claim No. [REDACTED]

Complaint No. 18593

[REDACTED]  
Atrium Health System  
110 N. Main Street, Ste. 200  
Dayton, OH 45402

Plevin & Gallucci  
2291 Scioto Harper Drive  
Columbus, OH 43204-3495

CareWorksComp  
5500 Glendon Court, Suite 300  
Dublin, OH 43016-3246

Dunlevey Mahan & Furry  
110 N. Main Street, Ste. 1000  
Dayton, OH 45402-1738

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On February 23, 2016, [REDACTED] (Injured Worker) filed a complaint against Atrium Health System (Employer) alleging the Employer has not paid bills that the Staff Hearing Officer ordered paid. On March 11, 2016, the Self-Insured Complaint Resolution Unit (SI Department) of the Bureau of Workers' Compensation (BWC), after investigation of Complaint No. 18593, issued a letter finding the Complaint was valid and unresolved.

On March 21, 2016, the Employer's representative filed a request for reconsideration of the valid complaint. On June 1, 2016, BWC's Central Service Office Manager reversed the initial decision and found the complaint to be invalid and resolved.

On June 12, 2016, the Injured Worker filed an appeal of BWC's finding of an invalid complaint to the Self-Insuring Employers Evaluation Board (SIEEB). On June 15, 2016, a "Notice of Presentation to the Self-Insuring Employers Evaluation Board" was sent to the parties. This matter then came before the Self-Insuring Employers Evaluation Board on July 13, 2016.

### Relevant History of the Complaint:

On March 18, 2014, the Injured Worker inhaled toxic disinfectant solution of dialysis apparatus. She filed a claim for benefits that was ultimately allowed for **SMALL BILATERAL PLEURAL EFFUSIONS**.

On December 18, 2014, the Injured Worker filed a C-86 Motion requesting the payment of medical bills related to the claim, reimbursement to the commercial health insurance carrier, and reimbursement to the Injured Worker for any out-of-pocket expenses she incurred. On January 21, 2015, BWC referred the claim to the Industrial Commission for consideration of the C-86 Motion based on the Employer's rejection of the Injured Worker's request.

The claim was directed to a hearing before a District Hearing Officer. The District Hearing Officer order was issued on February 26, 2015. On March 11, 2015, the Injured Worker appealed the District Hearing Officer order. Subsequently, a hearing on the C-86 Motion was conducted by a Staff Hearing Officer. A Staff Hearing Officer order was issued April 4, 2015, granting the C-86 Motion and authorizing the payment for the following medical bills:

dates of service 03/18/2014 from Atrium Medical Center, 03/20/2014 from Atrium Medical Center, 03/24/2014 from Atrium Medical Center, 05/07/2014 from Dharmesh V. Gandhi, M.D., 07/15/2014 from Dr. Gandhi, 05/13/2014 from Dr. Gandhi, 06/18/2014 from Dr. Gandhi, 07/15/2014 from Dr. Gandhi, and 08/12/2014, 08/14/2014 and 09/02/2014 from Joseph P. Malone, M.D.

The Staff Hearing Officer also found that the treatment/services rendered on the above dates were causally related to the 03/18/2014 industrial injury.

On February 23, 2016, the Injured Worker filed the complaint herein against the Employer alleging the Employer has not paid bills that the Staff Hearing Officer ordered paid.

Ohio Adm.Code 4123-19-03 provides in part as follows:

(K) Minimal level of performance as a criterion for granting and maintaining the privilege to pay compensation directly.

\* \* \*

(5) Within thirty days after receipt of a hospital, medical, nursing or medication bill duly incurred by the claimant, the employer shall either pay such bill, or if the employer contests any of such matters, shall notify the provider, the employee, and, only upon request, the bureau or commission in writing. Such written notice shall specifically state the reason for nonpayment. The employer's notification to the employee shall indicate that the employee has the right to request a hearing before the industrial commission. If the matter is heard by the industrial commission, the employer shall pay compensation and benefits due and payable under an order as provided by section 4123.511 of the Revised Code. If the self-insuring employer allows a claim for benefits or compensation without a hearing, the employer shall pay such benefits or compensation no later than twenty-one days from acquiring knowledge of the claim or the claimant's filing of the C-84

form, whichever is later. The employer shall approve a written request for a change of physicians within seven days of receipt of such request that includes the name of the physician and proposed treatment. The employer shall approve or deny a written request for treatment within ten days of the receipt of the request. If the employer fails to respond to the request, the authorization for treatment shall be deemed granted and payment shall be made within thirty days of receipt of the bill.

In a letter dated February 29, 2016, the Employer's representative responded to the complaint and pointed out that the Injured Worker did not provide any bills, invoices, etc. identifying which bills that were ordered paid had not been paid. The Employer's representative asserted that all bills that were ordered paid had been paid.


During the investigation, it was discovered that three of the four dates of service in the Staff Hearing Officer order, issued April 4, 2015, did not match the service providers' records. In addition, the Staff Hearing Officer did not authorize payments to Miami Valley Hospital in the April 4, 2015 order.


#### DETERMINATION:

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby finds the Employer (Atrium Health System) had paid the medical bills authorized for payment in the Staff Hearing Officer order issued April 4, 2016, that had been submitted to the Employer. Thus, the complaint is invalid. The Injured Worker alleged nonpayment of certain medical bills for services provided by Miami Valley Hospital and Miami Valley Cardiologists, but these bills were not addressed in the Staff Hearing Officer order issued April 4, 2016. It is the Injured Worker's responsibility to ensure the Employer, or its Third Party Administrator, has a copy of all medical bills ordered to be paid. Thus, the BWC's Central Service Office Manager's finding that the complaint is invalid is affirmed.

#### **SELF-INSURING EMPLOYERS EVALUATION BOARD**

 8-11-16  
Karen L. Gillmor, Chairman YES

 8/12/16  
Christopher J. Royer, Member YES

 8/12/16  
Carol A. Wilson, Member YES

DATE MAILED: 15<sup>th</sup> DAY OF August, 2016