

LOVE CANAL MEDICAL FUND, INC.



ANNUAL REPORT 2010

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I. INTRODUCTION

This Board of Directors report for the Love Canal Medical Fund, Inc. (LCMF) is for the year ending December 31, 2010. The following two paragraphs describe the creation of the Love Canal Medical Trust Fund and the Love Canal Medical Fund, Inc.

A. Creation of the Love Canal Medical Trust Fund:

On December 20, 1983, the Supreme Court, State of New York, County of Niagara, approved a settlement agreement between the plaintiffs and the defendants in the case of Urban et al. vs. Occidental Chemical Corporation et al. The settlement agreement called for the establishment of the Love Canal Medical Trust Fund (LCMTF) for the benefit of the living plaintiffs of the lawsuit. The purpose of the Medical Trust Fund is to provide future benefits to plaintiffs who incur medical expenses related to medical problems which reasonably could have been associated with exposure to toxic chemicals emanating from a former landfill in Niagara Falls, New York, known as the "Love Canal". Individuals who are eligible for benefits from the Love Canal Medical Trust Fund are limited to those thirteen hundred twenty-eight (1328) plaintiffs who entered into the settlement agreement.

B. Creation of the Love Canal Medical Fund, Inc.

On January 4, 1985, the same court ordered the establishment of a not-for-profit corporation to be named the "Love Canal Medical Fund, Inc" (LCMF) to administer the Love Canal Medical Trust Fund, subject to the Court's supervision. The Court ordered that the Fund receive from the settlement the amount of one million dollars (\$1,000,000) and directed that the Fund report to the Court annually concerning its activities, and that the Court approve all expenditures. The Fund's Certificate of Incorporation was filed with the Secretary of State, State of New York on August 5, 1985. All of the Board's actions are subject to Court approval.

II. BACKGROUND and ADMINISTRATION of the LOVE CANAL MEDICAL FUND

The Love Canal Medical Fund applied for and was granted tax exempt status under Section 501(c)(4) of the Internal Revenue Code in 1989. Form 990 – Return of Organization Exempt From Income Tax is filed with the Internal Revenue Service annually. A copy is available upon request.

LCMF received tax-exempt status from New York State sales tax in 1991. Payment of medical expenses from LCMF to beneficiaries is tax exempt.

A. Board Members

The New York State Supreme Court appointed the initial members of the Board of Directors. The majority of the Board of Directors consists of former residents of Love Canal while others are experts in professions related to administration of the Fund. All Directors volunteer their services. A list of the Board of Directors who served in 2010 is included at the end of this report.

B. Medical Benefits Plan

The Board of Directors of the Love Canal Medical Fund was directed by the Court to develop and submit to the court for approval, a Medical Benefits Plan containing a process for the distribution of benefits to the beneficiaries of the Love Canal Medical Trust Fund. In response, the Medical Benefits Plan was prepared first in 1987 and later updated in 1994, 1996, 1999, 2008, 2009 and 2010. Amendments were made to the plan that had time limits, some of which were renewed several times, such as medications and appliance coverage. Some amendments were allowed to expire. The Plan is not an insurance policy. Beneficiaries should not rely upon the Medical Benefits Plan as their primary or sole source for reimbursement of medical expenses. Nor should the Medical Benefits Plan be considered a substitute for health insurance.

The Medical Benefits Plan describes the conditions, provisions, exclusions, and limitations of the coverage provided by LCMF for medical expenses incurred by beneficiaries for medical conditions, which reasonably could be associated with exposure to toxic chemicals found at the Love Canal toxic waste site. The Plan also covers preventive and diagnostic procedures for early detection of medical conditions that could reasonably be associated with exposure to toxic chemicals found at the Love Canal toxic waste site. These medical conditions could have been present at the time of residency in Love Canal, or they may be any of the many medical conditions that may have developed since moving away from the area.

The Plan will pay up to a maximum of \$10,000 per beneficiary per year for covered medical expenses subject to a list of exclusions and limitations. Beneficiaries are directed to the Medical Benefits Plan Booklet for a list of these exclusions and limitations. Coverage currently provides reimbursement of out-of-pocket expenses up to \$250.00 for one annual routine physical examination per beneficiary per year.

C. Submission and Payment of Claims

A procedure was established to review, approve, and pay claims. Claims are submitted on forms provided by the LCMF and found on the LCMF web site. Claims are received and processed by First Niagara Risk Management, Inc., a professional claims adjuster. The claims adjuster makes recommendations based on the Medical Benefits Plan. These claims are assigned a file number, so the identity of the claimant is not known to Board members. The processed claims are then sent to the LCMF Medical Benefits Claims Committee (Committee). Claims are reviewed by the Committee, which meets between Board meetings, to discuss and vote on each claim. The Committee's decisions are then given to First Niagara Risk Management, Inc. who responds to the beneficiaries and issues payment of approved claims. First Niagara Risk Management, Inc. may contact beneficiaries or that beneficiary's medical providers to clarify questions raised by the Committee to obtain additional information. In certain instances the Committee will refer a claim to the entire Board for its review and decision. When a claim is denied, the beneficiary is contacted by First Niagara Risk Management, Inc., and given the reason for the denial and a description of the appeals process. First Niagara Risk Management, Inc., has processed claims for the LCMF since February 1, 2009. Previously Albert F. Stager was the claims adjuster from the time the program was established.

D. Claims for Board Members

Some members of the Board of Directors are beneficiaries of the Fund. The Court ruled that Board members who are beneficiaries are entitled to payment of their medical claims. Procedures were established so that Board Members who have a claim against the Fund do not vote on their own claims.

E. Medical Appeals Board

The Fund established a Medical Appeals Board in 1990. The purpose of the Medical Appeals Board is to review any claim appealed by a beneficiary that has been rejected for payment based on medical reasons. The Board decides on all policy issues. The Medical Appeals Board may also be contacted for expert opinion when required. Members of the Medical Appeals Board are not paid.

F. Financial Matters

Merrill Lynch manages the investments of the Love Canal Medical Fund, Inc. The funds of the Love Canal Medical Trust Fund are invested primarily in Certificates of Deposit, Mutual Funds and to a lesser degree in U.S. Government securities. All financial matters are approved by the Board of Directors and by the NY State Supreme Court. A statement describing the account status is sent monthly by Merrill Lynch to the Treasurer and interested Board Members.

G. Reporting to the New York State Supreme Court

The Love Canal Medical Fund Board reports annually to the Supreme Court of the State of New York concerning its activities and all financial matters. Judge Joseph D. Mintz retired in 2010 and Judge John M. Curran was appointed to review the budget and expenditures.

III YEAR 2010 ACTIVITIES

A. Meetings

In the year 2010, the Love Canal Medical Fund met in April, August and November, in Amherst, New York.

B. Board of Directors

Sheila Graziano, Jan Hastrup, Robert Krul and Stephen Lester were re-elected to the Board on November 19th. Carol Segal, MD resigned from the Board on August 13th. Willie Underwood, MD and Leo Kuziemkowski joined the Board effective November 19th.

C. Benefits Paid

The amount of benefits paid to beneficiaries in the year 2010 was \$38,334.83. The total amount of benefits paid from the inception of the Fund, including the year 2010, is \$1,157,600.51.

D. Financial Statement

Investment gain for the year 2010 was \$130,958.55. Total expenses, including beneficiary payments were \$79,289.95 resulting in a net gain of \$51,668.60. The total Fund balance as of December 31, 2010 was \$1,515,319.92.

Brown and Company, LLC completed an audit for the year 2009.

E. Update of By-Laws

A complete review of the By-Laws was begun in 2010, but no changes were enacted.

F. Medical Benefits Plan

The Medical Benefits Plan Committee completed their review and updating of the Medical Benefits Plan in November 2010. In 2009 the Board approved the reinstatement of reimbursement of up to \$250.00 per year per beneficiary for prescription medication expenses related to medical conditions that reasonably could be associated with exposure to toxic chemicals at Love Canal for the period beginning January 1, 2010 and ending December 31, 2011 (unless extended or modified by the Board of Directors). This benefit is subject to the existing \$100.00 deductible fee for medical benefits. The revised Medical Benefits Plan was mailed to all beneficiaries for whom LCMF had an address in December 2010.

G. Outreach Activities

- Efforts to encourage beneficiaries to contact LCMF continued in 2010.
- Two Health News and Benefits Newsletters were produced:
 - A Summer 2010 Bulletin – Health News and Benefits, Issue 24 included an invitation to the Fund’s 25th Anniversary Reception and was sent to the 258 WNY beneficiaries.
 - Fall 2010 Bulletin – Health News and Benefits, Issue 25 included information about the Fund’s newly updated website, Reception recap and RX coverage reminder.
- A 25th Anniversary Reception was held on Friday, August 13th at the Holiday Inn, 1881 Niagara Falls Blvd. from 3:30 to 5:30 PM. Approximately 30 beneficiaries attended.
- An annual letter (with enclosures) was mailed to all beneficiaries with known addresses in December. Included in that mailing were:
 - Telephone numbers of the Fund (716-773-6578) and a toll free number for Claims Adjuster, First Niagara Risk Management (1-800-899-3078).
 - A copy of the revised Medical Benefits Plan.
 - A copy of both the Annual Physical and Medical Claims forms.
 - A post card addressed to the Love Canal Medical Fund for beneficiaries to inform the Fund of an address, name change or to request additional claim forms. Fourteen (14) post cards were returned during 2010.
- The Love Canal web site (www.lcmf.org) was completely redone in 2010.
 - Visitors to the web site can download Annual Reports, Medical Benefits Plan, bulletins and claim forms.
 - The web site home page provides an e-mail communication section where visitors can notify the Fund of a change of address, request claim forms and other pertinent information.
 - The Administrator responded to 4 e-mail inquiries in 2010.
- A telephone line with voice mail (716-773-6578) was put into service in 2001 for beneficiaries.
 - This continues to be the most used method for reaching the Fund.
 - The Administrator responded to 52 telephone inquiries in 2010.
- In 2010 the LCMF attempted to update beneficiary information in the following ways:
 - The Fund’s Administrator uses returned postcards and telephone inquiries as a means of updating the Beneficiary Database. This has proved to be a successful methodology.

H. General Board Activities

- All Board Members:
 - Have either completed their initial HIPPA (Health Insurance Privacy and Portability Act) training or retraining in accordance with current Board policy.
 - Have completed a Conflict of Interest Policy Statement identifying if appropriate any business relationships they may have with the LCMF.
- Voted on the following Board Member categories at the Annual Meeting:
 - Election of Directors for three-year terms.
 - Election of Officers for a one year term.
 - Election of Committee Members for one year terms.

**LOVE CANAL MEDICAL FUND
BOARD OF DIRECTORS SERVING IN 2010**

Janice Alexander	Resident
Perry Davis, PhD.	Resident
Beverly Docteur	Expert
Joseph Dunmire	Resident
Lois Gibbs	Resident
Sheila Graziano, Esq.	Expert
Janice Hastrup, PhD.	Expert
Luella Kenny	Resident
Robert J.Krul	Resident
Leo Kuziemkowski	Expert – (effective 11/19/10)
Stephen U. Lester, MS	Expert
Barbara Quimby	Resident
Renee Retton	Resident
Carol Segal, MD	Expert - (resigned 8/13/10)
Willie Underwood, MD	Expert – (effective 11/19/10)
Michael Zimmerman	Resident

LOVE CANAL MEDICAL FUND OFFICERS

Luella Kenny	Chairperson
Lois Gibbs	Vice-Chairperson (through 11/19/10)
Michael Zimmerman	Vice-Chairperson (elected 11/19/10)
Sheila Graziano	Secretary
Joseph Dunmire	Treasurer

Respectfully submitted,

Thomas H. Reinagel

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Administrator