

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

STEVE BEAVERS,

Appellant,

v.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D12-0324

CARPENTER CONTRACTORS
OF AMERICA and
ALTERNATIVE SERVICE
CONCEPTS,

Appellees.

Opinion filed February 26, 2013.

An appeal from an order of the Judge of Compensation Claims.
Margaret E. Sojourner, Judge.

Date of Accident: June 25, 2003.

Bradley G. Smith of Smith, Feddeler, Smith & Miles, P.A., Lakeland, and Susan
W. Fox of Fox & Loquasto, P.A., Orlando, for Appellant.

Vanessa J. Johnson and Robert B. Bennett of Sponsler, Bennett, Jacobs & Adams,
P.A., Tampa, for Appellees.

PER CURIAM.

In this workers' compensation appeal, Steve Beavers argues the judge of
compensation claims (JCC) erred in denying his request that pain management

with Dr. Khan be continued or reauthorized. In ruling that Dr. Khan was properly deauthorized by the employer/carrier under section 440.13(2)(d), Florida Statutes (2010), the JCC did not have the benefit of this court's decision in Avery v. City of Coral Gables, 100 So. 3d 749, 752 (Fla. 1st DCA 2012) ("A claimant who has reached MMI . . . cannot be 'in recuperation,' as a matter of law, where the treatment being provided is not curative."). We therefore reverse the order on appeal and remand for further proceedings.

BENTON, C.J., DAVIS, and ROBERTS, JJ., CONCUR.