

indicated that claimant does not desire the type of care now being sought. The undersigned permitted testimony by claimant to resolve this issue.

ISSUE

The issue presented for resolution is whether the claimant is entitled to a spinal cord stimulator trial, an MRI of the cervical spine, and a psychological evaluation in preparation for a spinal cord stimulator placement, all of which has been recommended by the authorized physician, Amy C. Pearson, M.D.

FINDINGS OF FACT

The undersigned having considered all the evidence in the record finds:

William Fink sustained a work-related injury to his left arm and right arm on October 17, 2017. (Petition and Answer) Defendants authorized care for claimant's injuries through Amy C. Pearson, M.D., at the University of Iowa Hospitals and Clinics. Dr. Pearson's April 10, 2019 medical record indicates that Mr. Fink experiences phantom pain following a left arm amputation. (Claimant's Exhibit 1)

Dr. Pearson's medical record indicates that claimant has experienced some relief but not sufficient relief through medication management. Dr. Pearson recommends a spinal cord stimulator trial for Mr. Fink's symptoms. (Claimant's Ex. 1, page 5)

Defendants scheduled claimant for a second-opinion evaluation performed by Joseph J. Chen, M.D., on June 28, 2019. Dr. Chen recommended against a spinal cord stimulator for Mr. Fink and indicated within his report that Mr. Fink was not considering further surgical intervention. (Defendants' Ex. B, p. 3) Nevertheless, Dr. Chen indicated that he would defer surgical judgment to the surgeons at the University of Iowa Hospitals and Clinics. (Defendants' Ex. B, p. 3)

Claimant testified that Dr. Chen misunderstood him during his evaluation. Claimant testified that he would like to proceed with a spinal cord stimulator trial, as recommended by Dr. Pearson.

Defendants are offering and authorizing the requested treatment, including the spinal cord stimulator trial, a cervical MRI, as well as a required psychological evaluation prior to the placement of a spinal cord stimulator. (Defendants' Ex. A) I find that defendants' offer is reasonable and appropriate under the circumstances. I find that the recommendations of the treating physician, Dr. Pearson, are reasonable and appropriate care for claimant's injury. I find that defendants' agreement to authorize this care renders all other factual issues moot.

REASONING AND CONCLUSIONS OF LAW

The employer shall furnish reasonable surgical, medical, dental, osteopathic, chiropractic, podiatric, physical rehabilitation, nursing, ambulance and hospital services and supplies for all conditions compensable under the workers' compensation law. The employer shall also allow reasonable and necessary transportation expenses incurred for those services. The employer has the right to choose the provider of care, except where the employer has denied liability for the injury. Section 85.27. Holbert v. Townsend Engineering Co., Thirty-second Biennial Report of the Industrial Commissioner 78 (Review-Reopening, October 16, 1975).

By challenging the employer's choice of treatment – and seeking alternate care – claimant assumes the burden of proving the authorized care is unreasonable. See Iowa R. App. P 14(f)(5); Bell Bros. Heating and Air Conditioning v. Gwinn, 779 N.W.2d 193, 209 (Iowa 2010); Long v. Roberts Dairy Co., 528 N.W.2d 122 (Iowa 1995). Determining what care is reasonable under the statute is a question of fact. Long v. Roberts Dairy Co., 528 N.W.2d 122 (Iowa 1995). The employer's obligation turns on the question of reasonable necessity, not desirability. Id.; Harned v. Farmland Foods, Inc., 331 N.W.2d 98 (Iowa 1983).

An application for alternate medical care is not automatically sustained because claimant is dissatisfied with the care he has been receiving. Mere dissatisfaction with the medical care is not ample grounds for granting an application for alternate medical care. Rather, the claimant must show that the care was not offered promptly, was not reasonably suited to treat the injury, or that the care was unduly inconvenient for the claimant. Long v. Roberts Dairy Co., 528 N.W.2d 122 (Iowa 1995).

In this instance, there has been some delay in authorization of care between Dr. Pearson's recommendation and the date of the alternate medical care hearing. However, some of the delay was caused by defendants seeking a second opinion from Dr. Chen. The requested medical care has now been formally authorized by defendants. Therefore, the disputed issue is resolved and no further findings or conclusions are necessary.

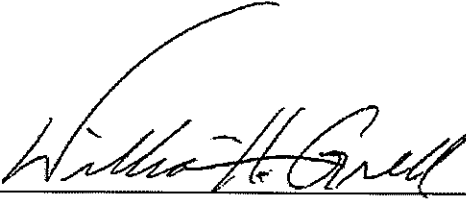
ORDER

THEREFORE, IT IS ORDERED:

Defendants shall promptly authorize and schedule claimant for the treatment recommended by Amy Pearson, M.D., specifically including the requested cervical MRI, spinal cord stimulator, and psychological evaluation.

Failure to comply with this order and promptly authorize and schedule this care may result in revocation of defendants' statutory right to select the authorized medical provider(s) for claimant's injury.

Signed and filed this 30th day of July, 2019.



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DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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