

1-30-2008

Frank v. Bunker Hill Co. Agency's Record Dckt. 34696

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs

Recommended Citation

"Frank v. Bunker Hill Co. Agency's Record Dckt. 34696" (2008). *Idaho Supreme Court Records & Briefs*. 2580.
https://digitalcommons.law.uidaho.edu/idaho_supreme_court_record_briefs/2580

This Court Document is brought to you for free and open access by Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Idaho Supreme Court Records & Briefs by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact annablaine@uidaho.edu.

LAW CLERK

COPY
Vol. 1 of 2

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

PAUL E. FRANK,

Claimant-Appellant,

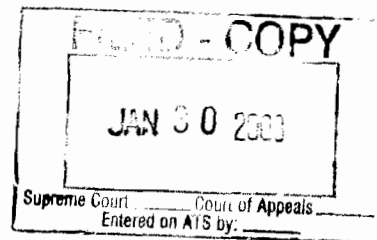
v.

THE BUNKER HILL COMPANY,
Employer/Self-Insured,

Defendant-Respondent.

)
)
) SUPREME COURT NO. 34696
)
)
)

) "LIMITED" AGENCY'S RECORD
)
)
)
)



BEFORE THE INDUSTRIAL COMMISSION STATE OF IDAHO

CLAIMANT: PAUL E. FRANK

BY: John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837

SEE AUGMENTATION RECORD

34696

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant-Appellant,) **SUPREME COURT NO. 34696**
 v.)
)
 THE BUNKER HILL COMPANY,) **"LIMITED" AGENCY'S RECORD**
 Employer/Self-Insured,)
)
 Defendant-Respondent.)
 _____)

**BEFORE THE INDUSTRIAL COMMISSION
STATE OF IDAHO**

CLAIMANT: PAUL E. FRANK

BY: John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837

COPY

TABLE OF CONTENTS

EXHIBIT LIST	(i)
CLAIMANT'S MOTION REQUEST CONFERENCE filed 3/24/2006.....	1
COMMISSION'S NOTICE INTENT TO RULE ON MOTION filed 6/16/2006	4
CLAIMANT'S MEMO RE: NOTICE INTENT TO RULE ON MOTION filed 6/28/2006.....	6
ORDER ON REMAND AND REMITTITUR filed 12/21/2006	11
BRADLEY STODDARD'S LETTER DATE 12/27/2006 filed 1/3/2007.....	15
CLAIMANT'S 1/17/2007 MEMO TO COMMISSION filed 1/17/2007	25
NOTICE OF HEARING filed 1/24/2007	30
BUNKER LIMITED PARTNERSHIP 1/7/2007 filed 2/12/2007	32
COMMISSION'S 4/13/2007 E-MAIL RECEIPT filed 4/13/2007	34
CERTIFICATE OF SERVICE filed 5/18/2007.....	39
CLAIMANT'S MOTION EXTENSION TIME RE: ROBERT NONINI filed 5/21/2007	40
CLAIMANT'S AFFIDAVIT TERRY SPOHR filed 5/21/2007.....	42
ORDER EXTENDING TIME RE: ROBERT NONINI filed 5/29/2007	61
CLAIMANT'S 6/16/2007 LETTER RE: ROBERT NONINI filed 6/18/2007.....	63
CLAIMANT'S MEMO RE: OFFSET & COST OF MEDICAL CARE filed 6/18/2007	64
CLAIMANT'S AFFIDAVIT OF ROBERT P. NONINI filed 6/18/2007	68
ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS filed 9/12/2007	80
NOTICE OF APPEAL dated 10/19/2007.....	85
CERTIFICATE OF APPEAL dated 10/23/07	88
CERTIFICATION OF RECORD dated 12/26/2007	90
NOTICE OF COMPLETION dated 12/26/2007	91
SUPREME COURT ORDER AUGMENTING APPEAL dated 12/11/2007	92

INDEX

BRADLEY STODDARD'S LETTER DATE 12/27/2006 filed 1/3/2007.....	15
BUNKER LIMITED PARTNERSHIP 1/7/2007 filed 2/12/2007	32
CERTIFICATE OF APPEAL dated 10/23/07	88
CERTIFICATE OF SERVICE filed 5/18/2007.....	39
CERTIFICATION OF RECORD dated 12/26/2007	90
CLAIMANT'S 1/17/2007 MEMO TO COMMISSION filed 1/17/2007	25
CLAIMANT'S 6/16/2007 LETTER RE: ROBERT NONINI filed 6/18/2007.....	63
CLAIMANT'S AFFIDAVIT OF ROBERT P. NONINI filed 6/18/2007	68
CLAIMANT'S AFFIDAVIT TERRY SPOHR filed 5/21/2007.....	42
CLAIMANT'S MEMO RE: NOTICE INTENT TO RULE ON MOTION filed 6/28/2006.....	6
CLAIMANT'S MEMO RE: OFFSET & COST OF MEDICAL CARE filed 6/18/2007	64
CLAIMANT'S MOTION EXTENSION TIME RE: ROBERT NONINI filed 5/21/2007	40
CLAIMANT'S MOTION REQUEST CONFERENCE filed 3/24/2006.....	1
COMMISSION'S NOTICE INTENT TO RULE ON MOTION filed 6/16/2006.....	4
COMMISSION'S 4/13/2007 E-MAIL RECEIPT filed 4/13/2007.....	34
EXHIBIT LIST	(i)
NOTICE OF APPEAL dated 10/19/2007.....	85
NOTICE OF COMPLETION dated 12/26/2007	91
NOTICE OF HEARING filed 1/24/2007	30
ORDER EXTENDING TIME RE: ROBERT NONINI filed 5/29/2007	61
ORDER ON REMAND AND REMITTITUR filed 12/21/2006	11
ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS filed 9/12/2007	80
SUPREME COURT ORDER AUGMENTING APPEAL dated 12/11/2007.....	92

LIST OF EXHIBITS

REPORTER'S TRANSCRIPT: Taken April 17, 2007 to be lodged with the Supreme Court.

CLAIMANT'S EXHIBITS:

1. Paul E. Frank - Medical activities since 1993 (3 pgs)
2. Garys Pharmacy @ Yokes #5 Record of Prescriptions for Paul Frank (1 pg)
3. Kohal Pharmacy 2 - Paul Frank: 3/28/2006 - 3/28/2007 (5 pgs)
4. Summary - Medical Expenses for Paul Frank (10 pgs)
5. John J. Rose, Jr., letter dated 3/26/1987 to Don M. Hopwood, M.D. (2 pgs)
6. Actuarial Life Table - Social Security Online - Update 6/27/2006 (footer date 4/16/2007) (4 pgs)
7. National Vital Statistics Reports, Vol. 54, No. 14, April 19, 2006, Table 5. Life table for white males: United States, 2003 (2 pgs)
8. Table 5. Life table for white males: United States, 2003 (3 pgs)

Thomas E. Dvorak
J. Will Varin
GIVENS PURSLEY LLP
601 W. Bannock St.
P.O. Box 2720
Boise, Idaho 83701
Telephone Number: (208) 388-1200
Facsimile: (208) 388-1300
Thomas E. Dvorak Idaho State Bar ID# 5043
J. Will Varin Idaho State Bar ID# 6981
SACLIENTS\4652\3\Motion for Conference.DOC

RECEIVED
INDUSTRIAL COMMISSION

2009 MAR 24 PM 2:55

*Attorneys for Pintlar Corporation and
Gulf USA Corporation*

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK

Claimant-Appellant,

vs.

THE BUNKER HILL COMPANY, Self-
Insured Employer,

Defendant-Respondent,

and

GULF USA CORPORATION and PINTLAR
CORPORATION,

Interested Parties-Respondents

CASE NO.: IC 80-341382

**MOTION TO REQUEST
CONFERENCE**

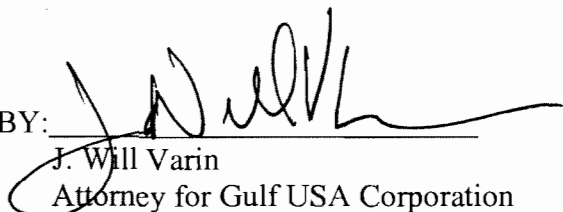
Pintlar and Gulf USA Corporation (collectively "Pintlar/Gulf") hereby file this motion requesting a conference pursuant to J.R.P. VIII to determine whether Pintlar/Gulf should be dismissed as parties pursuant to the Idaho Supreme Court's decision in *Paul E. Frank v. Bunker Hill Company, a self insured employer, Defendant-Respondent and Gulf USA Corporation and*

Pintlar Corporation, Interested Parties-Respondents, Docket No. 30719, 142 Idaho 126, 124 P.3d 1002 (2005).

Following Frank's appeal of the Industrial Commissions dismissal of his claim and denial of his motion for reconsideration, the Idaho Supreme Court issued its opinion in *Frank v. Bunker Hill. Id.* In this decision the Supreme Court indicated that there was no evidence that Pintlar/Gulf were proper parties to these proceedings and that "[n]o claims have been asserted against them and no order has made them parties to the proceeding." *Id.* at 129, 124 P.3d at 1005, fn. 1. The Supreme Court issued a remittitur on December 20, 2005 remanding the case to the Industrial Commission for proceedings complying with its decision. Further, throughout these proceedings, Frank has asserted that Pintlar/Gulf are not proper parties. *See e.g.* Claimant's "Motion to Strike Brief Submitted by Pintlar and Gulf USA," filed July 30, 2003 at p. 2 ("At no time has Pintlar or Gulf Resources been named as a party to this action."). For these reasons, Pintlar/Gulf requests a conference at which Pintlar/Gulf's status as parties in the remanded proceedings can be determined.

DATED THIS 24th of March, 2006.

GIVENS PURSLEY LLP

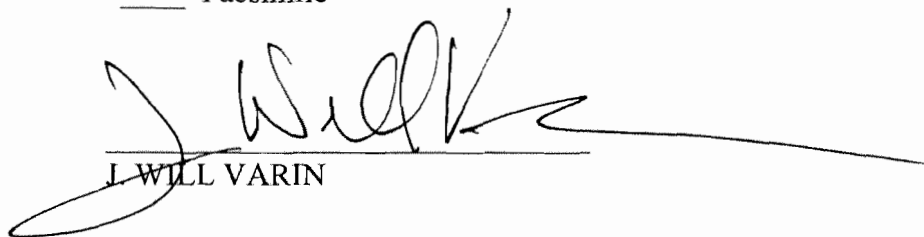
BY: 
J. Will Varin
Attorney for Gulf USA Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 24~~th~~ day of March, 2006, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837

- U.S. Mail
- By hand
- Overnight
- Facsimile



J. WILL VARIN

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant/Appellant,)
)
 v.)
)
 THE BUNKER HILL COMPANY,)
 Self-Insured Employer,)
)
 Defendant/Respondent,)
)
 and)
)
 GULF USA CORPORATION and)
 PINTLAR CORPORATION,)
)
 Interested parties/Respondents.)
 _____)

FILED
JUN 16 2006
 INDUSTRIAL COMMISSION

IC 80-341382

**NOTICE OF INTENT
 TO RULE ON MOTION**

On November 23, 2005, the Idaho Supreme Court issued its opinion in the above-referenced case affirming in part and reversing in part the Commission's final order. On January 25, 2006, the Supreme Court remanded the case to the Commission for further action, if necessary.

On March 24, 2006, Gulf USA Corporation and Pintlar Corporation filed a motion requesting a conference to determine whether Gulf/Pintlar should be dismissed as parties in the above case. Claimant has not responded to said motion.

The Commission will construe the motion of Gulf/Pintlar as a motion to dismiss. This notice will inform Claimant that the Commission intends to rule on such motion by the pleadings of the parties and without a conference on the matter. As a result, should Claimant wish to contest or present any information on the pending motion, such pleading must be received at the

4

Commission office in Boise, Idaho on or before Wednesday, June 28, 2006 at 5:00 p.m.,
Mountain Daylight Time, in order to be considered in this matter. Gulf/Pintlar will then have 10
days thereafter to reply to Claimant's pleading.

DATED this 16th day of June, 2006.

INDUSTRIAL COMMISSION


James F. Kile, Commissioner

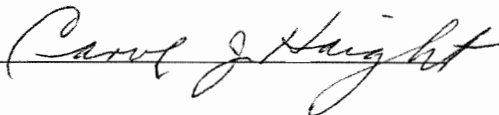
CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of June, 2006 a true and correct copy
of **Notice of Intent to Rule On Motion** was served by regular United States Mail upon each of
the following:

JOHN J ROSE JR
708 W CAMERON AVENUE
KELLOGG ID 83837

J WILL VARIN
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701-2720

cjh



LAW OFFICE OF
 JOHN J. ROSE, JR., PC
 708 W. Cameron Avenue
 Kellogg, Idaho 83837
 Phone: (208) 783-3501
 ISB 2094

Attorney for Claimant

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

		- - - - -	
PAUL E. FRANK,]	No. IC 80-341382	RECEIVED INDUSTRIAL COMMISSION JUL 11 2006 10:59 AM 658 W. BULLER BL.
]		
Plaintiff,]		
vs.	]	MEMORANDUM RE NOTICE
	]	OF INTENT TO RULE ON
THE BUNKER HILL COMPANY,	]	MOTION
]		
Defendant.]		
		- - - - -	

This case is before the Industrial Commission for a determination of the amount of medical expense reimbursement owing to Mr. Frank. The Supreme Court decision in November 2005, determined that Mr. Frank was not allowed to pursue additional disability benefits.

The Supreme Court remanded this case for a determination of Mr. Frank's medical expenses and Bunker Hill's offset against those expenses. The Supreme Court ruled that the statute of limitations does not apply to Mr. Frank's claim for medical expense

1. MEMORANDUM RE NOTICE OF INTENT TO RULE ON MOTION

reimbursement or entitlement for future care of his industrial injury. Dismissal of the case is not appropriate.

Since 1991 Mr. Frank has sought a determination of an offset and right to reimbursement for additional medical expenses and costs of insurance. Mr. Frank has not been given an opportunity to address the issues.

Immediately before the Commission is what to do with Gulf and Pintlar and to determine who will be responsible for Mr. Frank's past and continuing medical expense. Gulf and Pintlar have continually played a corporate shell game and left everyone in a state of confusion. In footnote one of the recent Supreme Court decision it was stated:

Curiously, Pintlar and Gulf have participated in the action ever since this filing, including full participation in the appeal. It is unknown why Frank sought default against these parties or why the Industrial Commission began including them in the service list. No claims have been asserted against them and no order has made them parties to the proceeding. Nonetheless, the attorney representing Gulf and Pintlar participated in the proceedings before the referee, before the Industrial Commission, and before this Court...."

There was no less confusion when the prior Supreme Court ruled on Mr. Frank's appeal. At that time Justice Bistline wondered:

Unmentioned in the Court's opinion of May 24, 1988, was that by February of 1984 Bunker Hill Company was off the scene. Paul Frank's opponent in seeking just compensation was not his long-time employer, but its successor-in-interest, Pintlar Corporation. [Frank v. Bunker Hill, 117 Idaho at p. 856 n. 2.]

2. MEMORANDUM RE NOTICE OF INTENT TO RULE ON MOTION

1

Bunker Hill was Mr. Frank's employer and Bunker Hill was a self insured employer. It further appears that Gulf, through its corporate entities, purchased Bunker Hill and continued to operate under Bunker Hill's name. The affidavit of Thomas E. Dvorak, counsel for Gulf USA Corporation, filed with the Industrial Commission on January 21, 2003, is the first evidence of the transaction between Bunker Hill and Pintlas. In paragraph six, Mr. Dvorak states:

However, since January 16, 2002, I have determined that the original notice of appearance may be correct in that according to the Idaho Secretary of State's Records, "The Bunker Hill Company" is reflected as merging with Pend Oreille Mines and Metals Company in March 1974 and that Company changed its name to Pintlar Corporation on December 30, 2002.

In paragraph seven, Mr. Dvorak continues:

I have been retained to represent Pintlar Corporation and am therefore, out of an abundance of caution, entering an appearance on its behalf, but only to the extent it is indeed a successor in interest to the Bunker Hill Company. Further inquiry will be necessary to sort out the precise nature of the relationship between the Pintlar Corporation and the Bunker Hill Company.

The connection between Gulf and Pintlar is established by the Plan of Reorganization submitted to the Industrial Commission by Bunker Limited on July 15, 2002. It appears Gulf and Pintlar are one and the same.

The Industrial Commission is in sole control of who may be a self insured employer and for monitoring the security for payment of workers compensation benefits. Gulf and Pintlar should be put to the obligation of explaining their corporate status and

3. MEMORANDUM RE NOTICE OF INTENT TO RULE ON MOTION

responsibilities. Pintlar claimed a bankruptcy stay and failed to report the conclusion of the bankruptcy proceedings. Gulf and Pintlar should not be allowed to avoid their responsibility for Bunker Hill by belatedly claiming they have no responsibility for Bunker Hill and after defending the case and claiming a bankruptcy stay to the proceedings.

The bankruptcy of Gulf and Pintlar does not affect their liability for workers compensation benefits. I. C. 72-308 provides as follows:

Every such policy, contract or bond shall contain a provision to the effect that the insolvency or bankruptcy of the employer and his discharge therein shall not relieve the surety from the payment of compensation for injuries received or occupational diseases contracted or death sustained by an employee during the life of such policy or contract.

As their own surety, Bunker Hill and Gulf/Pintlar, as successors in interest, remain responsible for the benefits owing Mr. Frank.

Counsel for Gulf/Pintlar has admitted further inquiry into the corporate status of Bunker and Pintlar is required. Gulf and Pintlar have participated in all phases of this litigation and should be ordered to produce the evidence exonerating them from liability. At this time, the record establishes that Gulf and Pintlar are responsible for the obligations of Bunker Hill.

An addition inquiry needs to be made into how Gulf and Pintlar secured the release of the surety bond for Bunker Hill. What representations, or misrepresentations, were made to secure the

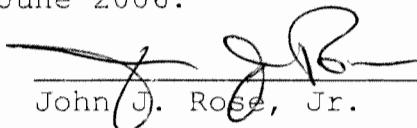
4. MEMORANDUM RE NOTICE OF INTENT TO RULE ON MOTION

19

release?

Following a determination of the responsible corporate parties, Mr. Frank should be granted a hearing to determine what reimbursement should be awarded in a judgment against Bunker Hill. A determination of responsibility for future medical expenses must also be made.

DATED this 26 day of June 2006.



John J. Rose, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 26 day of June 2006.

J. Will Varin
Givens Pursley LLP
277 North Sixth Street, Suite 200
P.O. Box 2720
Boise, Idaho 83701

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 TELECOPY (FAX)



5. MEMORANDUM RE NOTICE OF INTENT TO RULE ON MOTION

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)	
)	
Claimant,	)	IC 80-341382
v.)	
)	
THE BUNKER HILL COMPANY,	)	ORDER ON REMAND
	)	AND REMITTITUR
Employer/Self-Insured,)	
and)	
	)	FILED
GULF USA CORPORATION and	)	DEC 21 2006
PINTLAR CORPORATION,)	
	)	INDUSTRIAL COMMISSION
Defendants.)	
)	

INTRODUCTION

On November 23, 2005, the Idaho Supreme Court issued an opinion regarding the above-entitled matter, followed by a remittitur dated December 15, 2005. The Court affirmed the Industrial Commission decision and held that Idaho Code § 72-719 bars Claimant from additional income benefits. The Court remanded the matter to the Industrial Commission to address the issue of whether Claimant was entitled to an offset of medical expenses against Defendant's overpayment of income benefits. The Court also held that Claimant had raised an issue of entitlement to additional medical benefits and remanded this issue to the Industrial Commission. Frank v. The Bunker Hill Co., 142 Idaho 126, 124 P.3d 1002 (2005).

On March 24, 2006, Gulf USA Corporation and Pintlar Corporation filed a motion requesting a conference to determine whether Gulf/Pintlar should be dismissed as parties in the above case. On June 16, 2006, the Industrial Commission issued a Notice of Intent to Rule on Motion. Claimant responded with a Memorandum on June 26, 2006. The Commission finds

11

the record to be adequate and the opinion of the Court to be clear. The motion of Gulf/Pintlar requesting a conference is DENIED.

OFFSET ISSUE

On January 21, 1992 in a Memorandum In Support Of Motion To Dismiss Application For A Hearing, Defendant admitted, “the Employer overpaid disability compensation to the Claimant in the sum of \$10,633.25. Rather than sue the Claimant for the amount of overpayment, it has been used as an offset on medical expenses. The Employer has no objection to continuing this practice until the amount of the offset is used in full.” Id., p.3.

Thus, the offset issue was resolved by the parties. However, to date, the Industrial Commission has not formally issued an approval of the resolution of that issue. With this Order, we hereby approve the stipulation regarding the offset of medical expenses against the overpayment of income benefits to Claimant.

MEDICAL CARE BENEFITS

The Court determined that the issue of medical expenses was raised “in a tangential manner” at the outset of this case. The issue was then resurrected by Claimant in 2003, but never ruled upon by the Commission. The Commission will hear and decide this issue.

DISMISSAL OF GULF/PINTLAR

Gulf USA Corporation and Pintlar Corporation were never properly joined as parties. Nothing in the opinion of the Court or the record of this matter persuades otherwise. Indeed, Claimant filed a motion to strike their brief alleging they were not proper parties. This statement is tantamount to an admission that they should not be included in these proceedings any further. Claimant has vacillated in his actions and representations about

ORDER ON REMAND AND REMITTITUR - 2

who or which is the proper Defendant. Claimant's attorney has not provided a cogent argument to retain them as parties in this case. The persuasive arguments presented in the opinion of the Court are well taken. Gulf USA Corporation and Pintlar Corporation should be dismissed with prejudice as improper parties to this matter.

ORDER

For the foregoing reasons, THEREFORE, it is hereby ORDERED as follows:

1. Claimant may offset medical expenses against the \$10,633.25 overpayment of income benefits.

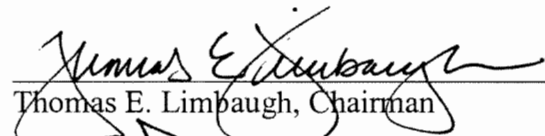
2. The following issue will be set for hearing and adjudicated by the Industrial Commission, namely:

Whether and to what extent Claimant is entitled to medical care benefits, including future medical care benefits, in excess of the \$10,633.25 offset amount.

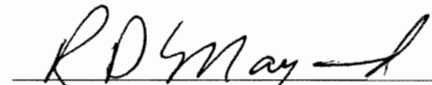
3. Gulf USA Corporation and Pintlar Corporation are dismissed with prejudice from further participation in this case.

DATED this 21st day of December, 2006.

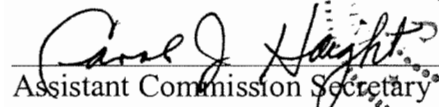
INDUSTRIAL COMMISSION



Thomas E. Limbaugh, Chairman


James F. Kile, Commissioner


R. D. Maynard, Commissioner

ATTEST:


Assistant Commission Secretary



ORDER ON REMAND AND REMITTITUR - 3

CERTIFICATE OF SERVICE

I hereby certify that on 21st day of December, 2006, a true and correct copy of the foregoing **ORDER ON REMAND AND REMITTITUR** was served by regular United States Mail upon each of the following:

John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837

Thomas E. Dvorak
Jessica M. Borup
P.O. Box 2720
Boise, ID 83701

Bradley J. Stoddard
P.O. Box 896
Coeur d'Alene, ID 83814-0896

db



Bradley J. Stoddard, P.A.
Attorney at Law

110 Wallace Avenue
P.O. Box 896
Coeur d'Alene, ID 83816-0896

Telephone: (208) 765-5797
Facsimile: (208) 666-0550

December 27, 2006

Ms. Carol Haight, Assistant Commission Secretary
Idaho State Industrial Commission
317 Main Street
Statehouse Mail
Boise, ID 83720

Re: Paul Frank vs. Bunker Hill Company
I.C. No. 80-341382

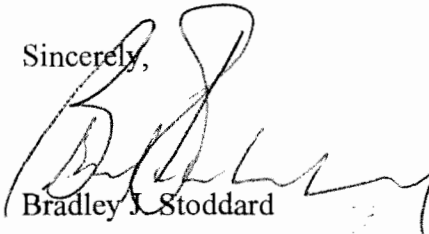
Dear Ms. Haight:

I received a copy of the "Order On Remand And Remittitur," which you sent to me on December 21, 2006. Please be advised that I no longer represent Employer in the above-referenced matter. Enclosed herewith are copies of the following documents:

- 1) Amended Order Conditionally Granting Motion For Order To Withdraw As Attorney For Respondent;
- 2) Affidavit Of Service; and,
- 3) Correspondence from Frederick C. Lyons, Clerk of the Courts, dated July 29, 2004.

Thank you.

Sincerely,



Bradley J. Stoddard

BJS/kt
Enc.

RECEIVED
IDaho State Industrial Commission
DEC 29 11:19 AM '06

12/27/06

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant,)
 v.)
)
 THE BUNKER HILL COMPANY,)
)
 Employer/Self-Insured,)
 and)
)
 GULF USA CORPORATION and)
 PINTLAR CORPORATION,)
)
 Defendants.)
 _____)

IC 80-341382

**ORDER ON REMAND
AND REMITTITUR**

FILED

DEC 21 2006

INDUSTRIAL COMMISSION

2007 JAN - 31 A 11: 19
INDUSTRIAL COMMISSION

INTRODUCTION

On November 23, 2005, the Idaho Supreme Court issued an opinion regarding the above-entitled matter, followed by a remittitur dated December 15, 2005. The Court affirmed the Industrial Commission decision and held that Idaho Code § 72-719 bars Claimant from additional income benefits. The Court remanded the matter to the Industrial Commission to address the issue of whether Claimant was entitled to an offset of medical expenses against Defendant's overpayment of income benefits. The Court also held that Claimant had raised an issue of entitlement to additional medical benefits and remanded this issue to the Industrial Commission. Frank v. The Bunker Hill Co., 142 Idaho 126, 124 P.3d 1002 (2005).

On March 24, 2006, Gulf USA Corporation and Pintlar Corporation filed a motion requesting a conference to determine whether Gulf/Pintlar should be dismissed as parties in the above case. On June 16, 2006, the Industrial Commission issued a Notice of Intent to Rule on Motion. Claimant responded with a Memorandum on June 26, 2006. The Commission finds

the record to be adequate and the opinion of the Court to be clear. The motion of Gulf/Pintlar requesting a conference is DENIED.

OFFSET ISSUE

On January 21, 1992 in a Memorandum In Support Of Motion To Dismiss Application For A Hearing, Defendant admitted, "the Employer overpaid disability compensation to the Claimant in the sum of \$10,633.25. Rather than sue the Claimant for the amount of overpayment, it has been used as an offset on medical expenses. The Employer has no objection to continuing this practice until the amount of the offset is used in full." Id., p.3.

Thus, the offset issue was resolved by the parties. However, to date, the Industrial Commission has not formally issued an approval of the resolution of that issue. With this Order, we hereby approve the stipulation regarding the offset of medical expenses against the overpayment of income benefits to Claimant.

MEDICAL CARE BENEFITS

The Court determined that the issue of medical expenses was raised "in a tangential manner" at the outset of this case. The issue was then resurrected by Claimant in 2003, but never ruled upon by the Commission. The Commission will hear and decide this issue.

DISMISSAL OF GULF/PINTLAR

Gulf USA Corporation and Pintlar Corporation were never properly joined as parties. Nothing in the opinion of the Court or the record of this matter persuades otherwise. Indeed, Claimant filed a motion to strike their brief alleging they were not proper parties. This statement is tantamount to an admission that they should not be included in these proceedings any further. Claimant has vacillated in his actions and representations about

who or which is the proper Defendant. Claimant's attorney has not provided a cogent argument to retain them as parties in this case. The persuasive arguments presented in the opinion of the Court are well taken. Gulf USA Corporation and Pintlar Corporation should be dismissed with prejudice as improper parties to this matter.

ORDER

For the foregoing reasons, THEREFORE, it is hereby ORDERED as follows:

1. Claimant may offset medical expenses against the \$10,633.25 overpayment of income benefits.

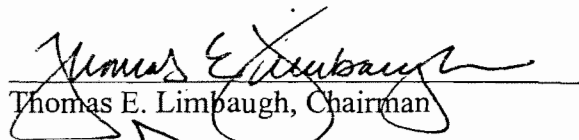
2. The following issue will be set for hearing and adjudicated by the Industrial Commission, namely:

Whether and to what extent Claimant is entitled to medical care benefits, including future medical care benefits, in excess of the \$10,633.25 offset amount.

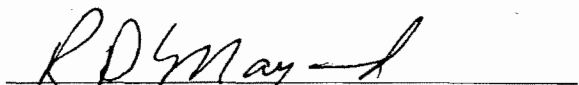
3. Gulf USA Corporation and Pintlar Corporation are dismissed with prejudice from further participation in this case.

DATED this 21st day of December, 2006.

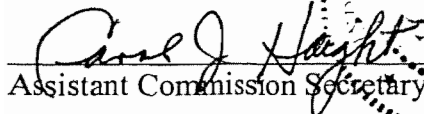

INDUSTRIAL COMMISSION


Thomas E. Limbaugh, Chairman


James F. Kile, Commissioner


R. D. Maynard, Commissioner

ATTEST:


Assistant Commission Secretary


ORDER ON REMAND AND REMITTITUR - 3

CERTIFICATE OF SERVICE

I hereby certify that on 21st day of December, 2006, a true and correct copy of the foregoing **ORDER ON REMAND AND REMITTITUR** was served by regular United States Mail upon each of the following:

John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837

Thomas E. Dvorak
Jessica M. Borup
P.O. Box 2720
Boise, ID 83701

Bradley J. Stoddard
P.O. Box 896
Coeur d'Alene, ID 83814-0896

db



In the Supreme Court of the State of Idaho

PAUL E. FRANK,)
)
 Claimant-Appellant,)
)
 v.)
)
 THE BUNKER HILL COMPANY, Self-Insured)
 Employer,)
)
 Defendant-Respondent,)
)
 and)
)
 GULF USA CORPORATION and PINTLAR)
 CORPORATION,)
)
 Interested Parties-Respondents.)

AMENDED
ORDER CONDITIONALLY
GRANTING MOTION FOR
ORDER TO WITHDRAW AS
ATTORNEY FOR RESPONDENT

NO. 30719
Ref. No. 02S-155

A MOTION FOR ORDER TO WITHDRAW AS ATTORNEY FOR DEFENDANT-RESPONDENT with supporting AFFIDAVIT was filed by Bradley J. Stoddard, counsel for Respondent, on May 17, 2004. The Court is fully advised; therefore, good cause appearing,

IT IS HEREBY ORDERED that the MOTION FOR ORDER TO WITHDRAW AS ATTORNEY FOR DEFENDANT-RESPONDENT be, and hereby is, GRANTED on the condition that Bradley Stoddard shall serve a copy of this Order upon Respondent within fourteen (14) days from the date of this Order and shall file proof of service of a copy of the Order on Respondent with this Court within seven (7) days thereafter. Respondent shall have twenty-one (21) days thereafter to submit a notice of appearance of new counsel. If no notice is filed, Respondent shall not participate further in this appeal and the date for filing the Clerk's Record and Reporter's Transcript shall be reset.

DATED this 21st day of July 2004.

For the Supreme Court


Frederick C. Lyon, Clerk

cc: Counsel of Record
District Court Clerk
M & M Reporting

Bradley J. Stoddard, P.A.
Attorney at Law
110 Wallace Avenue
P.O. Box 896
Coeur d'Alene, ID 83816-0896
(208) 765-5797
ISB # 3132

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant-Appellant,) Docket No. 30719
) Ref. No. 02S-155
)
 vs.) **AFFIDAVIT OF SERVICE**
)
 THE BUNKER HILL COMPANY, Self-)
 Insured Employer,)
)
 Defendant-Respondent,)
)
 and)
)
 GULF USA CORPORATION and)
 PINTLAR CORPORATION,)
)
 Interested Parties-Respondents.)
 _____)

STATE OF IDAHO)
)SS
COUNTY OF KOOTENAI)

AFFIDAVIT OF SERVICE - 1

21

I, BRADLEY J. STODDARD, Attorney at Law, being first duly sworn under oath,
deposes and states:

1) That I am over the age of 18 years, I am mentally competent and able to read and write
in the English language;

2) That I caused a true and exact copy of the Amended Order Conditionally Granting
Motion For Order To Withdraw As Attorney For Respondent, a copy of which is attached hereto,
to be served upon the following, via first class mail postage pre-paid and U.S. Certified Mail,
postage pre-paid this 27th day of July, 2004:

Mr. Jerome Shulkin
425 Pike Street, Suite 610
Seattle, WA 98101

Y

Certified mail, postage prepaid
7003 3110 0005 9278 4138

Mr. Jack Kendrick
3910 E. 48th Avenue
Spokane, WA 99223


X

Certified mail, postage prepaid
7003 3110 0005 9278 4152

Bunker Ltd. Partnership
P.O. Box 53
Cataldo, ID 83810-0053


X

Certified mail, postage prepaid
7003 3110 0005 9278 4121

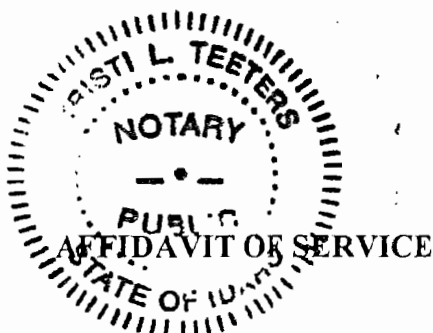


Bradley J. Stoddard

Subscribed and sworn to me this 27th day of July, 2004.



Notary Public for the State of Idaho
Residing at: Coeur d'Alene ID
My Commission Expires: 1/24/06

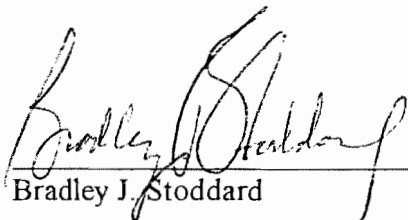


CERTIFICATE OF MAILING

I hereby certify that I caused to be mailed a true and correct copy of the above and foregoing instrument by placing the same in the U.S. Mail postage pre-paid on the 27th day of July, 2004, to the following:

John J. Rose, Jr.
Attorney at Law
708 W. Cameron
Kellogg, ID 83837

Tom E. Dvorak
Jessica M. Borup
Givens Pursley
277 N. 6th Street, Suite 200
P.O. Box 2720
Boise, ID 83701-2720


Bradley J. Stoddard

43

IDAHO SUPREME COURT



IDAHO COURT OF APPEALS

Clerk of the Courts
(208) 334-2210

JULY 29, 2004

P. O. Box 83720
Boise, Idaho 83720-0101

BRADLEY J. STODDARD
PO BOX 896
COEUR D ALENE ID 83816

DOCUMENT FILED

Docket No. (App) FRANK, PAUL E.
 V.
30719 (Res) THE BUNKER HILL COMPANY

DC Docket #
80-341382

Be advised that the following document was filed in this office
on JULY 29, 2004 by RESPONDENT.

(1) AFFIDAVIT OF SERVICE.

S01/03397 D04 / JJ 10:33:00

For the Court:
FREDERICK C LYON
Clerk of the Courts

24

FAX TRANSMISSION

JOHN ROSE, JR.

John J. Rose, Jr. PC
708 W. Cameron Ave.
Kellogg, Idaho 83837
(208) 783-3501
Fax: (208) 786-8005

INDEXED
JAN 17 2007
FILING

To: Carol, Idaho Industrial Comm. **Date:** January 17, 2007
Fax #: 208.332.7558 **Pages:** 3, including this cover sheet.
From: JOHN J. ROSE, JR.
Subject: Frank v. Bunker Hill

WARNING: Unless otherwise indicated, the information contained in this facsimile message is information protected by the attorney-client and/or attorney-work product privileges. It is intended only for the individual named above, and the privileges are not waived by virtue of this having been sent by facsimile. If the reader of this facsimile, or the employee or agent responsible to deliver it to the named recipient, is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. We will promptly reimburse you for the telephone and postage expenses. Thank you.

COMMENTS: Thank you for calling. My unavailable dates for Feb., March, are included with this fax. April is open at this time. I would suggest a March or April date. I will need some advance time for preparation. Jack

25

Law Office of John J. Rose, Jr.
FEBRUARY 2007

For: All People; No reminders

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22 (partial)	23 (partial)	24
25	26	27	28			

January 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

MARCH 2007

For: All People; No reminders

Sunday

Monday

Tuesday

Wednesday

Thursday

Friday

Saturday

				1 	2	3
4	5 	6	7	8 	9 	10
11	12 	13	14	15	16	17
18	19	20	21 	22 	23 	24
25	26	27	28	29	30	31

February 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2007

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

27

FAX TRANSMISSION

LEON COFFEE CO

John J. Rose, Jr. PC
708 W. Cameron Ave.
Kellogg, Idaho 83837
(208) 783-3501
Fax: (208) 786-8005

To: Carol, Idaho Industrial Comm. **Date:** January 17, 2007
Fax #: 208.332.7558 **Pages:** 2, including this cover sheet.
From: JOHN J. ROSE, JR.
Subject: Frank v. Bunker Hill

WARNING: Unless otherwise indicated, the information contained in this facsimile message is information protected by the attorney-client and/or attorney-work product privileges. It is intended only for the individual named above, and the privileges are not waived by virtue of this having been sent by facsimile. If the reader of this facsimile, or the employee or agent responsible to deliver it to the named recipient, is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. We will promptly reimburse you for the telephone and postage expenses. Thank you.

COMMENTS: A revised February callander is attached. My February 6, hearing was not on the callander I sent earlier. Jack

RECEIVED
JAN 17 2007
FILING

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
Claimant,)
)
v.)
)
THE BUNKER HILL COMPANY,)
)
Employer,)
)
and)
)
GULF USA CORPORATION and)
PINTLAR CORPORATION,)
)
Defendants.)
_____)

IC 1980-341382

NOTICE OF HEARING

FILED

JAN 24 2007

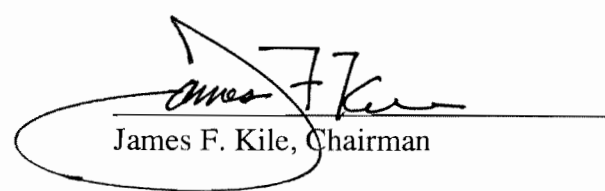
INDUSTRIAL COMMISSION

NOTICE IS HEREBY GIVEN that a hearing will be held in the above-entitled matter on **APRIL 17, 2007 at 10:00 a.m., Pacific Time, for one-half day**, in the Industrial Commission field office, 1111 Ironwood Drive, Suite A, City of Coeur d'Alene, County of Kootenai, State of Idaho, on the following issues:

1. Whether and to what extent Claimant is entitled to medical care benefits, including future medical care benefits, in excess of the \$10,633.25 offset amount.

DATED this 24th day of January, 2007.

INDUSTRIAL COMMISSION


James F. Kile, Chairman

CERTIFICATE OF SERVICE

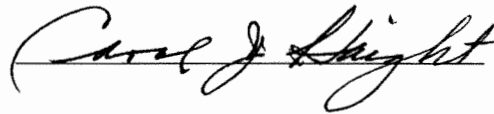
I hereby certify that on the 24th day of January, 2007 a true and correct copy of the **NOTICE OF HEARING** was served by United States **Certified Mail** upon each of the following:

JOHN J ROSE JR
708 W CAMERON AVENUE
KELLOGG ID 83837

And by regular United States Mail upon:
M&M COURT REPORTING SERVICES
816 SHERMAN AVE #7
COEUR D'ALENE ID 83814

and by Email to:
INDUSTRIAL COMMISSION FO -- CDA

cjh



BUNKER LIMITED PARTNERSHIP

P. O. Box 53
Cataldo, Idaho 83810
Telephone (208) 682-3126

February 7, 2007

IDAHO INDUSTRIAL COMMISSION
317 Main Street
Statehouse Mail
Boise, Idaho 83720

Re: Paul E. Frank v. The Bunker Hill Company, and Gulf USA Corporation
and Pintlar Corporation


Gentlemen:

An Order On Remand and Remittitur filed December 21, 2006 with the Industrial Commission on the above case was forwarded to us by Bradley J. Stoddard, attorney. Mr. Stoddard no longer represents Bunker Limited Partnership. In the future, any information to be provided on this case to Bunker Limited Partnership should be sent directly to the company address at P. O. Box 53, Cataldo, Idaho 83810.

Bunker Limited Partnership's bankruptcy, which is closed, is survived by a \$40,000 trust. The income from the trust, to the extent it can, is used to pay qualified ongoing medical expenses for Workmen's Compensation claimants of The Bunker Hill Company. Details of this provision have been provided to the Industrial Commission and should be a part of your file.

Very truly yours,

BUNKER LIMITED PARTNERSHIP
By BH Properties, Inc., General Partner


Norma J. Nelson
Executive Assistant

2007 FEB 12 A 11:21
RECEIVED
INDUSTRIAL COMMISSION

**BUNKER
LIMITED
PARTNERSHIP**

~~435 E. Cameron Avenue, Kellogg, Idaho 88837-2053~~
PO Box 53, Cataldo ID 83810

ESPIONAGE ACT, 1879

07 FEB 2007 11:21



IDAHO INDUSTRIAL COMMISSION
317 MAIN ST
STATEHOUSE MAIL
BOISE ID 83720

RECEIVED
IDAHO INDUSTRIAL COMMISSION
FEB 12 A 11: 21

83720*0000



MS

Burke, Dena

From: Norma [amron@cebridge.net]
Sent: Friday, April 13, 2007 11:38 AM
To: Burke, Dena
Subject: Read: PAUL FRANK case



ATT83589.txt

This is a receipt for the mail you sent to
<amron@cebridge.net> at 4/13/2007 10:37 AM

This receipt verifies that the message has been displayed on the recipient's computer at
4/13/2007 10:38 AM

Burke, Dena
From: Burke, Dena
Sent: Friday, April 13, 2007 11:37 AM
To: 'amron@cebridge.net'
Subject: PAUL FRANK case

See notice of hearing below:

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant,)
)
 v.)
)
 THE BUNKER HILL COMPANY,)
)
 Employer,)
)
 and)
)
 GULF USA CORPORATION and)
 PINTLAR CORPORATION,)
)
 Defendants.)
 _____)

IC 1980-341382

NOTICE OF HEARING

FILED JAN 24 2007
INDUSTRIAL COMMISSION

NOTICE IS HEREBY GIVEN that a hearing will be held in the above-entitled matter on **APRIL 17, 2007 at 10:00 a.m., Pacific Time, for one-half day**, in the Industrial Commission field office, 1111 Ironwood Drive, Suite A, City of Coeur d'Alene, County of Kootenai, State of Idaho, on the following issues:

1. Whether and to what extent Claimant is entitled to medical care benefits, including future medical care benefits, in excess of the \$10,633.25 offset amount.

DATED this 24TH day of JANUARY, 2007.

INDUSTRIAL COMMISSION

/S/ _____
James F. Kile, Chairman

CERTIFICATE OF SERVICE

I hereby certify that on the 24TH day of JANUARY, 2007 a true and correct copy of the **NOTICE OF HEARING** was served by United States **Certified Mail** upon each of the following:

JOHN J ROSE JR
708 W CAMERON AVENUE
KELLOGG ID 83837

And by regular United States Mail upon:
M&M COURT REPORTING SERVICES
816 SHERMAN AVE #7
COEUR D'ALENE ID 83814

and by Email to:
INDUSTRIAL COMMISSION FO -- CDA

cjh

E-MAILED TO : BUNKER LIMITED PARTNERSHIP at: amron@cebridge.net on
4/13/07 by dkb

Burke, Dena

From: Postmaster
Sent: Friday, April 13, 2007 11:38 AM
To: Burke, Dena
Subject: Delivery Status Notification (Relay)



ATT83538.txt



PAUL FRANK case

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

amron@cebridge.net

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant,)
)
 v.)
)
 THE BUNKER HILL COMPANY,)
)
 Employer,)
)
 and)
)
 GULF USA CORPORATION and)
 PINTLAR CORPORATION,)
)
 Defendants.)
 _____)

IC 1980-341382

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of May, 2007 a true and correct copy of the **Hearing Transcript for the 4/17/07 hearing** was served by regular United States Mail upon:

JOHN J ROSE JR
708 W CAMERON AVENUE
KELLOGG ID 83837

cjh

Carol J Haight

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB 2094

Attorney for Claimant

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,	]	No. IC 80-341382
]	
Plaintiff,]	
vs.	]	MOTION FOR EXTENSION OF TIME
	]	TO FILE AFFIDAVIT OF ROBERT
THE BUNKER HILL COMPANY,	]	NONINI AND MEMORANDUM TO
	]	COMMISSION
Defendant.]	

Claimant moves the Commission for an extension of time of 30 days to file the affidavit of Robert Nonini concerning cost of future insurance and memorandum to the Commission.

This motion is made in and for the reason Mr. Nonini requires additional time to compile the expected cost.

This motion is further made because said figures are required to compile the memorandum explaining the relief requested by Mr. Frank. Said memorandum was requested at the conclusion of the


1. MOTION FOR EXTENSION OF TIME TO FILE AFFIDAVIT OF ROBERT NONINI AND MEMORANDUM TO COMMISSION

hearing held April 17, 2007.

Mr. Frank is submitting concurrently with this motion the affidavit of Terry Spohr, PA, concerning past medical expense and future care required by Mr. Frank.

This motion is further supported by the records files and pleadings herein.

DATED this 17 day of May 2007.




John J. Rose, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 17 day of May 2007.

Clerk of the Commission
Idaho Industrial Commission
PO Box 83720
Boise, Idaho 83720-0041

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE



2. MOTION FOR EXTENSION OF TIME TO FILE AFFIDAVIT OF ROBERT NONINI AND MEMORANDUM TO COMMISSION

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB 2094

Attorney for Claimant

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,	]	No. IC 80-341382
]	
Plaintiff,]	
]	
vs.	]	AFFIDAVIT OF TERRY SPOHR
]	
THE BUNKER HILL COMPANY,]	
]	
Defendant.]	

STATE OF IDAHO)
) ss.
County of Shoshone)

Terry Spohr, being duly sworn, deposes and says:

I'm a licensed physicians assistant in Idaho and work with Frederick R. Haller, MD. I am personally familiar with the physical condition of Paul E. Frank. I have assisted in the medical management of the injuries Mr. Frank suffered as a result of his industrial injury since October 1999.

Mr. Frank's physical condition continues to deteriorate at an accelerated rate because of his industrial injury. Mr. Frank suffers severe back, neck, and mussel pain as a result of his

1. AFFIDAVIT OF TERRY SPOHR

42

industrial accident. The injuries interfere with every aspect of Mr. Frank's life. Mr. Frank takes the maximum dosage of medications to deal with his pain.

I have reviewed the Summary of Medical Expenses for Mr. Frank for the period of October 1985 through September 1993. I believe those expenses were required to provide for the care of Mr. Frank's industrial injury. I also reviewed the records of Kohal Pharmacy and Gary's Pharmacy and believe those medications are required for the care of Mr. Frank's industrial injury. Said documents are attached hereto.

Mr. Frank's medical condition requires continuing care and will require care for the remainder of his life. The care will include regular consultations with medical care providers, regular medication, regular cortisone injections, regular diagnostic testing, and possible surgery.

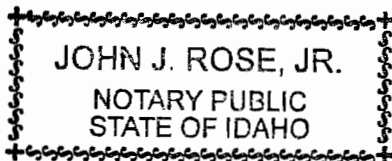
In my opinion Mr. Frank should be specifically insured for providing for the care of his industrial injury. The care required is beyond what would be provided by a normal family medical plan.

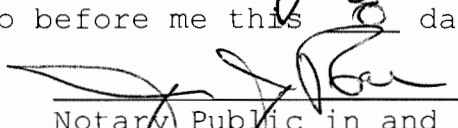
DATED this 8th day of May 2007.



Terry Spohr, E.A.

Subscribed and sworn to before me this 8th day of May 2007.





Notary Public in and for the
State of Idaho, residing at:

Wallace
Commission expires 5/22/2012

2. AFFIDAVIT OF TERRY SPOHR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 17 day of May 2007.

Clerk of the Commission
Idaho Industrial Commission
PO Box 83720
Boise, Idaho 83720-0041

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE

A handwritten signature in black ink, appearing to read "Terry Spohr", is written over a horizontal line.

3. AFFIDAVIT OF TERRY SPOHR

SUMMARY-MEDICAL EXPENSES
 PAUL FRANK
 October 1985 thru 20 September 1993

DR. STOUT	\$ 35.00
LINDE HOME CARE	158.03
ORTHOPEDIC X-RAY	226.00
SCHINDLER'S	65.60
SILVERTON CLINIC	225.00
DR. HOPWOOD	2,544.85
DR. JOY	79.44
HENRY L. DAY MED. CENTER	295.00
CNS MEDICAL GROUP	91.00
DR. VERHOOGEN	299.00
PINEHURST CHIROPRACTIC CLINIC	115.00
COEUR D ALENE PHYSICAL THERAPY	991.50
CRAIG HOSPITAL	3,722.39
DR. HALLER	26.00
SACRED HEART MEDICAL CENTER	1,277.34
DR. SHANKS	635.00
DR. GERBER	185.00
RADIOLOGY IMAGING ASSOCIATES, P.C.	283.00
SPOKANE RADIOLOGY ASSOCIATES	432.00
SHOSHONE MEDICAL CENTER	38.00
Northwest Orthopaedic	32.00
Neurological Assoc. of Spokane	185.00
Gene Suzuki RPT	33.00
SUBTOTAL	\$11,974.15
MEDS.	<u>\$2,539.01</u>
TOTAL	<u>\$14,513.16</u>

MEDICAL EXPENSES
 Paul Frank
 Updated 6 August 1992

<u>DATE</u>	<u>SERVICE PROVIDED</u>	<u>BILLED AMOUNT</u>	<u>CG PAID</u>	<u>BC PAID</u>
Ronald M. Stout, M.D.				
11-25-86	O.V.	\$ 35.00		
Linde Home Care				
01-15-87	Tens Unit Rental	\$ 158.03		
Orthopedic X-ray				
08-04-88	X-ray	\$ 68.00		
	X-ray	59.00		
	X-ray	58.00		
	X-ray	<u>41.00</u>		
		\$ 226.00		
Schindlers, Inc.				
12-02-86	Sacro Iliac brace	\$ 65.60		\$31.60
Silverton Medical Clinic				
10-03-85	O.V.	\$ 22.00		
03-24-86	O.V.	24.00		
4-9-87	O.V.	24.00	\$ 14.00	
04-19-88	O.V.	30.00		
03-02-89	O.V.	26.00		
05-12-89	O.V.	26.00	23.40	
05-12-89	Misc. meds.	10.50	10.50	
05-01-90	O.V.	26.00		
05-23-90	O.V.	<u>36.50</u>		
		\$ 225.00		
Donald M. Hopwood, M.D.				
06-23-86	Complicated consult	\$ 200.00	\$	\$
08-04-86	90070	48.00		38.40
12-02-86	99025	29.00		23.20
	20610(1)	50.00		50.00
	20550(6)	75.00		75.00
	90782(52)	1.00		1.00
	90782(09)	10.00		10.00
	90782(45)	4.00		4.00
	90782(50)	5.00		5.00
	90782(42)	15.00		15.00

12-16-86	99025	29.00	23.20
	20550(8)	85.00	85.00
	90782(50)	5.00	5.00
	90782(44)	2.00	2.00
	90782(45)	4.00	4.00
	90782(42)	15.00	15.00
	90782(8)	10.00	10.00
12-16-86	97124	33.00	26.40
01-09-87	99025	29.00	23.20
	20610(1)	50.00	50.00
	20550(6)	75.00	75.00
	97260	25.00	20.00
	90782(52)	1.00	1.00
	90782(45)	4.00	4.00
	90782(50)	5.00	5.00
	90782(42)	15.00	15.00
	90782(09)	10.00	10.00
01-27-87	99025	29.00	23.20
	20610	50.00	50.00
	20550	75.00	75.00
	90782	1.00	1.00
	90782	1.50	1.50
	90782	4.75	4.75
	90782	10.00	10.00
02-16-87	99025	29.00	23.30
	20610(1)	50.00	50.00
	20550(6)	75.00	75.00
	90782(46)	1.00	1.00
	90782(45)	3.00	3.00
	90782(42)	15.00	15.00
	90782(09)	10.00	10.00
03-09-87	20550(18)	85.00	68.00
	90782(50)	5.00	
	90782(42)	15.00	
	90782(46)	1.00	
	90782(45)	3.00	
	90782(09)	10.00	
	99025	29.00	23.30
05-11-87	90050	25.00	
06-02-87	97260	25.00	
	99025	29.00	
11-05-87		29.00	
		35.00	
06-15-88	97260	25.00	13.60
	97261	10.00	
	90030	13.00	
07-26-88	20550(8)	85.04	
	97260	25.00	
	97261	20.00	
	90784	10.00	
	99070(18)	.35	
	99070(42)	1.05	

	99070(45)	.75		
	99070(56)	.45		
11-21-88	20610(1)	50.00	25.00	20.00
	20550(4)	65.00	15.00	15.00
	97260	25.00	22.50	3.85
	90784	10.00		10.00
	90030	13.00	11.70	13.00
	90070(17)	.25	Paid 4.95	5.50
	90070(58)	3.00	of	
	90070(42)	1.05	\$5.50	
	90070(45)	.75		
	90070(56)	.45		
12-13-88	20610(2)	50.00		
	20550(6)	75.00		
	97260	25.00		
	90784	10.00		
	90030	13.00		
	99070(60)	.56		
	99070(42)	1.05		
	99070(45)	.75		
	99070(56)	.45		
12-22-88	20610(1)	50.00		
	20500(6)	75.00		
	97260	25.00		
	90784	10.00		
	90030	13.00		
	90070(18)	.35	Paid	315.32
	99070(42)	1.05	of	
	99070(50)	.15	\$350.36	
01-06-89	20610(2)	75.00	75.00	30.00
	20550(5)	72.00	25.00	28.80
	90782	8.00	7.20	
	90784	10.00	9.00	
	90030	13.00	11.70	
	99070(8)	.35		
	99070(42)	1.05	Paid 2.34	
	99070(56)	.45	of	
	99070(45)	.75	2.60	
01-19-89	20610(1)	50.00	50.00	
	20550(6)	75.00	30.00	
	97260	25.00	25.00	
	90784	10.00		
	90030	13.00		
	99070(17)	.25		
	99070(42)	1.05		
	99070(56)	.45		
	99070(45)	.75		

Dr. Hopwood Total

\$2,544.85

James Joy, O.D.

07-25-89	O.V.	\$ 37.44	\$ 37.44
05-13-91	O.V.	<u>42.00</u>	42.00
		\$ 79.44	

Henry L. Day

11-01-88	Physical Therapy to 11-16-88	\$ 295.00	\$265.50	\$ 29.50
----------	---------------------------------	-----------	----------	----------

Alex R. Verhoogen, M.D.

08-04-88	X-ray	\$ 226.00	\$226.00	
	Office Visit	40.00		\$ 40.00
10-02-90	Limited O.V.	<u>33.00</u>		
		\$ 299.00		

Pinehurst Chiropractic Clinic

08-17-90	O.V., exam, manip., x-ray	\$ 85.00		
08-20-90	O.V., manip., ultrasound	<u>30.00</u>		
		\$ 115.00		

Coeur d'Alene Physical Therapy, Gary Bartoo

10-26-90	97700	\$ 30.00	\$ 38.25
	97701	12.50	
10-30-90	97010	9.50	
	97139(ST)	28.50	
11-10-90	97010	9.50	\$ 171.00
	97110	9.50	118.80
	97124	9.50	76.95
	97145	9.50	85.50
11-06-90	97010	9.50	76.95
	97110	9.50	68.40
	97124	9.50	34.20
	97128	9.50	29.70
11-08-90	97010	9.50	68.40
	97110	9.50	34.20
	97124	9.50	
	97128	9.50	
11-12-90	97010	9.50	
	97110	9.50	
	97124	9.50	
	97128	9.50	
	99070SI	56.00	
11-16-90	97010	9.50	
	97110	9.50	
	97124	9.50	
	97128	9.50	
11-20-90	97010	9.50	
	97110	9.50	
	97124	9.50	
	97128	9.50	

11-27-90	97010	9.50	\$ 162.45	\$18.05
	97110	9.50	Paid on billings for	
	97124	9.50	11-27 thru 12-07	
	97128	9.50		
11-30-90	97010	9.50		
	97124	9.50		
	97530	28.50		
12-04-90	97010	9.50		
	97124	9.50		
	97530	28.50		
12-07-90	97010	9.50		
	97124	9.50		
	97530	28.50		
12-11-90	97010	9.50	\$ 179.55	\$ 19.95
	97124	9.50	Paid on billings for	
	97530	28.50	12-11-90 thru 12-28-	
90				
12-14-90	97010	9.50		
	97110	9.50		
	97124	9.50		
	97128	9.50		
12-18-90	97010	9.50		
	97110	9.50		
	97124	9.50		
	97128	9.50		
12-21-90	97010	9.50		
	97110	9.50		
	97124	9.50		
	97128	9.50		
12-28-90	97010	9.50		
	97139	28.50		
01-04-91	97010	9.50	\$ 29.70	
	97110	9.50	Paid on billings for	
	97530	28.50	01-04-91	
01-11-91	97010	9.50		
	97110	9.50	\$ 68.40	
	97128	9.50	Paid on billings for	
	97145	9.50	01-11-19 thru 01-14-	
91				
01-14-91	97010	9.50		
	97110	9.50		
	97124	9.50		
	97128	9.50		
01-18-91	97010	9.50		
	97110	9.50		
	97128	9.50		
	97145	9.50		
01-22-91	97010	9.50		
	97110	9.50		
	97124	9.50		
	97128	9.50		
	97145	9.50		

01-25-91	97010	9.50	\$ 34.20
	97110	9.50	Paid on billings for
	97124	9.50	01-25-91
	97128	9.50	
Cd'A Physical Therapy Total		<u>\$ 991.50</u>	
Craig Hospital			
08-17-92	00270	1.89	
	00300	100.20	
	00424	141.25	
	00434	169.50	
	00510	220.25	
	00612	1728.00	
	00995	105.00	
08-17-92	00300	216.30	
	00320	536.00	
	00340	347.00	
	00510	157.00	
Craig Hospital Total		<u>\$3,722.39</u>	
CNS Medical Group			
08-17-92		36.00	148.00
		55.00	91.00
CNS Medical Group Total		<u>\$ 91.00</u>	
Haller, Frederick, M.D.			
08-08-90	O.V.	\$ 26.00	\$ 13.05
Gerber, Henry W., M.D.			
03-29-91	90620	\$ 185.00	
Shanks, William M., M.D.			
01-31-91	90610	103.00	\$ 388.70
	72110	130.00	Paid on billings for
	72170	55.00	01-31-91 and 02-12-
91	72070	75.00	
02-12-91	90050	40.00	
03-26-91	O.V.	40.00	\$ 161.00
	X-Ray	125.00	Paid on billings for
			03-26-91
09-28-92	99212	32.00	
03-19-93	99211	35.00	

\$ 635.00

Radiology Imaging Associates, P.C.

08-19-92	72146	161.00
	72040	21.00
	72070	21.00
	78704	80.00

\$ 283.00

Spokane Diagnostic Radiology

02-07-91	72131	134.00
	72265	110.00
	62284	188.00

\$ 432.00

Sacred Heart Medical Center

02-07-91	\$1,277.34	\$1245.71
----------	------------	-----------

Shoshone Medical Center

05-13-91	Lab.	\$ 38.00	\$ 38.00
----------	------	----------	----------

Neurological Associates of Spokane \$ 185.00

Gene Suzuki RPT \$ 33.00

Meds.

Haller	Doxycycline-100mg tabs.	\$ 5.00	\$
	Trinalin-tabs	8.09	
	Augementin-250mg tabs.	5.00	
	EES-400mg tabs.	8.00	
	Tagamet-400mg tabs.	20.95	
Spohr	Medrol	5.00	
	Doxycycline	2.00	
Prenger	Amoxil-250mg tabs.	3.00	
Stout	Beconase	57.76	
Hopwood	Tylenol #4 60mg tabs.	46.62	
	Demerol 50 mg tabs.	500.50	
	Tylenol #3	26.62	26.62
	Feldene 20 mg tabs.	179.16	
	Nilstat oral powder	4.00	
Gerber	Soma 350 mg tabs.	39.50	
Shanks	Darvocet-N 100 tabs.	379.00	
	Robaxin 750mg tabs.	185.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	16.70	
	Medrol 4mg Dosepak	15.50	
	Toradol 10mg tablet	51.80	
	Orudis 50mg capsule	57.40	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	33.10	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
	Propoxy-N/APAP 100-650tab	28.00	
Loomis	Tylenol #4 60 mg tabs.	22.50	
	Tylenol #4 60 mg tabs.	61.39	
	Demerol 50 mg tabs.	89.64	
Robey	Feldene 20 mg caps.	8.00	

No doctor listed

53

20220398 pain reliever	8.38
08-13-90 Acetaminophen	<u>85.90</u>
Total for meds.	\$2,539.01

KOHAL PHARMACY 2
740 MCKINLEY AVE
KELLOGG, ID 83837
(208) 786-9303

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

COPY

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
727614	03/28/2006	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY & ALTERNATE	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 30	100.000	0	06087587192500
716272	04/05/2006	ACIPHEX 20MG N/C: MG TABLET DC: 05/03/2006 NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	3	10716272 2006
728276	04/05/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 05/03/2006 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10728276 2006
728277	04/05/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: 09/23/2006 NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 20	60.000	0	06095465748303
728277	05/03/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: 09/23/2006 NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 20	60.000	1	06123707921500
730622	05/03/2006	ACIPHEX 20MG N/C: MG TABLET DC: 11/22/2006 NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	0	10730622 2006
730623	05/03/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 06/03/2006 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10730623 2006
728277	06/02/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: 09/23/2006 NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 20	60.000	2	06153432114801
730622	06/02/2006	ACIPHEX 20MG N/C: MG TABLET DC: 11/22/2006 NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	1	10730622 2006
733203	06/03/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 06/30/2006 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10733203 2006

155

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
734865	06/21/2006	HALFLYTE+BISCODYL TAB KIT	YG	1.000	0	10734865 2006
	N/C:	MG	DISSOLVE			
	DC:	NDC: 52268-0502-01	DR. SARKIS, ANTOINE			
	INSTR:	USE AS DIRECTED	PAT PAY: \$ 20.00		CVG: PRO	
			DAYS: 1			
728277	06/30/2006	ALPRAZOLAM 0.5MG	AK	60.000	3	06181454094401
	N/C: 4	MG	TABLET			
	DC: 09/23/2006	NDC: 00781-1077-05	DR. SPOHR, TERRY			
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	PAT PAY: \$ 7.00		CVG: GULF	
			DAYS: 20			
730622	06/30/2006	ACIPHEX 20MG	AK	30.000	2	10730622 2006
	N/C:	MG	TABLET			
	DC: 11/22/2006	NDC: 62856-0243-30	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	PAT PAY: \$ 20.00		CVG: PRO	
			DAYS: 30			
735695	06/30/2006	OXYCODONE ER 80MG	AK	60.000	0	10735695 2006
	N/C: 2	MG	TABLET			
	DC: 07/28/2006	NDC: 00093-0033-01	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	PAT PAY: \$ 10.00		CVG: PRO	
			DAYS: 30			
727614	07/28/2006	PREDNISONE 10MG TABLET	AK	100.000	1	10727614 2006
	N/C:	10MG	TABLET			
	DC:	NDC: 00677-0698-05	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET EVERY OTHER DAY & ALTERNATE	PAT PAY: \$ 9.10		CVG: PRO	
			DAYS: 30			
728277	07/28/2006	ALPRAZOLAM 0.5MG	AK	60.000	4	06209639130801
	N/C: 4	MG	TABLET			
	DC: 09/23/2006	NDC: 00781-1077-05	DR. SPOHR, TERRY			
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	PAT PAY: \$ 7.00		CVG: GULF	
			DAYS: 20			
730622	07/28/2006	ACIPHEX 20MG	AK	30.000	3	10730622 2006
	N/C:	MG	TABLET			
	DC: 11/22/2006	NDC: 62856-0243-30	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	PAT PAY: \$ 20.00		CVG: PRO	
			DAYS: 30			
738129	07/28/2006	OXYCODONE ER 80MG	AK	60.000	0	10738129 2006
	N/C: 2	MG	TABLET			
	DC: 08/25/2006	NDC: 00093-0033-01	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	PAT PAY: \$ 10.00		CVG: PRO	
			DAYS: 30			
728277	08/25/2006	ALPRAZOLAM 0.5MG	CM	60.000	5	06237489844300
	N/C: 4	MG	TABLET			
	DC: 09/23/2006	NDC: 00781-1077-05	DR. SPOHR, TERRY			
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	PAT PAY: \$ 7.00		CVG: GULF	
			DAYS: 20			
730622	08/25/2006	ACIPHEX 20MG	CM	30.000	4	10730622 2006
	N/C:	MG	TABLET			
	DC: 11/22/2006	NDC: 62856-0243-30	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	PAT PAY: \$ 20.00		CVG: PRO	
			DAYS: 30			
740476	08/25/2006	OXYCODONE ER 80MG	CM	60.000	0	10740476 2006
	N/C: 2	MG	TABLET			
	DC: 09/23/2006	NDC: 00093-0033-01	DR. SPOHR, TERRY			
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	PAT PAY: \$ 10.00		CVG: PRO	
			DAYS: 30			

54

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK

BOX 833

KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
730622	09/22/2006	ACIPHEX 20MG N/C: MG DC: 11/22/2006 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	YG DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	5	10730622 2006
742889	09/23/2006	OXYCODONE ER 80MG N/C: 2 MG DC: 11/22/2006 INSTR: TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	YG DR. REED, SCOTT PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10742889 2006
742890	09/23/2006	ALPRAZOLAM 0.5MG N/C: 4 MG DC: 10/25/2006 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	YG DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	0	06266441993201
730622	10/24/2006	ACIPHEX 20MG N/C: MG DC: 11/22/2006 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	6	10730622 2006
745742	10/25/2006	ALPRAZOLAM 0.5MG N/C: 4 MG DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	0	06298613515304
745743	10/25/2006	CYMBALTA 60MG CAP N/C: MG DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	0	10745743 2006
727614	11/22/2006	PREDNISON 10MG TABLET N/C: 10MG DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	2	10727614 2006
745743	11/22/2006	CYMBALTA 60MG CAP N/C: MG DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	1	10745743 2006
748296	11/22/2006	OXYCODONE ER 80MG N/C: 2 MG DC: 12/22/2006 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10748296 2006
748297	11/22/2006	ACIPHEX 20MG N/C: MG DC: NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	0	10748297 2006
750001	12/12/2006	PROMETHAZINE 25 N/C: MG DC: NDC: 00781-1330-10 INSTR: TAKE ONE TABLET THREE TIMES DAILY AS NEEDED FOR	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 30	90.000	0	06346699218705

15

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
727614	12/21/2006	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	3	10727614 2006
745742	12/21/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	1	06355554390200
745743	12/21/2006	CYMBALTA 60MG CAP N/C: MG CAPSULE DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	2	10745743 2006
748297	12/21/2006	ACIPHEX 20MG N/C: MG TABLET DC: NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	1	10748297 2006
750993	12/22/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 01/31/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10750993 2006
751519	12/28/2006	CICLOPROX CREAM 0.77% N/C: GM APPLY DC: NDC: 00168-0313-30 INSTR: APPLY SPARINGLY TO INVOLVED SKIN AREAS OF GROIN	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 15	60.000	0	06362691045400
754546	01/18/2007	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 02/22/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10754546 2007
756619	02/22/2007	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 03/20/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10756619 2007
758369	03/13/2007	PENICILLIN-VK 500MG N/C: 500MG TABLET DC: NDC: 00781-1655-10 INSTR: TAKE ONE TABLET 4 TIMES A DAY ...TAKE UNTIL GONE	AK DR. BELKMAP, STEVE PAT PAY: \$ 7.00 DAYS: 4	30.000	0	07072502367802
727614	03/20/2007	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	4	10727614 2007
745742	03/20/2007	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	2	07079439134004

58

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
745743	03/20/2007	CYMBALTA 60MG CAP	AK	30.000	3	10745743 2007
	N/C:	MG	DR. SPOHR, TERRY			
	DC:	NDC: 00002-3237-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE CAPSULE ONCE DAILY	DAYS: 30			
748297	03/20/2007	ACIPHEX 20MG	AK	30.000	2	10748297 2007
	N/C:	MG	DR. SPOHR, TERRY			
	DC:	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			

TOTAL PATIENT PAY AMOUNT FOR PRESCRIPTIONS LISTED: \$563.50

GRAND TOTAL: \$563.50

59

GARYS PHARMACY @ YOKES #5
117 N HILL ST
KELLOGG ID 83837

TAX ID:

PH# 208-682-2127

RECORD OF PRESCRIPTIONS FOR:

PAGE 1

PAUL FRANK
PO BOX 833
KELLOGG ID 83837
208-753-5941

BIRTH DATE: 3-05-46

COPY

RX #	DATE	BILL	DRUG	RPH	QTY	RFL
01092225R	5-24-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	GD	270	1
			\$21.00	DR.SPOHR,		TERRY-PAC
01097416	5-24-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	GD	540	
			\$21.00	DR.SPOHR,		TERRY-PAC
01097417	5-24-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	GD	96	
			\$42.00	DR.SPOHR,		TERRY-PAC
01092225R	8-18-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	LMF	270	2
			\$21.00	DR.SPOHR,		TERRY-PAC
01097416R	8-18-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	LMF	540	1
			\$21.00	DR.SPOHR,		TERRY-PAC
01097417R	8-18-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	LMF	96	1
			\$42.00	DR.SPOHR,		TERRY-PAC
01092225R	11-20-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	GD	270	3
			\$21.00	DR.SPOHR,		TERRY-PAC
01097416R	11-20-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	GD	540	2
			\$21.00	DR.SPOHR,		TERRY-PAC
01097417R	11-20-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	GD	96	2
			\$42.00	DR.SPOHR,		TERRY-PAC
01097417R	3-07-07	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	LMF	96	3
			\$42.00	DR.SPOHR,		TERRY-PAC
01113323	3-07-07	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	LMF	270	
			\$21.00	DR.SPOHR,		TERRY-PAC
01113324	3-07-07	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	LMF	540	
			\$21.00	DR.SPOHR,		TERRY-PAC

TOTAL COST OF PRESCRIPTIONS LISTED: \$336.00

60

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB 2094

Attorney for Claimant

FILED
MAY 29 2007
INDUSTRIAL COMMISSION

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,	]	No. IC 80-341382
]	
Plaintiff,]	
vs.	]	ORDER EXTENDING TIME
	]	TO FILE AFFIDAVIT OF ROBERT
THE BUNKER HILL COMPANY,	]	NONINI AND MEMORANDUM TO
	]	COMMISSION
Defendant.]	

Claimant having moved the Commission for an extension of 30 days to file the affidavit of Robert Nonini concerning cost of future insurance and memorandum to the Commission, and good cause appearing therefore;

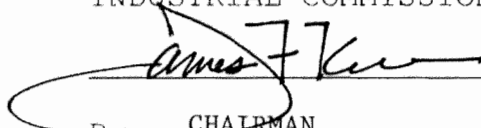
IT IS HEREBY ORDERED THAT, Claimant is granted an extension of time until June 17, 2007 to file the affidavit of Robert Nonini and memorandum in support of relief requested.

1. EXTENDING TIME TO FILE AFFIDAVIT OF ROBERT NONINI AND MEMORANDUM TO COMMISSION

6

DATED this 29th day of May 2007.

INDUSTRIAL COMMISSION


By: CHAIRMAN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 29th day of May 2007.

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE



2. EXTENDING TIME TO FILE AFFIDAVIT OF ROBERT NONINI AND MEMORANDUM TO COMMISSION

Law Office of

JOHN J. ROSE, Jr., P.C.

708 W. CAMERON AVE.
KELLOGG, IDAHO 83837

TELEPHONE: (208) 783-3501
FAX: (208) 786-8005

June 16, 2007

Clerk of the Commission
Idaho Industrial Commission
PO Box 83720
Boise, Idaho 83720-0041

Re: Frank v. Bunker Hill, IC 80-341382

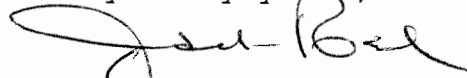
Dear Clerk:

Enclosed please find the following:

Memorandum Re: Offset and Cost of Medical Care, and
Affidavit of Robert P. Nonini.

Please file the affidavit and memorandum.

Very truly yours,


John J. Rose, Jr.

Enc.
pc. Paul Frank

RECEIVED
INDUSTRIAL COMMISSION
JUN 18 A 10:24

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB 2094

Attorney for Claimant

RECEIVED
INDUSTRIAL COMMISSION
JUN 18 A 11 24

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,	]	No. IC 80-341382
]	
Plaintiff,	]	MEMORANDUM RE: OFFSET
vs.	]	AND COSTS OF MEDICAL CARE
]	
THE BUNKER HILL COMPANY,]	
]	
Defendant.]	

The Commission requested a statement concerning the relief Mr. Frank requested. The record was held open for the submission of an affidavit from Terry Spohr, P.A., concerning the necessity of the care included in Mr. Frank's request for offset and needs for future medical care. The record was held open for the submission of an affidavit from Robert P. Nonini, LUTCF, concerning the expected cost to insure Mr. Frank for the care of his industrial injuries. Those affidavits have been filed.

One issue identified for resolution was the offset Mr. Frank

1. MEMORANDUM RE: OFFSET AND COSTS OF MEDICAL CARE

has against the overpayment of benefits in the amount of \$10,633.25. Mr. Frank submitted exhibit four which is a list of actual expenditures for the care of his industrial injury and covering the period of October 1985 through September 1993. The affidavit of Terry Spohr, P.A., establishes the expenditures were necessary for the care of Mr. Frank's industrial injury. Said expenditures were in the amount of \$14,513.16 and leaves \$3,879.91 owing to Mr. Frank.

It is, and was, the employer's responsibility to provide reasonable care for Mr. Frank's injuries. I.C. 72-432 (1) provides that when the employer fails to provide the services, the employee may do so at the expense of the employer. Insurance to provide for Mr. Frank's care is the only reasonable means Mr. Frank has to provide for that care.

Because of Gulf Resources (Pintlar's) refusal to pay medical expenses, see exhibit five, Mr. Frank requests reimbursement for his cost of self insurance beginning September 1993. Mr. Frank testified he has paid \$44,225 for his insurance for the period of September 1993 through April 2007.

Mr. Frank should be entitled to the projected cost of medical and prescription insurance for life. The affidavit of Terry Spohr establishes that Mr. Frank will require continuing care of his industrial injury, and medication because of the injury, for the remainder of Mr. Frank's life. The affidavit of Robert P. Nonini

2. MEMORANDUM RE: OFFSET AND COSTS OF MEDICAL CARE

65

establishes the projected cost of medical and prescription insurance for Mr. Frank. Mr. Nonini has segregated the cost for insurance for the period of time prior to age 65 and after. Mr. Frank should not have to rely on the continued life of his wife, the continuation or her eligibility in an insurance plan, or continuation of the marriage and thus receive less than the cost to insure and provide medication for himself.

The following table reflects the amount of judgment against Bunker Hill that is requested.

Excess amounts owed Frank through August 1993 -	\$ 3,789.91
Ins. cost September 1993 through April 2007-	\$ 44,254.00
Ins. cost May 2007 through age 65 (nonsmoker) -	\$105,062.81
Ins. deductible through age 65 -	\$ 4,000.00
Ins. age 65 for 15 yrs at current cost per Nonini affidavit exhibit A.	\$ 29,111.76
Uncovered prescription medication per yr. age 65-80 - \$2,500 per yr. x 15 yrs.	\$ 37,500.00
Mileage - 11,147 mi. @ .30 -	<u>\$ 3,344.10</u>
Total	\$227,062.58

The Commission has authority to award Mr. Frank attorneys fees, and the bad faith of the employer and prerequisites to such an award has been shown by the abandonment of Mr. Frank's case. An award of attorneys fees in the amount of 25% of the judgment are requested. This counsel's fee agreement was previously filed with the Commission. Said fees would be \$56,765.65 for the reimbursement requested and lead to a total judgment against Bunker Hill in the amount of \$283,828.23.


Mr. Frank should be entitled to interest at the statutory rate from the date of judgment.

3. MEMORANDUM RE: OFFSET AND COSTS OF MEDICAL CARE

66

DATED this 16 day of June 2007.

Respectfully submitted




John J. Rose, Jr.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 16 day of June 2007.

Idaho Industrial Commission

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE



4. MEMORANDUM RE: OFFSET AND COSTS OF MEDICAL CARE

67

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 W. Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB 2094

Attorney for Claimant

2007 JUN 18 AM 10: 211
RECEIVED
INDUSTRIAL COMMISSION

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,] No. IC 80-341382
]]
]] Plaintiff,
]]]
]]] vs.
]]]] AFFIDAVIT OF ROBERT P. NONINI
THE BUNKER HILL COMPANY,]]]
]]]]]
]]]]] Defendant.

STATE OF IDAHO)
) ss.
County of Shoshone)

Robert P. Nonini, being duly sworn, deposes and says:

1. I'm an insurance consultant, licensed agent in the state of Idaho and certified as a LUTCF.

2. I have been informed that Paul Frank suffered a bursting-type fracture of the T-10 vertebrae; fracture of the left femur midshaft; compound fracture of the right tibia and fibula; fracture of the left hemipelvis including the sacroiliac joint; nasal

1. AFFIDAVIT OF ROBERT P. NONINI

fracture; and a deep wound of the left buttock. Some of the injuries were treated the day of the industrial accident, and later several surgeries were performed on some of the fractures, including a spinal fusion. Mr. Frank was held in skeletal traction, and Harrington instrumentation was performed on the vertebral fracture. I understand the Harrington instrumentation was removed.

3. I have further been informed that Mr. Frank's physical condition continues to deteriorate at an accelerated rate because of his industrial injury. Mr. Frank suffers severe back, neck, and mussel pain as a result of his industrial accident. The injuries interfere with every aspect of Mr. Frank's life. Mr. Frank takes the maximum dosage of medications to deal with his pain. I also reviewed records of Kohal Pharmacy and Gary's Pharmacy and have been informed those medications are required for the care of Mr. Frank's industrial injury. Said documents are attached hereto.

4. I have been informed that Mr. Frank defrays the cost of his medical benefits with a Bunker Hill retirement medical benefit that covers approximately 80% of medical and prescription costs and the remainder is by private medical insurance purchased by Mr. Frank, and personally by Mr. Frank. The Bunker Hill retirement plan is a limited fund plan through the U.S. Bankruptcy Court.

5. I have been informed Mr. Frank's medical condition requires continuing care and will require care for the remainder of his

2. AFFIDAVIT OF ROBERT P. NONINI

69

life. The care will include regular consultations with medical care providers, regular medication, regular cortisone injections, regular diagnostic testing, and possible surgery.

6. In my opinion Mr. Frank should be specifically insured for providing for the care of his industrial injury. The care required is beyond what would be provided by a normal family medical plan.

7. My opinion is that Mr. Frank should have \$1,000.00 deductible, preferred provider plan such as offered by Blue Cross of Idaho. The current cost of such a plan is \$1,753.00 per month. The maximum prescription benefit available under such a plan is limited to 50% of the cost with a cap \$1,200.00 per year that will be paid by insurance.

8. It is reasonable to expect an increase of premiums in the amount of 15% per year.

9. Mr. Frank's unadjusted reasonable life expectancy is 19.41 years at the current time.

10. In my opinion \$105,062.81 is the present value of the cost to insure Mr. Frank for medical care and the prescription cost until age 65. At age 65 Mr. Frank would be required to obtain a supplemental Medicare Plan J. The current cost of such a plan is \$130.54 and does not include prescription costs. Attached hereto is a current rate schedule for a medicare supplement plans. In my opinion Mr. Frank should be insured under Plan J. Rate increases for this Plan J insurance is this expected to go up 5% to 7% per

3. AFFIDAVIT OF ROBERT P. NONINI

10

year.

11. At age 65 Mr. Frank would be required to obtain a Medicare Part D supplemental prescription plan from among \$5 stand alone prescription plans in north Idaho. The cost of such plan would be determined at age 65 and Mr. Frank would be required to pay prescription costs between \$2,500.00 and \$5,000.00.

DATED this 15th day of June 2007

Robert P. Nonini

Robert P. Nonini

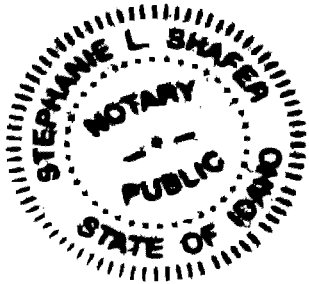
Subscribed and sworn to before me this 15th day of June 2007.

Stephanie Shafer

Notary Public in and for the State of Idaho, residing at:

Coeur d'Alene

Commission expires 12-17-07



4. AFFIDAVIT OF ROBERT P. NONINI

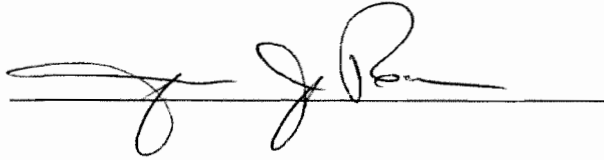
11

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by the method indicated below, and addressed to the following this 16 day of June 2007.

Idaho Industrial Commission

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE

A handwritten signature in black ink, appearing to read "R. P. Nonini", is written over a horizontal line.

5. AFFIDAVIT OF ROBERT P. NONINI

12



Members | Providers | Brokers | Employers

Home | Plans & Benefits | Services | Medicare Supplement

- Home
- Why Choose Classic Blue
- Which Plan is Right for Me
- Outline of Coverage
- Contact Us
- FAQ
- Apply Now
- Classic Blue Dental

Rates are per person, per month.
Effective January 1, 2007 through December 31, 2007.

Age	Classic Blue Plan A Non-Tobacco User	Classic Blue Plan A Tobacco User	Classic Blue Plan C Non-Tobacco User	Classic Blue Plan C Tobacco User	Classic Blue Plan F Non-Tobacco User	Classic Blue Plan F Tobacco User	Classic Blue Plan J Non-Tobacco User	Classic Blue Plan J Tobacco User
Under 65	\$112.14	\$129.02	\$205.27	\$238.20	\$210.22	\$241.04	\$187.10	\$215.33
65	\$77.95	\$89.78	\$142.73	\$164.44	\$148.67	\$168.60	\$130.54	\$150.08
66	\$79.62	\$91.58	\$145.88	\$167.92	\$149.71	\$172.32	\$133.24	\$153.38
67	\$81.32	\$93.59	\$149.03	\$171.52	\$152.88	\$175.91	\$136.05	\$156.57
68	\$83.01	\$95.60	\$152.07	\$175.01	\$156.12	\$179.51	\$138.95	\$159.77
69	\$84.59	\$97.41	\$155.10	\$178.81	\$159.15	\$183.34	\$141.85	\$163.17
70	\$82.87	\$99.32	\$158.13	\$182.10	\$162.42	\$188.94	\$144.55	\$166.38
71	\$87.85	\$101.12	\$161.18	\$185.36	\$165.34	\$190.42	\$147.18	\$169.48
72	\$89.85	\$103.18	\$164.33	\$188.96	\$168.60	\$194.14	\$150.08	\$172.79
73	\$91.22	\$105.06	\$167.25	\$192.44	\$171.75	\$197.82	\$152.88	\$175.89
74	\$92.80	\$106.88	\$170.29	\$195.83	\$174.88	\$201.11	\$155.47	\$179.00
75	\$94.60	\$108.88	\$173.21	\$199.31	\$177.71	\$204.59	\$158.17	\$182.09
76	\$96.28	\$110.80	\$176.47	\$203.02	\$181.09	\$208.42	\$161.17	\$185.50
77	\$98.08	\$112.82	\$179.51	\$206.50	\$184.13	\$212.02	\$163.88	\$188.70
78	\$99.88	\$114.90	\$182.88	\$210.55	\$187.72	\$215.98	\$167.08	\$192.21
79	\$101.68	\$117.09	\$186.15	\$214.26	\$191.10	\$219.78	\$170.08	\$195.81
80	\$103.37	\$119.01	\$189.63	\$218.20	\$194.47	\$223.72	\$173.09	\$199.11
81	\$105.28	\$121.28	\$193.12	\$222.14	\$197.96	\$227.77	\$176.19	\$202.72
82	\$107.42	\$123.61	\$196.72	\$226.41	\$201.87	\$232.15	\$179.49	\$206.82
83	\$109.33	\$125.87	\$200.43	\$230.88	\$205.38	\$236.31	\$182.80	\$210.33
84	\$111.38	\$128.12	\$204.03	\$234.85	\$209.21	\$240.70	\$186.20	\$214.23
85+	\$112.14	\$129.02	\$205.27	\$238.20	\$210.22	\$241.04	\$187.10	\$215.33
Dental Option	\$14.90 per person, per month (effective January 2007)							

Provider Directory

Search

General

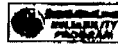
Medicare Advantage

Enter Name

View Complete Formulary

WebSiteNow

Scenarios | Plan Details



73

KOHAL PHARMACY 2

740 MCKINLEY AVE
KELLOGG, ID 83837
(208) 786-9303

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

COPY

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
727614	03/28/2006	PREDNISONE 10MG TABLET	AK	100.000	0	06087587192500
	N/C:	10MG TABLET	DR. SPOHR, TERRY			
	DC:	NDC: 00677-0698-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE ONE TABLET EVERY OTHER DAY & ALTERNATE	DAYS: 30			
716272	04/05/2006	ACIPHEX 20MG	AK	30.000	3	10716272 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 05/03/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
728276	04/05/2006	OXYCODONE ER 80MG	AK	60.000	0	10728276 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 05/03/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			
728277	04/05/2006	ALPRAZOLAM 0.5MG	AK	60.000	0	06095465748303
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
728277	05/03/2006	ALPRAZOLAM 0.5MG	AK	60.000	1	06123707921500
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
730622	05/03/2006	ACIPHEX 20MG	AK	30.000	0	10730622 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 11/22/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
730623	05/03/2006	OXYCODONE ER 80MG	AK	60.000	0	10730623 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 06/03/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			
728277	06/02/2006	ALPRAZOLAM 0.5MG	AK	60.000	2	06153432114801
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
730622	06/02/2006	ACIPHEX 20MG	AK	30.000	1	10730622 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 11/22/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
733203	06/03/2006	OXYCODONE ER 80MG	AK	60.000	0	10733203 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 06/30/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			

74

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
734865	06/21/2006	HALFLYTE+BISCODYL TAB KIT	YG	1.000	0	10734865 2006
	N/C:	MG DISSOLVE	DR. SARKIS, ANTOINE			
	DC:	NDC: 52268-0502-01	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	USE AS DIRECTED	DAYS: 1			
728277	06/30/2006	ALPRAZOLAM 0.5MG	AK	60.000	3	06181454094401
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
730622	06/30/2006	ACIPHEX 20MG	AK	30.000	2	10730622 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 11/22/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
735695	06/30/2006	OXYCODONE ER 80MG	AK	60.000	0	10735695 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 07/28/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			
727614	07/28/2006	PREDNISONE 10MG TABLET	AK	100.000	1	10727614 2006
	N/C:	10MG TABLET	DR. SPOHR, TERRY			
	DC:	NDC: 00677-0698-05	PAT PAY: \$ 9.10		CVG: PRO	
	INSTR:	TAKE ONE TABLET EVERY OTHER DAY & ALTERNATE	DAYS: 30			
728277	07/28/2006	ALPRAZOLAM 0.5MG	AK	60.000	4	06209639130801
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
730622	07/28/2006	ACIPHEX 20MG	AK	30.000	3	10730622 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 11/22/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
738129	07/28/2006	OXYCODONE ER 80MG	AK	60.000	0	10738129 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 08/25/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			
728277	08/25/2006	ALPRAZOLAM 0.5MG	CM	60.000	5	06237489844300
	N/C: 4	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00781-1077-05	PAT PAY: \$ 7.00		CVG: GULF	
	INSTR:	TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	DAYS: 20			
730622	08/25/2006	ACIPHEX 20MG	CM	30.000	4	10730622 2006
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC: 11/22/2006	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			
740476	08/25/2006	OXYCODONE ER 80MG	CM	60.000	0	10740476 2006
	N/C: 2	MG TABLET	DR. SPOHR, TERRY			
	DC: 09/23/2006	NDC: 00093-0033-01	PAT PAY: \$ 10.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	DAYS: 30			

15

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
730622	09/22/2006	ACIPHEX 20MG N/C: MG TABLET DC: 11/22/2006 NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	YG DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	5	10730622 2006
742889	09/23/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 11/22/2006 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY (EVERY 12 HOURS) FOR	YG DR. REED, SCOTT PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10742889 2006
742890	09/23/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: 10/25/2006 NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	YG DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	0	06266441993201
730622	10/24/2006	ACIPHEX 20MG N/C: MG TABLET DC: 11/22/2006 NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	6	10730622 2006
745742	10/25/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	0	06298613515304
745743	10/25/2006	CYMBALTA 60MG CAP N/C: MG CAPSULE DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	0	10745743 2006
727614	11/22/2006	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	2	10727614 2006
745743	11/22/2006	CYMBALTA 60MG CAP N/C: MG CAPSULE DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	1	10745743 2006
748296	11/22/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 12/22/2006 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10748296 2006
748297	11/22/2006	ACIPHEX 20MG N/C: MG TABLET DC: NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	0	10748297 2006
750001	12/12/2006	PROMETHAZINE 25 N/C: MG TABLET DC: NDC: 00781-1830-10 INSTR: TAKE ONE TABLET THREE TIMES DAILY AS NEEDED FOR	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 30	90.000	0	06346699218705

76

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
727614	12/21/2006	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	3	10727614 2006
745742	12/21/2006	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	1	06355554390200
745743	12/21/2006	CYMBALTA 60MG CAP N/C: MG CAPSULE DC: NDC: 00002-3237-30 INSTR: TAKE ONE CAPSULE ONCE DAILY	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	2	10745743 2006
748297	12/21/2006	ACIPHEX 20MG N/C: MG TABLET DC: NDC: 62856-0243-30 INSTR: TAKE ONE TABLET BY MOUTH AT BEDTIME	AK DR. SPOHR, TERRY PAT PAY: \$ 20.00 DAYS: 30	30.000	1	10748297 2006
750993	12/22/2006	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 01/31/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10750993 2006
751519	12/28/2006	CICLOPROX CREAM 0.77% N/C: GM APPLY DC: NDC: 00168-0313-30 INSTR: APPLY SPARINGLY TO INVOLVED SKIN AREAS OF GROIN	AK DR. SPOHR, TERRY PAT PAY: \$ 7.00 DAYS: 15	60.000	0	06362691045400
754546	01/18/2007	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 02/22/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10754546 2007
756619	02/22/2007	OXYCODONE ER 80MG N/C: 2 MG TABLET DC: 03/20/2007 NDC: 00093-0033-01 INSTR: TAKE ONE TABLET TWICE DAILY AS NEEDED FOR PAIN	AK DR. SPOHR, TERRY PAT PAY: \$ 10.00 DAYS: 30	60.000	0	10756619 2007
758369	03/13/2007	PENICILLIN-VK 500MG N/C: 500MG TABLET DC: NDC: 00781-1655-10 INSTR: TAKE ONE TABLET 4 TIMES A DAY ...TAKE UNTIL GONE	AK DR. BELKMAP, STEVE PAT PAY: \$ 7.00 DAYS: 4	30.000	0	07072502367802
727614	03/20/2007	PREDNISONE 10MG TABLET N/C: 10MG TABLET DC: NDC: 00677-0698-05 INSTR: TAKE ONE TABLET EVERY OTHER DAY ALTERNATING	AK DR. SPOHR, TERRY PAT PAY: \$ 8.80 DAYS: 30	100.000	4	10727614 2007
745742	03/20/2007	ALPRAZOLAM 0.5MG N/C: 4 MG TABLET DC: NDC: 00781-1077-05 INSTR: TAKE 1/2 TABLET TO 1 TABLET 2 OR 3 TIMES A DAY AS	AK DR. REED, SCOTT PAT PAY: \$ 7.00 DAYS: 20	60.000	2	07079439134004

FROM: 03/28/2006 THROUGH: 03/28/2007

RECORD OF PRESCRIPTIONS FOR:

PAUL FRANK
BOX 833
KELLOGG, ID 83837

Allergies :

SEX: M

RX#	DATE	ITEM	RPH	QTYD	RFL#	PRIM CAM REF#
745743	03/20/2007	CYMBALTA 60MG CAP	AK	30.000	3	10745743 2007
	N/C:	MG CAPSULE	DR. SPOHR, TERRY			
	DC:	NDC: 00002-3237-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE CAPSULE ONCE DAILY	DAYS: 30			
748297	03/20/2007	ACIPHEX 20MG	AK	30.000	2	10748297 2007
	N/C:	MG TABLET	DR. SPOHR, TERRY			
	DC:	NDC: 62856-0243-30	PAT PAY: \$ 20.00		CVG: PRO	
	INSTR:	TAKE ONE TABLET BY MOUTH AT BEDTIME	DAYS: 30			

TOTAL PATIENT PAY AMOUNT FOR PRESCRIPTIONS LISTED: \$563.50

GRAND TOTAL: \$563.50

78

GARYS PHARMACY @ YOKES #5
117 N HILL ST
KELLOGG ID 83837

TAX ID:

PH# 208-682-2127

RECORD OF PRESCRIPTIONS FOR:

PAGE 1

PAUL FRANK
PO BOX 833
KELLOGG ID 83837
208-753-5941

BIRTH DATE: 3-05-46

COPY

RX #	DATE	BILL	DRUG	RPH	QTY	RFL
01092225R	5-24-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	GD	270	1
			\$21.00	DR.SPOHR, TERRY-PAC		
01097416	5-24-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	GD	540	
			\$21.00	DR.SPOHR, TERRY-PAC		
01097417	5-24-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	GD	96	
			\$42.00	DR.SPOHR, TERRY-PAC		
01092225R	8-18-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	LMF	270	2
			\$21.00	DR.SPOHR, TERRY-PAC		
01097416R	8-18-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	LMF	540	1
			\$21.00	DR.SPOHR, TERRY-PAC		
01097417R	8-18-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	LMF	96	1
			\$42.00	DR.SPOHR, TERRY-PAC		
01092225R	11-20-06	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	GD	270	3
			\$21.00	DR.SPOHR, TERRY-PAC		
01097416R	11-20-06	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	GD	540	2
			\$21.00	DR.SPOHR, TERRY-PAC		
01097417R	11-20-06	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	GD	96	2
			\$42.00	DR.SPOHR, TERRY-PAC		
01097417R	3-07-07	UDI	COUMADIN 3MG 00056-0188-70 DS: 90	LMF	96	3
			\$42.00	DR.SPOHR, TERRY-PAC		
01113323	3-07-07	UDI	TIZANIDINE HCL 4 MG 55111-0180-15 DS: 90	LMF	270	
			\$21.00	DR.SPOHR, TERRY-PAC		
01113324	3-07-07	UDI	ACETAMINOPHEN/CODEINE 300/60MG 63304-0561-05 DS: 90	LMF	540	
			\$21.00	DR.SPOHR, TERRY-PAC		

TOTAL COST OF PRESCRIPTIONS LISTED: \$336.00

79

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,)	
)	
Claimant,	)	IC 80-341382
)	
v.	)	ORDER ON
	)	REMAND RE: ADDITIONAL
THE BUNKER HILL COMPANY,	)	MEDICAL BENEFITS
)	
Employer/Self-Insured.	)	FILED
)	
Defendant.	)	SEP 12 2007
)	
_____		INDUSTRIAL COMMISSION

BACKGROUND

Claimant was injured in a mining accident on November 12, 1980. In 1983, Claimant filed a complaint with the Industrial Commission, and in 1984 the Commission found Claimant totally and permanently disabled as an odd-lot worker. After a second hearing, the Commission held, in 1986, that Claimant was not totally and permanently disabled, but was entitled to 55% permanent partial disability. In 1988 and 1990, the Supreme Court affirmed the Commission's decision to award Claimant 55% permanent partial disability.

In May 1991, Claimant filed a new complaint. The case sat dormant for several years until Claimant filed a motion to take default. Briefing was submitted and in 2003 the Commission held that Idaho Code § 72-719 barred Claimant's 1991 complaint for deteriorating condition after a 1980 accident and injury.

Claimant appealed and the Supreme Court held that 1) Claimant's claim for additional

**ORDER ON REMAND RE:
ADDITIONAL MEDICAL BENEFITS - 1**

80

disability was barred by Idaho Code § 72-719, 2) the offset issue was not addressed by the Commission, 3) the Commission failed to rule on the issue of liability for continuing medical care, and 4) none of the parties were entitled to attorney fees. Frank v. Bunker Hill Company, 142 Idaho 126, 124 P.3d 1002 (2005).

In December 2006 on remand, the Commission issued an order finding the offset issue was resolved by the parties. Employer overpaid disability compensation to Claimant in the sum of \$10,633.25, and Employer had previously agreed that the overpayment could be used as an offset against further medical expenses.

DISCUSSION

The issue presently before the Commission is whether and to what extent Claimant is entitled to medical care benefits, including future medical care benefits in excess of the \$10,633.25 offset amount. The Commission held a hearing on April 17, 2007. Claimant was present, admitted exhibits, and submitted a post hearing brief.

Claimant requests payment of medical bills in excess of the offset, past and future insurance costs, prescription costs, mileage, statutory interest, and attorney fees. Employer did not appear at hearing, nor did it submit a response brief.

Pursuant to Idaho Code § 72-432, Claimant is entitled to medical care that is reasonably required or needed following an industrial injury. "If the employer fails to provide the same, the injured employee may do so at the expense of the employer." Idaho Code § 72-432(1). Although Claimant argues that he is entitled to insurance costs, such benefits are not provided for by statute. Accordingly, the Commission will review Claimant's medical evidence as currently submitted and make a determination as to Claimant's entitlement to medical benefits.

**ORDER ON REMAND RE:
ADDITIONAL MEDICAL BENEFITS - 2**

81

The Commission's 1986 decision awarded Claimant reasonable medical and related expenses incurred as a result of the November 12, 1980 accident. Claimant has presented medical evidence that his continual medical management for severe back, neck, and muscle pain are a result of his industrial accident. The affidavit of Terry Spohr, Claimant's treating physician's assistant, relates the need for medical care from 1985 through September 1993 and medications, as submitted by Claimant, to Claimant's industrial injury. Employer did not respond or dispute any reimbursement requested by Claimant. The Commission finds that Claimant is entitled to reimbursement for the additional palliative medical care related to his industrial accident, including the medical expenses submitted by Claimant.

Claimant submitted three exhibits relating to medical care and medications. Exhibits 2 and 3 show a total of \$899.50 expended for medications. Exhibit 4 describes medical treatment totaling \$14,513.16. The evidence received by the Commission shows \$15,412.66 in medical care costs. This amount is offset by the \$10,633.25, discussed above, equaling a balance owing of \$4,779.41.

Claimant also seeks reimbursement for mileage expenses incurred in connection with his travel for various medical appointments and treatment. Idaho Code § 72-432(13). Claimant requests mileage reimbursement for travel from 1994 to 2007, yet the affidavit of Terry Spohr, Claimant's treating physician's assistant, only relates the need for medical care from 1985 through September 1993. Therefore, from the exhibits submitted by Claimant, the Commission cannot presently order mileage reimbursement.

Additionally, Claimant requests statutory interest on the award. Pursuant to Idaho Code § 72-734, all compensation due and payable pursuant to a decision shall accrue interest from the date of the Commission's order. Such interest shall also accrue on all compensation successively becoming

**ORDER ON REMAND RE:
ADDITIONAL MEDICAL BENEFITS - 3**

1/32

due thereafter, from the respective due dates. Idaho Code § 72-734. Employer is responsible for the medical care that was reasonably necessary following Claimant's 1980 accident and shall compensate Claimant for any unpaid medical costs, beyond the costs covered by the offset discussed above, including interest from the respective due dates.

Claimant also requests attorney fees for Employer's abandonment of Claimant's case. Claimant has not been awarded attorney fees previously in this matter and the Commission finds that Claimant does not present a sufficient argument to award them now. Claimant's request for attorney fees is denied.

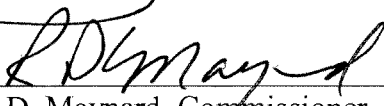
Based upon the foregoing reasons, Claimant is entitled to medical care and medications for treatment of his November 12, 1980 industrial accident, including but not limited to \$15,412.66 minus \$10,633.25 in offset, plus statutory interest (for costs remaining after the setoff is applied).

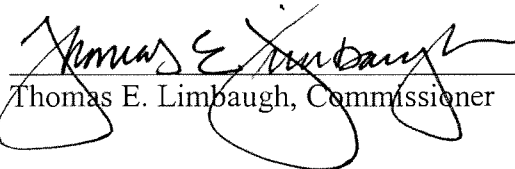
IT IS SO ORDERED.

DATED this 12th day of September, 2007.


INDUSTRIAL COMMISSION


James F. Kile, Chairman


R.D. Maynard, Commissioner


Thomas E. Limbaugh, Commissioner

ATTEST:


Assistant Commission Secretary


ORDER ON REMAND RE:
ADDITIONAL MEDICAL BENEFITS - 4

CERTIFICATE OF SERVICE

I hereby certify that on 12th day of September, 2007, a true and correct copy of the foregoing ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS was served by regular United States Mail upon each of the following:

JOHN J ROSE, JR.
708 W. Cameron Avenue
Kellogg, ID 83837

THE BUNKER HILL COMPANY
PO Box 53
Cataldo, ID 83810



**ORDER ON REMAND RE:
ADDITIONAL MEDICAL BENEFITS - 5**

LAW OFFICE OF
JOHN J. ROSE, JR., PC
708 West Cameron Avenue
Kellogg, Idaho 83837
Phone: (208) 783-3501
ISB #2094

Attorney for Claimant, Paul Frank

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

PAUL E. FRANK,] No. IC 80-341382
]]
Claimant/Appellant,]
vs.] NOTICE OF APPEAL
]]
THE BUNKER HILL COMPANY,]
]]
Employer-Defendant/]
Respondent.]

RECEIVED
INDUSTRIAL COMMISSION
OCT 23 10:14

TO: THE ABOVE NAMED RESPONDENT, AND THE CLERK OF THE ABOVE ENTITLED INDUSTRIAL COMMISSION.

NOTICE IS HEREBY GIVEN THAT:

1. The above named appellant, Paul E. Frank, appeals against the above named respondents to the Idaho Supreme Court from the final "ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS and orders leading to the final order, entered in the above entitled action on the 12th day of September 2007, by the Industrial Commission.

2. That the party has the right to appeal to the Idaho

1. NOTICE OF APPEAL

105

Supreme Court, and the judgements and orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11(d) I.A.R.

3. A preliminary statement of the issues on appeal which the appellant intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal is:

Did the Industrial Commission commit error in failing to grant Claimant's request for monetary benefits to compensate him for the payment of past and future insurance premiums needed to cover the cost of continuing medical care?

5.(a) Is a reporter's transcript requested? Yes, partial transcript of all proceedings beginning with proceedings on remand for determination of medical benefits.

(b) The appellant further requests a partial reporter's transcript as defined in Rule 25(a) I.A.R. consisting of the following: None

6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.

All pleadings, orders, documents, filed after remand to the commission for determination of medical benefits;

All exhibits, and affidavits offered by claimant at hearing and subsequent to the hearing on remand.

2. NOTICE OF APPEAL

7. I certify:

(a) That a copy of this notice of appeal has been served on the reporter by service on the Industrial Commission.


(b) (1) That the clerk of the Industrial Commission has been paid the estimated fee for preparation of the reporter's transcript.

(c) (1) That the estimated fee for preparation of the clerk's record has been paid.

(d) (1) That the appellate filing fee has been paid.

(e) That service has been made upon all parties required to be served pursuant to Rule 20.

DATED this 19 day of October 2007.



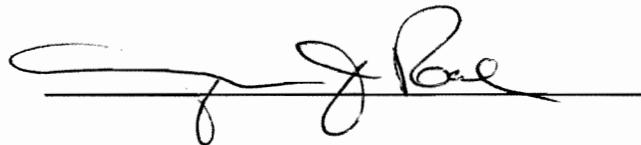
John U. Rose, Jr.
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appeal was served by the method indicated below, and addressed to the following this 19 day of October 2007.

Clerk of the Commission
Idaho Industrial Commission
PO Box 83720
Boise, Idaho 83720-0041

U.S. MAIL
 HAND DELIVERED
 OVERNIGHT MAIL
 FACSIMILE (FAX)



3. NOTICE OF APPEAL

RECEIVED
IDAHO SUPREME COURT
OCT 24 AM 8 49

BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

PAUL E. FRANK,)
)
 Claimant-Appellant,)
)
 v.)
)
 THE BUNKER HILL COMPANY,)
 Employer/Self-Insured,)
)
 Defendant-Respondent.)

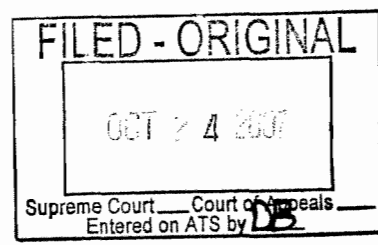
SUPREME COURT NO. 34696
CERTIFICATE OF APPEAL
PAUL E. FRANK

Appeal From: Industrial Commission, Chairman James F. Kile presiding.

Case Number: IC 1980-341382

Order Appealed from: ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS ENTERED SEPTEMBER 12, 2007

Attorney for Appellant: John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837



Attorney for Respondents: NONE

Appealed By: PAUL E. FRANK, Claimant

Appealed Against: THE BUNKER HILL COMPANY, Employer/Self-Insured

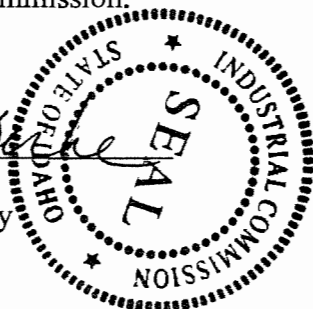
Notice of Appeal Filed: October 23, 2007

Appellate Fee Paid: \$86.00

Name of Reporter: Anita W. Self, CSR, RPR
M & M Reporting
816 Sherman #7
Coeur d'Alene, ID 83814

Transcript Requested: The entire standard transcript has been requested.
The standard transcript has been prepared and is on file with the Industrial Commission.

Dated: October 23, 2007
Dena K. Burke
Dena K. Burke
Assistant Commission Secretary



88

CERTIFICATION

I, the undersigned Assistant Secretary of the Industrial Commission of the State of Idaho, hereby CERTIFY that the foregoing is a true and correct photocopy of the **NOTICE OF APPEAL FILED OCTOBER 23, 2007; AND THE COMMISSION'S ORDER ON REMAND RE: ADDITIONAL MEDICAL BENEFITS ENTERED SEPTEMBER 12, 2007, RE: PAUL E. FRANK'S SUPREME COURT APPEAL**, herein, and the whole thereof.

Dated the 23rd day of October, 2007.

Dena K. Burke

Dena K. Burke
Assistant Commission Secretary



CERTIFICATION

89

CERTIFICATION OF RECORD

I, the undersigned Assistant Secretary of the Industrial Commission, do hereby certify that the foregoing record contains true and correct copies of all pleadings, documents, and papers designated to be included in the Agency's Record on appeal by Rule 28(3) of the Idaho Appellate Rules and by the Notice of Appeal, pursuant to the provisions of Rule 28(b).

I further certify that all exhibits offered or admitted in this proceeding, if any, are correctly listed in the Certificate of Exhibits (i). Said exhibits will be lodged with the Supreme Court upon settlement of the Transcript and Record herein.

DATED at Boise, Idaho this 26th day of December, 2007.

INDUSTRIAL COMMISSION

Dena K. Burke

Dena K. Burke
Assistant Commission Secretary



BEFORE THE SUPREME COURT OF THE STATE OF IDAHO

PAUL E. FRANK,)	
)	
Claimant-Appellant,	)	SUPREME COURT NO. 34696
v.)	
)	
THE BUNKER HILL COMPANY,	)	NOTICE OF COMPLETION
Employer/Self-Insured,)	
)	
Defendant-Respondent.)	
_____)	

**TO: STEPHEN W. KENYON, CLERK OF THE COURTS;
AND JOHN J. ROSE, JR., ESQ. FOR CLAIMANT PAUL E. FRANK.**

YOU ARE HEREBY NOTIFIED that the Agency’s Record was completed on this date, and, pursuant to Rule 24(a) and Rule 27(a), Idaho Appellate Rules, copies of the same have been served by regular U.S. mail upon each of the following:

John J. Rose, Jr.
708 W. Cameron Avenue
Kellogg, ID 83837

You are further notified that, pursuant to Rule 29(a), Idaho Appellate Rules, all parties have *twenty-eight days* from this date in which to file objections to the Record, including requests for corrections, additions or deletions. In the event no objections to the Agency’s Record are filed *within the twenty-eight day period*, the Transcript and Record shall be deemed settled.

DATED at Boise, Idaho this 26th day of December, 2007.

INDUSTRIAL COMMISSION
Dena K. Burke
Dena K. Burke
Assistant Commission Secretary



91

In the Supreme Court of the State of Idaho

PAUL E. FRANK,)

Claimant-Appellant,)

v.)

THE BUNKER HILL COMPANY,)
Employer/Self-Insured,)

Defendant-Respondent.)

ORDER AUGMENTING APPEAL

NO. 34696

RECEIVED
INDUSTRIAL COMMISSION
2007 DEC 12 A 11:08

A Reporter's Transcript and Clerk's Record was filed November 29, 2004, in appeal No. 30719, Frank v. The Bunker Hill Company; therefore, good cause appearing,

IT HEREBY IS ORDERED that the Appeal Record in this case shall be AUGMENTED to include the Reporter's Transcript and Clerk's Record filed in prior appeal No. 30719.

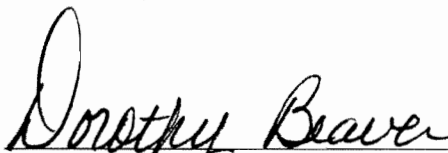
IT FURTHER IS ORDERED that the District Court Clerk shall prepare and file a LIMITED CLERK'S RECORD with this Court, which shall contain the documents requested in the Notice of Appeal, together with a copy of this Order, but shall not duplicate any document included in the Clerk's Record filed in prior appeal No. 30719.

IT FURTHER IS ORDERED that the District Court Reporter shall prepare and lodge a SUPPLEMENTAL REPORTER'S TRANSCRIPT with the District Court, which shall contain the proceedings requested in the Notice of Appeal, but shall not duplicate any proceedings included in the Reporter's Transcript filed in prior appeal No. 30719. The LIMITED CLERK'S RECORD and REPORTER'S TRANSCRIPT shall be filed with this Court after settlement. Further, the exhibits submitted in prior appeal No. 30719, which were returned to District Court on January 24, 2006, are not covered by this Order and they will not be sent to the Supreme Court unless specifically requested by the parties. The party requesting any or all of the prior exhibits must specifically designate those exhibits being requested.

92

DATED this 11th day of December 2007.

For the Supreme Court

A handwritten signature in cursive script that reads "Dorothy Beaver". The signature is written in black ink and is positioned above a horizontal line.

Dorothy Beaver, Deputy Clerk for
Stephen W. Kenyon, Clerk

cc: Counsel of Record
Industrial Commission

93