

STATE OF CALIFORNIA  
Division of Workers' Compensation  
Workers' Compensation Appeals Board

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WCAB CASE NO. ADJ 3299212/MON020-5468 (MF);  
ADJ 1198812/MON024-1022;  
ADJ 943529/MON024-1021

LISA WEILMANN VS. UNITED TEMPORARY SERVICES;  
TIG ZENITH

WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE: HON. YVONNE R. JONES

DATES OF INJURY: 4/90 through 2/95

**OPINION ON DECISION**

**AOC/COE**

Applicant sustained injury to her bilateral upper extremities, neck, fibromyalgia, and psyche arising out of and occurring in the course of employment on 4/90.

**OCCUPATION**

Based upon the stipulation of the parties, it is found that applicant was employed as a word processor/HR manager.

## MEDICAL TREATMENT

### 1. *The UR denials are invalid.*

The UR denial for Xyrem dated September 16, 2013 was not signed by the reviewing Colby Young, M. D. The denial must be signed by the doctor validating that the report is from Dr. Young. A medical report or any document is incomplete unless it is signed by the author. A signature is not a mere formality but is an integral part of a finished document. It is like a court order that has not been signed by the judge. Without the signature the order is not enforceable. Without a signature, the UR denial is invalid.

It is not clear to this WCJ that Dr. Young's license indicates that he is competent to evaluate the specific clinical issues involved in the medical treatment services and whether the services are within the scope of his practice pursuant to labor code section 4610(e). Dr. Young's specialization is orthopedic surgery. Dr. Swamy Venuturpalli, the referring doctor, is a rheumatologist and has been treating Applicant for fibromyalgia and migraines for a number of years. According to the AME Dr. Seymour Levine, a rheumatologist, in his report dated March 21, 2008, Dr. Swamy Venuturpalli is a very capable rheumatologist. Applicant has been seen on a regular basis by Steven Graff-Radford, D.D.S. who according to Dr. Levine is a well-recognized expert in headaches and is a well-respected member of

Cedars-Sinai Pain Center. Dr. Graff-Radford is well known throughout the medical community for his expertise in treating headaches such as migraine headaches. Authorization for Xyrem is because Applicant suffers from fibromyalgia. Defendants should have given UR a copy of the AME report which would have explained the necessity for the treatments requested by the treating physician.

While it may be true that Dr. Young is a physician, the world of medicine is made up of numerous specializations. In the opinion of this WCJ, an orthopedist is not competent to evaluate the specific clinical issues involved and there is no evidence that these services are within the scope of his practice within the meaning of labor code section 4610 (e).

The UR denial for Xyrem dated October 9, 2013 was not signed by the reviewing Dr. Jamie Lee Lewis. The denial must be signed by the doctor validating that the report is from Dr. Lewis. A medical report or any document is incomplete unless it is signed by the author. Such a signature is not a mere formality but is an integral part of a finished document. Without a signature, the denial is invalid.

It is not clear to this WCJ that Dr. Lewis' license indicates that she is competent to evaluate the specific clinical issues involved in the medical treatment services and whether the services are within the scope of her

practice pursuant to labor code section 4610(e). Dr. Lewis specialization is physical medicine and rehabilitation. Dr. Swamy Venuturpalli, the referring doctor, is a rheumatologist and has been treating Applicant for fibromyalgia and migraines for a number of years. According to the AME Dr. Seymour Levine, a rheumatologist, in his report dated March 21, 2008, Dr. Swamy Venuturpalli is a very capable rheumatologist. Applicant has been seen on a regular basis by Steven Graff-Radford, D.D.S. who according to Dr. Levine is a well-recognized expert in headaches and is a well-respected member of Cedars-Sinai Pain Center. Dr. Graff-Radford is well known throughout the medical community for his expertise in treating headaches such as migraine headaches. Authorization for Xyrem was because of Applicant's history of migraines. Defendants should have given UR a copy of the AME report which would have explained the necessity for the treatments requested by the treating physicians.

In the denials for Botox dated September 9, 2013 by Dr. Eddie Sassoon American Board of physical medicine and rehabilitation as well as the denial dated September 26, 2013 by Dr. John Obermiller, American Board of physical medicine and rehabilitation are plagued by the same problems as the requests for Xyrem. The denials are not signed by the doctors. The area

of specialization and physical medicine and rehabilitation are not as specific a specialization as rheumatology. In the opinion of this WCJ these denials or by doctors that are not competent to evaluate the specific clinical issues involved in the medical treatment services and the services are not within the scope of their practice pursuant to labor code section 4610 (e).

The UR decisions are invalid and the WCAB has jurisdiction. It is ordered that defendants provide the treatments recommended by her treating physicians.

**ATTORNEY FEES**

The issue of attorney fees is deferred until Applicant's Attorney files a verified declaration for the amount of attorney's fees requested.



YVONNE R. JONES

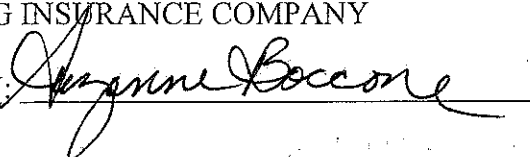
Workers' Compensation Administrative Law Judge

Dated: January 17, 2014

SERVED ON: 1/17/14

FARMER'S INSURANCE  
GRIFFIN WOODLAND HILLS  
LISA WEILMANN  
ROWEN GURVEY VAN NUYS  
SHAW JACOBMEYER ENCINO  
STOCKWELL HARRIS LOS ANGELES  
TIG INSURANCE COMPANY

BY:

A handwritten signature in cursive script, appearing to read "Suzanne Boccone", written over a horizontal line.

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DATES OF INJURY: 4/90 through 2/95

**FINDINGS OF FACT**

The above entitled matter having been heard and regularly submitted, the Honorable Yvonne Jones, Workers' Compensation Administrative Law Judge, now decides as follows:

1. Lisa Weilmann 3/24/1958 while employed on 4/90 through 2/95 as a word processor/HR manager at Brea, California, by United Temporary Services insured by TIG/Zenith, sustained injury arising out of and occurring in the course of employment to her bilateral upper extremities, neck, fibromyalgia, and psyche.

2. The matter is settled by Stipulation with Request for Award dated 7/18/02.
3. UR denials for Xyrem dated September 16, 2013 and October 9, 2013 are invalid and the WCAB has jurisdiction over treatment for Xyrem as recommended by Applicant's physicians.
4. The UR denials for Botox dated September 9, 2013 and September 26, 2013 are invalid and the WCAB has jurisdiction over treatment for Botox as recommended by Applicant's physicians.
5. The issue of attorney's fees is deferred until Applicant's Attorney files a verified declaration for the amount of attorney's fees requested.

**ORDER**

**IT IS HEREBY ORDERED THAT Xyrem and Botox are authorized as requested by Applicant's treating physicians Drs. Swamy Venuturupalli and Steven Graff-Radford, D.D.S.**



**IT IS FURTHER ORDERED THAT** Applicant's attorney file a verified declaration for attorney's fees requested.



**YVONNE R. JONES**

WORKERS' COMPENSATION ADMINISTRATIVE LAW JUDGE

DATED: JANUARY 17, 2014

SERVED ON: 1/17/2014

FARMERS INSURANCE  
GRIFFIN WOODLAND HILLS  
LISA WEILMANN  
ROWEN GURVEY VAN NUYS  
SHAW JACOBMEYER ENCINO  
STOCKWELL HARRIS LOS ANGELES  
TIG INSURANCE CO.

BY:   
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