

## Interview with Edward O. Comitz

Edward O. Comitz, head of the Health and Disability Insurance Practice Section at Bonnett, Fairbourn, Friedman & Balint, agreed to answer some common questions about dentists' disability insurance. Mr. Comitz focuses on litigating disability claims on behalf of professionals who have purchased private individual or group disability insurance policies. The Health and Disability Insurance Practice Section represents dental, medical, business and legal professionals in coverage disputes with their carriers in Arizona and throughout the United States.

### **What is the difference between “own occupation” and “any occupation” when it comes to disability insurance?**

Most dentists purchase an “own-occupation” policy, which provides compensation following a disability that prevents the insured from performing the particular duties of his or her occupation. If an insured dentist does not have an “own-occupation” policy, he or she must be disabled from performing the duties of any occupation for which he or she is reasonably qualified in order to receive benefits. Some policies are a hybrid, providing own-occupation benefits for a limited period of time, then converting coverage to the “any occupation” standard.

### **When should I contact an attorney about my claim?**

Dentists who are considering filing a claim for disability insurance benefits should meet with an attorney experienced in the area well-before submitting a claim for payment. Each disability policy has different, complex language that insurance companies may manipulate to circumscribe and restrict coverage. Dentists should make a coordinated effort with the assistance of an attorney to determine whether their particular claim is covered and, if so, how that claim is best presented to ensure payment.

### **What does your firm do to help dentists file a successful claim for disability insurance benefits?**

From the beginning of the process, we help dentists by analyzing complex applications and policies and identifying potential coverage issues. We have particular skill in documenting claims, completing claim forms and communicating with treating physicians. Once the claims process begins, we fiercely protect our clients against unreasonable delays and abuse by the insurer. We also provide knowledgeable advice and practical guidance on how to best handle an Independent Medical Examination or other testing that may be required by a dentist's insurance carrier.

### **Why do so many dentists' claims get denied?**

Dentists' disability claims can be expensive for insurance companies to accept. The troubled economy and the rising number of disability claims filed by healthcare professionals have led to financial hardship. This strain on resources creates an incentive for insurance companies to deny dentists' claims. Thus, many insurers closely scrutinize the terms of dentists' policies in order to find ways to deny benefits, as the long-term financial benefit to the insurance company is significant.

### **How can your firm assist a dentist in that situation?**

Our firm offers powerful strategies for clients whose insurance carrier has denied a claim or attempted to stop paying benefits based on surveillance records and other alleged investigations. We have years of experience in handling cases where disability benefits have been rescinded based on alleged misrepresentation or non-disclosure in the original policy application. We also have a strong history of prosecuting cases where benefits have been denied based on the insurance company's insistence that a dentist's "subjective claim" doesn't provide objective evidence of disability. Finally, we are able to use our negotiation expertise to eliminate the unequal bargaining position that exists between a dentist and his or her carrier when settling the terms and conditions of a lump-sum buyout.

### **How should dentists approach their treating physicians about a disability claim?**

Your treating physician's support can often be critical to getting your claim approved. A hurried, uninterested physician may not have time to devote to your claim. In addition, fully discussing your condition with professional, compassionate treating physician will help ensure supportive medical records. When to discuss your potential claim with a physician is an important timing issue. Also, when the times comes to speak to the treating physician about the claim, a dentist should ensure that the treating physician understands the definition of "disability" under the insurance policy, so that he or she can accurately opine as to the inability of the dentist to work. It's important for dentists to speak with an attorney experienced in disability insurance matters in order to formulate the best plan for giving the correct information to the physician and enlisting the physician's cooperation in documenting the facts.

### **Can a dentist still collect disability benefits if his or her symptoms are self-reported?**

Even when an illness cannot be readily diagnosed by objective criteria, it can still have a profound impact on a professional's ability to practice. Conditions like back and neck pain, rheumatoid arthritis and depression can put severe limitations on movement, concentration and stamina. Disability insurance carriers often attempt to deny benefits for these types of conditions, insisting that the insured's subjective symptoms do not provide objective, verifiable evidence of disability. However, a dentist may still be able to collect benefits with enough evidence of the severity and extent of his or her limitations, which is far more important than providing an objectively verifiable diagnosis.

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