

NOVEMBER 2018

**SIGNIFICANT CASE LAW DEVELOPMENT  
IN THE PENNSYLVANIA WORKERS' COMPENSATION ACT**

**By MITCHELL I. GOLDING, ESQ.  
CAMPBELL, LIPSKI & DOCHNEY**

**215-861-6709  
Mitchell.Golding@zuirchna.com**

**MEDICAL TREATMENT**

- A Petition to Review Medical Treatment relates to the issue of the causal connection between medical treatment and the work injury, whereas a Utilization Review relates to the reasonableness of and necessity for medical treatment.

A challenge to particular medical treatment as not being causally related to a work injury must be filed directly with a WCJ. By contrast, a challenge to particular treatment as being not reasonable or necessary must be pursued through the administrative Utilization Review procedures.

In this matter the WCJ had jurisdiction to rule that the employer was obliged to pay for the implantation of a the intrathecal pump replacement and its refills where Claimant's pump and his attendant medications where the intrathecal pump had previously been found to be reasonable and necessary by prior UR's and their use was causally related to Claimant's work injury.

It was not relevant that a prior WCJ decision required prior toxicology screening because those screens were only relevant to medicals and not the Claimant's pump use.

- The employer's obligation to pay for medical treatment, which would include medicines, supplies, orthopedic appliances, and prostheses under Section 306(f.1) (1) (i) of the Act includes the obligation to pay for replacements necessary because of normal wear and tear or obsolescence.
- Although the burden is initially on the claimant to establish that the injury is work-related, once the employer acknowledges liability for the injury, the claimant is not required to continually establish that medical treatment of that compensable injury is causally related because the injury for which the claimant is treating has already been established.

Accordingly, thereafter, the employer has the burden of proving that a medical expense is unreasonable, unnecessary, or is not related to the accepted work injury.

*Rogele, Inc. v. WCAB (Hall), No. 595 C.D. 2018 (Decision by Judge Covey, November 30, 2018) 11/18*