

**RESOLUTION NO.** 98-11

**WHEREAS**, at all times from and after September 1, 1996, Robert Schuster (hereinafter referred to as "Employee") was and continues to be an employee of the County of LaPorte, State of Indiana in the capacity as Adult Probation Officer for the LaPorte Circuit Court; and

**WHEREAS**, at all times from and after September 1, 1996, Sheryl Schuster (hereinafter referred to as "Dependent") was and continues to be the spouse of said Employee; and

**WHEREAS**, at all times from and after September 1, 1996, Employee and Dependent have been and continue to be covered by the LaPorte County Group Life Disability and Medical Insurance Plan (hereinafter referred to as "the Plan") as Employee and Dependent respectively; and

**WHEREAS**, at all times from and after September 1, 1996, LaPorte County has been and continues to be self-insured under the Plan for LaPorte County employees, subject to the administration of the policy and the recommendation of approval for payment of claims by ReliaStar Employee Benefits (hereinafter referred to as "ReliaStar") of Jackson, Minnesota, as Administrator of the Plan, with local input from General Insurance Services, Inc. of LaPorte, Indiana; and

**WHEREAS**, beginning in September of 1996, Dependent began treating and Dependent and Employee (hereinafter referred to as the "Schusters") began counseling with Samson A. Benjamin, M.D. of LaPorte, Indiana, (hereinafter referred to as "Benjamin"), which treatment and/or consultation continued until approximately March 5, 1997; and

**WHEREAS**, all of the charges for services and prescriptions as a result of treatment and consultation by Benjamin were submitted to ReliaStar; and

**WHEREAS**, ReliaStar approved for payment all of said charges which were paid by the County of LaPorte; and

**WHEREAS**, in response to a question raised by the Plan Administrator as to the nature of the medical treatment being provided by Benjamin's office, Benjamin did, on January 27, 1997, submit a letter to the Administrator clearly identifying the nature of the medical treatment; and

**WHEREAS**, LaPorte County, upon the approval and recommendation of ReliaStar, did continue to pay for all of said prescriptions and services as a result of treatment of Dependent and consultation with the Schusters by Benjamin's office through March, 1997; and

**WHEREAS**, on the recommendation of Benjamin, the Schusters were referred to Joel G. Brasch, M.D. of Orland Park, Illinois (hereinafter referred to as "Brasch"); and

**WHEREAS**, Dependent commenced treatment and the Schusters commenced counseling with Brasch beginning in March of 1997 and continuing through December of 1997; and

**WHEREAS**, beginning March of 1997, Brasch commenced a course of treatment of Dependent similar to the course of treatment previously provided by Benjamin; and

**WHEREAS**, in March of 1997, Dependent had a surgical procedure consistent with said treatment, which surgical procedure was approved for payment by ReliaStar and paid by LaPorte County; and

**WHEREAS**, said course of treatment continued through December, 1997; and

**WHEREAS**, ReliaStar did approve for payment by LaPorte County all of said services provided by Brasch through July of 1997; and

**WHEREAS**, on several occasions between August, 1997 and December, 1997, the Schusters received certain medical treatment clearly not provided for in the Plan, which said services were paid by the Schusters directly and for which no claims were submitted to ReliaStar or LaPorte County; and

**WHEREAS**, in December of 1997, ReliaStar determined that services rendered for and on behalf of the Schusters commencing August, 1997 were not covered by the Plan, and in March of 1998, formally denied said claims; and

**WHEREAS**, upon notice in December of 1997 that there may be a problem with the coverage of said services, the Schusters discontinued all treatment with Brasch; and

**WHEREAS**, as a result of ReliaStar's denial of coverage for services rendered from August, 1997 through December, 1997, there then remained unpaid bills to Brasch's office in the amount of \$9,808.47; and

**WHEREAS**, a legitimate dispute exists as to whether or not said services provided by Brasch from and after March of 1997, as well as those services provided by Benjamin between September, 1996 and March, 1997, are covered by the Plan and should have been approved by ReliaStar for payment and paid by LaPorte County; and

**WHEREAS**, the Schusters relied in good faith upon the prior payment for said services to continue said services through December of 1997; and

**WHEREAS**, it would be wholly unjust, unfair and inequitable under these circumstances to deny payment of these expenses with Brasch's office which remain outstanding for services rendered through and including December, 1997; and

WHEREAS, Brasch has agreed to accept as payment in full of his outstanding bill for services rendered on behalf of the Schusters the reduced amount of \$7,340.47.

NOW, THEREFORE, BE IT RESOLVED, that the County of LaPorte shall pay the sum of \$7,340.47 to the office of Dr. Joel G. Brasch as full and final settlement of all services rendered for and on behalf of the Schusters through December, 1997.

BE IT FURTHER RESOLVED that the payment of this amount by the County of LaPorte is based upon the specific and unique factual circumstances enumerated hereinabove and does not reflect any interpretation by LaPorte County as to the specific issues of coverage of said services under the Plan.

BE IT FURTHER RESOLVED that the payment of said amount is being made so as to avoid unjust financial hardship and detriment to the County's Employee and Dependent.

THIS RESOLUTION ADOPTED this 22<sup>nd</sup> day of December, 1998.

LAPORTE COUNTY BOARD OF COMMISSIONERS

Clay Turner  
CLAY TURNER, President

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*Notary  
Annuit for  
Auditor of LaPorte County, Indiana*