
In the ORS 656.248 Medical Fee Dispute of
Laurelhurst Physical Therapy
Contested Case No: 09-091H, 09-108H
PROPOSED & FINAL ORDER REMANDING
August 18, 2010
LAURELHURST PHYSICAL THERAPY, Petitioner
SEDGWICK CMS, Respondent
Before Monte Marshall, Administrative Law Judge

This matter was submitted on the documentary record before Administrative Law Judge Marshall. Laurelhurst Physical Therapy (Laurelhurst) is represented by its attorney, Diana E. Godwin. Sedgwick CMS (Sedgwick) is represented by their attorney, Deborah L. Sather. The Workers' Compensation Division (WCD) is represented by Assistant Attorney General Carol A. Parks. Exhibits 1-15 submitted by WCD are admitted into evidence.

After reviewing the record in this matter, I conclude that the matter should be remanded to the Director for further administrative action as the record is not sufficiently developed. OAR 436-001-0170(4).

To begin, both the Administrative Order and the Amended Order indicate that there are contracts on file between First Health and Gallagher Bassett as well as between Gallagher Bassett and Laurelhurst. (Exs. 9, 11). The existence of these contracts as well as their contents are important to the resolution of the issues raised in the matter. However, the contracts were not submitted as exhibits. In addition, the record does contain contracts between Laurelhurst and three other EPO's¹ (Affordable Health Care Concepts, Focus Health Care Management, and MedRisk) which may be relevant, but the record contains no similar contracts between those EPO's and either Gallagher Bassett or Sedgwick. (Exs. 13, 14, 15). In sum, the record is insufficiently developed without copies of the contracts mentioned in the Administrative Orders as well as further clarification regarding the roles of the other three EPO's referenced in the submitted exhibits.

In addition, the Sedgwick has raised a timeliness issue and Laurelhurst has raised a penalty issue. The resolution of these issues may depend on whether Laurelhurst was given written notice of the right to request administrative review under former OAR 436-009-0008(2). However, there is no evidence in the record that regarding what, if any, notice was given to Laurelhurst. Consequently, the record is not sufficiently developed to decide these issues. For these reasons, I conclude that remand is appropriate.

Accordingly, this matter is remanded to the Director for further actions consistent with this order.

IT IS SO ORDERED.

¹ Expert Provider Organizations.