

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARKIEA THURMOND,

Claimant,

vs.

JOHN DEERE WATERLOO WORKS,

Employer,
Self-Insured,
Defendant.

File No. 5058893.02

ALTERNATE MEDICAL

CARE CONSENT ORDER

HEAD NOTE NO: 2701

Claimant Markiea Thurmond filed an application for alternate medical care, requesting evaluation and treatment for weight loss and care for her right knee condition. Defendant John Deere Waterloo Works ("John Deere") filed an answer admitting liability for the claimant relating to the right knee and ankle, but denied liability for the claim for weight loss treatment. A hearing on the application was scheduled for February 28, 2020, at 8:30 a.m. At the time of the hearing Thurmond appeared with her attorney, Benjamin Roth. Attorney James Kalkhoff represented John Deere.

Before alternate medical care can be ordered, compensability of the medical condition to be treated must be established, either by admission of liability or by adjudication. The summary procedure of Iowa Code section 85.27, as more particularly described in rule 876 IAC 4.48(7), is not available to adjudicate liability or causal connection disputes. Given John Deere has denied liability for weight loss treatment, the issue of whether or not Thurmond is entitled to weight loss treatment cannot be decided in an alternate medical care proceeding.

At the start of the hearing the parties agreed to the entry of a consent order concerning Thurmond's request for alternate medical care for her right knee condition. John Deere agreed to provide evaluation and treatment for her right knee condition as ordered by the treating physician.

ORDER

John Deere shall provide evaluation and treatment for Thurmond's right knee condition as ordered by the treating physician.

Signed and filed this 28th day of February, 2020.



HEATHER L. PALMER
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Benjamin R. Roth (via WCES)

James F. Kalkhoff (via WCES)