

ATTACHMENT C

RESPONDENT(S) ARGUMENT(S)

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Respondent's Argument

RE: Benefit coverage for skilled care of Victor Wanek
Agency case No 2023-0652
OAH No 2024010423

Legality does not equal morality. The administrative judge ruled that BC/Anthem had the legal right to refuse to pay for care for my father based upon the terminology in the contract between the insurer and the beneficiary. The question of the right thing to do, the moral obligation of the insurer was not adjudicated.

My father and our family were not supported by the medical staff's poor documentation due to the many factors presented in the arbitration. We were misled by the contracted provider to believe the care they told us was being provided was necessary for his rehabilitation. In review of the documents provided to us months later, we learned that what was told to us was not reflected in the medical record. This resulted in the insurers medical reviewers to rightfully lean on lack of substantiation to deem the care medically unnecessary. The beneficiary and his widow become the liable party for the poor documentation that resulted in care not covered. Legally correct and morally reprehensible.

Ask yourselves as board members if this would be acceptable for your parents, or even closer to home, for you someday when you are in this position. Thank you for your interest in reviewing my father's end of life care all the way up to the board of directors of Anthem/BC. It has been a great honor to represent my father, a public servant for over 30 years in this matter. He earned my respect and admiration over his life of giving. I only wish you felt he earned your respect and a sense of moral obligation to do right by him.

John Wanek

Beneficiary's son