

AKE

STATE OF CALIFORNIA
WORKERS' COMPENSATION APPEALS BOARD

AURA MEJIA,

Applicant

vs.

LOS ANGELES COUNTY MTA, TRAVELERS
INSURANCE COMPANY,

Defendants

Case No. LAO 0780592

FINDINGS AND ORDER

Appeal from the opinion and decision of the administrative director granting change of physician having been submitted for decision on the record made by the parties at trial July 3, 2001, decision now issues.

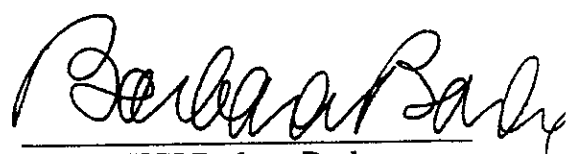
FINDINGS OF FACT AND LAW

1. Reports from treating physician R. Adler, M.D. were untimely submitted by 8 CCR 9785(f)(8).
2. Reports from secondary physician G. Karlsson, M.D. were neither incorporated nor commented upon by treating physician Adler as required by 8 CCR 9785(e)(4).
3. Good cause to set aside the decision of the administrative director granting the petition for change of physicians has not been shown.

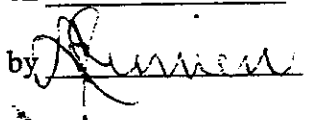
ORDER

IT IS ORDERED the appeal from the decision and order of the administrative director granting change of physician be denied.

Filed July 19, 2001 at
Los Angeles, California
Served by mail as shown on
the Official Address Record
on JUL 30 2001



WCJ Barbara Burke

by 

AURA MEJIA

vs

LOS ANGELES COUNTY
MTA; TRAVELERS IN-
SURANCE COMPANY

Date of Injury:

April 26, 2000

OPINION ON DECISION

The parties submitted on the documentary record the issue of applicant's appeal from the decision and order of the administrative director granting defendant's petition for change of physician. Applicant contends Dr. Adler's reports were timely submitted, and submits Dr. Adler will comment upon the opinions of secondary physician Karlsson when treatment has been concluded.

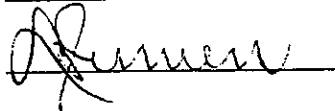
Dr. Adler's reports were not timely submitted however, as the submission of his reports to defendant were considerably delayed after their preparation. As outlined in defendant's petition, which is not rebutted by any documents submitted by applicant, it was delayed service of Dr. Adler's reports that delayed their submission beyond the 45 days allowed in 8 CCR 9785(f)(8).

The primary treating physician has the obligation under 8 CCR 9785(e)(4) to incorporate or comment upon the opinions of secondary physicians, here, Dr. Karlsson. He may not defer comment until Dr. Karlsson has completed her treatment of applicant.

Applicant's appeal from the administrative director's decision granting defendant's petition for change of physician is denied.

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by



WCJ Barbara Burke