

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

STACEY STEEPLETON,

Claimant,

vs.

ST. LUKE'S UNITY POINT HOSPITAL,

Employer,
Self-Insured,
Defendant.

File No. 20004425.03

ALTERNATE MEDICAL

CARE DECISION

Head Note No.: 2701

STATEMENT OF THE CASE

This 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, Stacey Steepleton. Claimant appeared telephonically and through her attorney, Andy Giller. Defendant appeared through attorney Terri Davis. Also present on behalf of defendant was Jennifer Ruiz.

Claimant's application for alternate medical care was filed on June 10, 2022. Defendant filed an answer on June 21, 2022. The claim came on for hearing on June 22, 2022. The proceedings were digitally recorded. That recording constitutes the official record of this proceeding. Pursuant to the Commissioner's February 16, 2015 Order, the undersigned has been delegated authority to issue a final agency decision in this alternate medical care proceeding. Therefore, this ruling is designated final agency action and any appeal of the decision would be to the Iowa District Court pursuant to Iowa Code section 17A.

The record consists of claimant's exhibit 1, consisting of 6 pages; defendant's exhibits A through C, consisting of 9 pages, and claimant's sworn testimony. Both attorneys also presented arguments regarding their clients' positions.

ISSUE

The issue presented for resolution is whether the claimant is entitled to alternate medical care consisting of authorization for claimant to return to Stanley Mathew, M.D., for an appointment on July 5, 2022, as well as authorization for her to see John Williams, Ph.D., a pain psychologist to whom Dr. Mathew has referred claimant.

FINDINGS OF FACT

The undersigned having considered all of the testimony and evidence in the record finds:

Claimant sustained an injury to her low back while working for defendant employer on December 18, 2019. Defendant accepted liability for the low back injury and has authorized treatment. Since approximately September 2020, claimant has been seeing Dr. Mathew for pain management. Claimant testified that she receives trigger point injections and Toradol injections from Dr. Mathew about every four weeks. Dr. Mathew also provides prescription medications. Claimant testified that the injections are helpful. Her last injections took place on June 2, 2022. (Claimant's Exhibit 1, pp. 1-3) At that time, claimant actually saw Staci Becker, ARNP, who works with Dr. Mathew. (Cl. Ex. 1, p. 4) ARNP Becker recommended that claimant continue with trigger point injection therapy, and further recommended claimant see a pain psychologist. (Cl. Ex. 1, pp. 1-4) Dr. Mathew agreed with the treatment plan. (Cl. Ex. 1, p. 1)

Claimant testified that she requested the pain psychologist be Dr. John Williams, because she has previously seen him for a mental health evaluation related to her application for Social Security disability benefits. She testified that she felt a connection with him during that evaluation and felt comfortable with him. She currently has an appointment scheduled with Dr. Mathew's office for her regular injections on July 5, 2022, and has an initial appointment with Dr. John Williams scheduled for July 18, 2022.

The parties agree that claimant saw John Kuhnlein, D.O., for an independent medical evaluation (IME) at defendant's request on April 4, 2022. (Defendant's Exhibit B, p. 8) Dr. Kuhnlein recommended that claimant be referred to the University of Iowa Hospitals and Clinics (UIHC), "where she can be involved in a multidisciplinary approach to pain management to include not only physical treatment but also psychological counseling to help her more appropriately respond to chronic pain." (Def. Ex. B, pp. 5-6) The parties then participated in mediation on or around April 22, 2022, which resulted in an agreement that claimant had not reached maximum medical improvement (MMI), and defendant would authorize claimant to be seen at UIHC pursuant to Dr. Kuhnlein's recommendation. (Def. Ex. A, p. 1) On April 27, 2022, defense counsel advised claimant's counsel that Dr. Mathew would no longer be authorized, as claimant's care was being transferred to UIHC. (Def. Ex. A, p. 3)

Defense counsel advised on the record that due to the length of time it was taking to get claimant scheduled at UIHC,¹ claimant was authorized for a one-time return appointment to Dr. Mathew for the purpose of her regular injection therapy. That appointment took place on June 2, 2022, as noted above. Additionally, claimant has now been scheduled for her initial evaluation at the UIHC Pain Management Clinic with Dr. Singh (first name not provided). (Def. Ex. C, p. 9) The parties agree the appointment

¹ As most workers' compensation practitioners in Iowa are aware, it can take time to get into the various clinics at UIHC. There is no allegation that defendant intentionally delayed scheduling claimant at UIHC or otherwise unreasonably delayed treatment.

with Dr. Singh is scheduled for July 25, 2022. It is defendant's position that because the approach is multidisciplinary at UIHC and includes pain psychology, there is no need for the referral to Dr. Williams. That being said, defendant is not opposed to authorizing claimant to return to Dr. Mathew on July 5, 2022, for another round of injections.

Claimant requests that in addition to the July 5, 2022 injections with Dr. Mathew, she be authorized to see Dr. Williams on July 18, 2022. Claimant argues that the appointment date is earlier in time than her appointment at UIHC, and the first appointment at UIHC is only an initial evaluation, and it is unknown what treatments will be recommended or whether pain psychology will be included.

REASONING AND CONCLUSIONS OF LAW

Iowa Code section 85.27(4) provides, in relevant part:

For purposes of this section, the employer is obliged to furnish reasonable services and supplies to treat an injured employee, and has the right to choose the care. . . . The treatment must be offered promptly and be reasonably suited to treat the injury without undue inconvenience to the employee. If the employee has reason to be dissatisfied with the care offered, the employee should communicate the basis of such dissatisfaction to the employer, in writing if requested, following which the employer and the employee may agree to alternate care reasonably suited to treat the injury. If the employer and employee cannot agree on such alternate care, the commissioner may, upon application and reasonable proofs of the necessity therefor, allow and order other care.

Iowa Code § 85.27(4).

Defendants' "obligation under the statute is confined to *reasonable* care for the diagnosis and treatment of work-related injuries." Long v. Roberts Dairy Co., 528 N.W.2d 122, 124 (Iowa 1995) (emphasis in original). In other words, the "obligation under the statute turns on the question of reasonable necessity, not desirability." Id.

Similarly, an application for alternate medical care is not automatically sustained because claimant is dissatisfied with the care she 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. See Iowa Code § 85.27(4). Thus, 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); Long, 528 N.W.2d at 124.

Ultimately, determining whether care is reasonable under the statute is a question of fact. Long, 528 N.W.2d at 123.

In this case claimant has not proven that the care offered by defendant is unreasonable. Defendant has secured an appointment with Dr. Singh at UIHC Pain Management Clinic for July 25, 2022. In the meantime, defendant is willing to authorize claimant to return to Dr. Mathew for her scheduled injections on July 5, 2022. While Dr. Mathew was authorized to treat claimant on June 2, 2022, that appointment was for the sole purpose of continuing her injection therapy while the parties waited for an appointment at UIHC. He was not authorized to make a referral to a pain psychologist, as that portion of claimant's care is being transferred to UIHC pursuant to the prior agreement of the parties. At this time, defendant is providing reasonable care. Therefore, while claimant is entitled to authorization for her appointment with Dr. Mathew on July 5, 2022, she has not proven entitlement to the appointment with Dr. Williams on July 18, 2022.

ORDER

THEREFORE IT IS ORDERED:

Claimant's petition for alternate medical care is granted in part and denied in part.

Defendant will authorize claimant to attend her appointment with Dr. Mathew on July 5, 2022, for the purpose of continuing her injection therapy while waiting for her appointment at UIHC.

Claimant's request for authorization for the appointment with Dr. John Williams on July 18, 2022 is denied.

Signed and filed this 23rd day of June, 2022.



JESSICA L. CLEEREMAN
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Andrew Giller (via WCES)

Terri Davis (via WCES)