

HUNT LAW FIRM

Attorneys at Law

James G. Hunt
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William E. Hunt, Sr.
of counsel

SENATE JUDICIARY
EXHIBIT NO. 17
DATE 2/5/09
BILL NO. SB285

February 4, 2009

Senate Judiciary Committee
Montana State Legislature
Montana State Capitol
Helena, MT 59601

RE: SB285

Dear Members of the Senate Judiciary Committee:

I am writing to encourage the Senate Judiciary Committee to pass SB285, requiring workers' compensation insurers to pay attorney's fees when insurers wrongfully withhold medical benefits and services from injured Montanans.

In my practice I represent injured workers against workers' compensation insurance companies, as well as people injured in situations other than their employment. The injured workers have a disproportionate amount of problems obtaining medical benefits from work comp insurers. One such worker, who gave me permission to share portions of her case file with this Committee is Angela Veilleux.

Angela was hurt while working in the laundry at St. Peter's Hospital in Helena, Montana. The hospitals have a private claims administration company adjusting their workers compensation claims. Angela settled her work comp claim for a very modest amount of money, and just wanted to get back to work. She kept her medical entitlements open in case she needed them. As it turns out, her ongoing back pain required her to continue to get some prescription pills from her doctor.

She was unable to obtain these pills because the adjusting company wouldn't respond to her. She came to me with her problem when the insurer told her that her medical benefits had been closed, despite her settlement agreement expressly keeping them open.

The correspondence in this case tell the story of Angela's unnecessary struggle to get her prescription drugs. This was a needless hardship on Angela and underscores why attorneys fees should be available for this type of conduct.

Attached please find the following letters:

May 16 letter to Deb McGaw at Brentwood Services
June 4 letter to Mediation Division of Montana Department of Labor and Industry
(w/attachments)
Mediation Notice
July 9, 2008 letter to Angela's doctor, Allen Weinert, M.D.
July 9, 2008 letter to Deb McGaw, Brentwood Services

Senate Judiciary Committee

February 4, 2009

Page 2

July 22, 2008 letter to Deb McGaw, Brentwood Services
September 10, 2008 letter to Deb McGaw, Brentwood Services
October 2, 2008 letter to Mediation Division of Montana Department of Labor and
Industry (w/attachments)
Mediation Notice
Nov. 7, 2008 letter from Oliver Goe, Esq., attorney for insurer
Jan. 8, 2009 letter to Oliver Goe and Deb McGaw
Jan. 23, 2009 letter from Oliver Goe, refusing to pay the attorneys fees in this case.

This documentation shows the unnecessary waste of time created by the insurer's attempt to avoid responsibility for benefits mandated under the workers' compensation act.

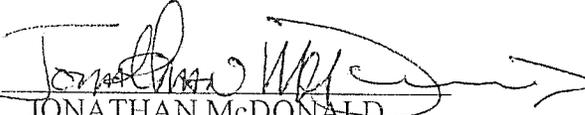
By imposing attorney's fees in cases such as these, the Montana State Legislature can help injured workers get the medical help they need without having to fight an insurance company.

Please vote in favor of SB285.

Sincerely,

HUNT LAW FIRM

BY:


JONATHAN McDONALD

JM:jm

Enclosures

c: Angela Veilleux

HUNT LAW FIRM

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William E. Hunt, Sr.
of counsel

May 16, 2008

Ms. Deb McGraw
Brentwood Services Administrators
1720 Ninth Ave.
Helena, MT 59601

RE: Claimant: *Angela Veilleux*
Claim No.: *BSA-2006198117*
Date of Injury: *November 7, 2006*

Dear Ms. McGraw:

I am writing on behalf of my client, Angela Veilleux. As I understand it, Brentwood Services has informed Angela that the medical benefits of her workers compensation claim have been closed or terminated. This is directly contrary to the Settlement Agreement reached between Angela and Pat Herrin in 2007, which explicitly reserves her medical benefits.

Angela has been taking Tramadol and Ambien since her industrial accident. These prescriptions have been regularly refilled and we would appreciate it if Brentwood would continue to refill them.

Please let me know if there is some basis for Brentwood informing my client that her case has been closed and/or terminating her medical benefits.

This letter is intended to satisfy the requirements of Mont. Code Ann. § 39-71-2401(4). Please provide a response within 15 days.

Sincerely,

HUNT LAW FIRM

BY: 

JONATHAN McDONALD

JM:pc

c: Angela Veilleux

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William E. Hunt, Sr.
of counsel

June 4, 2008

State of Montana
Department of Labor and Industry
Employment Relations Division
P. O. Box 8011
Helena, MT 59604-8011

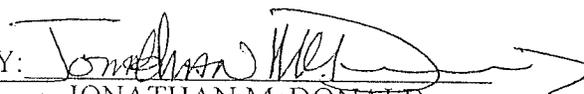
RE: Claimant: *Angela Veilleux*
Date of Accident: *November 11, 2006*
Claim No.: *BSA-2006-198117*

Dear Sir or Madam:

Enclosed in the above-referenced matter please find the original *Petition for Workers' Compensation Mediation Conference* for processing. Thank you.

Sincerely,

HUNT LAW FIRM

BY: 
JONATHAN McDONALD

JM:pc
Enclosure

c: Angela Veilleux (w/enc.)
Deb McGraw (w/enc.)

PETITION FOR WORKERS' COMPENSATION MEDIATION CONFERENCE

This form must contain all of the required information before it can be processed. If you have not provided all information, the form will be returned.

1. Claimant's Name: ANGELA VEILLEUX Workers' Compensation Claim #: MT200711374 Date of Accident: Nov. 11, 2006	Telephone #: (406) 594-0275 Social Security #: 532-02-8336 Part of Body Injured: Low Back
2. Petitioner's Name: ANGELA VEILLEUX Address: 3283 Hwy. 12 E #7 Helena, MT 59601	
3. If you do not intend to represent yourself in the mediation process, give the following information about your representative:	
Name: Jonathan McDonald, Esq. Hunt Law Firm Address: 310 Broadway Helena, MT 59601	Telephone #: (406) 442-8552
(Party with whom you have a dispute)	
4. Respondents' Names: Deb McGaw Address: Brentwood Services Administrators 1720 Ninth Avenue Helena, MT 59601	Telephone #: (406) 443-0449
5A. What is your dispute with the Respondents? Petitioner settled her workers' compensation claim in July 2007 and expressly reserved medical benefits. Respondents have since informed Petitioner that her claim was closed and they will not pay for her prescription drugs related to her work accident. Letter to Respondent dated May 16, 2008 and Petition for Settlement dated July 10, 2007 are attached. Respondent's actions have been unreasonable.	
5B. Is this dispute regarding the initial compensability of an occupational disease? Yes _____ No <u>X</u>	
6. What attempt have you made to resolve your dispute with the Respondents? Attached please find letter dated May 16, 2008. Respondent has failed to answer this letter in any way whatsoever.	
7. What was the Respondent's reply to your demand? No response.	

All conferences are automatically scheduled by telephone unless the party requests an in-person conference.

All in-person conferences are held in Helena.

Check here if you wish to travel to Helena for an in-person conference. _____

Signature Jonathan McDonald Date 06/04/08

STATE OF MONTANA
DEPARTMENT OF LABOR & INDUSTRY
EMPLOYMENT RELATIONS DIVISION
WORKERS' COMPENSATION MEDIATION

1805 PROSPECT AVE
PO BOX 1728
HELENA MT 59624-1728
Telephone No. (406) 444-6534
Fax No. (406) 444-6854

IN THE MATTER OF:
ANGELA VEILLEUX,

Petitioner,

And

MHA WORKERS COMPENSATION
RECIPROCAL,

Respondent.

**Workers' Compensation Claim
Number(s)** BSA2006198117

Accident Date(s) 11/07/2006

Mediation File Number 2008 1263 01

**NOTICE OF TELEPHONE
MEDIATION CONFERENCE**

RESPONDENT: We have enclosed a copy of a mediation request related to the claim referenced above. You may request dismissal of the request if the requirements of §39-71-2401, MCA have not been met. Such request must be in writing and must set forth your specific objections. The request for dismissal must be filed with this office within ten working days after the copy of this document was mailed to you. You must mail a copy of the request for dismissal to all other parties.

Unless you file a request for dismissal, as noted above, a TELEPHONE mediation conference has been scheduled on 07/03/2008 at 09:30 A.M. (*MOUNTAIN DAYLIGHT SAVING TIME*).

**WE MAKE REASONABLE ACCOMMODATIONS FOR ANY KNOWN DISABILITY THAT
MAY INTERFERE WITH A PERSON'S ABILITY TO PARTICIPATE IN THIS MEDIATION
CONFERENCE. PERSONS NEEDING AN ACCOMMODATION MUST NOTIFY THE
MEDIATOR TO MAKE NEEDED ARRANGEMENTS.**

The mediator will be Debra Blossom.
Phone No. (406) 444-0083
E-Mail DBlossom@mt.gov

ISSUE(S) to be mediated: Ms.Veilleux's entitlement to payment of her prescription drugs.

All parties should be prepared to offer arguments summarizing their positions. The



JUN 11 2008

parties' arguments should fully present their cases, but are not limited by the rules of evidence.

The conference is mandatory, non-binding and informal. All information and evidence presented during this procedure is confidential. Claimant is required to participate unless excused by the mediator.

PRIOR TO THE DATE OF THIS CONFERENCE, PARTIES SHALL ADVISE THE MEDIATOR OF THE NAMES AND TELEPHONE NUMBERS OF ALL PERSONS WHO WILL BE INVOLVED IN THE CONFERENCE.

DATED this 10th day of June, 2008.

CERTIFICATE OF SERVICE

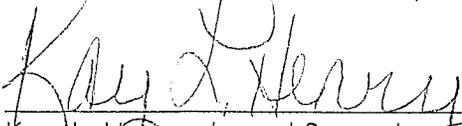
I, Kay L. Henry, do hereby certify and state that I mailed a true and correct copy of the attached NOTICE OF TELEPHONE MEDIATION CONFERENCE to:

ANGELA VEILLEUX
3283 HWY 12 E #7
HELENA MT 59601

JONATHAN MCDONALD
ATTORNEY AT LAW
310 BROADWAY
HELENA MT 59601

MHA WORKERS COMPENSATION RECIPROCAL
c/o DEB MCGAW
BRENTWOOD SERVICES INC
PO BOX 5569
HELENA MT 59604

by depositing a true copy thereof in the United States Mail, postage prepaid, addressed as listed above, on this 10th day of June, 2008.



Kay L. Henry, Legal Secretary
WORKERS' COMPENSATION MEDIATION
Phone No. (406) 444-6534
E-Mail khenry@mt.gov

HUNT LAW FIRM

Attorneys at Law

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William E. Hunt, Sr.
of counsel

July 9, 2008

Allen M. Weinert, M.D.
Helena Orthopaedic Clinic
2442 Winne Avenue
Helena, MT 59601

RE: Patient: *Angela Veilleux*
DOB: *06/13/86*
SSN: *532-02-8336*

Dear Dr. Weinert:

This law firm represents Angela Veilleux in connection with her workers' compensation case. It just came to my attention that the workers' compensation insurer denied payment for the medications you prescribed Angela, and she was off her medications for 45 days. That matter appears to have been resolved, but Angela told me that you had requested an MRI and the insurer, Brentwood Services, refused to preauthorize that diagnostic test.

I am writing to obtain confirmation that this occurred and to obtain your professional opinion regarding Angela's medical condition(s), particularly as they relate to her industrial injury of November 7, 2007.

I am enclosing a HIPPA compliant release signed by Angela because my file is unclear as to whether or not we have previously provided one to your office. Please answer the following questions based on a "reasonable degree of medical certainty" or a more probable than not standard:

1. Do you believe an MRI would be helpful to you in evaluating Angela's medical condition? If so, did your office request preauthorization for an MRI from Brentwood Services? If preauthorization was requested, do your records show the date of the request and the response (approval/disapproval) from Brentwood Services?
2. What prescription medications are you presently prescribing Angela that are related to her industrial injury of 11/7/07? Do you anticipate she will need refills of any of these drugs? If so, please estimate the period of time Angela will require the use any medications you prescribe.
3. In your experience treating workers' compensation patients, does Brentwood Services regularly refuse to preauthorize diagnostic testing or other treatments you have requested?

Allen M. Weinert, M.D.
July 9, 2008
Page 2

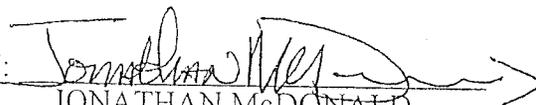
4. Please comment on any other issues you believe may be helpful.

Please bill me for your services related to replying to this letter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

HUNT LAW FIRM

BY:


JONATHAN McDONALD

JM:pc
Enclosure

c: Angela Veilleux

HUNT LAW FIRM

James G. Hunt
Michael L. Fanning
Jonathan C. McDonald

William E. Hunt, Sr.
of counsel

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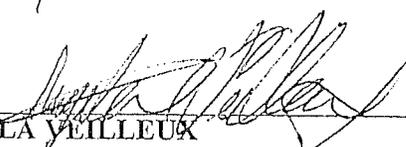
AUTHORIZATION FOR DISCLOSURE OF CONFIDENTIAL INFORMATION

I hereby authorize Helena Orthopedic Clinic, and any physician, hospital, mental hospital, person, insurance company, firm, record center, institution, legal service, health center, government agency and any law enforcement authority to furnish to my attorneys at HUNT LAW FIRM, of 310 Broadway, Helena, MT 59601, any and all information, records, x-rays, reports, psychological and/or mental health records and reports, bills, statements, incident/accident reports or other documents requested which you have in your file or within your control. Pursuant to Montana and federal law, you are authorized to release records whether generated by you or by any other source. A photocopy of this release shall serve with the full force and effect as the original.

This Authorization and Release of Information shall remain valid for twelve (12) months from the date of signing. This Authorization and Release of Information complies with Montana Code Annotated, Title 50, Chapter 16, and with HIPAA, as amended.

- The information to be released is to be used for the purpose of resolving claims/issues for the Hunt Law Firm's client, whose signature is below.
- I have the right to revoke this authorization by doing so in writing and submitting my request to the provider from whom records are requested. My revocation will not apply to information that has already been disclosed in reliance on this authorization.
- Once the information is disclosed, it may be subject to re-disclosure by the recipient, and federal privacy laws or regulations may no longer protect the information pursuant to this authorization.
- I release any person or entity who provides records from liability and claims of any nature pertaining to the disclosure of requested protected health information pursuant to this authorization.
- Dates requested: 11/7/07 to Present
- Information requested: Records and bills for time period stated above, or any and all other records as set forth herein.

DATED this 9 day of July, 2008.


ANGELA VEILLEUX
428 Raymond
Helena, MT 59601

Date of Birth: June 13, 1986
Social Security #: 532-02-8336

HUNT LAW FIRM

Attorneys at Law

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William E. Hunt, Sr.
of counsel

July 9, 2008

Ms. Deb McGraw
Brentwood Services
P. O. Box 5569
1720 Ninth Avenue
Helena, MT 59604

RE: Claimant: Angela Veilleux
Claim No.: BSA-2006-198117
Date of Injury: 11/07/06

Dear Ms. McGraw:

This letter is intended to follow-up on our mediation of Monday, July 7, 2008. I have asked Dr. Weinert to provide information regarding the MRI that Angela believes was requested and preauthorization denied by Brentwood. I will share with you whatever he provides.

The issue we discussed that remains unresolved is whether the denial of benefits on this claim was unreasonable, triggering the imposition of attorney's fees under Mont. Code Ann. § 39-71-611.

I spent 1.6 hours establishing that Angela still had a right to prescription drug benefits. At my rate of \$150 per hour, my fee for the unreasonable denial of benefits is \$225.00.

The 1.6 hours was spent as follows:

05/16/08	.15	Speak with Client Regarding disapproval of her prescription medications
05/16/08	.15	Write letter to Deb McGraw of Brentwood Services re: disapproval of medications
06/04/08	.25	Prepare Petition for Mediation
07/02/08	.05	Call, leave messages for Client regarding mediation on July 3
07/03/08	.75	Meet with client to prepare for mediation, wait for Brentwood Services, Reconvene mediation at 10 a.m., discuss problem, agree to reconvene on July 7 when Brentwood could obtain and review case file.
07/07/08	.25	Mediation with Deb Blossom and Deb McGraw

It is my understanding that Angela settled her indemnity benefits with Brentwood in 2007. The settlement agreement expressly reserves her right to medical benefits for at least five years. Nevertheless, Brentwood sent Angela a letter, which neither Angela nor I ever received, in early 2008, notifying her that her right to prescription medications was terminated because the claim had gone "stale."

Ms. Deb McGraw

July 9, 2008

Page 2

I would still like to have a copy of this letter, if you could resend it.

Dr. Weinert continues to prescribe Angela Tramadol and Ambien relative to her industrial accident of 11/07/06. When Angela attempted to refill her medications in May, her claim was denied. Angela contacted me, and I sent you the letter dated May 16, 2008. There was no response because, apparently, Brentwood does not receive mail at the address listed in the telephone book. Therefore, after 15 days, I filed for mediation. A notice of mediation was sent out by the Department of Labor and Industry, which Brentwood also did not receive (nor was it returned, according to Deb Blossom). Therefore, Brentwood did not appear at the mediation of this matter. Ultimately, Deb Blossom tracked you down and the mediation was reconvened and you reauthorized the receipt of medical benefits.

My client went 45 days without her medications because Brentwood was unresponsive and unreasonably denied benefits which were expressly reserved by the 2007 Settlement Agreement. It is unreasonable that an attorney needed to get involved and spend a goodly amount of time ensuring Angela receive benefits which were clearly due.

If you disagree that the refusal and events which followed were unreasonable, please let me know and we can take this matter before the Workers' Compensation Court. As you know, the mediator's decision is nonbinding and without "administrative or judicial effect." Mont. Code Ann. § 39-71-2408. Having completed mediation, the Workers' Compensation Court now has jurisdiction over this dispute. To award attorney's fees, the Workers' Compensation Judge must find:

- (a) the insurer denies liability for a claim for compensation or terminates compensation benefits. Mont. Code Ann. § 39-71-611(1)(a).
- (b) the claim is adjudged compensable by the workers' compensation court. § 39-71-611(1)(b).
- (c) the Court finds the insurer's actions in denying liability or terminating benefits was unreasonable. § 39-71-611(1)(c).

Additionally, the practice of sending out letters notifying claimants that their right to prescription medications is terminated prior to the five year period outlined in Montana Law appears to be a unfair claim practice prohibited by Mont. Code Ann. § 33-18-201(1) – misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue.

Please let me know if Brentwood intends to pay my fees within 30 days of this letter. Thank you.

Sincerely,

HUNT LAW FIRM

BY:


JONATHAN McDONALD

JM:pc

c: Angela Veilleux

HUNT LAW FIRM

Attorneys at Law

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Jonathan McDonald

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Helena, MT 59601
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jmcdonald@huntlaw.net
www.huntlaw.net

William E. Hunt, Sr.
of counsel

July 22, 2008

Ms. Deb McGraw
Brentwood Services
P. O. Box 5569
Helena, MT 59604

RE: Claimant: Angela Veilleux
Claim No.: BSA-2006-198117
Date of Injury: 11/07/06

Dear Ms. McGraw:

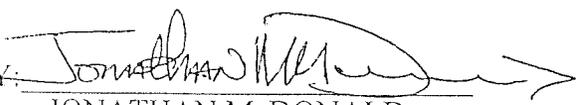
Enclosed please find Dr. Weinert's letter of July 11, 2009. As you will recall at our mediation with Deb Blossom, we discussed an MRI for Angela's back, which Angela said was not approved by Brentwood.

Dr. Weinert has written that it was Deb McGraw from Brentwood who disapproved the MRI on February 26, 2008.

Please contact me at 442-8552 to discuss this further. Thank you.

Sincerely,

HUNT LAW FIRM

BY: 

JONATHAN McDONALD

JM:pc
Enclosure

c: Angela Veilleux

HUNT LAW FIRM

Attorneys at Law

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William E. Hunt, Sr.
of counsel

September 10, 2008

Ms. Deb McGaw
Brentwood Services
P. O. Box 5569
Helena, MT 59604

RE: Claimant: Angela Veilleux
Claim No.: BSA-2006-198117
Date of Injury: 11/07/06

Dear Ms. McGaw:

I am writing to follow-up on my letters of July 9 and July 22, 2008. I have not received a response on either one.

My client would still like to have an MRI of her back. Also, my demand for payment of \$250.00 in attorney's fees for the unreasonable denial of medical benefits is still pending. It was my understanding you were going to discuss this with Oliver Goe and get back to me.

Please contact me as soon as possible to discuss the outstanding issues in this case.

Thanks.

Sincerely,

HUNT LAW FIRM

BY: 

JONATHAN McDONALD

JM:pc

c: Angela Veilleux

HUNT LAW FIRM

Attorneys at Law

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Jonathan McDonald

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jmcDonald@huntlaw.net
www.huntlaw.net

William E. Hunt, Sr.
of counsel

October 2, 2008

State of Montana
Department of Labor and Industry
Employment Relations Division
P. O. Box 8011
Helena, MT 59604-8011

RE: Claimant: *Angela Veilleux*
Date of Accident: *November 11, 2006*
Claim No.: *BSA-2006-198117*

Dear Sir or Madam:

Enclosed in the above-referenced matter please find the original *Petition for Workers' Compensation Mediation Conference* for processing. Thank you.

Sincerely,

HUNT LAW FIRM

BY: 

JONATHAN McDONALD

JM:pc
Enclosure

c: Angela Veilleux (w/enc.)
Deb McGraw (w/enc.)

PETITION FOR WORKERS' COMPENSATION MEDIATION CONFERENCE

This form must contain all of the required information before it can be processed. If you have not provided all information, the form will be returned.

1. Claimant's Name: ANGELA VEILLEUX Workers' Compensation Claim #: MT200711374 Date of Accident: Nov. 11, 2006	Telephone #: (406) 594-0275 Social Security #: 532-02-8336 Part of Body Injured: Low Back
2. Petitioner's Name: ANGELA VEILLEUX Address: 3283 Hwy. 12 E #7 Helena, MT 59601	
3. If you do not intend to represent yourself in the mediation process, give the following information about your representative:	
Name: Jonathan McDonald, Esq. Hunt Law Firm Address: 310 Broadway Helena, MT 59601	Telephone #: (406) 442-8552
(Party with whom you have a dispute)	
4. Respondents' Names: Deb McGaw Address: Brentwood Services Administrators 1720 Ninth Avenue P. O. Box 5569 Helena, MT 59604	Telephone #: (406) 443-0449
5A. What is your dispute with the Respondents? Respondent will not approve MRI that was ordered by her physician. Respondent will not respond to communications. Respondent will not pay reasonable attorneys fees of \$250 for prior baseless denial of medications.	
5B. Is this dispute regarding the initial compensability of an occupational disease? Yes _____ No <u>X</u>	
6. What attempt have you made to resolve your dispute with the Respondents? Attached please find letters dated July 9, 2008; July 22, 2008; and September 10, 2008. Respondent has failed to answer these letters in any way whatsoever.	
7. What was the Respondent's reply to your demand? No response.	

All conferences are automatically scheduled by telephone unless the party requests an in-person conference.

All in-person conferences are held in Helena.

Check here if you wish to travel to Helena for an in-person conference. _____

Signature Jonathan McDonald Date 10/02/08

STATE OF MONTANA
DEPARTMENT OF LABOR & INDUSTRY
EMPLOYMENT RELATIONS DIVISION
WORKERS' COMPENSATION MEDIATION

1805 PROSPECT AVE
PO BOX 1728
HELENA MT 59624-1728
Telephone No. (406) 444-6534
Fax No. (406) 444-6854

IN THE MATTER OF:
ANGELA VEILLEUX,

Petitioner,

And

MHA WORKERS COMPENSATION
RECIPROCAL,

Respondent.

Workers' Compensation Claim
Number(s) BSA2006198117

Accident Date(s) 11/07/2006

Mediation File Number 2009 0309 05

NOTICE OF TELEPHONE
MEDIATION CONFERENCE

RESPONDENT: We have enclosed a copy of a mediation request related to the claim referenced above. You may request dismissal of the request if the requirements of §39-71-2401, MCA have not been met. Such request must be in writing and must set forth your specific objections. The request for dismissal must be filed with this office within ten working days after the copy of this document was mailed to you. You must mail a copy of the request for dismissal to all other parties.

Unless you file a request for dismissal, as noted above, a TELEPHONE mediation conference has been scheduled on 10/31/2008 at 2:00 P.M. (*MOUNTAIN DAYLIGHT SAVING TIME*).

WE MAKE REASONABLE ACCOMMODATIONS FOR ANY KNOWN DISABILITY THAT MAY INTERFERE WITH A PERSON'S ABILITY TO PARTICIPATE IN THIS MEDIATION CONFERENCE. PERSONS NEEDING AN ACCOMMODATION MUST NOTIFY THE MEDIATOR TO MAKE NEEDED ARRANGEMENTS.

The mediator will be John Svaldi.
Phone No. (406) 444-0066
E-Mail jsvaldi@mt.gov

ISSUE(S) to be mediated: Ms. Veilleux's entitlement to authorization for an MRI; response to communications; and payment of reasonable attorney fees of \$250 for prior baseless denial of medications. NOTE: Mediation does not have jurisdiction



over the attorney fees dispute and therefore it will not be discussed during the mediation conference.

All parties should be prepared to offer arguments summarizing their positions. The parties' arguments should fully present their cases, but are not limited by the rules of evidence.

The conference is mandatory, non-binding and informal. All information and evidence presented during this procedure is confidential. Claimant is required to participate unless excused by the mediator.

PRIOR TO THE DATE OF THIS CONFERENCE, PARTIES SHALL ADVISE THE MEDIATOR OF THE NAMES AND TELEPHONE NUMBERS OF ALL PERSONS WHO WILL BE INVOLVED IN THE CONFERENCE.

DATED this 10th day of October, 2008.

CERTIFICATE OF SERVICE

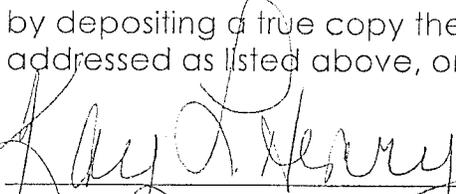
I, Kay L. Henry, do hereby certify and state that I mailed a true and correct copy of the attached **NOTICE OF TELEPHONE MEDIATION CONFERENCE** to:

ANGELA VEILLEUX
3283 HWY 12 E #7
HELENA MT 59601

MHA WORKERS COMP RECIPROCAL
c/o DEB MCGAW
BRENTWOOD SERVICES INC
PO BOX 5569
HELENA MT 59604

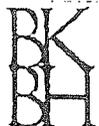
JONATHAN MCDONALD
ATTORNEY AT LAW
310 BROADWAY
HELENA MT 59601

by depositing a true copy thereof in the United States Mail, postage prepaid, addressed as listed above, on this 10th day of October, 2008.



Kay L. Henry, Legal Secretary
WORKERS' COMPENSATION MEDIATION
Phone No. (406) 444-6534
E-Mail khenry@rnt.gov

V. ANDREW ADAMEN
 JAMES ADAMS
 DANIEL J. ANTRACCHIO
 MARIEALEXANDER BLATT
 JUDY L. BENTSON
 JAMES J. BERG
 LEO BERRY
 ORLANDO C. BOYAR
 CARLO CANTY
 HARRIS D. SCHWARTZ
 OLIVER H. GOE
 ERICA R. GUNDEL
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R. STEPHEN BROWNING, Esq.

November 7, 2008

Jonathan McDonald
 Attorney at Law
 310 Broadway
 Helena, MT 59601

Via Facsimile and First Class Mail

RE: *Angela Veilleux v. MHA Workers' Compensation Trust*
 Mediation File 2009-0309-05

Dear Mr. McDonald:

I am writing in follow-up to our discussions of yesterday regarding your client, Angela Veilleux. The MHA Workers Compensation Reciprocal has authorized an evaluation by Dr. Weinert. It is my understanding that that evaluation is scheduled for Monday November 10. Assuming Dr. Weinert believes that an MRI is appropriate and it is related to the injury of November 7, 2006, authorization for the MRI is also given.

It is my understanding that an evaluation by Dr. Weinert was previously scheduled for 7/14/08 and that Ms. Veilleux cancelled that appointment. Further, it is my understanding that she was a no show for an appointment scheduled for October 20. These appointments had been authorized by Ms. McGaw.

Should you have any questions please call.

Sincerely,
 BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By _____
 Oliver H. Goe

cc: Deb McGaw



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William E. Hunt, Sr.
of counsel

December 9, 2008

Ms. Deb McGaw
Brentwood Services
P. O. Box 5569
Helena, MT 59604

Mr. Oliver Goe
BKBH
P. O. Box 1697
Helena, MT 59624

RE: Claimant: Angela Veilleux
Claim No.: BSA-2006-198117
Date of Injury: 11/07/06

Dear Deb and Oliver:

I'm not sure who I should be communicating with regarding this claim, so I am sending this letter to you both.

I received an information release in the mail stamped "Second Request." It is apparently a blanket release for all of Angela's medical records from all time. I have sent it to my client for her review, but I do not believe she is obligated to sign such a release. To add insult to injury, the proposed Authorization you sent appears to require Angela to pay Brentwood for copies of her own records she allows Brentwood to obtain using the release.

Briefly stated, the Montana and U.S. Constitutions recognize and protect an individual's right to privacy. Mont. Const. Art. II, § 10; *Griswold v. Connecticut*, 381 U.S. 479 (1965). Montana, in particular, "adheres to one of the most stringent protection of its citizens' right to privacy in the country." *State v. Burns*, 253 Mont. 37, 40, 830 P.2d 1318, 1320 (1992). Montana and federal law recognize the right of privacy extends to medical records. *State v. Nelson*, 283 Mont. 231, 941 P.2d 441, 448 (1997), *State ex rel Mapes v. District Court*, 250 Mont. 524, 530, 822 P.2d 91, 94-95 (1991).

Montana law and rules of procedure recognize that making a claim does not give a defendant unfettered access to all of a plaintiff's health care history. See, e.g., M.R.Civ.P. 35(b)(2), *Mapes* ("[Defendant] is not entitled to unnecessarily invade plaintiff's privacy by exploring totally unrelated and irrelevant matters."). Brentwood has the right to see any previous medical records regarding Angela's back, which I believe is the body part injured in her workers' compensation accident, but does not have a right to examine prior, unrelated and irrelevant records, such as would be authorized by the proposed release.

Ms. Deb McGaw
Mr. Oliver Goe
December 9, 2008
Page 2

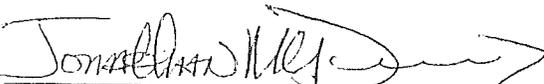
Therefore, at the present time, Angela will not be completing the proposed blanket release. If you feel I am incorrect and that her complete medical history is somehow relevant to this claim, please let me know.

Finally, has Brentwood decided if it is going to pay my \$250.00 fee for its previous, unjustified termination of Angela's benefits?

I look forward to hearing from one or both of you.

Sincerely,

HUNT LAW FIRM

BY: 
JONATHAN McDONALD

JM:pc

c: Angela Veilleux

HUNT LAW FIRM

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William E. Hunt, Sr.
of counsel

January 8, 2009

Ms. Deb McGraw
Brentwood Services
P. O. Box 5569
Helena, MT 59604

Mr. Oliver Goe
BKBH
P. O. Box 1697
Helena, MT 59624

RE: Claimant: Angela Veilleux
Claim No.: BSA-2006-198117
Date of Injury: 11/07/06

Dear Deb and Oliver:

I haven't heard back from either of you regarding my letter of December 9, 2008. My file does show that Deb sent another medical release and work history form, however.

Seeing as the indemnity side of this case has been settled, I'm not sure why you want the work history. Of course, I really don't strongly object to providing it either. I'd just like an explanation as to why it is relevant at this point.

Regarding the medical release, as explained in my last letter, I still believe it is a wildly broad release, especially given the limited scope of the medical issues that remain in this claim. I will continue to advise Angela against signing this release. Should you send a more reasonable release, we will consider signing it.

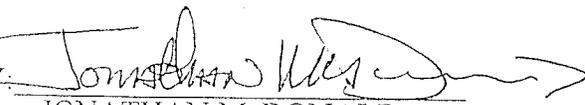
Also, has Brentwood decided if it is going to pay my \$250 fee for its unreasonable denial of Angela's prescription drugs last summer?

Finally, for some reason Deb is copying the Employment Relations Division with her most recent letter, so I will copy them with this one, too.

Looking forward to hearing from you soon.

Sincerely,

HUNT LAW FIRM

BY: 

JONATHAN McDONALD

JM:pc

c: Angela Veilleux
Employment Relations Division

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R. STEPHEN BROWNING: Retired

January 23, 2009

Johnathan McDonald
Attorney at Law
310 Broadway
Helena, MT 59601

RE: *Angela Veilleux v. MHA Workers' Compensation Trust*

Dear Mr. McDonald:

I am writing in response to your correspondence of January 8, 2009. As to the medical release, this is becoming far more complicated than it needs to be. Based upon my review of the file, it appears that Ms. Veilleux is claiming that right scapular levator and rhomboid region myofascial pain syndrome is a result of her injury. It is also my understanding from review of the medical records that she is claiming that upper back pain as well as a sleep disorder is compensable. Thus, and consistent with MCA §39-71-604, the insurer is requesting a release of information that covers all these conditions including "past history of the complaints of or the treatment of a condition that is similar to that presented in the claim, conditions for which benefits are subsequently claimed, other conditions related to the same part of the body, or conditions that may effect recovery." I have attached such a release. I will need the name of all medical providers that have treated Ms. Veilleux for such conditions.

As to your question regarding employment records, Ms. Veilleux's current occupational endeavors may be negatively impacting her condition, thus resulting in a new claim. As such, the employment records requested by Ms. McGaw are relevant to this claim.

As to your request for \$250.00 to cover your fee, the insurer is not obligated to pay such fee and will not do so.



RECEIVED

JAN 26 2009

HUNT LAW FIRM

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Johnathan McDonald
RE: Angela Veilleux v. MHA Workers' Compensation Trust
January 20, 2009
Page 2

Should you have any questions, please call.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By 

Oliver H. Goe