

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

ANDREW JACOBSON,

Claimant,

vs.

BLACK HAWK COUNTY,

Employer,

and

IMWCA,

Insurance Carrier,
Defendants.

File No. 22004620.02

MEMORANDUM OF
ALTERNATE CARE

On October 18, 2023, claimant filed an alternate care petition seeking diagnostic testing recommended by Dr. Hawk for injuries to his testicles, groin, right hip and back. On October 27, 2023, defendants filed an answer, admitting liability for the testicle and groin injury, but denied liability for the right hip and back based on a lack of information.

On October 30, 2023 at 10:35 AM a hearing was held. During the hearing the parties discussed the defendants' position pertaining to the issues at hand. After some discussion, it was agreed that the defendants would accept liability for the right hip, and agree to authorize a right hip MRI. However, based on the opinion of Dr. Broghammer, they denied liability for the low back. It was then determined that this denial necessitated a dismissal, without prejudice, which would allow the claimant to seek out medical treatment on his own, and the defendants would not be allowed to mount an authorization defense in a later arbitration hearing.

Exhibit 1 and 2 of the claimant were admitted and defendants exhibit A and B were admitted. The record was closed, and the hearing was adjourned. Subsequent to this, defendants issued a revised answer in which they accepted responsibility for both the right hip and low back and authorized the treatment recommended by Dr. Broghammer which was an MRI of the right hip and a complete neurodiagnostic workup. Dr. Broghammer did not agree with the diagnostic recommendations of Dr. Hawk, which included a lumbar MRI and possibly an MRI or CT of the pelvis.

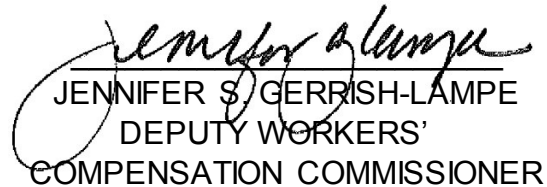
Claimant does not object to the amended answer but does take issue with the reasonableness of Dr. Broghammer's opinion and recommendations. Given that the

hearing concluded without discussion regarding Dr. Broghammer's opinions, the claimant's request for alternate care is granted in part and denied in part.

The MRI of the right hip is authorized by the defendants. However, claimant's request for the lumbar MRI and CT or MRI of the pelvis is denied at this time. Both parties agree claimant can file a new alternate care petition challenging Dr. Broghammer's treatment recommendations.

THEREFORE IT IS ORDERED, claimant's request for alternate care is granted in part and denied in part. The MRI of the right hip is authorized by the defendants. Claimant's request for the lumbar MRI and CT or MRI of the pelvis is denied at this time.

Signed and filed this 2nd day of November, 2023.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Connor Mulholland (via WCES)

Ryan Clark (via WCES)