

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TERRY C. THURMAN,

Claimant,

vs.

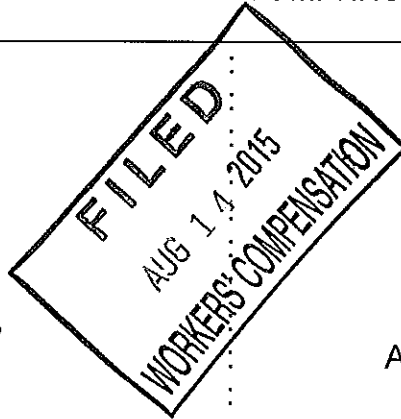
UNIPARTS OLSEN, INC.,

Employer,

and

PMA INSURANCE GROUP,

Insurance Carrier,
Defendants.



File No. 5046545

ALTERNATE MEDICAL

CARE DECISION

HEAD NOTE NO: 2701

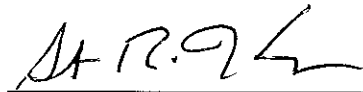
Claimant sought alternative medical care with respect to injuries arising out of and in the course of employment on November 20, 2013. A hearing was scheduled for August 14, 2015 concerning this application. At hearing the parties reached an agreement that defendants would provide the care requested, get prescriptions authorized, and see that the treating physician is promptly paid.

An employer does not have the right to control the methods the providers choose to evaluate, diagnose and treat the injured employee. An employer is not entitled to control a licensed health care provider's exercise of professional judgment. Assman v. Blue Star Foods, Declaratory Ruling, File No. 866389 (May 18, 1988). An employer's failure to follow recommendations of an authorized physician in matters of treatment is commonly a failure to provide reasonable treatment. Boggs v. Cargill, Inc., File No. 1050396 (Alt. Care Dec. January 31, 1994).

Defendants are reminded that the consequence of failing to promptly provide care is the loss of the right to choose the care. West Side Transport v. Cordell, 601 N.W.2d 691 (Iowa 1999). Should the right to choose care be lost; I see no authority for the proposition that somehow defendants regain the right to choose the care at some later date.

Accordingly, the claimant's petition is dismissed without prejudice. Defendants shall provide the care requested.

Signed and filed this 14th day of August, 2015.



STAN MCELDERRY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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