

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

KATHLEEN MUTCHLER,

Claimant,

vs.

FEDERAL EXPRESS CORP.,

Employer,
Self-Insured,
Defendant.

File No. 19002556.01

ALTERNATE MEDICAL

CARE CONSENT ORDER

HEAD NOTE NO: 2701

On March 17, 2020, claimant filed a petition for alternate medical care. The matter was scheduled for hearing on March 30, 2020, at 10:30 a.m.

Claimant's requested relief was authorization to proceed with Stephen A. Ash, M.D.'s recommended surgery to the right shoulder. Prior to the commencement of the hearing, defendant agreed to authorize the surgery. In light of the current global pandemic virus COVID-19, a Proclamation of Disaster Emergency was issued on March 26, 2020, by Governor Kim Reynolds. This proclamation imposed a moratorium on "nonessential or elective surgeries and procedures that utilize personal protective equipment." See governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.03.26.pdf. This moratorium is effective until April 16, 2020, "unless sooner terminated or extended in writing" by Governor Reynolds. Id.

IT IS THEREFORE ORDERED:

- 1) Defendants agree to authorize the right shoulder surgery recommended by Dr. Ash as soon as practicable upon termination of the March 26, 2020, Proclamation of Disaster Emergency.
- 2) Entry of this Consent Order does not prejudice the defendant's right to authorize care pursuant to Iowa Code 85.27.

Signed and filed this 30th day of March, 2020.



ANDREW M. PHILLIPS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Joseph Powell (via WCES)

Charles Cutler (via WCES)