



The Claims Administrator's News Source for Lawyers

March 2019

Deadline to Take Free BAP Exam

JUNE**6****2019**

Remember, Retired NFL Football Players born **on or before June 6, 1974**, must take their free BAP exams **no later than June 6, 2019**. Players born **after June 6, 1974**, must take their free BAP exams **no later than their 45th birthday, or June 6, 2027**, *whichever comes sooner*. If your client is subject to the June 6, 2019 **DEADLINE** and you contact the BAP Administrator to make his appointments by that date, your client's BAP exam will be considered timely, even if he does not complete the exam by June 6, 2019. The Parties may consider a similar exception for those subject to a deadline shortly after

June 6, 2019, based on the volume of appointments scheduled by the BAP Administrator.

If your client is a Player or the Representative Claimant of a Player who is eligible for the BAP and would like to request a free BAP exam, contact the BAP Administrator through your online portal account (if you use one) or by calling 1-855-887-3485 (select option 2). **Do not wait to request a BAP exam if your client's deadline is approaching.** If your client does not participate in the BAP and later receives a Qualifying Diagnosis, he may face a reduction in his Monetary Award.



A Message from the Claims Administrator

We continue to work with the Court and the Special Masters on how best to implement the Court's January 9, 2019 [Order](#) directing that we develop for its review and approval a clarification of the existing Rules Governing Qualified MAF Physicians. We are finalizing a detailed plan for this and other aspects of the operations of the network of Qualified MAF Physicians. We will discuss in future newsletters any changes made.

Orran Brown

Founding Partner BrownGreer PLC

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BAP Appointments & Diagnoses

BAP
Administrator
Status Report

We publish on the Settlement Website the number of BAP appointments scheduled and attended. Paragraphs 6-12 of the BAP Administrator's recent [Status Report](#) offer more detail on this. As of February 13, 2019, 5,398 Players asked the BAP Administrator to schedule BAP exams; as of that date, 5,310 had been offered one or more appointments, and the BAP Administrator was working to secure appointments for the remaining Players. Each BAP exam consists of two separate appointments, one with a neuropsychologist and then another with a neurologist. As of February 13, 2019, 4,438 Players attended 8,383 appointments, and 3,773 Players had attended two or more appointments.

In Paragraph 2 of our last [Status Report](#), we noted that of the 2,644 Monetary Award claims we had received as of February 11, 2019, 88 were based on diagnoses made in the BAP. Although we had only 88 such claims, more Players have received a Qualifying Diagnosis in the BAP. According to Paragraph 19 of the BAP Administrator's Status Report, there were 142 confirmed Qualifying Diagnoses (87 Level 1.5; 55 Level 2) made in the BAP as of February 13, 2019. There also were 76 confirmed Level 1 diagnoses, which qualify Players for BAP [Supplemental Benefits](#).

The BAP Administrator cannot confirm a diagnosis until it receives and reviews the Qualified BAP Providers' reports (see Paragraphs 16-18 of its Status Report). After confirming a diagnosis, the BAP Administrator collects and assembles all related documents, including a Diagnosing Physician Certification Form for the Qualified BAP Providers' signatures. The BAP Administrator uploads directly to us records/reports for each confirmed Level 1.5 or Level 2 Qualifying Diagnosis, but until we receive a Claim Package from the Player, there is no claim in our reports.

Getting Records from a BAP Exam



Before the BAP Administrator can tell you about the results of your client's BAP exam, it must first get records and reports from both the neurologist and neuropsychologist who evaluated him. After the BAP Administrator receives the Qualified BAP Providers' records and reports, it reviews them to confirm they are accurate, complete and comply with the Settlement Agreement requirements. If either the records or reports are incomplete, the BAP Administrator works with the Qualified BAP Provider(s) to correct the issue(s).

See Paragraphs 14-18 of the BAP Administrator's recent [Status Report](#) for more on this process. If you have questions about the results of your client's BAP exam, contact the BAP Administrator (1-855-887-3485, option 2).

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Substantial Hardship

We discussed briefly on page 1 of our [February newsletter](#) the meaning of “substantial hardship” for those who were subject to and missed the February 6, 2019 Claim Package submission deadline for pre-Effective Date diagnoses. To further clarify, “substantial hardship” may be shown by:

1

Medical Hardship

You may submit medical records and/or a written diagnosis and opinion from a treating physician of a medical condition that prevented your client from taking the steps necessary to act by the deadline. This does not apply to Players whose medical hardships are because of their asserted Qualifying Diagnoses.

Proof of your client’s comatose state (a state of unconsciousness in which a person cannot be awakened, fails to respond normally to painful stimuli, light, or sound or lacks a normal wake-sleep cycle, and does not initiate voluntary actions) at any time in the 10 days before or on the deadline will satisfy this requirement.

2

Other Hardships

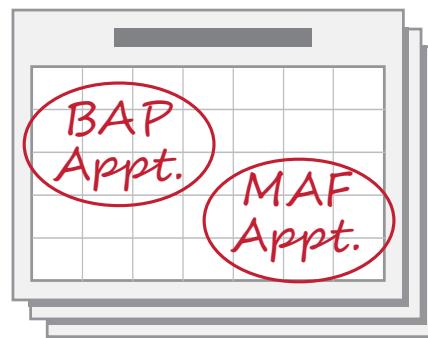
You may submit documents to show other conditions or circumstances that prevented your client from taking the steps necessary to act by the deadline.

- (a) Generally, such conditions or circumstances cannot have resulted from your client’s voluntary actions. Reasons such as drunkenness, incapacity from drug use, and absence for travel, involvement in family events, vacation or business generally will not be accepted.
- (b) Proof that your client was on active military duty at the time of the deadline will satisfy this requirement. See Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901-4043.

Physicians in the Program

Both we and the BAP Administrator manage a network of doctors to examine Players in this Program. As Claims Administrator, we maintain the network of Qualified MAF Physicians; the BAP Administrator maintains the network of Qualified BAP Providers.

Some doctors operate as both Qualified BAP Providers and Qualified MAF Physicians. If your client wants to be examined by a doctor who operates in both networks, you can either contact the BAP Administrator to set up a free BAP exam with the doctor on his behalf (if



he is eligible for the BAP and has not already had a free BAP exam) or contact the doctor directly to schedule an MAF exam.

Because you or your client set up the appointment with a Qualified MAF Physician, we post a [list](#) of all Qualified MAF Physicians to the Settlement Website; we do not post a similar list of all Qualified BAP Providers because the BAP Administrator schedules BAP exam appointments. Please refer to the “BAP vs. MAF Exams” article on page 2 of last month’s [newsletter](#) for more about how these two options differ.

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Special Investigator Update

In Paragraph 13 of our latest [Status Report](#), we explained the Court's appointment of the Honorable Lawrence F. Stengel (Retired) as Special Investigator in the Program. The Court outlined his authority and scope of work in a December 10, 2018 [Order](#).

The Special Investigator has retained HML Group to provide supportive investigative services. HML Group is a uniquely qualified woman-owned investigation, consulting and advisory group providing services to public and private sector clients as well as to non-profits. HML's team of investigators has over 85 years of combined service in federal law enforcement and local government oversight and were highly regarded in

their areas of expertise which included corruption, fraud, money laundering, Foreign Corrupt Practices Act ("FCPA") matters and computer forensics. Vicki Humphreys, Founder and President of HML Group, was a special agent with the FBI for 23 years with an expertise in conducting complex, high-profile domestic and international white-collar criminal investigations focused on fraud, embezzlement, money laundering, corruption and violations of the FCPA. She received numerous awards and accolades during her career in recognition of her outstanding investigative efforts, including FBI Agent of the Year, City of Philadelphia Integrity Award and the United States Attorney's Office Investigative Award of Excellence.

HML Group will work closely with the Special Investigator and Special Masters, who oversee the administration of the Program.



Audit Activity

Given the interest in compensating Settlement Class Members with Qualifying Diagnoses and the corresponding interest in ensuring the integrity of the Settlement Agreement, we and the Special Masters are charged with auditing claims. This work is carefully undertaken and reported. Rows 9-15 in Section 8 of the [Summary Report](#) on the Settlement Website show claims in Audit.

As of March 18, 2019, 195 claims have been denied after Audit (Row 15). We are actively reviewing an additional 65 claims in Audit (Row 9), the Special Masters are reviewing five Audits of individual Settlement Class Members (Row 14) and 101 claims are on hold in Audit because a healthcare provider, lawyer, or Settlement Class Member has not yet provided information necessary for the investigation (Row 10). Finally, after the Special Masters requested

the appointment of a Special Investigator, they referred 182 claims associated with three law firms and one litigation funding company to the Special Investigator for review (Row 11). See the [Guide to Summary Report](#) for more on what each Section 8 status means. After the Special Masters issue an Audit decision, we post it to the [Published Decisions](#) page.

You can send materials to us at one of these addresses:

U.S. Mail:

NFL Concussion Settlement
Claims Administrator
P.O. Box 25369
Richmond, VA 23260

Delivery (ex., FedEx, UPS):

NFL Concussion Settlement
c/o BrownGreer PLC
250 Rocketts Way
Richmond, VA 23231

If you call us at 1-855-887-3485 with questions about the BAP, select Option 2 to speak to the BAP Administrator.

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