

COMPENSATION NEWS

MONTHLY REPORT

ACOEM treatment guidelines discussed under Labor Code section 4604.5 (c)

This is a decision by the WCAB

The applicant had an industrial injury on July 27, 1999. This was an admitted injury to his back. The applicant was referred by his primary treating physician to a physician who specialized in pain management.

The pain management doctor started the applicant on many different medications. The doctor indicated that the applicant had a low testosterone level and the applicant was paying for the testosterone treatment himself, but could no longer afford it due

to his reduced earning capacity from the industrial injury. The doctor prescribed testosterone cream therapy to counteract the applicant's decreased testosterone level due to the use of opiate medications prescribed for the industrial injury.

A dispute arose. The defendant sent the request for utilization review. The utilization review doctor denied the request for the treatment. The issue was presented to the Workers' Compensation Appeals Board (WCAB). The Workers' Compensation Judge (WCJ) awarded the applicant the treatment stating it was necessary to cure and/or relieve from the effects of the industrial injury.

On opinion and decision after reconsideration the WCAB analyzed Labor Code section 4600 and 4604.5 ©). 4600 states "cure or relieve." They indicated

that "cure or relieve" and "cure and relieve" have been used interchangeable for decades.

They cited a California Supreme Court case for support. They further indicated 4604.5 uses both terms. The WCJ language of "cure and/or relieve" was consistent with prior court interpretations. They indicated that medical treatment which is intended only to relieve, but not cure, the effects of an industrial injury is acceptable under Labor Code section 4600. The phrase "cure or relieve" is identical to "cure and relieve".

The testosterone treatment was allowed.

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