

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF
INVESTIGATION



AGENCY: OHIO BUREAU OF WORKERS' COMPENSATION
FILE ID NO.: 2014-CA00077
DATE OF REPORT: AUGUST 18, 2015

The Office of the Ohio Inspector General ... The State Watchdog

“Safeguarding integrity in state government”

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Randall J. Meyer
Ohio Inspector General



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OFFICE OF THE INSPECTOR GENERAL
RANDALL J. MEYER, INSPECTOR GENERAL

REPORT OF INVESTIGATION

FILE ID NUMBER: 2014-CA00077

SUBJECT NAME: Nina Parm, Exam Scheduler (Clerk 3);
Jill Hollin, Information Supervisor

AGENCY: Ohio Bureau of Workers' Compensation

BASIS FOR INVESTIGATION: Referral

ALLEGATIONS: Failure to Comply with State or Department Rules,
Procedures, or Policies;
Misuse or Abuse of State Property or Equipment
Criminal Conduct

INITIATED: December 10, 2014

DATE OF REPORT: August 18, 2015

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On December 9, 2014, the Ohio Bureau of Workers' Compensation (OBWC) contacted the Office of the Ohio Inspector General alleging Cincinnati-Governor's Hill Service Office (CGHSO) Exam Scheduler Nina Parm had accessed a family member's claim. On November 20, 2014, OBWC Information Supervisor Jill Hollin notified a labor relations officer by email, asserting that Parm had contacted a coworker and stated that the injured worker was Parm's cousin. Hollin also stated that Parm did not realize the injured worker was her cousin until she reviewed the injured worker's previous address. Once Parm realized that the injured worker might be her cousin, Hollin stated that Parm informed her co-worker that the claim should be reassigned to the Lima Service Office.

OBWC provided a Confidential Personal Information (CPI) access log for the claim files in question identifying Parm had accessed the injured worker's claim file using the OBWC internal claim management system, V3, 11 times between August 26, 2014, and November 19, 2014.

BACKGROUND

The Ohio Bureau of Workers' Compensation (OBWC) is responsible for providing workers' compensation insurance to all public and private employees except those that qualify for self-insurance. It is the largest exclusive workers' compensation system in the United States. An administrator/chief executive officer of OBWC is appointed by the governor. OBWC is also overseen by an 11-member board with members experienced in financial accounting, investments and securities, and actuarial management. OBWC is funded through assessments paid by employers.¹

The Ohio General Assembly enacted Ohio Revised Code (ORC) §121.52, effective September 10, 2007, which created the deputy inspector general for the Ohio Bureau of Workers' Compensation (OBWC) and the Industrial Commission of Ohio (ICO). This statute designated this deputy inspector general "... shall investigate wrongful acts or omissions that have been committed by or are being committed by officers or employees" of both OBWC and the ICO and

¹ Source: OBWC annual report.

provides the deputy inspector general the same powers and duties as specified in Ohio Revised Code §121.42, §121.43, and §121.45 for matters involving OBWC and ICO.

The job description for an OBWC exam scheduler states job duties include, but are not limited to: preparing claims' mail documents for imaging; indexing documents imaged in accordance with the OBWC Renaming Policy guidelines; scheduling of medical exams based upon receipt of a diary entry in V3 (the OBWC internal claims management system) from the Customer Care Team (e.g., nurse, claims service specialist); updating V3 with the exam status and information received from providers; monitoring exam completion and receipt of reports; and rescheduling of missed or canceled exams.

Relevant Statutes and Policies

In response to a report of investigation issued by the Office of the Ohio Inspector General, the Ohio General Assembly passed House Bill 648, establishing §1347.15 of the Ohio Revised Code. This section defines “Confidential Personal Information” and identifies what personal information is not to be considered as a public record. Common examples of confidential personal information (CPI) protected by this section include an individual’s Social Security number, driver’s license number, medical records, and records whose release is prohibited by state or federal law. Possible ramifications for an employee violating this code section by improperly accessing or releasing CPI range from administrative action to criminal charges and being permanently prohibited from state employment.

This section also mandates that all state agencies, excluding the judiciary and state assisted institutions of higher-learning, develop and adopt agency rules regarding the access of CPI that is maintained by the agency. The law specifies several requirements that agencies must incorporate into their rules concerning the handling of CPI, including but not limited to: a defined criteria used to determine an employee’s level of access to CPI and a list of the valid reasons as to when employees are permitted to access CPI; a procedure for logging and recording employee access to CPI and the requirement that a password or other authentication must be used to access CPI stored electronically; that agencies designate an employee to serve as the data privacy point-of-contact who ensures that CPI is properly protected; the requirement that agencies must provide

on demand to an individual, a detailed listing of all CPI maintained by that agency concerning that individual, unless the CPI relates to an investigation; and a policy that requires agencies to notify individuals whose CPI has been accessed for an invalid reason.

Ohio Revised Code, §1347.15 requires all applicable state agencies to establish a training program for all employees who access, or who supervise employees who access, or who authorize employees to access, confidential personal information, so that all employees are made aware of all statutes, rules, and policies governing access to such information.

To comply with this requirement, OBWC implemented the following policies, which were reviewed as part of this investigation:

Memo 4.42 *Confidential Personal Information (CPI) Access and Logging*, revised and reissued in July 2013, which defines CPI, identifies the computer systems that automatically log the employee accessing CPI, and identifies when an OBWC employee is required to manually log their access to CPI. ([Exhibit 1](#))

Memo 4.21 *COEMP and Special Handling Claims Policy*, revised and reissued March 2013, which addresses the processing and management of "... all claims past, present, and future pertaining to relatives (whether by blood or marriage) of current BWC/IC employees not residing in the residence." This policy also provides "... when a BWC or IC employee has knowledge (actual or constructive) of a COEMP or Special Handling claim or policy number, he or she shall either promptly notify his or her immediate supervisor or contact the Special Claims Supervisor via the COEMP/Special Handling request email box to have the claim or policy flagged appropriately and reassigned." ([Exhibit 2](#))

Parm acknowledged receipt of Memo 4.42 *Confidential Personal Information (CPI) Access and Logging* on September 18, 2013, and Memo 4.21 *COEMP and Special Handling Claims Policy* on March 26, 2013.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General conducted interviews with OBWC Cincinnati-Governor's Hill Service Office Manager Patricia Harris, Injury Management Supervisor (IMS) Temporary Working Level Stephanie Mitchell, and Information Supervisor Jill Hollin on December 11, 2014. Investigators also interviewed Claim Service Specialist (CSS) Deana Murrill, Mitchell, and Hollin on January 15, 2015.

Investigators learned during interviews the following chain of events leading up to identification of the alleged unauthorized access: On November 19, 2014, Murrill had forwarded to Mitchell an email sent from Parm asking her (Murrill) to reassign an injured worker's C92² exam to the Lima Service Office. Murrill informed Mitchell that Parm told her that she believed the injured worker was her cousin. Later, Mitchell informed Harris about Parm's access to the injured worker's claim file. Harris instructed Mitchell to discuss the issue with OBWC Special Claims Injury Management Supervisor Robyn Garver, and to direct Parm to not access the claim file. Harris then told Mitchell to inform Hollin about directing Parm to not access the claim file. On November 20, 2014, Hollin recalled receiving an email from Mitchell asking to discuss Parm's access to the claim file. Mitchell explained to Hollin that Parm had accessed an injured worker's claim file which Parm believed to belong to her cousin. Hollin stated that Mitchell informed her of the directive received from Harris instructing Parm to not access the claim file, reassigning the claim, and notifying Labor Relations. Hollin recalled Mitchell had mentioned that she (Hollin) needed to discuss the claim with COEMP.³

OBWC provided a CPI access log to the Office of the Ohio Inspector General for the claim file in question, identifying Parm had accessed the injured worker's claim file using the OBWC internal claim management system, V3, 11 times between August 26, 2014, and November 19, 2014. The Office of the Ohio Inspector General compared each of the 11 instances that OBWC Cincinnati-Governor's Hill Service Office (CGHSO) Exam Scheduler Nina Parm accessed her alleged cousin's claim to notations entered into the OBWC internal claim management system,

² C92 exams are scheduled upon receipt of an application for Determination of Percentage of Permanent Partial Disability or Increase of Permanent Partial Disability from an injured worker.

³ COEMP is part of OBWC's Special Claims Department and manages injured workers' claims belonging to OBWC employees, family members, friends, and business associates.

V3, and noted Parm entered notes into the injured worker's claim file on September 29, 2014, November 12, 2014, and November 19, 2014.

On January 15, 2015, the Office of the Ohio Inspector General interviewed CGHSO Exam Scheduler Nina Parm. Parm explained that when there were three exam schedulers in her department, her duties involved obtaining information to schedule C92 exams; contacting doctors to schedule exams; documenting information on exam schedule worksheets; and forwarding the information to Exam Scheduler Cathie Kreckler to type any correspondence and enter notes into V3. Parm stated that all three exam schedulers had the ability to reschedule exams, but that Kreckler typically handled most of the exam rescheduling. Parm explained that when Kreckler retired, Parm scheduled the C92 exams and that her backup would assist when needed. Parm stated her job duties also included updating exam activity for injured workers who did not appear for exams or who cancelled their exams; monitoring receipt of exam reports; and sending exam reports for imaging and attaching to claim files.

Parm explained when she received the initial exam request from Murrill on August 26, 2014, she had accessed the claim file to obtain the information to contact the doctor to schedule an appointment. Parm stated she became increasingly apprehensive each time she reviewed the claim. Parm stated that she accessed the claim file to obtain the needed information, scheduled the exam, and forwarded the exam information to Kreckler who entered the note and sent the correspondence. Parm stated that she believed, at this point, her involvement with the injured worker had ended.

Investigators then told Parm that she had accessed the claim on September 29, 2014, and entered a note into the claim file that the injured worker failed to show for the scheduled exam. Parm explained to investigators that her concerns that the injured worker might be her cousin became apparent the second time she opened the claim file. However, Parm stated she did not inform her supervisor at that time because she was not 100 percent sure that the injured worker was her cousin. However, Parm accessed the injured worker's claim file seven times in November 2014, in which she entered notes for two of the seven accesses.

Parm admitted to looking at the claim file out of curiosity and to see where the injured worker had lived. Parm explained that the injured worker had recently moved to Lima and that Parm's relatives with the same last name as the injured worker lived in the Clermont County area. Parm acknowledged that, as time passed, she became more certain that the injured worker was her cousin and decided to inform Murrill that she believed the injured worker was her cousin. Parm stated she had not "... even seen this person in 30 some odd years." Parm explained that the five of the seven accesses she had made without notes in November 2014 may have been during the time when she was discussing the matter with Murrill about whether or not the injured worker was her cousin.

During her interview, Parm told investigators that when she first thought the injured worker was her cousin, she believed she did not talk to Hollin about the claim until November 20, a day after her last access on November 19, when she had entered a note that the doctor had canceled the claim. This access occurred after she sent an email to Murrill requesting the injured worker's claim be reassigned to the Lima Service Office (LSO).

Investigators learned during interviews conducted with OBWC CGHSO Manager Patricia Harris and Hollin the following chain of events occurred regarding the reassignment of the injured worker's claim file that was accessed by Parm: On November 20, 2014, Harris directed Hollin to document the issue involving Parm, notify Labor Relations, and instructed Hollin to contact COEMP to determine whether the claim should be reassigned to COEMP. Instead, Hollin sent an email the afternoon of November 20, 2014, to the Lima Service Office IMS Lynn Benny and CSS Susan May, stating that the injured worker had moved to the Lima area and that the claim should be reassigned. Hollin also explained there was a pending exam application and that it had come to her attention that the CHGSO exam scheduler was related to the injured worker. Hollin requested, "... based on this information I would like to have it re-assigned to Lima now." Benny replied, and sent a copy to the Lima Service Office manager, stating that "... if the IW [injured worker] is related to an employee, the claim is supposed to go to COEMP."

On November 21, 2014, Hollin forwarded the Lima Service Office response to the OBWC COEMP/Special Handling Requests email box, stating that the injured worker in question was a

“cousin” of an OBWC employee and asking whether the claim should be reassigned to Special Claims. On November 24, 2014, Garver contacted the LSO to determine whether they would accept the claim. LSO Manager Winnie Warren replied to Garver, stating that they would accept and manage the claim. Benny forwarded this email to Hollin. On November 25, 2014, the injured worker’s claim was reassigned to the Lima Service Office.

On January 15, 2015, Hollin told investigators that she recalled receiving guidance from Mitchell, saying that she needed to discuss the matter of the claim with COEMP. In an interview conducted by the Office of the Ohio Inspector General on January 15, 2015, Mitchell recalled that she provided Hollin with Harris’ instruction to discuss the issue with COEMP, but could not recall if this occurred prior to or after their discussion about the claim’s reassignment based on the injured worker’s new address. Hollin confirmed that Mitchell had told her that the claim needed to be discussed with COEMP.

Hollin admitted to investigators that she approached LSO management about the reassignment of the claim before she talked with COEMP as required by Memo 4.21 *COEMP and Special Handling Claims Policy*. Hollin was questioned why she did this. Hollin responded, “I don’t know. I always try to follow the path of least resistance and in my mind, I knew that’s where it was going to end up Because I knew the relationship was not close enough for COEMP.” Hollin stated this determination was based on a conversation with COEMP representatives several years ago when she was assigned to the Hamilton Service Office.⁴

Investigators determined that Hollin had read and completed an acknowledgement that she understood Memo 4.21 *COEMP and Special Handling Claims Policy* on March 15, 2013.

CONCLUSION

On December 9, 2013, the Office of the Ohio Inspector General was notified by the Ohio Bureau of Workers’ Compensation alleging Exam Scheduler Nina Parm had accessed her cousin’s claim file a total of 11 times between August 26, 2014, and November 19, 2014, and entered notes in the injured worker’s claim file on three of the 11 accesses.

⁴ OBWC closed the Hamilton Service Office on March 31, 2013.

On January 15, 2015, the Office of the Ohio Inspector General interviewed Parm who stated that she became concerned that she might be related to the injured worker as she accessed the claim a second time, on September 29, 2014. However, Parm stated she did not say anything at that time to her supervisor because she was unsure the injured worker was her cousin. Parm stated that she did discuss the issue with her supervisor, Information Supervisor Jill Hollin, on November 20, 2014. However, she could not recall who initiated the conversation. Hollin stated in a January 15, 2015, interview with investigators that she first learned of the relationship between Parm and her cousin from Injury Management Supervisor Stephanie Mitchell, and not from Parm.

Investigators determined that the injured worker's address was updated in V3 for a move to Lima on November 5, 2014. Parm admitted to accessing the injured worker's claim file. Parm stated as she reviewed the claim file "more and more," she became increasingly certain that the injured worker was her cousin and informed Claims Service Specialist Deanna Murrill of the situation. This investigation determined that:

Contrary to Memo 4.42 *Confidential Personal Information (CPI) Access and Logging*, ([Exhibit 1](#)) Parm accessed the injured worker's claim information five times in November 2014. Parm told investigators that she reviewed the injured worker's profile and where he or she lived in order to determine whether the injured worker was her cousin. No evidence was found that this access was to obtain information to schedule an exam and therefore, was not for a business purpose.

Parm also failed to comply with Memo 4.21 *COEMP and Special Handling Claims Policy* ([Exhibit 2](#)) which required Parm to notify either her supervisor or the Special Claims supervisor of her concern that the injured worker may be her cousin. Instead, Parm notified her coworker of the familial relationship with the injured worker. In addition, Parm entered notes into the injured worker's claim, whom she thought might be her cousin, twice.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

The Office of the Ohio Inspector General interviewed Information Supervisor Jill Hollin on December 11, 2014, and January 15, 2015. Hollin stated she received direction from both Mitchell and CGHSO Manager Patricia Harris to discuss whether the claim of the injured worker believed to be Parm's cousin should be reassigned to COEMP. Contrary to the notification requirements in Memo 4.21 *COEMP and Special Handling Claims Policy* ([Exhibit 2](#)), Hollin admitted to investigators that she approached Lima Service Office management about the reassignment of the claim before she talked with COEMP.

Hollin provided an email message to investigators, dated November 20, 2014, in which Lima Service Office Injury Management Supervisor Lynn Benny provided a response to Hollin. Benny explained if "... the claim is related to an employee, the claim is supposed to go to COEMP." When asked why she did not follow Harris' previous instructions, Hollin explained that she "... always try to follow the path of least resistance and in my mind, I knew that's where it was going to end up Because I knew the relationship was not close enough for COEMP." Hollin stated her decision was based on a previous conversation with COEMP representatives several years ago when she was assigned to the Hamilton Service Office.

Accordingly, the Office of the Ohio Inspector General finds reasonable cause to believe wrongful acts or omissions occurred in these instances.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the director of the Ohio Bureau of Workers' Compensation to respond within 60 days and submit a plan detailing how the recommendations will be implemented. The Ohio Bureau of Workers' Compensation should:

1. Review the conduct of Nina Parm and Jill Hollin and determine whether administrative action is warranted.

2. Determine if additional or remedial training is warranted for Parm and Hollin on the proper handling of confidential personal information and when known relationships with the injured worker should be reported to a supervisor or COEMP.
3. Recommend OBWC require employees to submit periodic certifications of whether the employee is aware of any injured workers with claims who may meet requirements set forth in Memo 4.21.

REFERRALS

The Office of the Ohio Inspector General will forward this report of investigation to the Hamilton County Prosecuting Attorney for consideration.



STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

NAME OF REPORT: Ohio Bureau of Workers' Compensation

FILE ID #: 2014-CA00077

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
August 18, 2015

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