

SELF-INSURING EMPLOYERS EVALUATION BOARD

Karen L. Gillmor, Ph.D., *Chairman*
Carol A. Wilson, *Member*
Steven J. Hatton, *Member*

John R. Kasich, *Governor*

SELF-INSURING EMPLOYERS EVALUATION BOARD

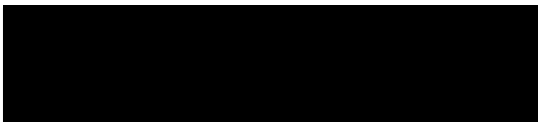
IN THE MATTER OF:

Cincinnati Bengals, Inc. (Employer), SI #20002937-0

and

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

Complaint No. 18552



Cincinnati Bengals, Inc.
1 Paul Brown Stadium
Cincinnati, OH 45202

Casper & Casper
3420 Atrium Blvd., Suite 160
Middletown, OH 45005

Taft Stettinius Hollister
425 Walnut Street, Suite 1800
Cincinnati, OH 45202

On December 16, 2015, the Self-Insured Complaint Resolution Unit (SI Department) of the Bureau of Workers' Compensation (BWC) received a complaint (Complaint No. 18552) filed by [REDACTED] (Injured Worker) against the Cincinnati Bengals, Inc. (Employer). On December 28, 2015, the SI Department received a response from the Employer's representative. On January 25, 2016, the SI Department, after investigation of Complaint No. 18552, issued a letter finding the Complaint was valid.

On February 10, 2016, the SI Department received the Employer's representative's request for reconsideration of the finding of a valid complaint. On June 1, 2016, BWC's Central Service Office Manager upheld the SI Department's decision and found the complaint to be valid.

On August 24, 2016, BWC's SI Department received the Employer's appeal of BWC's finding of a valid complaint and requested that it be directed to the Self-Insuring Employers Evaluation Board (SIEEB). On November 2, 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 November 28, 2016.

Relevant History of the Complaint:

On August 6, 2014, the Injured Worker was injured when he was loading four trunks with equipment (2 large cameras and 3 tripods) onto a loading dock to be put onto a truck. On August 11, 2014, the Injured Worker filed a FROI-1 "First Report of an Injury, Occupational Disease or Death."

The Employer denied certification of the claim and requested that it be sent to the Industrial Commission for a hearing. On October 28, 2014, BWC referred the claim to the Industrial Commission for consideration of the FROI-1 based on the Employer's rejection of the Injured Worker's claim.

The claim was directed to a hearing before a District Hearing Officer. The District Hearing Officer order was issued on February 18, 2015; the claim was allowed for LEFT INGUINAL HERNIA. The Employer filed an appeal, and after a hearing before a Staff Hearing Officer, the claim was allowed for LEFT INGUINAL HERNIA. The Employer's further appeal was refused by the Commission on April 17, 2015.

On December 15, 2015, the complaint herein was filed by the Injured Worker, alleging late payment of medical bills. In letters dated December 28, 2015 and February 10, 2016, the Employer's representative addressed the complaint. The Employer asserted that the Injured Worker had been informed on April 28, 2015, that the Cincinnati Bengals, Inc. used GENEX, a third-party administrator, to process any bill over \$10,000. The Employer used Hunter Consulting, another third-party administrator, for other matters. The St. Elizabeth Emergency Room's surgery bill was sent to GENEX and ultimately paid to St. Elizabeth. At that time, the Employer's representative asserted that all bills in this claim had been paid timely once received from GENEX, except for a \$301.00 fee from Radiology Associates of Northern Kentucky, which had not yet been submitted for payment.

In a letter dated August 24, 2016, the Employer's representative stated:

GENEX did not complete its review of the surgery bill until July 21, 2015, and at that time informed Mr. Sparling to pay at the adjusted rate pursuant to the Ohio BWC fee schedule. This payment was made on August 4, 2015 reducing the fee from the billed amount of \$18,025.65 to an adjusted payment of \$10,815.39. Similarly, the fee from St. Elizabeth emergency room in the amount of \$3,004.58 was adjusted pursuant to the Ohio BWC fee schedule for final payment of \$1,802.74.

Ohio Adm.Code 4123-19-03(I) states in part: "By accepting the privilege of self-insurance, an employer acknowledges that the ultimate responsibility for the administration of workers' compensation claims in accordance with the law and rules of the bureau of workers' compensation and the commission rests with that employer." The confusion or miscommunication between the Employer and its third-party administrator(s) "rests with that employer."

On January 25, 2016, the SI Department found the complaint herein to be valid and unresolved, citing Ohio Adm.Code 4123-19-03(I) and (K)(5), which provide in relevant part as follows:

(I) * * *By accepting the privilege of self-insurance, an employer acknowledges that the ultimate responsibility for the administration of workers' compensation claims in accordance with the law and rules of the bureau of workers' compensation and the commission rests with that employer. * * *

(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. * * *

No evidence was presented showing when the Employer or its Designee(s) first received the bills in question. Complaint No. 18552 addressed four bills that were part of an April 30, 2015 email from the Injured Worker to Paul B. Sparling, Head Athletic Trainer for the Cincinnati Bengals, Inc., which the Injured Worker had billed to him or his medical insurance carrier:

1. St. Elizabeth Emergency Room - \$3,004.58
2. St. Elizabeth Surgery - \$18,025.65
3. Radiology - \$301.00
4. Anesthesiologist - \$1,302.00

According to the evidence presented, the four bills were processed by the Employer as follows:

1. St. Elizabeth Emergency Room --	Received 4/23/15	Paid 6/2/15
2. St. Elizabeth Surgery --	Received Unknown (E-mail: 4/30/15)	Paid 8/4/15
3. Radiology --	Received N/A	Paid 2/9/16
4. Anesthesiologist --	Received 9/1/15	Paid 10/1/15

Except for the \$301.00 Radiology bill mentioned above, all of the bills in this claim had been paid prior to the filing of the complaint herein. Two of the medical bills, one for St. Elizabeth Emergency Room and a related surgical bill, were not paid within 30 days of receipt by the Employer or one of its designees. Thus, the Employer violated Ohio Adm.Code 4123-19-03(I) and (K)(5) when it failed to pay bills in a timely manner. Consequently, the finding that the complaint is valid and resolved is accurate.

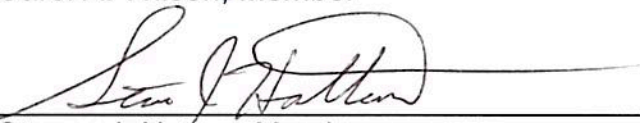
DETERMINATION:

Therefore, based on the foregoing, the Self-Insuring Employers Evaluation Board hereby finds the Employer (Cincinnati Bengals, Inc.) failed to pay bills in a timely manner contrary to Ohio Adm.Code 4123-19-05(I) and (K)(5). The bills were paid before Complaint No. 18552 was filed by the Injured Worker [REDACTED]. Therefore, Complaint No. 18552, filed by the Injured Worker [REDACTED] against the Employer (Cincinnati Bengals, Inc.) on December 15, 2015, is valid and resolved.

SELF-INSURING EMPLOYERS EVALUATION BOARD:


Karen L. Gillmor, Chairman YES


Carol A. Wilson, Member YES


Steven J. Hatton, Member YES

DATE MAILED: 15th DAY OF February, 2017