APPEAL NO. 950245

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 14, 1995, in (city), Texas, with (hearing officer) presiding as hearing officer. The original issue at the CCH was: whether the appellant (claimant herein) was entitled to reimbursement of travel expenses for medical treatment at the direction of (Dr. H), (Dr. L), and Dr. L's pain management clinic, (Dr. G) and (Dr. M) between February 22, 1993, and August 27, 1994, and if so, in what amount. The respondent (self-insured herein) and the claimant agreed to add a second issue for resolution--did the self-insured timely dispute travel related to claimant's medical treatment at the direction of Dr. H, Dr. L and Dr. L's pain management clinic, Dr. G and Dr. M between February 22, 1993, and August 27, 1994. The hearing officer determined that the claimant was entitled to reimbursement from self-insured for travel expenses in the amount of $3,241.80 for medical treatment at the direction of Dr. H, Dr. L, Dr. L's pain management clinic, Dr. G and Dr. M between February 22, 1993, and August 27, 1994. The hearing officer also concluded that the self-insured timely disputed claimant's travel expenses related to claimant's medical treatment at the direction of Dr. H, Dr. L, Dr. L's pain management clinic, Dr. G, and Dr. M between February 22, 1993, and August 27, 1994. Self-insured appeals contending that the evidence at the CCH established that it was not reasonably necessary for the claimant to travel to (city) from (city) for medical care and that the hearing officer erred in awarding travel reimbursement. The claimant responds that her treating doctors referred her to doctors in (city), that she received treatment from these doctors and that the self-insured authorized and paid for this treatment.

DECISION

Finding sufficient evidence to support the decision of the hearing officer and no reversible error in the record, we affirm the decision and order of the hearing officer.

The parties stipulated that the claimant, a music teacher for self-insured, sustained a compensable injury in the course and scope of her employment on (date of injury). The claimant described her injury as taking place when she fell down bleachers, injuring her lower back, some ribs and both shoulders. The claimant was initially hospitalized for her injury and was treated by (Dr. D), M.D. The claimant later sought treatment with (Dr. Du), D.C., who became her treating doctor. Dr. Du, apparently at the request of self-insured's handling adjuster, referred the claimant to (Dr. O), M.D., an orthopedic surgeon for a second opinion. Later, (Dr. B), M.D. became the claimant's treating doctor. Drs. D, Du, O and B all practice in the (city) area.

Dr. D referred the claimant to Dr. H, M.D., an orthopedist specializing in spinal cases, and Dr. G, M.D., an orthopedic surgeon specializing in treatment of the shoulder. Both Drs. G and H practice in (city), Texas. Dr. B, after becoming the claimant's treating doctor, concurred with these referrals in writing. While under the treatment of Dr. G, the claimant was also referred to Dr. M, M.D., a neurologist, and Dr. L, a pain specialist, both of (city), Texas. The claimant presented evidence that the carrier had authorized treatment by Drs.

H, G, M and L, and had paid for this treatment. The carrier presented evidence that the claimant had requested her treating doctors (Drs. Du and B) to refer her to the (city) physicians and that the medical care she received in (city) was available in the (city) area.

The hearing officer determined that the claimant was entitled to reimbursement in the amount of $3,241.80 for travel expenses to (city) for medical treatment. This represented a portion of the amount requested by the claimant. Neither side appeals the decision of the hearing officer to deny certain elements of travel expenses requested by the claimant and to reduce others; therefore, we need not discuss this aspect of the hearing officer's decision. The carrier takes the position that when it has established medical care was available to the claimant in her home area it proved that she is not entitled to reimbursement of expenses for travel to obtain medical treatment.

We have dealt with and disposed of this argument in earlier cases. In Texas Workers' Compensation Commission Appeal No. 93441, decided July 16, 1993, the claimant requested medical travel reimbursement and the carrier refused to pay these, arguing that there were doctors available who were closer to the claimant than the doctor with whom he was treating. We held in that case that applying the holding of Texas Workers' Compensation Commission Appeal No. 93361, decided June 23, 1993, the claimant was entitled to reimbursement when "the carrier authorized treatment with [the doctor to whom the claimant traveled] and certainly did not insist on a doctor closer to the claimant's residence." We restated this rule in our decision in Texas Workers' Compensation Commission Appeal No. 94616, decided June 30, 1994 as follows:

> . . . we have stated that if a carrier desires to limit its liability for travel expenses, it should insist that claimant find a treating physician closer to his residence. Texas Workers' Compensation Commission Appeal No. 93952, decided December 1, 1993; Texas Workers' Compensation Commission Appeal No. 93361, decided June 23, 1993.

We have applied the same standards to reimbursement for travel to doctors who are referrals from a treating doctor. *See* Texas Workers' Compensation Commission Appeal No. 94563, decided June 21, 1994.

The decision and order of the hearing officer are affirmed.

Gary L. Kilgore
Appeals Judge

CONCUR:

Joe Sebesta
Appeals Judge

Philip F. O'Neill
Appeals Judge