

TENNESSEE WORKERS' COMPENSATION APPEALS BOARD

Billy Brown v. The Lilly Co. d/b/a Lilly Environmental, et al.

2026 TN WC App. 20 · No. 2023-02-8932 · Decided April 13, 2026

SUMMARY

The Tennessee Workers' Compensation Appeals Board affirmed and remanded an order requiring the employer to provide a new panel of orthopedic specialists for treatment of the employee's compensable low back injury. The Board held that the employee remained entitled to reasonable and necessary medical treatment causally related to the work injury, but it upheld the denial of a neurosurgeon panel because the treating physician's statements did not constitute a referral.

CASE DETAILS

COURT	Tennessee Workers' Compensation Appeals Board
WRITING FOR THE COURT	Timothy W. Conner; Pele I. Godkin; Meredith B. Weaver
JURISDICTION	Tennessee Workers' Compensation Appeals Board
DECIDED	April 13, 2026
DOCKET	2023-02-8932
DISPOSITION	affirmed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal by the employer from an expedited-hearing order requiring it to provide a new panel of orthopedic specialists for selection of a treating physician.
STANDARD OF REVIEW	The Appeals Board reviewed whether the trial court's order was supported by the preponderance of the evidence.
PRECEDENTIAL VALUE	Published memorandum opinion of the Tennessee Workers' Compensation Appeals Board.
PARTIES	The Lilly Co. d/b/a Lilly Environmental, et al. v. Billy Brown

TOPICS

- workers compensation
- interlocutory appeal
- appellate procedure
- standard of review
- remedies

PRACTICE AREAS

- Tennessee workers' compensation
- employment law
- appellate procedure

QUESTIONS PRESENTED

1. Whether an injured employee remains entitled to reasonable and necessary medical treatment causally related to a compensable work injury after the authorized treating physician declines to see the employee again.
2. Whether the evidence supported ordering the employer to provide a new panel of orthopedic specialists.
3. Whether the treating physician's comments constituted a referral requiring the employer to provide a panel of neurosurgeons.

HOLDINGS

1. Unless a court terminates the employee's entitlement to medical benefits or the parties settle future medical benefits, the employee remains entitled to reasonable and necessary medical treatment causally related to the work injury; the employer may not unilaterally terminate that entitlement.
2. The employer was required to provide a new panel of orthopedic specialists for selection of a new treating physician.
3. The trial court properly declined to order a panel of neurosurgeons because Dr. Duncan's statements did not constitute a referral for neurosurgical treatment.

KEY QUOTATIONS

"In other words, an employer cannot unilaterally terminate an employee's right to future medical benefits."
(at 3)

*"It will be up to the selected physician to determine whether Employee needs additional medical treatment
"made reasonably necessary by accident.""* (at 4)

FACTUAL BACKGROUND

On November 17, 2023, Billy Brown injured his back when a forklift struck an unpainted metal support beam during the course and scope of his employment. He received authorized treatment from orthopedic specialist Dr. Richard Duncan, who diagnosed lumbar radicular pain and treated him conservatively before placing him at maximum medical improvement with a 3% impairment rating. After later declining to see Brown again, Dr. Duncan made comments suggesting Brown could consult a neurosurgeon, but the trial court found that those comments did not constitute a referral. Brown sought a new orthopedic panel and a neurosurgeon panel, and the trial court ordered only the orthopedic panel.

PROCEDURAL HISTORY

Brown sustained a compensable low back injury while driving a forklift for the employer. After his authorized treating physician declined to see him again, Brown sought panels of orthopedic specialists and neurosurgeons. The Court of Workers' Compensation Claims ordered a new orthopedic panel but denied the request for a neurosurgeon panel because it found no referral. The employer appealed, and the Appeals Board affirmed and remanded.

DISPOSITION

affirmed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for continuation of proceedings consistent with the order requiring the employer to provide a new panel of orthopedic specialists for selection of a new treating physician.

CASES CITED

- Limberakis v. Pro-Tech Sec., Inc., No. 2016-08-1288, 2017 TN Wrk. Comp. App. Bd. LEXIS 53 (Tenn. Workers' Comp. App. Bd. Sept. 12, 2017)

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