

INTER-OFFICE MEMORANDUM

TO: ALL ATTORNEYS/CLIENTS

FROM: W. JOSEPH TRUCE

DATE: April 29, 2003

RE: **HOW DO YOU SPELL RELIEF? - DENYING LIENS BY VISIONQUEST FOR PROVIDING INTERFERENTIAL STIMULATORS TO INJURED WORKERS**

Finally we have a panel decision by the Board denying the lien claim of VisionQuest Industries, Inc. for the providing of an interferential stimulator (what I refer to as a super TENS unit) to the applicant on the so-called "prescription" of the applicant's primary treating physician.

VisionQuest contends that the cost of the interferential stimulator is not subject to the Fee Schedule and therefore the somewhat inflated billings of VisionQuest cannot be reduced. In the case of VisionQuest Industries v. Workers' Compensation Appeals Board, First Baptist Church (Lydia Mejia) the applicant sustained an industrial injury to her low back on April 1, 2000.

The case then became litigated and the eminent Dr. Daniel Capen became the applicant's primary treating physician as of May 1, 2000 and in a subsequent report dated June 8, 2000, Dr. Capen stated that "an interferential unit is indicated." According to the facts of the case,¹ the so-called written prescription dated July 14, 2000 "was partially typed and partially written on a VisionQuest form with what appeared to be a stamped signature..."

The interferential stimulator was provided to the applicant at a cost of \$4,085.00.

After trial on the lien claim of VisionQuest, the Workers' Compensation Judge denied the lien of VisionQuest in its entirety and in his Opinion on Decision stated in relevant part as follows:

"Based on the lack of sufficient medical reporting establishing the necessity of an interferential stimulator, it is found that applicant did not reasonably incur medical costs represented by the lien of VisionQuest for this device..."

The case went on to state:

"The only reference to the device is in the medical report of Daniel Capen, M.D. of June 8, 2000. The report was generated from a June 6 examination. Dr. Capen says only: 'An interferential unit is indicated.' There is no explanation. There is no other discussion. There is no specificity as to what kind of unit is

¹A copy of the full decision is attached.

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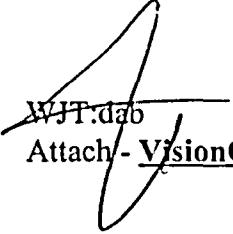
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recommended or what medical treatment value it would have..."

The Appeals Board denied the Petition for Reconsideration filed by VisionQuest and the VisionQuest Petition for Writ of Review was denied on January 30, 2003.

Writ denied cases are citeable authority - see Section 3 of our Points and Authorities manual.


WJT:dab

Attach - VisionQuest decision