

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
LARRY D. VAUGHT, JUDGE

DIVISION IV

CA06-93

November 1, 2006

SANDRA F. WOOTEN

APPELLANT

APPEAL FROM THE ARKANSAS
WORKERS' COMPENSATION
COMMISSION
[NO. F305637]

V.

CENTRAL MOLONEY, INC. and
CROCKETT ADJUSTMENT

APPELLEES

AFFIRMED

Appellant Sandra Wooten sustained a compensable injury, bilateral carpal-tunnel syndrome, in the course of her employment with appellee Central Moloney, Inc., an electrical-transformer manufacturer. On appeal she argues that the Workers' Compensation Commission erred in its determination that she was not entitled to a change of physician or additional medical treatment at Central Moloney's expense. We affirm.

Wooten's injury was originally diagnosed by Dr. Michael Moore. Based on the severity of her injury, Dr. Moore performed two release surgeries on Wooten. Central Moloney paid all medical and indemnity benefits associated with the surgeries. Dr. Moore then released Wooten from his care. He opined that she had reached maximum medical improvement and could resume regular activities.

Ultimately, Wooten became dissatisfied with Dr. Moore and contacted the Commission to arrange for her one-time change of physician. A change of physician order was entered by the Commission on December 19, 2003, changing Wooten's physician from Dr. Moore to Dr. David Rhodes. Wooten was subsequently examined by Dr. Rhodes, and all medical charges associated with the examination were paid by Central Moloney.

Wooten then asked the Commission to grant a second change of physician to either Dr. Willis Courtney or Dr. John Lytle because the evaluation and treatment that she received from Dr. Rhodes was "reluctant and incompetent." Specifically, she points to the following errors: 1) the medical history recorded by Dr. Rhodes incorrectly stated that Wooten was referred to him by Dr. Nancy Williams; 2) Dr. Rhodes listed an incorrect date for Wooten's release surgeries; 3) Dr. Rhodes only x-rayed her right wrist. She also asked the Commission to require Central Moloney to pay for medical treatment she received from Dr. Willis Courtney after Dr. Rhodes's "clearly cursory" examination.

The Commission concluded that despite these alleged errors and omissions, Dr. Rhodes conducted a thorough examination of Wooten as it related to her work injuries. According to the Commission, Dr. Rhodes's medical report demonstrated that he had knowledge of her past treatment and diagnosis and that he examined Wooten sufficiently to determine whether her condition had recurred. According to the Commission "whether or not Dr. Rhodes correctly characterized Dr. Nancy Williams as a referring physician does not alter the fact that Dr. Rhodes was [Wooten's] new 'authorized physician' pursuant to the Change

of Physician Order sought by [Wooten] from the Commission.” It is from this decision that Wooten appeals.

When reviewing a decision of the Commission, we view the evidence in the light most favorable to the Commission’s decision and must uphold the decision if it is supported by substantial evidence. *Collins v. Excel Speciality Prods.*, 347 Ark. 811, 695 S.W.3d 14 (2002).

We begin our review with Arkansas Code Annotated section 11-9-514(a)(3)(A)(ii) (Repl. 2002), which provides that a claimant “shall be allowed to change physicians by petitioning the Commission one (1) time only” Further, “[t]reatment or services furnished or prescribed by any physician other than the ones selected according to the foregoing, except emergency treatment, shall be at the claimant’s expense.” Ark. Code Ann. § 11-9-514(b).

In this case the Commission’s conclusion that Wooten petitioned for and received her one-time change of physician is supported by substantial evidence. Not only does the record before us contain an order granting the one-time change, Wooten’s own testimony supports the Commission’s conclusion. She testified that “they granted me that one-time change of physician.” Indeed, the law is clear. Wooten was entitled to one change of physician; Wooten received a change of physician. The fact that she was dissatisfied with Dr. Rhodes’s evaluation and conclusion that she did not require further treatment is irrelevant.

Affirmed.

HART and BAKER, JJ., agree.

