

# South Florida Hospital News<sup>®</sup> and HEALTHCARE REPORT

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## Clients Benefit from Dell & Schaefer's Expertise in Complex Disability Claims

BY VANESSA ORR

Establishing a practice can be a huge investment; having to leave that practice because of a long-term disability can not only have emotional consequences but financial implications as well.

"It's important to realize that we're not talking about one or two months of benefits in most cases; there are hundreds of thousands of dollars at stake," explained Disability Attorney Gregory Michael Dell. "Insurance companies scrutinize long-term disability claims very closely—you're not entitled to benefits just because you paid the premiums. That's why it's important to have a voice that can present your claim in the appropriate manner."

The law firm of Dell & Schaefer specializes in helping claimants deal with long-term disability insurance company issues. Dell, who has published a treatise on long-term disability insurance, has litigated against every major insurance company and resolved more than 1,000 cases since beginning his career nine years ago. "As part of my job, I've taken depositions from many of the top-level people in insurance companies, and have learned how their internal claims procedures work, and how they train their employees to deal with disability claims," he said.

According to Dell, disability claimants often find themselves struggling with the complexities of insurance contracts. "These contracts not only feature complex language, but are written with a lot of ambiguities that work in favor of the insurance companies," he explained. "These companies are not looking to pay out claims; they are looking for potential reasons to deny or delay payment."

There are a number of reasons why insurance companies can deny a claim, ranging from a lack of supporting physician documentation to a lack of objective



Gregory Michael Dell

evidence as to the medical condition itself. "In any claim, one of the most important things to have is the support of the treating physician(s)," said Dell. "If the doctor doesn't document that the claimant is limited or restricted in his or her occupation by the medical condition, that person will have great difficulty getting approved for benefits."

"Not only does a treating physician need to document everything that's bothering the patient, but he or she also needs to document how those factors are preventing the person from working," he continued. "For example, the records need to show not just that a person has radiating neck pain, but that as a result, he or she is restricted from lifting more than five pounds, which they are required to do for the job."

Many disability contracts also include an 'objective evidence' requirement that limits disability benefits to a period of two years. "A patient may have neck pain, but if an MRI doesn't show spinal or nerve root impingement, the insurance company may say that there is not enough objective evidence to support the condition," said Dell. "The reality is, a recent study

done by a psychiatrist at Harvard shows that it is difficult to diagnose the cause of 80 percent of neck or back pain, which makes it very easy for insurance companies to deny these 'subjective' complaints of pain."

The expertise of Dell & Schaefer can help claimants through these, and many other, obstacles. In addition to helping clients submit an application for disability insurance benefits, the firm also represents those whose claims have been denied by disability insurance companies, and those who have been approved, but who are tired of dealing with the paperwork and confusion of an on-going claim.

"Even if a person's claim is approved, he or she is not guaranteed to be paid for life," explained Dell. "The case is evaluated every month, and the claimant must send a claimant form to the disability carrier, who will also request an attending physician's form every two to three months. Instead of claimants having to deal with this inundation of paperwork, we handle the claim and communicate with the carriers so that they can spend time taking care of themselves."

Just as in the medical field, it's important to seek out a specialist when faced with a complex situation.

"I often tell people that it's like buying a house; if you're not trained in real estate, you may not understand the contract and what you're entitled to have," said Dell. "This puts you at a significant disadvantage."

"What we do is a very specialized area of law," he said, adding that 50 to 60 percent of the firm's disability clients are physicians. "Our clients have a lot at stake, so it only makes sense to try to reduce the risk."

For more information on Attorneys Dell & Schaefer, call (800) 828-7583 or visit [www.diattonorney.com](http://www.diattonorney.com).