

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. G600846

ALFRED STEVE SMITH, EMPLOYEE CLAIMANT

VAN BUREN SCHOOL DISTRICT, EMPLOYER RESPONDENT NO. 1

ARKANSAS SCHOOL BOARDS ASSOCIATION,
INSURANCE CARRIER/TPA RESPONDENT NO. 1

DEATH & PERMANENT TOTAL DISABILITY
TRUST FUND RESPONDENT NO. 2

OPINION FILED MARCH 30, 2021

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

Claimant represented by the HONORABLE JARID M. KINDER, Attorney at Law, Ozark, Arkansas.

Respondents No. 1 represented by the HONORABLE MELISSA WOOD, Attorney at Law, Little Rock, Arkansas.

Respondents No. 2 represented by the HONORABLE CHRISTY L. KING, Attorney at Law, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondents No. 1 appeal an opinion and order of the Administrative Law Judge filed October 23, 2020. In said order, the Administrative Law Judge made the following findings of fact and conclusions of law:

1. The Arkansas Workers' Compensation Commission has jurisdiction of his claim

2. The proposed stipulation set forth above are hereby accepted as fact.
3. The claimant has proven by a preponderance of the evidence that he is entitled to additional medical treatment, specifically the use of a Butrans patch administered by Dr. Holt.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's October 23, 2020 decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

We therefore affirm the decision of the Administrative Law Judge, including all findings of fact and conclusions of law therein, and adopt the opinion as the decision of the Full Commission on appeal.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. §11-9-809 (Repl. 2012).

For prevailing on appeal to the Full Commission, the claimant's attorney is entitled to a fee of five hundred dollars (\$500), pursuant to Ark. Code Ann. §11-9-715(b)(Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

Commissioner Palmer dissents.

DISSENTING OPINION

I respectfully dissent from the majority opinion finding that the claimant has proven by a preponderance of the evidence that he is entitled to additional medical treatment in the form of Butrans opioid patches.

Dr. Holt, Claimant's pain-management doctor, prescribed the patches and suggests that the patches are reasonable and necessary treatment in connection with Claimant's workplace injury. Dr. Roman, also a pain-management physician, conducted an independent medical evaluation and concluded that the patches are not reasonable and necessary treatment in connection with Claimant's workplace injury.

First, Dr. Roman noted that Claimant had reached maximum medical improvement for his workplace injury in May 2017 and the

treatment Claimant now seeks is in connection to his underlying conditions rather than his workplace injury.

Second, Dr. Roman also noted the unreasonableness of the treatment, noting that 24-7 use of opioids is “not a healthy path to take.” Dr. Roman elaborated about the tolerance and dependency issues that would stem from such treatment. Nevertheless, it does not require a medical degree to understand the soundness of Dr. Roman’s conclusion.

I would assign more weight to Dr. Roman’s independent medical evaluation and find that Claimant is not entitled to the additional medical treatment of opioid patches. Accordingly, for the reasons set forth above, I must dissent from the majority opinion.

CHRISTOPHER L. PALMER, Commissioner