

SUPREME COURT OF OKLAHOMA

Robert Hill v. American Medical Response, Indemnity Ins. Co. of North America, and the Workers' Compensation Commission

Hill, 2018 OK 57 (Okla. 2018) · No. 115558 · Decided June 26, 2018

SUMMARY

The Oklahoma Supreme Court reviewed a workers' compensation award arising from Robert Hill's shoulder injury while working as a paramedic. The Court held that the administrative law judge properly admitted the employer's medical report under the applicable evidentiary standard. It also upheld the constitutionality of statutory provisions requiring use of the American Medical Association Guides, Sixth Edition, to assess impairment for nonscheduled members, and affirmed the Workers' Compensation Commission's order.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, C.J.; Winchester, J.; Darby, J.; Goree, S.J.; Mitchell, S.J.; Kauger, J.; Gurich, V.C.J.; Edmondson, J.; Reif, J.
JURISDICTION	Oklahoma
DECIDED	June 26, 2018
DOCKET	115558
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petition for review of an order of the Oklahoma Workers' Compensation Commission affirming an administrative law judge's permanent partial disability award.
STANDARD OF REVIEW	Under 85A O.S. Supp. 2013 § 78(C), the Supreme Court may modify, reverse, remand, or set aside a Commission decision only for specified constitutional, jurisdictional, procedural, legal, evidentiary, arbitrary-and-capricious, fraud, or findings-of-fact errors. Constitutional challenges receive de novo review, with a strong presumption of statutory constitutionality and a heavy burden on the challenger.
PRECEDENTIAL VALUE	unpublished opinion
PARTIES	Robert Hill v. American Medical Response, Indemnity Insurance Company of North America, Workers' Compensation Commission

TOPICS

workers compensation

daubert standard

expert testimony

administrative law

procedural due process

PRACTICE AREAS

workers compensation

evidence

constitutional law

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether the employer's physician's report, which relied on the Sixth Edition of the AMA Guides, was inadmissible under Daubert because it addressed impairment rather than disability and lacked vocational information.
2. Whether the Administrative Workers Compensation Act's mandatory use of the Sixth Edition of the AMA Guides for evaluating permanent partial disability to nonscheduled body parts unconstitutionally restrained the fact-finder or predetermined adjudicative facts.
3. Whether the AWCA's reference to the current or most current edition of the AMA Guides unlawfully delegated legislative authority to the American Medical Association.
4. Whether mandatory use of the Sixth Edition violated procedural or substantive due process.
5. Whether mandatory use of the Sixth Edition violated Oklahoma Constitution article 2, section 6, concerning access to courts and remedies.
6. Whether the mandatory-use provisions violated the workers' compensation grand bargain.

HOLDINGS

1. The administrative law judge did not err in admitting the employer's physician's report. Under the AWCA, permanent partial disability is functionally tied to impairment ratings based on the AMA Guides, and vocational evidence was not required for the determination at issue.
2. The AWCA's mandatory use of the AMA Guides is a permissible legislative definition of admissible evidence and permanent partial disability; it does not assign particular reports elevated probative value or predetermine the claimant's impairment rating.
3. The AWCA's references to the current or most current edition of the AMA Guides do not unlawfully delegate legislative authority to the American Medical Association when construed to mean the Sixth Edition in effect when the relevant provisions were enacted.
4. Mandatory use of the AMA Guides did not deny Hill procedural due process because he received notice, a hearing, an opportunity to present and challenge medical evidence, and an adjudication by the ALJ.
5. The mandatory-use provisions are rationally related to the legitimate governmental interest in establishing uniform standards for evaluating workers' compensation impairment and therefore do not violate substantive due process.
6. The AMA Guides requirements do not violate Oklahoma Constitution article 2, section 6, because they do not prevent Hill or similarly situated workers from filing claims, obtaining a hearing, or seeking judicial review.

7. The court declined to invalidate the AMA Guides provisions based on Hill's arguments concerning erosion of the workers' compensation grand bargain or the alleged inadequacy of his award.

KEY QUOTATIONS

“the Legislature is free to determine what evidence is and is not admissible in specific types of adjudicatory proceedings, but it may not afford elevated probative value to particular evidence nor give determinative effect to specific evidence or compel the conclusions to be drawn from it.” (¶ 29)

“Because the second interpretation would render the provisions requiring use of the AMA Guides an unconstitutional delegation of legislative authority, we are compelled to adopt the interpretation that “most current edition” and “current edition” refer to the current edition of the AMA Guides when the relevant provisions were enacted: the AMA Guides, Sixth Edition.” (¶ 41)

“The core elements of procedural due process are notice and an opportunity to be heard.” (¶ 45)

“The mandatory use of the AMA Guides, Sixth Edition, for assessing impairment for non-scheduled members does not violate the Constitution.” (¶ 64)

FACTUAL BACKGROUND

Robert Hill injured his right shoulder while working as a paramedic for American Medical Response and later underwent rotator-cuff surgery. At maximum medical improvement, Hill's physician rated him at 8% whole-person impairment under the Sixth Edition of the AMA Guides and 31.8% under the Fifth Edition; the employer's physician rated him at 4.2% under the Sixth Edition. The administrative law judge admitted the employer's report, found 7% whole-person impairment, and awarded Hill \$7,913.50 in permanent partial disability benefits.

PROCEDURAL HISTORY

Hill, a paramedic, sustained a shoulder injury and sought permanent partial disability benefits. After a hearing, the administrative law judge admitted the employer's medical report, found 7% whole-person impairment, and awarded \$7,913.50. The Workers' Compensation Commission affirmed on November 18, 2016. Hill petitioned the Oklahoma Supreme Court for review, and the Supreme Court retained the matter and affirmed.

DISPOSITION

affirmed

CASES CITED

- Corbeil v. Emricks Van & Storage, 2017 OK 71, 404 P.3d 856
- Brown v. Claims Management Resources, Inc., 2017 OK 13, 391 P.3d 111
- Williams Companies, Inc. v. Dunkelgod, 2012 OK 96, 295 P.3d 1107
- Lee v. Bueno, 2016 OK 97, 381 P.3d 736
- Douglas v. Cox Retirement Properties, Inc., 2013 OK 37, 302 P.3d 789

- Thomas v. Henry, 2011 OK 53, 260 P.3d 1251
- Christian v. Gray, 2003 OK 10, 65 P.3d 591
- Maxwell v. Sprint PCS, 2016 OK 41, 369 P.3d 1079
- Yocum v. Greenbriar Nursing Home, 2005 OK 27, 130 P.3d 213
- Conaghan v. Riverfield Country Day School, 2007 OK 60, 163 P.3d 557
- Oklahoma Coalition for Reproductive Justice v. Cline, 2016 OK 17, 368 P.3d 1278
- McCabe v. North Dakota Workers' Compensation Bureau, 1997 ND 145, 567 N.W.2d 201
- Protz v. Workers' Compensation Appeal Board (Derry Area School District), 161 A.3d 827 (Pa. 2017)
- Torres v. Seaboard Foods, LLC, 2016 OK 20, 373 P.3d 1057
- Baby F. v. Oklahoma County District Court, 2015 OK 24, 348 P.3d 1080
- Rivas v. Parkland Manor, 2000 OK 68, 12 P.3d 452
- Hughes Drilling Co. v. Crawford, 1985 OK 16, 697 P.2d 525
- Sterling Refining Co. v. Walker, 1933 OK 446, 25 P.2d 312