

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F805104

JIMMIE REDMOND, EMPLOYEE CLAIMANT

ST. JOSEPH'S MERCY HEALTH CENTER,  
SELF-INSURED EMPLOYER RESPONDENT

SISTERS OF MERCY HEALTH SYSTEM,  
THIRD PARTY ADMINISTRATOR RESPONDENT

ORDER FILED OCTOBER 25, 2010

Upon review before the FULL COMMISSION, Little Rock,  
Pulaski County, Arkansas.

Claimant represented by the HONORABLE LAURA BETH YORK,  
Attorney at Law, Little Rock, Arkansas.

Respondent represented by the HONORABLE RANDY P. MURPHY,  
Attorney at Law, Little Rock, Arkansas.

ORDER

This claim is presently before the Commission on remand from the Court of Appeals. On February 4, 2010, the Full Commission entered an Opinion affirming and adopting an October 7, 2009 Order of an Administrative Law Judge. In this Opinion, the Administrative Law Judge concluded that the additional medical treatment claimant pursued was reasonable and necessary and related to his compensable injury. In its

decision, delivered September 22, 2010, the Court of Appeals stated that the Administrative Law Judge's conclusion lacks sufficient findings of fact for the Court to determine whether substantial evidence supports the decision to approve medical benefits. The Court of Appeals further stated that there is no question on appeal whether claimant sought approval of a change-of-physician request: he did not. Rather, the Court of Appeals stated, the issue is whether an exception to the change of physician rules applied in this case. While there is an exception to filing the change-of-physician forms under Ark. Code. Ann. §11-9-514, when the claim has been controverted, this is governed by subsection (f) of the statute. The Court of Appeals stated that the Administrative Law Judge made no findings to support this exception, and therefore reversed the decision of the Full Commission and remanded for additional findings of fact on this issue.

In accordance with the Court of Appeals' decision, we find that this matter must be remanded to the Administrative Law Judge for findings of fact on the issue of whether an exception to the change-of-physician rules applied in this case.

IT IS SO ORDERED.

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A. WATSON BELL, Chairman

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KAREN H. MCKINNEY, Commissioner

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PHILIP A. HOOD, Commissioner