



## Annual Report 2020

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.

## **I. Introduction**

This Board of Directors report for the Love Canal Medical Fund, Inc. (LCMF) is for the year ending December 31, 2020. 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.

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## LOVE CANAL MEDICAL FUND, INC.

### 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 2020 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 out of pocket 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 2020 Board Meeting voted to maintain the reimbursement for prescription medication expenses related to medical conditions that reasonably could be associated with exposure to toxic chemicals at Love Canal at a maximum of \$750.00 per beneficiary for the period beginning January 1, 2021 and ending December 31, 2022. 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 USI Insurance Services, 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 the Claims Adjuster which responds to the beneficiaries and issues payment for approved claims. The Claims Adjuster 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 the Claims Adjuster and given the reason for the denial and a description of the appeals process. USI Insurance Services has processed claims for the LCMF since July 2018.

### **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 and Mutual Funds. At times, the Fund also invests 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.

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## LOVE CANAL MEDICAL FUND, INC.

### 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 on October 25<sup>th</sup>, 2019. A copy of the By-Laws of the Love Canal Medical Fund, Inc. is available upon request.

## III. Year 2020 Activities

### A. Meetings

In the year 2020, the Love Canal Medical Fund met on October 21, 2020 via virtual Zoom meeting.

### B. Board of Directors

Janice Alexander, Luella Kenny, Barbara Quimby, and Matthew Ciurczak were re-elected to the Board on October 21, 2020 for terms ending 12/31/2023.

### C. Medical Benefits Claims Reimbursed

The amount of benefits paid to beneficiaries in the year 2020 was \$82,324. The Fund began with a \$1,000,000 court award in December 1983. Since inception, the Fund has paid a total of \$1,873,653 in benefits through 2020 and had a balance of \$1,502,182 at year end.

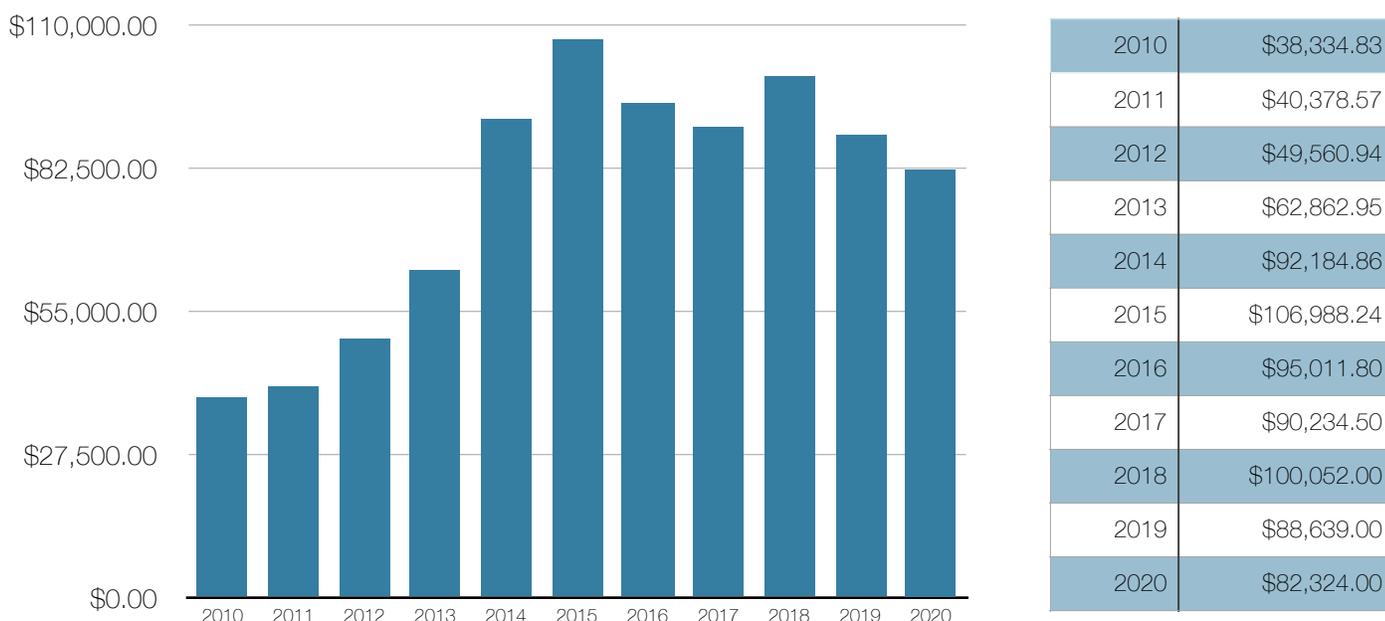
### D. Financial Statement

Brown & Company, LLP, Certified Public Accountants, completed a compilation for the year 2020. Details are as follows:

- Investment income of \$90,939 combined with an unrealized gain of \$119,010, plus miscellaneous income of \$42 resulted in total revenues of \$209,991.
- Expenses including reimbursed medical claims totaling \$136,134 combined with total revenues of \$209,991 resulted in a change in net assets without donor restrictions (also known as net income) of \$73,857.
- The Fund's total assets as of December 31, 2020 were \$1,502,182.

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## LOVE CANAL MEDICAL FUND, INC.



Running Total of Annual Beneficiary Payments

\*Yearly dollar amounts noted as per Annual Reports

### E. Outreach Activities

- Efforts to encourage beneficiaries to contact LCMF continued in 2020.
- A holiday card was mailed to all beneficiaries with known addresses in December. 60 of which were returned with no known forwarding addresses.
- The Administrator received and responded to 9 e-mail inquiries in 2020 compared to 11 e-mail inquiries in 2019.
- The Administrator received and responded to 41 telephone inquiries in 2020 compared to 34 in 2019. A telephone line with voice mail (716-773-6578) was put into service in 2001 for beneficiaries. This telephone service will be updated to a cell phone in 2021, with the same number, for quicker and easier communication with beneficiaries.
- In 2020 the LCMF attempted to update beneficiary information by utilizing telephone and the “quick contact” forms available on the website.

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## **F. General Board Activities**

- The Fund added two positions; Financial Director and Administrator respectively, Cynthia Spizzirri and Nicole Gao

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.

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## LOVE CANAL MEDICAL FUND BOARD OF DIRECTORS SERVING IN 2020

Janice Alexander	Resident
Danielle Battaglia	Resident
Matthew Ciurczak	Resident
Joseph Dunmire	Resident
Perry Davis, PhD.	Resident
Beverly Docteur	Expert
Gerald Docteur	Expert
Lois Gibbs	Resident
Sheila Graziano, Esq.	Expert
Jan Hastrup	Expert
Luella Kenny	Resident
Leo Kuziemkowski	Expert
Stephen U. Lester, MS	Expert
Barbara Quimby	Resident
Angela Tuchols	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