

APPEAL NO. 000935

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 2, 2000, and March 29, 2000. For purposes of this appeal, the hearing officer determined, consistent with the agreement of the parties, that the compensable injury sustained by appellant (claimant) on _____, extends to bilateral carpal tunnel syndrome (CTS), the cervical spine, bilateral rotator cuff tendinitis, right lateral epicondylitis and bilateral ulnar syndrome and that the compensable injury is not a producing cause of her right hand CTS. The claimant appealed, expressing concern that the decision and order not be read or interpreted as "relieving . . . Carrier's [respondent] duty to provide lifetime medical benefits for the remaining injuries." The carrier replies that the decision is correct and does not cut off the claimant's right to future medical care as provided by the 1989 Act.

DECISION

Affirmed.

Among the claimant's numerous compensable injuries of _____, was right CTS for which the claimant underwent a release in May 1995. She maintained that she continued to suffer right hand/wrist pain after the release. Medical tests reflected a generally normal right wrist in the period after the CTS until December 1998. Weighing this evidence, the hearing officer found that the claimant's "medical records are silent of any right wrist complaints essentially after the CTS surgery to both wrists in 1995 through to about December, 1998." Finding of Fact No. 2. The hearing officer further concluded that the claimant's "_____ compensable injury is not a producing cause of her current problem which has been diagnosed as right [CTS]." Conclusion of Law No. 5.

In her appeal, the claimant at one point states that she "does not take issue with the Hearing Officer's deduction that she was not experiencing right [CTS] between December 1998 and November 1998," but also appeals Finding of Fact No. 2 as being against the great weight and preponderance of the evidence. We observe that Finding of Fact No. 2 is fairly limited and states only that the claimant's medical records are "silent" about whether she complained of RCTS after her surgery. She does not point to a medical record in evidence that reflects such complaints.

The claimant also states in her appeal that she believed the decision and order "could be read that all of the Claimant's current symptoms are related to the new diagnosis of right [CTS], thereby relieving the Carrier's duty to provide lifetime medical benefits for the remaining injuries." She appeals "to the extent that it is necessary to preserve her right to lifetime medical benefits for her _____ injuries other than for her current right [CTS]."

Section 408.021(a) provides that an employee "who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed." Subsection (d) states that a "carrier's liability for medical benefits may not be limited or terminated by agreement or settlement." We do not construe the decision and order of the hearing officer as in any way divesting the claimant of her right to lifetime medical benefits for all of her compensable injuries, regardless of date. Neither the hearing officer nor the Appeals Panel has this authority. Questions about whether medical care is reasonably required for a compensable injury are resolved by the Division of Medical Review.

For the foregoing reasons, we affirm the decision and order of the hearing officer.

Alan C. Ernst
Appeals Judge

CONCUR:

Dorian E. Ramirez
Appeals Judge

Philip F. O'Neill
Appeals Judge