

FINAL AWARD
(Affirming Award on Medical Fee Dispute)

Injury No.: 06-058351
Medical Fee Dispute No.: 06-00678

Employee: Brian D. McMillan
Employer: Noranda Aluminum, Inc.
Insurer: Noranda Aluminum, Inc.
c/o Sedgwick Claims Management Services
Health Care Provider: St. Francis Medical Center
Date of Accident: June 29, 2006
Place and County of Accident: New Madrid County, Missouri

Pursuant to the provisions of §287.140 RSMo, and 8 CSR 50-2.030, the above-captioned award on medical fee dispute is submitted to the Labor and Industrial Relations Commission (Commission) for review under §287.480 RSMo. Having reviewed the evidence and considered the whole record, the Commission finds that the award on medical fee dispute is supported by competent and substantial evidence and was made in accordance with the Missouri Workers' Compensation Act. Pursuant to section 286.090 RSMo, the Commission affirms the award and decision of the administrative law judge dated November 5, 2007. The award and decision of Administrative Law Judge Carl W. Strange, issued November 5, 2007, is attached and incorporated by this reference.

Given at Jefferson City, State of Missouri, this 11th day of January 2008.

LABOR AND INDUSTRIAL RELATIONS COMMISSION

William F. Ringer, Chairman

Alice A. Bartlett, Member

John J. Hickey, Member

Attest:

Secretary

BEFORE THE
DIVISION OF WORKERS' COMPENSATION
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS OF MISSOURI

HEALTH CARE PROVIDER: St. Francis Medical Center
EMPLOYER: Noranda Aluminum, Inc.
INSURER: Noranda Aluminum, Inc.
c/o Sedgwick Claims Management Services
MEDICAL FEE DISPUTE NO.: 06-00678
INJURY NO.: 06-058351
EMPLOYEE: Brian D. McMillan

AWARD ON MEDICAL FEE DISPUTE HEARING

An evidentiary hearing was held on October 24, 2007, in Cape Girardeau, Missouri, on this medical fee dispute.

APPEARANCES

St. Francis Medical Center (Health Care Provider) appeared by counsel Daniel Finch and by corporate representative Roberta Matlock. Employer and Insurer, although duly notified of the evidentiary hearing, did not appear.

FINDINGS OF FACT

Based upon the evidence, I find the following facts:

1. St. Francis Medical Center (hereinafter sometimes referred to as "Health Care Provider") rendered certain services to the injured employee, Brian D. McMillan, due to injuries he received in the work-related accident of June 29, 2006. Services were rendered on July 10, 2006 – July 14, 2006. Insurer was billed for these services in a timely fashion with an itemized billing statement.
2. The total charges billed were \$57,844.81, of which the Insurer paid \$33,368.04. The amount not paid by Insurer (\$24,476.77) is the subject of Health Care Provider's APPLICATION FOR PAYMENT OF ADDITIONAL REIMBURSEMENTS OF MEDICAL FEES, which was filed with the Division of Workers' Compensation on May 1, 2007.
3. On July 30, 2007, Health Care Provider filed with the Missouri Division of Workers' Compensation a request for evidentiary hearing in this medical fee dispute proceeding. On August 23, 2007, Employer and Insurer were mailed notice by the Missouri Division of Workers' Compensation of the evidentiary hearing herein scheduled for October 24, 2007, at 9:00 AM.

CONCLUSIONS OF LAW

I find Health Care Provider's charges of \$57,844.81 to be fair and reasonable. I find that Insurer has paid \$33,368.04 toward those charges, leaving the amount of \$24,476.77 unpaid. As the charges are fair and reasonable, and finding no other factual or legal basis for denying the charges, Noranda Aluminum, Inc. (Employer) and Noranda Aluminum, Inc. (Insurer) are ordered to pay St. Francis Medical Center the sum of \$24,476.77.

Date: _____

Made by: _____

Carl W. Strange
Administrative Law Judge
Division of Workers' Compensation

A true copy: Attest:

Jeff Buker
Director
Division of Workers' Compensation