

AGENDA

THE MEETING OF THE DISABILITY PROCEDURES AND SERVICES COMMITTEE and BOARD OF RETIREMENT*

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION

**300 NORTH LAKE AVENUE, SUITE 810
PASADENA, CA 91101**

9:00 A.M., WEDNESDAY, July 5, 2017 **

*The Committee may take action on any item on the agenda,
and agenda items may be taken out of order.*

COMMITTEE MEMBERS:

Vivian H. Gray, Chair
Marvin Adams, Vice Chair
Alan Bernstein
Ronald Okum
David Muir, Alternate

I. APPROVAL OF THE MINUTES

A. Approval of the minutes of the regular meeting of June 1, 2017.

II. PUBLIC COMMENT

III. ACTION ITEMS

IV. FOR INFORMATION

A. Policy Regarding Board-Ordered Second Medical Opinions

V. REPORT ON STAFF ACTION ITEMS

VI. GOOD OF THE ORDER

(For information purposes only)

VII. ADJOURNMENT

***The Board of Retirement has adopted a policy permitting any member of the Board to attend a standing committee meeting open to the public. In the event five (5) or more members of the Board of Retirement (including members appointed to the Committee) are in attendance, the meeting shall constitute a joint meeting of the Committee and the Board of Retirement. Members of the Board of Retirement who are not members of the Committee may attend and participate in a meeting of a Board Committee but may not vote on any matter discussed at the meeting. The only action the Committee may take at the meeting is approval of a recommendation to take further action at a subsequent meeting of the Board.**

****Although the meeting is scheduled for 9:00 a.m., it can start anytime thereafter, depending on the length of the Board of Retirement meeting. Please be on call.**

Assistive Listening Devices are available upon request. American Sign Language (ASL) Interpreters are available with at least three (3) business days notice before the meeting date.

Any documents subject to public disclosure that relate to an agenda item for an open session of the Committee, that are distributed to members of the Committee less than 72 hours prior to the meeting, will be available for public inspection at the time they are distributed to a majority of the Committee, at LACERA's offices at 300 North Lake Avenue, suite 820, Pasadena, California during normal business hours from 9:00 a.m. to 5:00 p.m. Monday through Friday.

Persons requiring an alternative format of this agenda pursuant to Section 202 of the Americans with Disabilities Act of 1990 may request one by calling the Disability Retirement Services Division at 626-564-2419 from 7:30 a.m. to 5:00 p.m. Monday through Friday, but no later than 48 hours prior to the time the meeting is to commence.

MINUTES OF THE MEETING OF THE
DISABILITY PROCEDURES AND SERVICES COMMITTEE
and
Board of Retirement**

LOS ANGELES COUNTY EMPLOYEES RETIREMENT ASSOCIATION
GATEWAY PLAZA - 300 N. LAKE AVENUE, SUITE 810, PASADENA, CA 91101

Thursday, June 1, 2017 11:01 A.M. – 11:14 A.M.

COMMITTEE MEMBERS

PRESENT: Vivian H. Gray, Chair
Marvin Adams, Vice Chair
Alan Bernstein
Ronald Okum
David Muir, Alternate

ABSENT: NONE

ALSO ATTENDING:

BOARD MEMBERS AT LARGE

Anthony Bravo
William Pryor
Vito M. Campese, M.D.

STAFF, ADVISORS, PARTICIPANTS

Gregg Rademacher
JJ Popowich
Steven Rice
Vincent Lim
Eugenia Der
Allison E. Barrett
Frank Boyd
Angie Guererro
Maria Muro
Michelle Yanes
Barbara Tuncay

Ricki Contreras
Vickie Neely
Anna Kwan
James Pu
Kerri Wilson
Debbie Semnanian
Mario Garrido
Marco Legaspi
Marilu Bretado
Thomas Wicke
Hernan Barrientos

Ricardo Salinas
Maria Silva
Robert Hill
Mike Herrera
Karla Sarni

ATTORNEYS
Thomas J. Wicke

GUEST SPEAKER
None

The meeting was called to order by Chair Gray at 11:01 a.m.

I. APPROVAL OF THE MINUTES

A. Approval of minutes of the regular meeting of May 11, 2017

Mr. Okum made a motion, Mr. Muir seconded, to approve the minutes of the regular meeting of May 11, 2017. The motion passed unanimously.

II. PUBLIC COMMENT

III. ACTION ITEMS

IV. FOR INFORMATION

A. Panel Physician Termination of Contract for Services –
Robert B. Fenton, M.D.

Frank Boyd, Senior Staff Counsel informed the Committee about criminal charges for insurance fraud filed against Robert B. Fenton, M.D., an orthopedist on LACERA's panel of physicians. LACERA learned of the charges on May 11, 2017. Mr. Boyd advised the Committee of subsequent actions taken by the Legal Office and Disability Retirement Services.

Mr. Boyd advised that due to the seriousness of the charge against Dr. Fenton, he elected to terminate LACERA's contract with the physician immediately.

Mr. Okum inquired about members already scheduled with Dr. Fenton and how that will be handled. Mr. Boyd stated that there were only two members scheduled with Dr. Fenton for future appointments and they have been rescheduled with another physician.

Mr. Boyd stated that in the near future, panel physicians' contracts will be revised so that they are more definitive in regards to situations similar to these.

Mr. Bernstein asked if LACERA was a victim of fraud in this case and Mr. Boyd assured the committee members that LACERA was not involved in any way in regards to the charges against Dr. Fenton.

Mr. Okum made a motion, Mr. Muir seconded, to return ratification to terminate Dr. Robert B. Fenton as a LACERA Panel Physician and to address the policy with regard to staff's authority to terminate in urgent situations with approval from the Chair and Vice Chair to the Board of Retirement. The motion passed unanimously.

V. REPORT ON STAFF ACTION ITEMS

Committee members requested staff to revise the LACERA Policy Statement for "HIRING OF PANEL PHYSICIANS: QUALIFICATIONS, LICENSING, CERTIFICATION, AND INSURANCE REQUIREMENTS FOR BOARD APPOINTED PANEL PHYSICIANS" to include a provision which will give staff the authority to terminate a panel physician in urgent situations.

VI. GOOD OF THE ORDER

Mr. Muir announced several of the candidates for the upcoming Los Angeles County Employees Retirement Association Election to be held on August 1, 2017. He reported J.P. Harris was unopposed as the alternate retired member candidate, and therefore would be joining the Board of Retirement at the beginning of the next term. He also announced there were two candidates for the 8th Member of the Board of Retirement; Les Robbins (endorsed by RELAC) and Simon Russin; and David Muir (endorsed by RELAC), and Simon Russin for the 8th Member, Board of Investments.

Ms. Gray stated that she had the opportunity to attend NCPERS and she enjoyed the conference, especially since they spoke about healthcare issues.

VII. ADJOURNMENT

With no further business to come before the Disability Procedures and Services Committee, the meeting was adjourned at 11:14 a.m.

**The Board of Retirement has adopted a policy permitting any member of the Board to attend a standing committee meeting open to the public. In the event five (5) or more members of the Board of Retirement (including members appointed to the Committee) are in attendance, the meeting shall constitute a joint meeting of the Committee and the Board of Retirement. Members of the Board of Retirement who are not members of the Committee may attend and participate in a meeting of a Board Committee but may not vote on any matter discussed at the meeting. The only action the Committee may take at the meeting is approval of a recommendation to take further action at a subsequent meeting of the Board.

**FOR INFORMATION ONLY**

June 20, 2017

To: Disability Procedures & Services Committee
Vivian Gray, Chair
Marvin Adams, Vice Chair
Alan Bernstein
Ronald Okum
David Muir, Alternate

From: Francis J. Boyd, 
Senior Staff Counsel

Subject: **POLICY REGARDING BOARD-ORDERED SECOND MEDICAL
OPINIONS**

At the June 1, 2017 Board of Retirement meeting, it was requested the Committee have a discussion of its policy regarding obtaining second medical opinions.

On January 28, 1997, the Board of Retirement adopted the attached Policy Regarding Board-Ordered Second Opinions. The policy states the following in pertinent part:

It is therefore recommended that the board establish the policy of requesting clarification from the original examiner in a specialty before requesting a second opinion.

If after a supplemental is ordered, the Board does not feel the report is adequate, the Board will provide staff with an explanation of why the report is not acceptable and request a second opinion.

The policy was adopted for the following reasons:

By requesting a supplemental, staff and the physician will be better educated in knowing the Board's requirements for determining disability retirement. It also provides staff the guidelines in which to measure a physician's ability to provide the type of reports that the Board requires of its examiners.

Staff will be available to respond to questions regarding the existing policy.

FJB:se

Attachment



January 28, 1997

TO: Each Member
Board of Retirement

FROM: Disability Procedures and Services Committee
Edgar Twine, Chair
Sadonya Antebi
Cody Ferguson
Warren Bennett
Robert Stotelmeyer

SUBJECT: POLICY REGARDING BOARD ORDERED SECOND OPINIONS

The Disability Committee proposes that the Board of Retirement establish a policy of requesting clarification from the original examiner in a specialty before requesting a second opinion.

Staff discussed some recent issues that have been raised when the Board of Retirement asks for a second opinion by a new physician in lieu of a supplemental report from the original examiner.

Recently the Board has hired several new physicians. These physicians are many times providing first time reports to the Board for review. On occasion the Board has found the physician's report to be unclear or confusing. It would benefit the staff, the physician and the Board requesting a second opinion, that the Board requests a supplemental report requesting clarification.

By requesting a supplemental, staff and the physician will be better educated in knowing the Board's requirements for determining a disability retirement. It also provides staff the guidelines in which to measure a physician's ability to provide the type of reports that the Board requires of its examiners.

It is therefore recommended that the board establish the policy of requesting clarification from the original examiner in a specialty before requesting a second opinion.

If after a supplemental is ordered, the Board does not feel the report is adequate, the Board will provide staff with an explanation of why the report is not acceptable and request a second opinion.

SRM:shg