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## Getting Past the Landmines of a Disability Claim (Pt. 2)

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*Editor's Note:* [Part 1](#) of this digital exclusive appeared in the March edition of *DC*.

Let's set up part 2 of this article by repeating what I said in part 1: *In order for you (and not the insurance company) to exercise control, you must know the answers to the following questions. Not knowing these answers can mean the difference between success and failure, including the amount of money that will flow into your bank account.* Here are a few other questions - and answers - you need to know.

Has the Claims Reviewer Read Your Entire File?

When a new claims reviewer is assigned to your disability claim, do you know if the person has read your entire file? If the person has not, might this influence their thinking and approach to you regarding your future benefits?

People who do claims reviews can get moved around or leave the company. As a result, a new claims reviewer could be assigned to your claim. These people usually do not have time to read entire claims files. They also can harass people; for example, calling a claimant who has been submitting a "continuation claimant's and attending physician" form once or twice a year and informing them they should submit the form more frequently.



However, a claimant may have had an independent medical evaluation (IME) six months or one year earlier, but because the claims rep simply glanced at the file and is not aware of this, they tell the claimant another IME will need to be done. Claims reps use other harassment techniques, but this is a good example.

The best way to combat these scenarios is to ask the claims reviewer if they have read the entire file. The answer is often no, in which case you can tell the person you want written confirmation he or she has read the entire file. Because files can be quite lengthy, claims reps often try to pass these files on to other claims reviewers. This is essentially another harassment technique.

Should You "Build Up" Your Practice Before Your Disability Date?

Although building up the practice in terms of gross collected fees can be a basis for asking for a higher sales price, this will be contrary to your claimed medical issues when you go on total disability claim. Chronic pain can cause you to reduce your hours or simply "tough it out" until the practice can be sold. But increasing your hours is a red flag for the insurance company and not a good strategy on your part.

Why Do Claim Forms Ask How Many People You Employ / Supervise?

Most chiropractors do not understand this question and answer with the same number; for example, they employ six people and supervise six people. The first question is correct, but the second is not, because the question is often interpreted incorrectly.

The second part of the question can apply to many different types of claimants. Working on an assembly line as a supervisor is different from how most chiropractors work. Do they stand next to their receptionists all day and tell them how to answer the phone? Do they tell the office manager how to write a check? Of course not.

Chiropractors hire people who know how to do their jobs; therefore, DCs are not supervisors. Yet 90 percent of the claim forms I audit have the wrong answer to this question. When it's wrong, chiropractors may set themselves up for a "dual occupation" scenario in which the insurance company says they are a chiropractor *and* a supervisor.

Here's the problem: Let's say a chiropractor submits a total disability claim. The insurance company may respond that it can understand why the DC can no longer practice clinically, but that they can continue to work in a supervisory position. Thus, it will be considered a partial disability claim.

In order to collect on a partial claim, the chiropractor must still be working and might be eligible to collect a percentage of the monthly benefit. However, since the chiropractor stopped working clinically and expected to be paid 100 percent, the insurance company will say it will pay *nothing* since the DC has not continued with any supervisory duties. At that point, the chiropractor may feel totally defeated.

### Don't Give Up

Unless you know the answers to these questions and many more that will come up when applying for disability benefits, you might be prejudicing your rights to collect on a legitimate disability claim. Control of a disability claim not only provides a higher rate of success, but also reduces the anxiety that goes along with the pile of paperwork you never imagined when you bought the policy.

APRIL 2019