

State of South Carolina

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Workers' Compensation Commission

Medical Services Division

SCWCC FILE NO.: 1120413

Durant

Date of Service: 05/07/2015

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FEB 22 2016
SC Court of Appeals

**MEDICAL SERVICES BILL DISPUTE
FINAL DETERMINATION AND DECISION**

Medical Services Provider:

Dr. Ezra B. Riber, MD / Injury RX, LLC
Post Office Box 279065
Miramar, Florida 33027
Attn: Rondrica Davis

Vs.

South Carolina State Accident Fund
Post Office Box 102100
Columbia, South Carolina 29221
Attn: Ms. Page Snyder, Esq.

Ms. Page Snyder, Esq.
South Carolina State Accident Fund
psnyder@saf.sc.gov

Claim Administrator for SAF:

Corporate Pharmacy Services
Post Office Box 1950
Gadsen, Alabama 35902
Attn: Ms. Paige Bowling

Insurer of:

Pee Dee Community Action Agency

STATEMENT OF FACT

On 05/07/2015, Ms. Maggie Durant (claimant) sought and received medical treatment(s) from Dr. Ezra B. Riber, MD / Injury RX, LLC. Such medical services were rendered as

treatment for a work related injury/illness, and were provided pursuant to the South Carolina Workers' Compensation Act.

On 05/08/2015, Dr. Ezra B. Riber, MD / Injury RX, LLC submitted to Corporate Pharmacy Services/South Carolina State Accident Fund documentation requesting payment for services rendered to claimant. On 07/07/2015, Corporate Pharmacy Services/South Carolina State Accident Fund transmitted to Dr. Ezra B. Riber, MD / Injury RX, LLC an Explanation of Benefits/Review. On 07/20/2015, Dr. Ezra B. Riber, MD / Injury RX, LLC issued a second request for payment to Corporate Pharmacy Services/South Carolina State Accident Fund. On 08/20/2015, Dr. Ezra B. Riber, MD / Injury RX, LLC petitioned the South Carolina Workers' Compensation Commission and, upon penalty of perjury, formally disputed the unpaid balance; confirmed that no contractual relationship exists supporting a payment of less than the stated Maximum Allowable Payment as set forth by the South Carolina Workers' Compensation Commission; and affirmed that the unpaid balance is due and payable.

On December 29, 2015, following a review of the documentation presented, the Medical Services Division of the South Carolina Workers' Compensation Commission issued a Notice of Dispute to Corporate Pharmacy Services/South Carolina State Accident Fund requesting that any relevant information pertinent to this case be transmitted to the Medical Services Division no later than 30 days following the date of the Notice of Dispute. Additionally, and by means of the Notice of Dispute, Corporate Pharmacy Services/South Carolina State Accident Fund was advised of the dispute resolution process concerning this matter.

On January 29, 2016, Christie D. Knowles, Esquire, filed a response to this billing dispute on behalf of Corporate Pharmacy Services (contractor for SAF) opining that neither CPS or SAF was obligated to pay any claim for payment pursued by Dr. Riber / Injury RX, LLC. Ms. Knowles bases this opinion on the following.

1. Pre-Authorization. Dr. Riber "did not receive prior authorization for his services" to Ms. Durant, as required by the "South Carolina Workers' Compensation Commission's Medical Services Program (the Manual)".
2. Reimbursement by Contract. In as much as CPS did voluntarily elect to reimburse Dr. Riber for his services that "he was not due to receive any payment whatsoever for", CPS was only required to reimburse "him at the contractual rate set forth in the RFP awarded to CPS by the State of South Carolina" State Accident Fund.
3. Payment Not Disputed. Dr. Riber / Injury RX, LLC "has accepted payments from CPS without dispute".

As of the date of this letter, Dr. Ezra B. Riber, MD / Injury RX, LLC has not received payment in full for the services rendered on 05/07/2015.

FINDING OF FACT

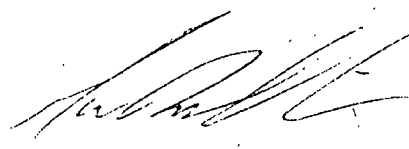
Based upon the evidence submitted to date, the South Carolina Workers' Compensation Commission Medical Services Division finds as follows:

1. Due Process Afforded Parties. It is not disputed that the parties named in this dispute have been provided proper notice and afforded sufficient opportunity to present evidence for consideration by the Medical Services Division.
2. No Contractual Agreement. The Medical Services Division has been provided no evidence of the existence of a contractual agreement between the parties to this dispute, the terms of which would otherwise materially mitigate or negate in their entirety these Findings of Fact.
3. Payment Not Remitted to Medical Service Provider Within Thirty (30) Days as Required Under South Carolina Code of Law 42-9-360. The initial payment for services was properly submitted to Corporate Pharmacy Services/South Carolina State Accident Fund on 05/08/2015. South Carolina State Accident Fund responded to Dr. Ezra B. Riber, MD / Injury RX, LLC's request for payment on 07/07/2015.
4. Payment Not Consistent with the Fee Schedule Set Forth in the South Carolina Workers' Compensation Commission 2010 Medical Services Provider Manual (South Carolina Code of Regulations 67-1302). Corporate Pharmacy Services/South Carolina State Accident Fund has failed to provide payment to Dr. Ezra B. Riber, MD / Injury RX, LLC in the amount of the Maximum Allowable Payment as defined within the 2010 Medical Services Provider Manual and as sought by Dr. Ezra B. Riber, MD / Injury RX, LLC.
5. Authorization It is undisputed that Dr. Riber was serving as the treating physician providing care and pain management services for injuries related to the workers' compensation claim in accordance with § 42-15-60.

Final Decision

Pursuant to the Finding of Fact stated above and South Carolina Code of Regulations 67-1305, the Medical Services Division hereby determines that Corporate Pharmacy Services /South Carolina State Accident Fund /Pee Dee Community Action Agency is obligated to remit to Dr. Ezra B. Riber, MD / Injury RX, LLC the amount of \$836.23 (such amount when added to the prior partial payment of \$925.33 equates to the total Maximum Allowable Payment of \$1761.56). As this decision is rendered more than thirty (30) days past the initial billing, the reimbursement is immediately due and payable (42-9-360).

By:


Grant W. Duffield
Insurance and Medical Services Director
South Carolina Workers' Compensation Commission

Date: 5 February 2016

Service to:

Medical Provider: Dr. Ezra B. Riber, MD / Injury RX, LLC Rdavis@ahcs.com

Claims Administrator: Corporate Pharmacy Services Paige@corporatepharmacy.com

Insurance Carrier: South Carolina State Accident Fund psnyder@saf.sc.gov

Employer: Pee Dee Community Action Agency

Carrier Attorney: Ms. Page Snyder, Esq.

Employee
Attorney: