

KEGEL, TOBIN & TRUCE M E M O R A N D U M

TO: ALL ATTORNEYS
FROM: W. JOSEPH TRUCE, ESQUIRE
DATE: April 24, 2001
RE: COMPENSABLE CONSEQUENCES

Every once in a while, we will receive a query from one of our clients as to whether or not an applicant's claim for psychiatric treatment (resulting from an admitted orthopedic case) should be authorized in light of the fact that the Stipulated Findings and Award only referred to an orthopedic injury.

In a Writ Denied case entitled, **COUNTY OF SANTA BARBARA v. WCAB (Ron Johnson)** the Board held as follows:

"Labor Code Section 4600 psychiatric treatment may be awarded as a compensable consequence of an orthopedic injury, even where there is no stipulation for such treatment and the need arises more than five years after the date of injury. (In **SAN JUAN UNIFIED SCHOOL DISTRICT v. WCAB (1999)**...the Appeals Board held that a stipulated award which included further medical treatment for applicant's back and leg injuries, compelled the employer to pay for treatment for a psychiatric condition which resulted in part from the orthopedic injuries, even though applicant dismissed her psychiatric claim with prejudice."


JOE TRUCE

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