

limits the defendant's liability for future medical care to only the body parts of psyche/adjustment disorder, cervical spine and bilateral carpal tunnel syndrome post release surgery." (Defendant's exhibit H).

Future medical care in a stipulated award must always necessarily include future medical care for treatment that is found to be a compensable consequence resulting from the original industrially injured parts. **This right cannot be bargained away by the parties.** To hold otherwise would severely diminish the rights of injured workers to receive appropriate medical care that results from their injury. Insurance carriers would forever seek to include addendums in stipulated awards of medical care that limit their liability for treatment to additional body parts. (Report, pp. 5-6; emphasis in original.)

Finally, although we conclude that applicant's petition for reconsideration for penalties and attorney's fees is premature, we agree with the WCJ that, based on the facts of this case, penalties and attorney's fees are not appropriate.

Accordingly, we grant reconsideration of the July 3, 2023 Findings and Award to amend finding number 1 to indicate that defendant did not timely deferred utilization review upon receiving two medical reports with two requests for authorization.

For the foregoing reasons,

**IT IS ORDERED** that defendant Automobile Club of Southern California Petition for Reconsideration of the July 3, 2023 Findings and Award is **GRANTED**.

**IT IS FURTHER ORDERED**, as the Decision After Reconsideration of the Workers' Compensation Appeals Board, that the July 3, 2023 Findings and Award is **AMENDED** as follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The evidence submitted supports a conclusion that defendant did not timely defer utilization review upon receiving two reports and two Requests for Authorization from the primary treating physician that requested treatment to additional body parts that were not included in the prior award.

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**WORKERS' COMPENSATION APPEALS BOARD**

**/s/ CRAIG SNELLINGS, COMMISSIONER**

**I CONCUR,**

**/s/ JOSEPH V. CAPURRO, COMMISSIONER**

**/s/ JOSÉ H. RAZO, COMMISSIONER**



**DATED AND FILED AT SAN FRANCISCO, CALIFORNIA**

**September 22, 2023**

**SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE CURRENT OFFICIAL ADDRESS RECORD.**

**LYNNE SHAW  
LAW OFFICE OF MICHAEL K. WAX, APC  
LAW OFFICES OF WEITZMAN & ESTES**

**LSM/oo**

*I certify that I affixed the official  
seal of the Workers' Compensation  
Appeals Board to this original  
decision on this date. o.o*