

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Sara P. Stevens v. Logan Regional Medical Center

Stevens · No. 12-0424 · Decided December 20, 2013

SUMMARY

The Supreme Court of Appeals of West Virginia reviewed a workers’ compensation dispute concerning whether Sara P. Stevens was entitled to an arthroscopic evaluation of her left knee after a work-related injury. The court reversed and remanded the Board of Review’s decision, concluding that the Board had materially mischaracterized the evidence and that the requested evaluation was reasonably required treatment for the compensable injury.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice Brent D. Benjamin; Justice Robin J. Davis; Justice Margaret L. Workman; Justice Menis E. Ketchum; Justice Allen H. Loughry II
JURISDICTION	West Virginia
DECIDED	December 20, 2013
DOCKET	12-0424
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioner's appeal from the West Virginia Workers’ Compensation Board of Review's final order denying authorization for an arthroscopic evaluation of her left knee.
STANDARD OF REVIEW	The Court reviewed whether the Board of Review's decision was clearly the result of an erroneous conclusion of law and whether it was based on a material misstatement or mischaracterization of the evidentiary record.
PRECEDENTIAL VALUE	Memorandum decision under West Virginia Rule of Appellate Procedure 21(d); the source does not state a separate precedential designation.
PARTIES	Sara P. Stevens v. Logan Regional Medical Center

TOPICS

workers compensation

health law

administrative law

standard of review

appellate procedure

PRACTICE AREAS

workers compensation

administrative law

health law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Board of Review erred in denying authorization for a diagnostic arthroscopic evaluation of Stevens's left knee.
2. Whether the requested arthroscopy was reasonably required medical treatment for Stevens's compensable work-related knee injury under West Virginia Code of State Rules § 85-20-44.2.e (2006).

HOLDINGS

1. The Board of Review's denial was the result of an erroneous conclusion of law and was based on a material misstatement or mischaracterization of the evidentiary record.
2. Stevens was entitled to the requested arthroscopic evaluation of her left knee as reasonably required medical treatment for her work-related injury.

KEY QUOTATIONS

“Therefore, Ms. Stevens is entitled to the requested arthroscopic evaluation of her left knee.” (2)

“Upon consideration of the standard of review, the briefs, and the record presented, the Court finds that the Board of Review’s decision is based upon a material misstatement or mischaracterization of the evidentiary record.” (1)

FACTUAL BACKGROUND

Stevens injured her left knee while working as a registered nurse for Logan Regional Medical Center on April 26, 2010, and the claim was held compensable for a sprain of the medial collateral ligament. Medical examinations and imaging documented persistent pain, swelling, effusion, and restricted range of motion; one physician opined that the work injury exacerbated an underlying condition. Although another physician attributed her condition to chronic, naturally occurring osteoarthritis, Stevens's treating physicians requested or supported a diagnostic arthroscopic evaluation.

PROCEDURAL HISTORY

The claims administrator denied Stevens's request for an arthroscopic evaluation. The Workers’ Compensation Office of Judges reversed that decision and found the procedure was reasonably required medical treatment for the compensable injury. The Board of Review reversed the Office of Judges, and Stevens appealed to the Supreme Court of Appeals of West Virginia.

DISPOSITION

REMAND INSTRUCTIONS

The decision of the Workers' Compensation Board of Review was reversed and remanded consistent with the determination that Stevens was entitled to the requested arthroscopic evaluation.

OPINION

PER CURIAM.

STATE OF WEST VIRGINIA SUPREME COURT OF APPEALS FILED SARA P. STEVENS, December 20, 2013 RORY L. PERRY II, CLERK Claimant Below, Petitioner SUPREME COURT OF APPEALS OF WEST VIRGINIA vs.) No. 12-0424 (BOR Appeal No. 2046342) (Claim No. 2010132670) LOGAN REGIONAL MEDICAL CENTER, Employer Below, Respondent MEMORANDUM DECISION Petitioner Sara P. Stevens, by Phillip R. Amick, her attorney, appeals the decision of the West Virginia Workers' Compensation Board of Review.

Logan Regional Medical Center, by Lynn Photiadis, its attorney, filed a timely response. This appeal arises from the Board of Review's Final Order dated March 8, 2012, in which the Board reversed an August 8, 2011, Order of the Workers' Compensation Office of Judges.

In its Order, the Office of Judges reversed the claims administrator's November 20, 2010, Order denying Ms. Stevens's request for an arthroscopic evaluation of her left knee. The Court has carefully reviewed the records, written arguments, and appendices contained in the briefs, and the case is mature for consideration. This Court has considered the parties' briefs and the record on appeal.

The facts and legal arguments are adequately presented, and the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review, the briefs, and the record presented, the Court finds that the Board of Review's decision is based upon a material misstatement or mischaracterization of the evidentiary record. This case satisfies the "limited circumstances" requirement of Rule 21 (d) of the Rules of Appellate Procedure and is appropriate for a memorandum decision rather than an opinion.

Ms. Stevens sustained an injury to her left knee on April 26, 2010, while working as a registered nurse for Logan Regional Medical Center. Her claim was held compensable for sprain of the medial collateral ligament. Ms. Stevens's MRI, on May 5 2010, showed moderate joint effusion.

On May 15, 2010, Dr. McCleary found large amounts of swelling and reported that Ms. Stevens could not fully extend her knee. Dr. Tao found effusion on July 12, 2010. On August 16, 2010, he opined that an arthroscopic evaluation of Ms. Stevens's left knee was possibly necessary and that the compensable injury exacerbated an underlying condition.

On August 20, 2010, Dr. Ranavaya opined that Ms. Stevens suffered from left knee osteoarthritis that was 1 naturally occurring and chronic in nature, which was not contributed to or aggravated by her work-related injury. Dr. McCleary noted that Ms. Stevens had persistent knee pain that began with her April 26, 2010, work-related injury.

The claims administrator denied Ms. Stevens's request for an arthroscopic evaluation of her left knee. The Office of Judges reversed the claims administrator's Order and held that pursuant to West Virginia Code of State Rules § 85-20-44.2.e (2006), Ms. Stevens is entitled to a diagnostic arthroscopy of her left knee as reasonably required medical treatment of her work-related injury.

The Board of Review relied on Dr. Ranavaya's opinion and held that the requested diagnostic arthroscopy is related to conditions that have not been held compensable in this claim and that an arthroscopic evaluation was not medically necessary or reasonably required in the course of treatment for the work-related injury. Ms. Stevens disagrees and asserts that the Office of Judges held an arthroscopic evaluation of her left knee to be an appropriate allowable treatment for her work-related injury, and she further argues that Logan Regional Medical Center failed to demonstrate that the decision of the Office of Judges was clearly wrong.

Logan Regional Medical Center argues that the requested arthroscopic evaluation of Ms. Stevens's left knee is related to preexisting degenerative diseases in her knee and not to the work-related injury in this claim.

The Office of Judges gave greater weight to the opinions of Dr. McCleary and Dr. Tao, both orthopedic physicians, who had examined Ms. Stevens. The Board of Review's Order was clearly the result of an erroneous conclusion of law. According to West Virginia Code of State Rules § 85-20-44.1 (2006), meniscal injuries occur when symptoms of pain and swelling fail to resolve in the anticipated period of time, and clinical findings may include joint space tenderness, a mild effusion and restricted range of motion.

Appropriate diagnostic tests for meniscal injuries are x-rays, arthrocentesis, MRI, and diagnostic arthroscopy. West Virginia Code of State Rules § 85-20-44.2.e (2006). Dr. McCleary and Dr. Tao diagnosed Ms. Stevens with effusion and her x-ray showed effusion. Dr. McCleary noted that Ms. Stevens could not fully extend her leg and he requested an arthroscopic evaluation of Ms. Stevens's left knee.

Dr. Tao opined that Ms. Stevens's work-related injury on April 26, 2010, exacerbated an underlying condition. Dr. McCleary observed that Ms. Stevens's persistent knee pain began with her work-related injury. We agree with the reasoning and conclusions of the Office of Judges and find that the record reflects significant evidence that justify an inference that Ms. Stevens's work-related injury accelerated an underlying condition causing a disability sooner than would otherwise have occurred.

Therefore, Ms. Stevens is entitled to the requested arthroscopic evaluation of her left knee. For the foregoing reasons, we find that the decision of the Board of Review was clearly the result of an erroneous conclusion of law.

Therefore, the decision of the Board of Review is reversed and remanded. Reversed and Remanded. 2 ISSUED: December 20, 2013 CONCURRED IN BY: Chief Justice Brent D. Benjamin Justice Robin J. Davis Justice Margaret L. Workman Justice Menis E. Ketchum Justice Allen H. Loughry II 3