

# LOVE CANAL MEDICAL FUND, INC.



Since 1985, the Love Canal Medical Trust Fund has been providing medical benefits to its named beneficiaries. Through provision of these benefits, the Fund seeks to serve as a constant reminder of the medical consequences of human exposure to toxic chemicals.

## ANNUAL REPORT 2017

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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, 2017. 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 2017 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, 2010 and 2016. Amendments were made to the plan that had time limits, some of which were renewed several times, such as prescription 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 \$350.00 for one annual routine physical examination per beneficiary per year.

The Board of Directors at their October 2017 Board Meeting voted to increase the reimbursement for prescription medication expenses related to medical conditions that reasonably could be associated with exposure to toxic chemicals at Love Canal from \$500.00 to \$750.00 per beneficiary for the period beginning January 1, 2018 and ending December 31, 2018. This benefit is subject to the existing \$100.00 deductible fee for medical benefits.

## **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 Key Insurance & Benefit Services, Inc. (formerly First Niagara Risk Management), 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 Key Insurance & Benefit Services, Inc. which responds to the beneficiaries and issues payment for approved claims. Key Insurance & Benefit Services, Inc. may contact beneficiaries or that beneficiary's medical providers to clarify questions raised by the Committee to obtain additional information. All Committee approved decisions are brought to the entire Board for its review and approval. Also, in certain instances the Committee will refer a claim to the entire Board for its review, discussion and decision. When a claim is denied, the beneficiary is contacted by Key Insurance & Benefit Services, Inc., and given the reason for the denial and a description of the appeals process. Key Insurance & Benefit Services, Inc. has processed claims for the LCMF since February 1, 2009.

#### **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. Medical Appeals Board Members 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 the Finance / Audit Committee.

#### **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 Frank Caruso is the current court officer appointed to review the budget and expenditures.

#### **H. By-Laws**

The By-Laws were last reviewed and revised in 2011. A copy of the By-Laws of the Love Canal Medical Fund, Inc. is available upon request.

### **III YEAR 2017 ACTIVITIES**

#### **A. Meetings**

In the year 2017, the Love Canal Medical Fund met in April and October in Cheektowaga, NY.

#### **B. Board of Directors**

Jan Alexander, Joseph Dunmire, Luella Kenny, Barbara Quimby, Renee Retton and Matthew Ciurczak were re-elected to the Board on October 20, 2017 for terms ending 12/31/2020.

#### **C. Medical Benefits Claims Reimbursed**

The amount of benefits paid to beneficiaries in the year 2017 was \$90,234.50. The Fund began with a \$1,000,000.00 court award in December 1983. Since inception, the Fund has paid a total of \$1,602,637.51 in benefits through 2017 and had a balance of \$1,408,286.87 at year end.

#### **D. Financial Statement**

Brown & Company, LLP, Certified Public Accountants, completed a review for the year 2017. Details are as follows:

- Investment income of \$92,199.20 combined with an unrealized gain of \$105,634.09 resulted in total income of \$197,833.29.
- Expenses including reimbursed medical claims totaling \$147,990.54 combined with total income of \$197,833.29 resulted in net income of \$49,842.75.
- The Fund's total assets as of December 31, 2017 were \$1,408,286.87.

## **E. Outreach Activities**

- Efforts to encourage beneficiaries to contact LCMF continued in 2017.
- A Health News and Benefits Bulletin was produced and included with the annual mailing:
  - Winter 2017 Bulletin – Health News and Benefits, Issue 32 contained information on: WIVB News Story – October 31, 2016; Important Changes to LCMF Coverage and Contact Info; Fighting to Keep You Safe and Healthy; Board of Directors; LCMF Contact Information and Submitting Claims.
- 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, Key Insurance and Benefit Services, Inc. (716-849-8177 or 1-800-899-3078).
  - 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. Ten post cards were returned during 2017, compared to 15 received in 2016.
- The Love Canal web site (www.lcmf.org) was updated in 2017.
  - Visitors to the web site can not only download Annual Reports, Medical Benefits Plan, copies of “Bulletin – Health News and Benefits”, Annual Physical and Medical Benefits claim forms, but they can also complete “fillable” Annual Physical and Medical Benefits claims forms and then print, sign and mail the completed form.
  - The web site home page provides e-mail communication section where visitors can notify the Fund of a change of address, request claim forms and other pertinent information.
  - Information citing Board Meeting dates and other items pertinent to beneficiaries is posted on the LCMF web site home page in the section titled “**Latest News and Updates**”.
  - The Administrator responded to 10 e-mail inquiries in 2017 compared to 4 e-mail inquiries in 2016.
- 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 initiated or responded to 30 telephone inquiries in 2017 compared to 55 in 2016.
- In 2017 the LCMF attempted to update beneficiary information in the following ways:
  - The Fund’s Administrator uses self-addressed return postcards and telephone inquiries as a means of updating the Beneficiary contact information. This has proved to be a successful methodology.

## **F. General Board Activities**

- All Board Members:
  - Have either completed their initial HIPAA (Health Insurance Portability and Accountability Act) training or retraining in accordance with all Federal requirements.
  - 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 2017**

|                       |          |
|-----------------------|----------|
| Janice Alexander      | Resident |
| Danielle Battaglia    | Resident |
| Matthew Ciurczak      | Resident |
| Perry Davis, PhD.     | Resident |
| Beverly Docteur       | Expert   |
| Gerald 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   |
| Stephen U. Lester, MS | Expert   |
| Barbara Quimby        | Resident |
| Renee Retton          | Resident |
| Willie Underwood, MD  | Expert   |
| Michael Zimmerman     | Resident |

**LOVE CANAL MEDICAL FUND OFFICERS**

|                   |            |
|-------------------|------------|
| Michael Zimmerman | Chair      |
| Luella Kenny      | Vice-Chair |
| Sheila Graziano   | Secretary  |
| Joseph Dunmire    | Treasurer  |

Respectfully submitted,

*Cynthia L. Spizzirri, CPA*

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Administrator