

APPEAL NO. 002721

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 October 24, 2000. The hearing officer determined that the Texas Workers' Compensation Commission (Commission) abused its discretion in approving a change of treating doctor from Dr. P to Dr. B. Appellant (claimant) appealed, contending that the Commission properly approved her request to change treating doctors. Respondent (carrier) responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Claimant contends that the hearing officer erred in determining that the Commission abused its discretion in approving a change in treating doctor to Dr. B. Claimant asserts that the Commission employee who considered her Employee's Request to Change Treating Doctors (TWCC-53) considered the appropriate information. Claimant also contends that she asked for the change for a proper reason.

The hearing officer noted that there was evidence that claimant was seeking to change treating doctor in order to obtain a new medical report. The hearing officer also stated that Dr. B rendered the same type of treatment that she had been receiving from Dr. P. Section 408.022(d) provides that "a change of doctor may not be made to secure a new impairment rating or medical report." See *also* Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 126.9 (Rule 126.9). It appears that in her TWCC-53, claimant said she requested a change of treating doctor because:

I am not able to do! I need a doctor of my own and I need help for my injury. A second opinion and I've only see a company doctor. Please the pain is extreme. It's shattered my life. I want to be better.

It appears that both Dr. P and Dr. B ordered physical therapy and medications to treat claimant's injury. We note that at the hearing, claimant said that both doctors gave her pain medication and physical therapy and that Dr. B's treatment was "not really any different." However, there was evidence that Dr. P had released claimant to return to work, while the new doctor, Dr. B, had taken claimant off work. We have reviewed the hearing officer's determinations and we perceive no abuse of discretion.

We affirm the hearing officer's decision and order.

Judy L. Stephens
Appeals Judge

CONCUR:

Kenneth A. Huchton
Appeals Judge

Thomas A. Knapp
Appeals Judge