

AUG 08 2016

Please Read Instructions on Reverse Side of Yellow copy

Please print in ink or type

RECEIVED

BEFORE THE STATE CLAIMS COMMISSION  
Of the State of Arkansas

Ar.  
Mrs.  
Ms.  
Miss  
Center for Toxicology & Environmental Health (CTEH) Claimant  
vs.

Do Not Write in These Spaces	
Claim No.	17-0103-CC
Date Filed	August 08, 2016 (Month) (Day) (Year)
Amount of Claim \$	15,650.00
Fund	ADEQ
Services Rendered/ Unpaid Bills	

State of Arkansas, Respondent

Center for Environmental Quality

COMPLAINT

CTEH the above named Claimant, of 5120 North Shore Dr No. Little Rock (Name) (Street or R.F.D. & No.) (City)  
AR 72118 501-901-8500 County of Pulaski represented by (State) (Zip Code) (Daytime Phone No.) (Legal Counsel, if any, for Claim)

Agency involved: Arkansas Dept. of Environmental Quality (ADEQ) Amount sought: \$15,650.00  
Onth, day, year and place of incident or service: 12/01/14 through 06/25/15  
Explanation:

CTEH Occupational Health Nurse, Kim Alvis, administers a Medical Monitoring Program to ADEQ employees. This consists of physical examinations and respirator fit testing for all positions at ADEQ covered by OSHA 29 CFR 1910.20, Hazardous Waste and Asbestos workers. CTEH Occupational Health Dept. failed to invoice ADEQ for services rendered from 12/01/14 through 06/25/15.

As parts of this complaint, the claimant makes the statements, and answers the following questions, as indicated: (1) Has claim been presented to any state department or officer thereof? Yes; when? 07 21 16; to whom? William Millard, Acting CFO, ADEQ (Department)  
and that the following action was taken thereon: Mr. Millard instructed Nurse Alvis to file a claim with AR State Claims Commission  
and that the nature thereof is as follows: and was acquired on in the following manner:

THE UNDERSIGNED states on oath that he or she is familiar with the matters and things set forth in the above complaint, and that he or she verily believes that they are true.  
Kim Alvis, RN, COHN (Print Claimant/Representative Name) Kalvis RUCOHN (Signature of Claimant/Representative)

SWORN TO and subscribed before me at Little Rock AR.  
on this 4th day of August, 2016  
Carol Cross (Notary Public)  
My Commission Expires: October 3, 2016 (Month) (Day) (Year)



# INVOICE



**CENTER FOR TOXICOLOGY  
AND ENVIRONMENTAL HEALTH, LLC**

Invoice #INV 307891  
 Date: 08/04/16  
 Terms: Net 30  
 Project: 101897-ADEQ Medical Monitoring

To: Arkansas Dept of Environmental Quality  
 United States

From: Center for Toxicology and Environmental Health, LLC  
 5120 North Shore Drive  
 North Little Rock, AR 72118  
 (501) 801-8500

Service	User	Date	Project job code	Task Description	Hours	Rate	Total
Consulting Services							
Reimbursable Expenses							
		12/01/14		Respirator Fit Testing for Carolyn Pollard		\$25	\$25.00
		12/02/14		Medical Monitoring Exam for Carolyn Pollard		\$430	\$430.00
		12/09/14		Respirator Fit Testing for Melanie Vanson		\$25	\$25.00
		12/09/14		Medical Monitoring Exam for Melanie Vanson		\$430	\$430.00
		01/12/15		Respirator Fit Testing for Jessica Gabaldon		\$25	\$25.00
		01/14/15		Medical Monitoring Exam for J. Flanigin		\$430	\$430.00
		02/27/15		Respirator Fit Testing for Garrett Grimes		\$25	\$25.00
		02/27/15		Medical Monitoring Exam for Garrett Grimes		\$430	\$430.00
		05/05/15		Medical Monitoring Exam for T. Almand		\$430	\$430.00
		05/06/15		Medical Monitoring Exam for J. Rich		\$430	\$430.00
		05/07/15		Medical Monitoring Exam for T. Hynum		\$430	\$430.00
		05/12/15		Respirator Fit Testing for Penny Wilson		\$25	\$25.00
		05/12/15		Medical Monitoring Exam for Penny Wilson		\$430	\$430.00
		05/13/15		Medical Monitoring Exam for T. Sligh		\$430	\$430.00
		05/14/15		Medical Monitoring Exam for D. Richie		\$430	\$430.00
		05/14/15		Medical Monitoring Exam for M. Ruffin		\$430	\$430.00
		05/19/15		Respirator Fit Testing for Torrence Thrower		\$25	\$25.00
		05/19/15		Medical Monitoring Exam for Torrence Thrower		\$430	\$430.00
		05/20/15		Respirator Fit Testing for Keith Eifert		\$25	\$25.00





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Service	User	Date	Project job code	Task Description	Hours	Rate	Total
		05/20/15		Medical Monitoring Exam for Keith Eifert		\$430	\$430.00
		05/21/15		Respirator Fit Testing for Matthew Brooks		\$25	\$25.00
		05/21/15		Medical Monitoring Exam for Matthew Brooks		\$430	\$430.00
		05/21/15		Medical Monitoring Exam for Ronnie McDade		\$430	\$430.00
		05/26/15		Respirator Fit Testing for Ronnie McDade		\$25	\$25.00
		05/27/15		Respirator Fit Testing for Les Branscum		\$25	\$25.00
		05/27/15		Medical Monitoring Exam for Les Branscum		\$430	\$430.00
		05/28/15		Respirator Fit Testing for Evelyn Payne		\$25	\$25.00
		05/28/15		Medical Monitoring Exam for Evelyn Payne		\$430	\$430.00
		05/28/15		Medical Monitoring Exam for K. Duke		\$430	\$430.00
		06/02/15		Respirator Fit Testing for Brett Baker		\$25	\$25.00
		06/02/15		Medical Monitoring Exam for Brett Baker		\$430	\$430.00
		06/03/15		Respirator Fit Testing for Chris Krou		\$25	\$25.00
		06/03/15		Medical Monitoring Exam for Chris Krou		\$430	\$430.00
		06/04/15		Respirator Fit Testing for Morgan Uchtman		\$25	\$25.00
		06/04/15		Medical Monitoring Exam for Morgan Uchtman		\$430	\$430.00
		06/04/15		Medical Monitoring Exam for S. Dixon		\$430	\$430.00
		06/09/15		Respirator Fit Testing for Joshua Graham		\$25	\$25.00
		06/09/15		Medical Monitoring Exam for Joshua Graham		\$430	\$430.00
		06/10/15		Respirator Fit Testing for Ann Blake		\$25	\$25.00
		06/10/15		Medical Monitoring Exam for Ann Blake		\$430	\$430.00



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Service	User	Date	Project job code	Task	Description	Hours	Rate	Total
		06/11/15			Respirator Fit Testing for Katie Chamberlain		\$25	\$25.00
		06/11/15			Respirator Fit Testing for Melanie Combs		\$25	\$25.00
		06/11/15			Medical Monitoring Exam for Katie Chamberlain		\$430	\$430.00
		06/11/15			Medical Monitoring Exam for Melanie Combs		\$430	\$430.00
		06/16/15			Medical Monitoring Exam for Dean VanDerhoff		\$430	\$430.00
		06/16/15			Medical Monitoring Exam for C. Young		\$430	\$430.00
		06/17/15			Medical Monitoring Exam for Patrick Meachan		\$430	\$430.00
		06/18/15			Respirator Fit Testing for Charles Johnson		\$25	\$25.00
		06/18/15			Respirator Fit Testing for Carolyn Pollard		\$25	\$25.00
		06/18/15			Medical Monitoring Exam for Charles Jackson		\$430	\$430.00
		06/18/15			Medical Monitoring Exam for Carolyn Pollard		\$430	\$430.00
		06/23/15			Respirator Fit Testing for David Gillespie		\$25	\$25.00
		06/23/15			Medical Monitoring Exam for David Gillespie		\$430	\$430.00
		06/25/15			Respirator Fit Testing for Dianna Kilburn		\$25	\$25.00
		06/25/15			Respirator Fit Testing for Blake Whittle		\$25	\$25.00
		06/25/15			Respirator Fit Testing for Daniel Yeatts		\$25	\$25.00
		06/25/15			Medical Monitoring Exam for Daniel Yeatts		\$430	\$430.00
		06/25/15			Medical Monitoring Exam for Diana Kilburn		\$430	\$430.00
		06/25/15			Medical Monitoring Exam for Blake Whittle		\$430	\$430.00
<b>Sub-total</b>								<b>\$15,650.00</b>



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Service	User	Date	Project job code	Task Description	Hours	Rate	Total
					<b>Total</b>	<b>0.00</b>	<b>\$15,650.00</b>

Billing Period: 12/1/2014 - 6/30/2015  
 Payment terms are net 30 days from receipt of invoice in US Dollars. Interest on overdue payments will be charged at 1.5% per month  
 ; if different than that rate, the maximum charge permitted applicable to law.

BEFORE THE ARKANSAS STATE CLAIMS COMMISSION

Arkansas Claims Commission

SEP 06 2016

RECEIVED

CENTER FOR TOXICOLOGY AND  
ENVIRONMENTAL HEALTH, LLC

CLAIMANT

VS.

Claim No. 17-0103-CC

ARKANSAS DEPARTMENT OF  
ENVIRONMENTAL QUALITY

RESPONDENT

ADEQ'S ANSWER TO CLAIMANT'S COMPLAINT

Comes now the Respondent, Arkansas Department of Environmental Quality (ADEQ or Department), by and through counsel, Michael Bynum, and for its Answer to Claimant's Complaint, states as follows:

1. The Department admits that Claimant administers a medical monitoring program to ADEQ's employees.
2. The Department admits that the program consists of physical examinations and respiratory testing.
3. The Department admits that Claimant rendered services to the Department as stated in the invoice attached to Claimant's Complaint designated as Claim No. 17-0103-CC (Complaint).
4. The Department admits that Claimant failed to submit an invoice to ADEQ in the fiscal year in which services were rendered.
5. The Department admits that it referred Claimant to the Arkansas Claims Commission pursuant to Ark. Code Ann. §19-4-702(c), as Claimant did not meet a statutory



exception for which payment could be made outside of the fiscal year in which services were rendered.

6. The Department admits liability in the amount of **\$15,650** for payment of services rendered by Claimant as stated in the Complaint.

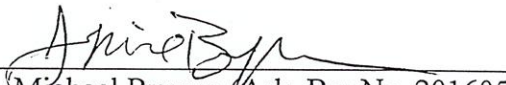
7. Pursuant to the requirements of Ark. Code Ann. §19-5-1009(c), the Department would, if found liable, charge payment as follows:

<u>Appropriation Code</u>	<u>Fund Code</u>	<u>Cost Center</u>	<u>Amount</u>
2TQ	FYP0000	451081	\$13,400.00
2UB	SAC0000	450652	\$2,250.00

WHEREFORE, ADEQ admits liability in the amount of **\$15,650** and respectfully requests that the Commission refer Claimant's request for relief to the Arkansas General Assembly for approval pursuant to Ark. Code Ann. §19-10-215(b).

Respectfully submitted,

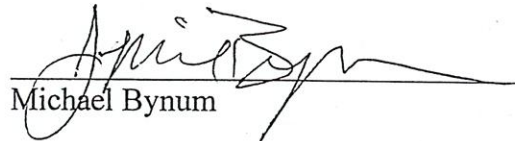
Arkansas Department of Environmental Quality

By:   
Michael Bynum (Ark. Bar No. 2016054)  
Arkansas Department of Environmental Quality  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
(501) 682-0883  
bynumj@adeq.state.ar.us

**CERTIFICATE OF SERVICE**

I, Michael Bynum, do hereby certify that a true and accurate copy of the foregoing Answer to Claimant's Complaint was served upon the party listed below by email and by placing a copy of the same in the United States Mail, postage pre-paid, or by another acceptable means under the Arkansas Rules of Civil Procedure on this the 6<sup>th</sup> day of September, 2016.

Kim Alvis  
Center for Toxicology and Environmental Health  
5120 North Shore Drive  
North Little Rock, Arkansas 72118  
(501) 801-8500

  
Michael Bynum



STATE CLAIMS COMMISSION DOCKET  
OPINION

Amount of Claim \$ 15,650.00 Claim No. 17-0103-CC  
Center for Toxicology & Environmental Health Claimant Attorneys Kim Alvis Claimant  
AR. Dept. of Environmental Quality vs. Michael Bynum, General Counsel  
State of Arkansas August 8, 2016 Respondent Unpaid Bill Respondent  
Date Filed \_\_\_\_\_ Type of Claim \_\_\_\_\_

FINDING OF FACTS

This claim was filed for unpaid bill in the amount of \$15,650.00 against AR. Department of Environmental Quality.

The Claims Commission hereby unanimously allows this claim in the amount of \$15,650.00 and will include the claim in a claims bill to the 91st General Assembly, Arkansas State Legislature, for subsequent approval and payment.

IT IS SO ORDERED.

( See Back of Opinion Form)

CONCLUSION

Upon consideration of all the facts, as stated above, the Claims Commission hereby unanimously allowed this claim in the amount of \$27,124.44 and will include the claim in a claims bill to be submitted to the 91st General Assembly, Arkansas State Legislature for subsequent approval and payment.

Date of Hearing October 13, 2016

Date of Disposition October 13, 2016

*Henry C. Windsor* Chairman  
*Bill James* Commissioner  
*[Signature]* Commissioner