

## **Workers' Compensation Forum**

**Question:** I injured my left shoulder in an accident at work. The workers' compensation insurance carrier said that this was work related, and sent me to a company doctor for treatment. That doctor said that my shoulder injury had only resulted in a strain of my shoulder. He prescribed some physical therapy, but refused to make a referral to an orthopaedic doctor. About five years ago, I had a similar problem with my right shoulder when I injured it at home. I went to my family doctor, and he referred me to a surgeon. That doctor did surgery, which relieved my pain.

I know that the same thing has happened on my left shoulder. Can't I just go to the doctor who did my earlier surgery for treatment? I really liked him and know that he could fix my left shoulder.

**Answer:** Iowa is one of a small number of states that allows the employer and insurance carrier to choose your medical care. This means that even if you think you can get better medical care elsewhere, the insurance carrier will not have to pay for this care unless they are ordered to do so by the workers' compensation commissioner. Although you could go to your own doctor and get a referral to the surgeon, unless this is approved by the insurance carrier or the workers' compensation commissioner, you will have to pay for this care yourself.

The law creates what is known as an alternate medical care proceeding. This is a quick (10-14 day) proceeding where you can make your case to obtain medical care other than that provided by the insurance carrier. You can only obtain alternate medical care if it is found that the care provided by the insurance carrier or employer is not offered promptly, or if the care is unduly inconvenient, or the care is not "reasonably suited to treat the injury."

In your case, the treatment may not be reasonably suited to treat the injury. You may want to see if your own doctor would recommend other care, as that will provide support for an alternate care proceeding. You may wish to contact an attorney experienced with workers' compensation to assist you in addressing these problems. The attorneys at Neifert, Byrne & Ozga, P.C., have over 55 years of legal experience, and can assist you with your workers' compensation claims. Contact us at:

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