

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

CARMEN BUERON,

Claimant,

vs.

IOWA 80 GROUP, INC.,

Employer,

and

TWIN CITY FIRE INSURANCE CO.,

Insurance Carrier,  
Defendants.

File No. 5063062.01

ALTERNATE MEDICAL

CARE DECISION

HEAD NOTE NO: 2701

This case is a contested case proceeding under Iowa Code chapters 85 and 17A. The expedited procedure of rule 876 IAC 4.48 is invoked by claimant. The undersigned has been delegated final agency action in this decision. Iowa Code section 17A.15(1); Order of Delegation, February 15, 2015. Any appeal of the decision will be to the Iowa District Court.

Claimant appeared with her attorney, Robert T. Rosentiel. Defendants appeared with, by and through their attorney, Terrence M. Donohue. Also present was the claims adjuster for Twin City Fire Insurance Co.

The alternate medical care claim came on for hearing on August 29, 2019 at 10:30 a.m. The proceedings were digitally recorded. The recording constitutes the official record of this proceeding.

Defendants filed a motion to dismiss the alternate care petition. Claimant orally resisted the motion to dismiss at the time of the hearing. The undersigned granted the motion to dismiss in part and denied the motion in part.

Claimant was denied the opportunity during the alternate medical care hearing to request past due medical bills and transportation to and from medical appointments. Claimant was also precluded from bringing up any issues related to a potential bad faith claim. Claimant was allowed to make a claim for alternate medical care pursuant to Iowa Code section 85.27.

The undersigned issued the arbitration decision in this matter on May 8, 2019. Currently, the case is on appeal and cross-appeal to The Iowa Workers' Compensation Commissioner. The appeal has not been fully submitted.

Claimant testified she has pain in her legs and back. She stated she has missed work due to her pain. Claimant testified she has had problems obtaining medical treatment since the arbitration hearing. She is requesting conservative care and not surgical intervention. However, she testified, the insurance adjuster told her she did not need care since she had reached maximum medical improvement.

As a result, claimant sought medical treatment on her own. Claimant saw John B. Dooley, M.D. He administered a steroid injection. The injection helped relieve the pain in claimant's legs for a period of time. However, the pain in her legs is returning.

Defendants have now agreed to send claimant to Timothy Miller, M.D. An appointment has been scheduled for September 9, 2019. Claimant has agreed to attend the appointment. Defendants have stated they will pay for the examination and claimant's transportation expenses to drive to and from Dr. Miller's clinic.

#### RULING

The attorneys agreed on the record that defendants will forward to Dr. Miller all medical records relative to the May 17, 2016 work injury which have accumulated since May 18, 2018, the date of the arbitration hearing. Defense counsel shall forward those medical records to Dr. Miller on or before September 5, 2019.

#### ORDER

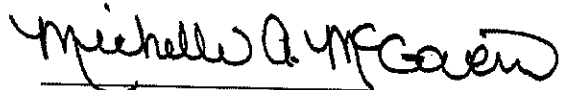
THEREFORE, IT IS ORDERED:

Claimant will attend an appointment with Timothy Miller, M.D. on August 9, 2019.

Defendants will pay for the medical costs incurred for treatment with Dr. Miller, including transportation costs.

Defense counsel will forward to Dr. Miller, all work-related medical records incurred after May 18, 2018. Said records shall be sent to Dr. Miller on or before September 5, 2019.

So Ordered.

  
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MICHELLE A. MCGOVERN  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

Delivered by WCES to all parties of record.