

MONTANA SUPREME COURT

Robinson v. State Comp. Mut. Ins. Fund, 393 Mont. 178

430 P.3d 69 (2018) · Decided October 23, 2018

SUMMARY

The Montana Supreme Court affirmed summary judgment for State Compensation Mutual Insurance Fund in Janie Robinson’s challenge to multiple independent medical examinations under Montana Code Annotated § 39-71-605. The court held that the statute was neither facially unconstitutional nor unconstitutional as applied under Montana privacy, substantive due process, or unreasonable-search protections. Because no constitutional violation occurred, Robinson’s constitutional tort and attorney-fee claims also failed.

CASE DETAILS

COURT	Montana Supreme Court
WRITING FOR THE COURT	Justice Jim Rice; Dirk M. Sandefur; Beth Baker; Ingrid Gustafson; Laurie McKinnon
JURISDICTION	Montana
DECIDED	October 23, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robinson appealed the First Judicial District Court's summary judgment for State Fund and dismissal with prejudice of her constitutional claims arising from State Fund's request for a second independent medical examination.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under M. R. Civ. P. 56. Constitutional questions are reviewed plenary, and a statute is presumed constitutional; the challenger bears the burden of proving unconstitutionality beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion; precedential
PARTIES	Janie Robinson v. State Compensation Mutual Insurance Fund

TOPICS

workers compensation

constitutional law

substantive due process

summary judgment

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Montana Code Annotated § 39-71-605 is facially or as applied unconstitutional under the Montana Constitution's privacy, substantive due process, and unreasonable-search protections because it permits a workers' compensation insurer to obtain multiple independent medical examinations without a judicial finding of good cause.
2. Whether State Fund's conduct supported a constitutional tort claim.

HOLDINGS

1. Section 39-71-605(1), MCA, is not facially unconstitutional because it serves the compelling state interest in orderly administration of the workers' compensation system and is narrowly tailored to that interest through statutory limits and claimant protections.
2. Section 39-71-605(1), MCA, was not unconstitutional as applied to Robinson because the undisputed circumstances supported the second examination and did not establish an abusive invasion of privacy.
3. Section 39-71-605(1), MCA, does not violate substantive due process either facially or as applied to Robinson.
4. Robinson did not establish that the independent medical examination constituted a search violating Article II, Section 11 of the Montana Constitution or the Fourth Amendment, and § 39-71-605(1), MCA, was not unconstitutional on that basis.
5. Robinson could not maintain a constitutional tort claim because she established no underlying constitutional violation.

KEY QUOTATIONS

"We conclude that the provisions of § 39-71-605(1), MCA, challenged by Robinson are justified by the State's compelling interest in the orderly administration of the workers' compensation process, and sufficiently narrowly tailored to effectuate only that interest." (¶ 25)

"Therefore, we conclude that § 39-71-605, MCA, is neither facially unconstitutional nor unconstitutional as applied in Robinson's case, and the District Court properly dismissed the claims." (¶ 31)

"Therefore, there is no basis to claim a constitutional tort and the District Court correctly dismissed the claim." (¶ 35)

FACTUAL BACKGROUND

Robinson suffered a heat-stroke-related workplace injury in 1996, for which State Fund accepted liability and paid medical expenses. After a first independent medical examination in 2002, State Fund obtained medical-records reviews and a second, panel independent medical examination in 2003 while Robinson continued receiving treatment from multiple providers and no clear treatment plan had been provided. State Fund later accepted liability for a separate 2004 workplace injury and ultimately declared Robinson permanently totally disabled.

PROCEDURAL HISTORY

Robinson challenged workers' compensation managed-care provisions and medical-utilization rules in successive proceedings before the Workers' Compensation Court, which dismissed the actions for lack of standing and, in part, lack of jurisdiction. She then pursued claims in district court alleging that State Fund's handling of her claims violated Montana constitutional rights and constituted a constitutional tort. The parties cross-moved for summary judgment, and the district court granted State Fund's motion, denied Robinson's motion, and dismissed the complaint with prejudice. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Pilgeram v. Greenpoint Mortg. Funding, Inc., 2013 MT 354, 373 Mont. 1, 313 P.3d 839
- Town & Country Foods, Inc. v. City of Bozeman, 2009 MT 72, 349 Mont. 453, 203 P.3d 1283
- Williams v. Bd. of County Comm'rs, 2013 MT 243, 371 Mont. 356, 308 P.3d 88
- Walters v. Flathead Concrete Prods., 2011 MT 45, 359 Mont. 346, 249 P.3d 913
- Malcomson v. Liberty Northwest, 2014 MT 242, 376 Mont. 306, 339 P.3d 1235
- State v. Nelson, 283 Mont. 231, 941 P.2d 441 (1997)
- Linton v. Great Falls, 230 Mont. 122, 749 P.2d 55 (1988)
- Simms v. Mont. Eighteenth Judicial Dist. Ct., 2003 MT 89, 315 Mont. 135, 68 P.3d 678
- Lewis v. Mont. Eighth Judicial Dist. Ct., 2012 MT 200, 366 Mont. 217, 286 P.3d 577
- Cannabis Indus. Ass'n v. State, 2016 MT 44, 382 Mont. 256, 368 P.3d 1131
- White v. State, 2013 MT 187, 371 Mont. 1, 305 P.3d 795
- Plumb v. Fourth Judicial Dist. Ct., 279 Mont. 363, 927 P.2d 1011 (1996)
- State v. Hamilton, 2003 MT 71, 314 Mont. 507, 67 P.3d 871
- Dorwart v. Caraway, 2002 MT 240, 312 Mont. 1, 58 P.3d 128
- Sunburst School Dist. No. 2 v. Texaco, Inc., 2007 MT 183, 338 Mont. 259, 165 P.3d 1079
- Wash. State Grange v. Wash. State Republican Party, 552 U.S. 442, 128 S. Ct. 1184, 170 L. Ed. 2d 151 (2008)