

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION  
CLAIM NO. H207088**

**BEVERLY A. RICE, EMPLOYEE**

**CLAIMANT**

**vs**

**BAPTIST HEALTH,  
SELF-INSURED EMPLOYER**

**RESPONDENT**

**CLAIMS ADMINISTRATIVE SERVICES, TPA**

**RESPONDENT**

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**OPINION & ORDER FILED 30 OCTOBER 2025**

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Heard before Arkansas Workers' Compensation Commission Administrative Law Judge JayO. Howe on 24 September 2025 in Little Rock, Arkansas.

The claimant appeared *pro se*.

The respondents appeared through Worley, Wood & Parrish, P.A., Ms. Melissa Wood.

**STATEMENT OF THE CASE**

A Prehearing Order was entered on 22 July 2025 and admitted to the record as Commission's Exhibit № 1. Consistent with that Order, the parties agreed to the following for this litigation:

1. The Arkansas Workers' Compensation Commission (the Commission) has jurisdiction over this claim.
2. The self-insured employer/employee/TPA relationship existed at all relevant times, including 17 January 2022, when the claimant suffered a compensable injury to the middle finger on her right hand.
3. The claimant's average weekly wage at the time of her injury was \$505.25, which would entitle her to weekly temporary total disability (TTD) and permanent partial disability (PPD) benefits of \$337 and \$253, respectively.
4. The claimant was released to return to full-duty work with a zero percent (0%) impairment rating.

5. The claimant sought and received a Change of Physician to Dr. Bryan Head.

ISSUE TO BE LITIGATED

1. Whether the claimant is entitled to additional medical treatment.

All other issues are reserved.

CONTENTIONS

The Prehearing Order set out the following contentions from the parties' respective prehearing questionnaire responses:

Claimant

The claimant contends that she sustained a compensable injury to her right middle finger while delivering a patient's meal tray. The door to the cart swung open and smashed the claimant's right middle finger. The claimant contends that the injury has caused her finger to stiffen as time has gone on. All other issues are reserved.

Respondent

The respondents contend that all appropriate benefits have been paid with regard to this matter. The medical records do not support the need for additional medical treatment nor the entitlement to indemnity benefits associated with the claimant's compensable injury.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the record as a whole, including the evidence summarized below, and having heard testimony from the witness, observing her demeanor, I make the following findings of fact and conclusions of law under Ark. Code Ann. § 11-9-704:

1. The Commission has jurisdiction over this claim.
2. The stipulations as set forth above are reasonable and are hereby accepted.
3. The claimant has failed to prove by a preponderance of the evidence that she is entitled to additional medical treatment of her stipulated compensable right middle finger injury.

## **ADJUDICATION**

The stipulated facts are outlined above and accepted. It is settled that the Commission, with the benefit of being in the presence of a witness and observing their demeanor, determines a witness' credibility and the appropriate weight to accord their statements. *Wal-Mart Stores, Inc. v. VanWagner*, 337 Ark. 443, 990 S.W.2d 522 (1999). A claimant's testimony is never considered uncontroverted. *Nix v. Wilson World Hotel*, 46 Ark. App. 303, 879 S.W.2d 457 (1994). The determination of a witness' credibility and how much weight to accord to that person's testimony are solely up to the Commission. *White v. Gregg Agricultural Ent.*, 72 Ark. App. 309, 37 S.W.3d 649 (2001). The Commission must sort through conflicting evidence and determine the true facts. *Id.* In so doing, the Commission is not required to believe the testimony of the claimant or any other witness but may accept and translate into findings of fact only those portions of the testimony that it deems worthy of belief. *Id.*

## **SUMMARY OF THE EVIDENCE**

The record consists of the hearing transcript and the following exhibits: Commission's Exhibit No 1 (the 22 July 2025 Prehearing Order) and Respondents' Exhibit No 1 (one index page and 17 pages of medical records). The claimant was the only witness.

### *Testimony*

The claimant is 63 years old and has been working for Baptist (its varying corporate names and changing facility designations notwithstanding) since 1978. She was working for Respondent-employer Baptist Health when she injured her right middle finger while passing out patient food trays. She testified that food trays are delivered to the patient rooms via large rolling carts and the door to the cart she was using smashed her finger.

After she reported her injury, the respondents accepted the claim as compensable and began providing benefits.

The claimant treated with Dr. Richard Wirges, who initially provided some injection therapy before eventually performing trigger release surgery. Dr. Wirges put the claimant on light duty while she recovered from surgery. The claimant disagreed with Dr. Wirges' opinion when he later released her from care at maximum medical improvement (MMI) and returned her to full-duty work without any impairment rating or restrictions. The claimant then obtained a Change of Physician to Dr. Bryan Head. The claimant recalled Dr. Head providing her two more injections that only helped with her reported pain for a few days. She continues working essentially the same job duties for essentially the same pay as before her injury, although her position was recently absorbed by a third party who now contracts with Baptist for various services.

On cross-examination, the claimant acknowledged prior hand surgeries with Dr. Wirges that were not related to her stipulated compensable injury. She testified that she continues to experience some occasional soreness and numbness that she attributes to this injury.<sup>1</sup> "I'm just wondering why my hand is still bothering me," she said. She believes that she could benefit from additional injection therapy to address some stiffening and "hard skin" that she still experiences.

*Medical Records*

The claimant did not introduce any medical or other documentary evidence into the record. The respondents provided medical records that showed that the claimant previously

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<sup>1</sup> At the end of her testimony, the claimant spoke about believing that she is entitled to an impairment rating and the indemnity benefits associated with the same. We briefly discussed that whether she was entitled to the assignment of an impairment rating had not been anticipated as part of this litigation and that she had reserved all other available issues for future litigation.

underwent right thumb and right carpal tunnel surgeries. Regarding her compensable injury, Dr. Wirges released the claimant from care and back to full duty on 18 November 2022. He noted at the time that she had some early arthritic changes.

In a subsequent note, dated 11 January 2023, he confirmed that, “She will return to all activities with no restrictions and no limitations and she has no impairment. She is at MMI.” A note from Dr. Head’s office on 18 January 2024 also shows that the claimant was released to work with no restrictions.

### DISCUSSION

The parties have stipulated that the claimant sustained a compensable injury to her right middle finger. At issue is whether she is entitled to additional medical treatment since her initial release from care at MMI and continued work-without-restrictions status after obtaining a Change of Physician. For the reasons explained below, she has failed to prove by a preponderance of the evidence that she is entitled to additional medical treatment.

Employers must promptly provide medical services which are reasonably necessary in connection with compensable injuries. Ark. Code Ann. § 11-9-508(a). However, injured employees have the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. *Patchell v. Wal-Mart Stores, Inc.*, 86 Ark. App. 230, 184 S.W.3d 31 (2004). What constitutes reasonable and necessary medical treatment is a fact question for the Commission, and the resolution of this issue depends upon the sufficiency of the evidence. *Gansky v. Hi-Tech Engineering*, 325 Ark. 163, 924 S.W.2d 790 (1996).

A claimant may be entitled to additional treatment even after her healing period is ended, if that treatment is geared towards management of a compensable injury. *Patchell, supra*. Such services can include those for the purpose of diagnosing the nature and extent of the compensable injury; reducing or alleviating symptoms resulting from the

compensable injury; maintaining the level of healing achieved; or preventing further deterioration of the damage produced by the compensable injury. *Jordan v. Tyson Foods, Inc.*, 51 Ark. App. 100, 911 S.W.2d 593 (1995). An employee who has sustained a compensable injury is not required to offer objective medical evidence in order to prove that she is entitled to additional treatment. *Ark. Health Ctr. v. Burnett*, 2018 Ark. App. 427, 558 S.W.3d 408.

As noted above, the claimant relied only on her testimony to advance her contention that she is entitled to additional medical treatment. Specifically, she argued that the respondents should be liable for additional injection therapy which she hopes might address what she perceives as soreness and stiffness attributable to her compensable injury. But by her own admission, she received little pain relief in her hand after her last two injections.

Dr. Wirges first released the claimant to full-duty work without restrictions in November of 2022. He then clarified in January of 2023 that despite some lingering complaints of pain and soreness, the claimant had achieved MMI. I find his reports to be credible. *Poulan Weed Eater v. Marshall*, 79 Ark. App. 129, 84 S.W.3d 878 (2002) (The Commission is authorized to accept or reject a medical opinion and is authorized to determine its medical soundness and probative value).

Since obtaining a Change of Physician to Dr. Head, the records show that the claimant's work status continues to be without restrictions. The only suggestion that she might benefit from additional treatment is her unsupported opinion that more injections could help with occasional soreness or stiffness that she believes (without supporting credible evidence) is attributable to her compensable injury. The claimant is 63 years old with some signs of arthritis are noted in the records. Her subjective complaints of occasional pain and stiffness in her thrice operated-on hand are not enough to support a finding that additional medical treatment is reasonable or necessary. I find the claimant's

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concerns about her hand being sore to be sincere, but I do not find those concerns to be of sufficient weight to sustain her evidentiary burden. She has thus failed to prove by a preponderance of the evidence that she is entitled to additional medical treatment.

**CONCLUSION**

The claimant has failed to prove by a preponderance of the evidence that she is entitled to additional medical treatment. This claim for additional benefits is therefore DENIED AND DISMISSED.

SO ORDERED.

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JayO. Howe  
Administrative Law Judge