

TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

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

2026 TN WC 2 · No. 2023-02-8932 · Decided January 12, 2026

SUMMARY

The Tennessee Court of Workers’ Compensation Claims held that Billy Brown was entitled to a new panel of orthopedic physicians and approval of an appointment after his authorized treating physician declined to continue treating him. The court denied his request for a panel of neurosurgeons because the treating physician had not made a referral, and scheduled a status hearing.

CASE DETAILS

COURT	Tennessee Court of Workers' Compensation Claims
WRITING FOR THE COURT	Brian K. Addington
JURISDICTION	Tennessee Court of Workers’ Compensation Claims
DECIDED	January 12, 2026
DOCKET	2023-02-8932
DISPOSITION	other
PROCEDURAL POSTURE	Expedited hearing on the employee's request for medical benefits in a workers' compensation claim.
STANDARD OF REVIEW	Whether the employee showed a likelihood of prevailing at a hearing on the merits that he was entitled to the requested medical benefits.
PRECEDENTIAL VALUE	Published expedited order of the Tennessee Court of Workers' Compensation Claims
PARTIES	Billy Brown v. The Lilly Co. d/b/a Lilly Environmental, Amerisure Mutual Insurance Company

TOPICS

- workers compensation
- remedies
- insurance

PRACTICE AREAS

- workers compensation
- employment law
- remedies

QUESTIONS PRESENTED

1. Whether Brown was entitled to a new panel of orthopedic physicians when the authorized treating physician declined to continue treating him.
2. Whether Brown was entitled to a panel of neurosurgeons when the authorized orthopedic physician merely suggested that he might want to speak to a neurosurgeon and made no referral.

HOLDINGS

1. An employee with a compensable work injury is entitled to a new panel of orthopedic physicians when the authorized treating physician declines to allow a return visit and the employee shows a likelihood of prevailing on entitlement to further reasonable and necessary work-related medical treatment.
2. An employee is not entitled to a panel of neurosurgeons based solely on an authorized physician's speculative statement that the employee might want to speak to a neurosurgeon; a referral is required.

KEY QUOTATIONS

“An employer is obligated to provide a panel physician if an employee has suffered an injury and expressed a need for medical care.” (at 2)

“The Court cannot order a neurosurgeon panel on this speculative assertion.” (at 2)

FACTUAL BACKGROUND

Brown was injured in a forklift accident at work on November 17, 2023, and the employer accepted the claim. His authorized orthopedic surgeon, Dr. Richard Duncan, diagnosed work-related nerve compression and impairment, but after an April 16, 2025 appointment, Duncan declined to continue treating Brown. Brown requested a new panel of orthopedic physicians and a panel of neurosurgeons; the employer approved a repeat MRI but opposed the requested panels based on Duncan's later questionnaire responses.

PROCEDURAL HISTORY

Billy Brown sustained a work-related forklift injury, and Lilly accepted the workers' compensation claim. After the authorized orthopedic physician declined to continue treating Brown, Brown sought a new panel of orthopedic physicians and a panel of neurosurgeons. Following an expedited hearing, the Court of Workers' Compensation Claims granted the request for a new orthopedic panel, denied the request for a neurosurgeon panel, and ordered further compliance and a status hearing.

DISPOSITION

other

CASES CITED

- McCord v Advantage Human Resourcing, 2015 TN Wrk. Comp. App. Bd. LEXIS 6, at *7-8, 9 (Mar. 27, 2015)
- Limberakis v. Pro-Tech Sec., 2017 TN Wrk Comp App Bd

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