

APPEAL NO. 150372  
FILED APRIL 27, 2015

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 December 22, 2014, in Denton, Texas, with [hearing officer] presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that: (1) the compensable injury of [Date of Injury], extends to medial and lateral meniscus tears of the left knee, chondromalacia of the patellar femoral joint including femoral trochlea of the left knee, and Piriformis syndrome; and (2) the respondent (claimant) had disability for the period beginning August 20, 2014, and continuing through the date of the CCH.

The appellant (carrier) appealed both of the hearing officer's determinations. The carrier contended that the hearing officer's determinations were so against the great weight and preponderance of the evidence as to be clearly wrong and manifestly unjust. The appeal file does not contain a response from the claimant to the carrier's appeal.

**DECISION**

Affirmed.

Section 410.203(b) was amended effective September 1, 2011, to allow the Appeals Panel to affirm the decision of a hearing officer as prescribed in Section 410.204(a-1). Section 410.204(a) provides, in part, that the Appeals Panel may issue a written decision on an affirmed case as described in subsection (a-1). Subsection (a-1) provides that the Appeals Panel may only issue a written decision in a case in which the panel affirms the decision of a hearing officer if the case: (1) is a case of first impression; (2) involves a recent change in law; or (3) involves errors at the CCH that require correction but do not affect the outcome of the hearing. This case is a situation that requires correction but does not affect the outcome of the hearing.

The parties stipulated that the claimant sustained a compensable injury on [Date of Injury]. The claimant, a flight attendant for the employer, testified that she was injured when she tripped over the leg of a passenger while she was pulling a cart down the aisle of the airplane on which she was working. The claimant also testified that her left foot was caught under the cart which caused her left knee and ankle to twist as she fell to the ground. The carrier's representative stated at the CCH that the carrier has accepted a left knee and left ankle sprain/strain.

**DISABILITY**

The hearing officer's determination that the claimant had disability for the period beginning August 20, 2014, and continuing through the date of the CCH, is supported by sufficient evidence and is affirmed.

### **EXTENT OF INJURY**

The hearing officer's determination that the compensable injury extends to medial and lateral meniscus tears of the left knee, chondromalacia of the patellar femoral joint including femoral trochlea of the left knee, and Piriformis syndrome is supported by sufficient evidence and is affirmed.

Although we have affirmed the hearing officer's extent-of-injury determination as being supported by the evidence, this decision is issued to clarify a statement of law made by the hearing officer in the Discussion portion of the decision. The hearing officer stated the following:

[The] [c]laimant's physical therapist, (Mr. B), has written a note explaining the mechanics by which right Piriformis syndrome has resulted from the injury. This is not considered an expert medical opinion on causation because [Mr. B] was not shown to be a physician.

The hearing officer went on to explain that there was other sufficient causation evidence from (Dr. C), the designated doctor appointed to determine the extent of the claimant's compensable injury, to establish the compensability of Piriformis syndrome.

Although a physical therapist is not listed under the definition of "doctor" in Section 401.011(17), medical evidence may be generated by a number of sources other than by individuals who are defined as "doctors" in Section 401.011(17). That medical evidence may be in the form of physical therapist's reports and notes, and by any number of other health care providers. See Appeals Panel Decision (APD) 970845, decided June 23, 1997, citing APD 970730, decided June 9, 1997. See also APD 990803, decided June 2, 1999, and APD 041849, decided September 20, 2004. The weight to be given such medical evidence is in the province of the hearing officer. APD 990803.

A written decision is issued in this case to clarify that a physical therapist's note should not be discounted as an expert medical opinion on causation merely because a physical therapist is not a physician. The hearing officer in this case erred in failing to consider Mr. B's note merely because Mr. B is a physical therapist. However, as noted above the hearing officer found other sufficient causation evidence from a physician to establish the compensability of Piriformis syndrome, and we have affirmed the hearing officer's determination that the compensable injury extends to medial and lateral

meniscus tears of the left knee, chondromalacia of the patellar femoral joint including femoral trochlea of the left knee, and Piriformis syndrome as being supported by the evidence.

The true corporate name of the insurance carrier is **NEW HAMPSHIRE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
211 EAST 7TH STREET, SUITE 620  
AUSTIN, TEXAS 78701-3232.**

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Carisa Space-Beam  
Appeals Judge

CONCUR:

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Veronica L. Ruberto  
Appeals Judge

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Margaret L. Turner  
Appeals Judge