

## TENNESSEE COURT OF WORKERS' COMPENSATION CLAIMS

### Stephen Jablonski v. Swift Transportation Co. of Arizona, LLC

Jablonski, 2026 TN WC 19 (Tennessee Court of Workers' Compensation Claims 2026) · No. 2025-50-6465 ·

Decided March 10, 2026

#### SUMMARY

In this expedited hearing order, the Tennessee Court of Workers' Compensation Claims held that the employee was likely entitled to a panel of joint-reconstruction orthopedic surgeons after his authorized treating physician referred him for evaluation of possible knee-replacement surgery. The court ordered Swift Transportation to provide a compliant panel and referred the employer and its carrier to the Bureau's Compliance Unit for possible penalties.

#### CASE DETAILS

|                       |                                                                                                                                                                                                                                                 |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Tennessee Court of Workers' Compensation Claims                                                                                                                                                                                                 |
| WRITING FOR THE COURT | Thomas Wyatt                                                                                                                                                                                                                                    |
| JURISDICTION          | Tennessee Court of Workers' Compensation Claims                                                                                                                                                                                                 |
| DECIDED               | March 10, 2026                                                                                                                                                                                                                                  |
| DOCKET                | 2025-50-6465                                                                                                                                                                                                                                    |
| DISPOSITION           | other                                                                                                                                                                                                                                           |
| PROCEDURAL POSTURE    | Employee sought an expedited hearing under Tennessee workers' compensation law for an order requiring the employer to provide a panel of joint-reconstruction orthopedic surgeons to evaluate and potentially perform knee-replacement surgery. |
| STANDARD OF REVIEW    | Under Tenn. Code Ann. § 50-6-239(d)(1), the employee had to show that he would likely prevail at a compensation hearing on entitlement to the requested relief.                                                                                 |
| PRECEDENTIAL VALUE    | Published expedited hearing order                                                                                                                                                                                                               |
| PARTIES               | Stephen Jablonski v. Swift Transportation Co. of Arizona, LLC                                                                                                                                                                                   |

#### TOPICS

workers compensation

administrative law

statutory interpretation

#### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the authorized treating physician's referral to a joint-reconstruction orthopedic surgeon required Swift to authorize the referral or provide a panel of three or more joint-reconstruction orthopedic surgeons.
2. Whether the referral issue was ripe even though the treating physician had not ordered knee-replacement surgery.
3. Whether Swift's panel of general orthopedists complied with Tennessee's workers' compensation referral statute and medical-provider-panel rule.
4. Whether Swift and its carrier should be referred to the Bureau's Compliance Unit for assessment of a penalty.

## HOLDINGS

1. When an authorized treating physician determines that a work-injury condition requires evaluation or treatment beyond the physician's expertise and refers the employee to a particular specialty, the employer must either authorize that referral or provide a panel of providers qualified to perform the designated specialty; a panel of general physicians in the same broad field is insufficient.
2. The employee's entitlement to a specialist referral is not contingent on the treating physician first ordering the surgery that the specialist may ultimately recommend.
3. Swift violated its referral obligations by failing to authorize the referral for approximately ten months and by offering a panel that did not contain appropriately qualified joint-reconstruction orthopedic surgeons.

## KEY QUOTATIONS

*"The above language gives an employee access to specialty or surgical care when the treating physician determines that the treatment of the work injury goes beyond his or her expertise." (3)*

*"The argument that the referral statute permits an employer to replace a direct referral specialist with a panel comprised of any physicians in the same general specialty as that designated by the treating physician is without merit." (4)*

*"This necessity, not Dr. Mayfield's order for knee replacement, is what triggers the employer's obligations under the referral statute." (5)*

## FACTUAL BACKGROUND

Jablonski suffered fractures of the right tibia and fibula at the knee joint in a workplace injury and was treated by authorized orthopedist Dr. David Mayfield. After developing posttraumatic arthritis and continuing functional limitations, Jablonski sought knee-replacement surgery. Dr. Mayfield referred him to an adult reconstructive orthopedic surgeon because the hardware in Jablonski's knee made the potential replacement surgery more complex than the procedures Dr. Mayfield performed himself. Swift did not authorize the referral and instead

offered a panel of general orthopedists, including at least one physician who did not perform knee-replacement surgery.

### PROCEDURAL HISTORY

After the authorized treating physician referred Jablonski to a joint-replacement specialist, Swift declined to authorize that referral and instead provided a panel of general orthopedists. Jablonski declined to select from that panel and requested an expedited hearing. Following the February 25, 2026 hearing, the Court found that he would likely prevail at a compensation hearing, ordered Swift to provide a compliant panel, and referred Swift and its carrier to the Bureau's Compliance Unit for penalty assessment.

### DISPOSITION

other

### REMAND INSTRUCTIONS

Swift must offer Jablonski a panel of joint-reconstruction orthopedic surgeons in his community within seven business days after entry of the order. Swift and its carrier were referred to the Bureau's Compliance Unit for penalty assessment, and the parties were ordered to appear for a status hearing on June 17, 2026.

### CASES CITED

- *Rooks v. Amazon.com*, 2025 TN Wrk. Comp. App. Bd. LEXIS 20, at \*11 (May 20, 2025)

### INSTRUCTIONS FOR AN AI ASSISTANT

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