



August 7, 2019

The Honorable Paul Boyer
Arizona State Senator
Arizona State Capitol Complex
1700 W Washington St
Phoenix, AZ 85007

*Sent via first-class mail and
email at pboyer@azleg.gov*

Dear Senator Boyer,

It has been brought to my attention that yesterday you posted a statement on Twitter alleging the City of Glendale was illegally denying firefighter cancer claims. Upon inquiry, I was advised that you have had correspondence with Ryan Lee, Intergovernmental Coordinator, wherein you alleged that the City of Glendale is breaking the law by not strictly abiding by Arizona Revised Statutes 23-901.01. As you may imagine, I take allegations of this nature seriously.

Your statements have not indicated specific facts for me to investigate your claim. I am unaware of any city action where the City has denied medical coverage to any public safety employee in violation of Arizona Revised Statutes §23-901.01. In this regard, I would appreciate it if you would assist me by providing additional information regarding the alleged violation of the law.

In anticipation of your information, I include the following general description of how medical claims of this nature may be handled by the City of Glendale:

1. A claim is filed with the Industrial Commission of Arizona (“ICA”) alleging any illness or injury. *See* A.R.S. §23-1061(A).
2. The claim is then investigated by the City’s third-party administrator (“TPA”) *See, generally*, A.R.S. §23-1061.
 - a. If any claim is filed with regards to cancer presumption, we strictly abide by Arizona Revised Statutes §23-901.01. We answer questions regarding evidentiary presumptions, evidentiary exceptions and causal relationship, based on the available medical evidence.
3. The TPA has twenty-one (21) days to investigate to approve or deny the claim. *See* A.R.S. §23-1061(M).
 - a. While the claim is under investigation, or if it is denied, the denial **does not impact existing medical or other benefits**, including, but not limited to,

medical insurance, vacation leave, sick leave, special medical leave, short-term disability and long-term disability. In the event of a permanent medical condition, the employee may also receive Arizona State Retirement System (“ASRS”) or Public Safety Retirement System “PSPRS”) benefits.

4. The employee has 90 days from the date of denial to request a hearing from the ICA. *See A.R.S. §§ 23-941 and 23-947.*
5. If the employee does not request a hearing, the denial notice is final. *See A.R.S. §23-947.*
6. If the employee requests a hearing, a hearing is conducted before an ICA Administrative Judge for a final determination. *See A.R.S. §23-941.* The City strictly abides by any ICA outcome.
 - a. In the event the claim is approved, the employee will be reimbursed any out of pocket costs, any used leave will be reinstated in the applicable leave bank, the city will reimburse any health insurance payment and will pay the employee for time away from work.

I look forward to hearing from you. Your assistance is appreciated.

Sincerely,

CITY OF GLENDALE



Michael D. Bailey
City Attorney