



New Published Special Master Audit Decisions

In our November newsletter, we covered two October 25, 2018 Special Master Audit decisions involving three doctors. The Special Masters issued two more Audit decisions on March 12, 2019. We posted them on the [Published Decisions](#) page of the Settlement Website. These decisions address two neuropsychologists, Dr. Larry Pollock and Dr. Darren Fuerst. The Special Masters disqualified Dr. Fuerst from participating in the Program, which means no claims may be submitted in reliance on his neuropsychological testing and evaluation. The Special Masters did not find any misrepresentation, omission, or concealment of material fact in the claims relying on neuropsychological testing by Dr. Pollock and allowed those claims to move forward in the review process.



A Message from the Claims Administrator

In past newsletters we discussed work by the Court and Special Masters on how best to implement the Court's January 9, 2019 [Order](#) concerning Level 1.5 and Level 2 diagnoses by Qualified MAF Physicians. The Court has approved rules for this and other aspects of the operations of the network of Qualified MAF Physicians. This month's newsletter has three articles about examinations by Qualified MAF Physicians: (1) 150-Mile Rule (p. 2); (2) Explaining Work and Social Activities (p. 2); and (3) Level 1.5 and 2 Diagnoses by Qualified MAF Physicians (p. 3). These are discussed further in the [Rules Governing Qualified MAF Physicians](#), which the Court adopted by [Order on April 11, 2019](#).

The Court [denied a motion](#) seeking reconsideration of that Order on May 16, 2019 (click [here](#) to read our response to the request for reconsideration, where we explain in detail why the Rules are needed). If you have questions about these changes, let us know.

Orran Brown

Founding Partner BrownGreer PLC

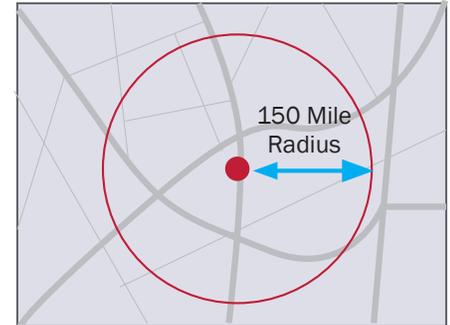
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150-Mile Rule

On April 19, 2019, we posted an [Alert](#) about changes to the operations of the network of Qualified MAF Physicians. A rule now requires that a Retired NFL Football Player be examined by a Qualified MAF Physician with a pre-existing office located within 150 miles of the Player's primary residence. Please note that this requirement applies only to appointments made after April 11, 2019. If your client made an appointment before that date, he does not need to reschedule with a different Qualified MAF Physician. This is a flexible rule with broad exceptions.

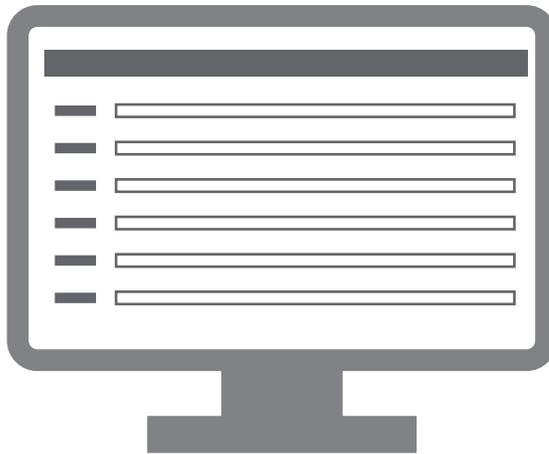


We may grant an exception to this rule, upon your request. You can read more about this rule and its exceptions in an [FAQ](#) on the Settlement Website. We also updated the [MAF Physician Locator](#) page with information about the 150-Mile Rule. When you search for a doctor on that page, it will show you the five nearest results and how many miles each one is from the location you entered. Contact us before your client's exam to ask for an exception. You can fill out a [150-Mile Rule Waiver Request Form](#) or submit a waiver request online through the MAF Physician Locator page if you want an exception to this rule.

Explaining Work and Social Activities

We posted a new [form](#) on the Settlement Website that Retired NFL Football Players may use to provide information to Qualified MAF Physicians about their work history and other social, community, recreational or other activities they engage in outside the home.

A Player and any person on whom he relies to provide information about his conditions (doctors refer to this person as an "informant") must provide such information to a Qualified MAF Physician during an MAF exam. Click [here](#) to read more about this in an FAQ. As you and your client are considering how to complete this form, please note that your client's honest



answers are required. To safeguard the integrity of the Settlement Program, we carefully assess all claims before the payment of an award. This assessment may include consultations with employers, review of tax filings and other publicly available information, and assessment of the Player's engagement in daily living.

We have investigated some claims where the facts presented to the MAF Physician did not match up to results of the assessment. By using this form and completing it with accurate information, your client can avoid delays in the processing of his claim or a possible audit of his claim.

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Level 1.5 and 2 Diagnoses by Qualified MAF Physicians

As noted in our April 19, 2019 [Alert](#), a Qualified MAF Physician who does not follow the strict BAP criteria to make a Level 1.5 or Level 2 Qualifying Diagnosis must explain the differences and how he or she reached the Qualifying Diagnosis. Specifically, a Qualified MAF Physician must explain whenever:

- (1) **The full BAP test battery is used but the resulting test scores do not meet the thresholds necessary to support the Qualifying Diagnosis under the BAP criteria;**
- (2) **The full BAP test battery was not used;**
- (3) **Additional testing not in the BAP test battery was used;**
- (4) **A Player fails two or more of the embedded and/or stand-alone performance validity measures in the neuropsychological test battery and/or where the application of the clinical criteria for assessing performance validity under Slick *et al.* otherwise indicates that the test data may not be a valid reflection of his optimal level of neurocognitive functioning; and/or**
- (5) **We determine a Claim Package presents other issues about the Qualifying Diagnosis or work of the Qualified MAF Physician or supporting neuropsychologist.**

We may accept the Qualified MAF Physician's explanation but may have to follow other steps on the claim. Read more about this in a new [FAQ](#) on the Settlement Website (Are Qualified MAF Physicians required to follow the strict BAP criteria when making a diagnosis of Level 1.5 or Level 2 Neurocognitive Impairment?).

Deadline to Take Free BAP Exam

JUNE
6
2019

Remember, **June 6, 2019, is the BAP EXAM DEADLINE for Players born on or before June 6, 1974.**

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.** Click [here](#) for an FAQ about the deadline for taking a free BAP exam.

If your client is subject to the **June 6, 2019 deadline** and you contact the BAP Administrator to request 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.**

Note that Players who fail to meet their BAP deadline (described above) and later submit a claim for a Monetary Award based on a Qualifying Diagnosis (other than ALS) that was made after their BAP deadline will be subject to a 10% reduction in their Monetary Award.

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Highlights from the Summary Report

The Summary Report we post on the [Reports & Statistics](#) page of the Settlement Website has 11 sections. We highlight some of that information for you here. As of May 28, 2019:

- 1** 16,132 Retired NFL Football Players and Representative Claimants successfully registered in the Program, and 80% (12,830) of them are eligible for the BAP (Section 2).
- 2** Of the 2,797 Monetary Award claims submitted, 1,736 (62%) were for Level 1.5 or Level 2 Neurocognitive Impairment, and 805 (29%) were for the other four Qualifying Diagnoses (Death with CTE, ALS, Alzheimer's Disease and Parkinson's Disease) (Sections 3 and 4).
- 3** Of the 2,546 Monetary Award claims with known Qualifying Diagnoses (type and date), 1,937 (76%) were for pre-Effective Date diagnoses and 609 (24%) were for post-Effective Date diagnoses by Qualified BAP Providers or Qualified MAF Physicians (Section 5).
- 4** We issued Monetary Award Notices on 863 Monetary Award claims totaling \$657,320,496, of which the Program has paid \$499,396,136 to 713 eligible Retired NFL Football Players and Representative Claimants (Sections 6 and 7).
- 5** Of the 2,797 Monetary Award claims submitted, 36 (1%) were in our review process, 196 (7%) were denied after Audit and 570 (20%) had a final denial (Section 8, Rows 1, 15, and 16).
- 6** 155 payable and 196 denied Monetary Award claims had been appealed (Section 9).
- 7** 236 of the 648 claims receiving a denial notice were denied because the Settlement Class Member never provided a complete Claim Package (Section 10, Rows 1(f), 2, 3(d), 4(c), 5(d), 6(d) and 7).
- 8** Of the 863 claims with Monetary Awards, only 96 (11%) were not yet ready for payment; the other 767 (89%) were paid, in the payment process, or ready to begin the payment process (Section 11).

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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