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WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA

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Case No. PAS 24127

ROBERT PENUNURI,

Applicant

vs.

LITTLE FOLKS/KIDS MART; TRAVELERS
INSURANCE COMPANY,

Defendants.

ORDER DISALLOWING LIENS

Supplemental proceedings having been filed herein; some parties having appeared and the matter having been regularly submitted, the Honorable RUSSELL G. ZARETT, Workers' Compensation Judge, have found and now orders as follows:


O R D E R

IT IS ORDERED that the liens of First Western Medical Group, Veritas, Horzion Medical Group, Covina Pharmacy and Employment Development Department be and they are hereby DISALLOWED as set forth in Opinion on Decision.

DATED: MAR 27 1996


RUSSELL G. ZARETT
WORKERS' COMPENSATION JUDGE

Service by mail on parties
as shown on the Official Address
Record.

ad
BY: 

ROBERT PENUNURI,

VS.

LITTLE FOLKS/KIDS
MART; TRAVELERS
INSURANCE COMPANY,

WORKERS' COMPENSATION JUDGE:

RUSSELL G. ZARETT

OPINION ON DECISION

The issue of the liens of First Western Medical Group and Veritas, Horzion Medical Group, Covina Pharmacy, and the Employment Development Department (EDD) having been submitted for decision on the present record without testimony by stipulation of the parties, it will now be found that each lien should be disallowed.

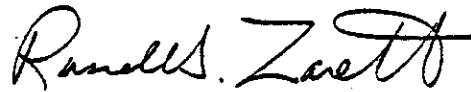
The lien of Horizon Medical Group (6,278.00) is disallowed since it represents self-procured medical treatment that has not been shown to have been beneficial in relieving the effects of applicant's left knee injury. There is no testimony from the applicant in this case, since the applicant's claim was settled by Compromise and Release, to find that the treatment provided by Horizon was reasonable and necessary. Dr. Jacob M. O'Neill, in his report of May 21, 1991, states that no future treatment for the applicant's left knee injury is necessary, yet the applicant then began his self-procured treatment with Horizon Medical Group on September 30, 1991, some 4 months after his medical release to return to work without restrictions by Dr. O'Neill. There is no showing that this treatment was reasonable and necessary to relieve the applicant's complaints from his industrial injury.

The lien of Covina Pharmacy will be disallowed since it also represents self-procured medical treatment incurred after Dr. O'Neill's report of May 21, 1991, stating that no future medical treatment is necessary.

The EDD lien will be disallowed since it represents temporary disability benefits paid beginning September 10, 1991, after Dr. O'Neill declared the applicant permanent and stationary and released him to return to work without restrictions.

The liens of First Western Medical Group and Veritas will be disallowed since they represent medical-legal charges for internal medical evaluations that are unrelated to applicant's claim for a left knee injury on February 22, 1991. It

is noted that the claim form mentions only a knee injury; there is no claim for an injury to the internal system in this case. Since the liens of First Western and Veritas are for medical-legal evaluations unrelated to applicant's left knee injury of February 22, 1991, they must be disallowed as being totally unnecessary medical-legal costs.



RUSSELL G. ZARETT
WORKERS' COMPENSATION JUDGE

RGZ:ad