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In the ORS 656.327 Medical Treatment Dispute of

**Veronica T. Hanlon, Claimant**

Contested Case No: 07-003H

**PROPOSED & FINAL ORDER**

October 1, 2007

VERONICA T. HANLON, Petitioner  
CAMBRIDGE INTEGRATED SERVICES GROUP INC. , Respondent  
Before Kirk Spangler, Administrative Law Judge

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Pursuant to notice, a hearing was convened and closed in this case on September 12, 2007, in Salem, Oregon, before Administrative Law Judge Kirk Spangler. Neither claimant nor Dr. Quinn appeared.<sup>1</sup> The employer, Compass Holdings, administered by Cambridge, was represented by Debra Sather, an attorney. Exhibits 1 through 36 were received in evidence.

**ISSUES**

1. Whether Dr. Quinn's hearing request should be dismissed for his failure to appear and/or her apparent abandonment of her case.
2. Whether Cambridge correctly reduced payment for Dr. Quinn's medical services that he provided to claimant from March 21, 2006 through April 6, 2006.
3. Whether Cambridge is liable for Dr. Quinn's medical services that he provided to claimant from April 10, 2006 through May 10, 2006.

**FINDINGS OF FACT**

I affirm and adopt the Findings of Fact in Administrator Order TX 06-1100 as supplemented below.

Claimant, a 52 year-old food service worker, compensably injured her lower back in October 2004. She was initially treated by Dr. Rosenbaum, an orthopedic surgeon, who operated on her lumbar spine. Claimant continued to experience lower back pain and problems, however, and in December 2005, sought treatment from Dr. Quinn, a chiropractor.

The administrator initially accepted claimant's claim as an L4-5 disc herniation.

On January 20, 2006, claimant was under the care of Dr. Verzosa, a physician. Dr. Verzosa recommended 25 additional chiropractic treatments, three times a week. Dr. Verzosa reexamined claimant on March 13, 2006. Between those two examinations, claimant had received 25 treatments from Dr. Quinn and her symptoms had not improved.

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<sup>1</sup> The movant in this "medical services" case is Dr. Quinn, who filed a Request for Hearing to appeal the Workers' Compensation Division's December 19, 2006 Administrative Order.

After March 21, 2006, the administrator ceased paying for claimant's chiropractic treatments performed by Dr. Quinn. Consequently, Dr. Quinn requested administrative review. After procedural entanglements, the administrator responded in October 2006, and asserted that Dr. Quinn's chiropractic treatments after March 21, 2006, were excessive, inappropriate, and ineffectual.

In December 2006, Dr. Peterson, a chiropractor, reviewed claimant's medical records at the request of the Workers' Compensation Division. Dr. Peterson opined that chiropractic treatment after March 6, 2006, was not appropriate.

### CONCLUSIONS OF LAW AND OPINION

#### *Dismissal*

OAR 438-006-0071(1) & (2) provide that when the movant does not appear at the hearing the ALJ "shall" dismiss the request for hearing as abandoned unless extraordinary circumstances exist. Here, Dr. Quinn neither motioned for a postponement or a continuance in advance of the hearing or appeared. Under such circumstances, I conclude that Dr. Quinn's request for hearing must be dismissed with prejudice as abandoned.

#### *Merits*

In the alternative, assuming that a medical services case from the Workers' Compensation Division cannot be dismissed under the Board's rules, I address the merits of the case.

Dr. Quinn asserts that his continuing chiropractic care of claimant beyond March 21, 2006 was benefiting her and helping to reduce her symptoms. However, Dr. Verzosa and Dr. Peterson do not support that position. In January 2006, Dr. Verzosa examined claimant and recommended three chiropractic treatments a week, for 25 additional weeks. Yet, Dr. Quinn exceeded that. Likewise, Dr. Peterson subsequently reviewed claimant's medical records and opined that Dr. Quinn's continued chiropractic treatment beyond March 6, 2006, was not reasonable or necessary.

After weighing the experts' opinions, I am not persuaded that Dr. Quinn has met his burden of proving that the Administrative Order TX 06-1100 lacks substantial evidence or that it contains an error of law. ORS 656.327(2); OAR 436-001-0225(2); *Liberty Northwest Ins. Corp. v. Kraft*, 205 Or App 59 (2006).

### ORDER

**IT IS THEREFORE ORDERED** that Dr. Quinn's request for hearing in WCB Case No. 07-00003H is dismissed with prejudice and that Administrative Order TX 06-1100 is affirmed in its entirety.