

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

WCC NO. H305931

KIM WELBORN, Employee

CLAIMANT

INSPIRATION POINT FINE ART COLLEGE, Employer

RESPONDENT

FIRSTCOMP INS. CO., Carrier

RESPONDENT

OPINION FILED MAY 7, 2025

Hearing before ADMINISTRATIVE LAW JUDGE GREGORY K. STEWART in
Springdale, Washington County, Arkansas.

Claimant unrepresented and appearing *pro se*.

Respondents represented by RANDY P. MURPHY, Attorney at Law, Little Rock,
Arkansas.

STATEMENT OF THE CASE

On April 9, 2025, the above captioned claim came on for a hearing at Springdale, Arkansas. A pre-hearing conference was conducted on January 29, 2025, and a pre-hearing order was filed on that same date. A copy of the Pre-hearing Order has been marked Commission's Exhibit No. 1 and made a part of the record without objection.

At the pre-hearing conference the parties agreed to the following stipulations:

1. The Arkansas Workers' Compensation Commission has jurisdiction of this claim.
2. Claimant sustained a compensable injury to her right knee on June 5, 2022.
3. Respondent has accepted and paid permanent partial disability benefits based on a 7% impairment to the lower extremity.

4. Claimant was earning sufficient wages to entitle her to compensation at the weekly rate of \$778.00 for total disability benefits and \$584.00 for permanent partial disability benefits.

At the pre-hearing conference the parties agreed to litigate the following issue:

1. Claimant's entitlement to additional medical treatment from Dr. Dona.

The claimant contends she is entitled to additional medical treatment from Dr. Dona.

The respondents contend that claimant has received all benefits to which she is entitled for the compensable right knee injury and that claimant's current problems are related to a preexisting knee condition.

From a review of the record as a whole, to include medical reports, documents, and other matters properly before the Commission, and having had an opportunity to hear the testimony of the witnesses and to observe their demeanor, the following findings of fact and conclusions of law are made in accordance with A.C.A. §11-9-704:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The stipulations agreed to by the parties at the pre-hearing conference conducted on January 29, 2025, and contained in a pre-hearing order filed that same date are hereby accepted as fact.

2. Claimant has met her burden of proving by a preponderance of the evidence that she is entitled to additional medical treatment from Dr. Dona. This includes PRP (plasma rich protein) injections and hyaluronic acid injections.

FACTUAL BACKGROUND

The claimant worked as a seasonal costume manager for the respondent. Her job duties required her to design costumes; and supervise the construction and fitting of the costumes. On June 5, 2022, respondent had flooding in its building due to a pipe break. Claimant testified that heavy rubber perforated mats were placed on the floor but the mats were too big for the area so the edges were rolled up against the edges of a counter. Claimant testified that she was walking around a corner when her foot got stuck under the mat causing her body and knee to twist.

Claimant reported this incident to her supervisor and also received some initial treatment from Dr. Alice Martinsen, a retired orthopedic surgeon who was on the staff at respondent. Martinsen initially informed claimant that she believed she had suffered a torn MCL that would take some time to heal. Claimant continued to work for respondent, propping up her knee and putting ice on it. She also continued to receive some initial medical treatment from Dr. Martinsen.

At some point the claimant moved to Maryland and began receiving treatment there. Claimant underwent an MRI scan on February 21, 2023, which revealed a torn meniscus. Claimant was treated conservatively with physical therapy and injections including a PRP injection. When the conservative treatment did not alleviate claimant's complaints, she underwent surgery on September 1, 2023, which consisted of a partial medial meniscectomy and synovectomy of all three compartments.

After her surgery the claimant continued to have complaints of pain in her right knee. Claimant underwent a second MRI scan on November 29, 2023, which revealed interval progression of the medial meniscus; femoral tibial arthrosis; and a cyst.

Claimant eventually came under the care of Dr. Dona who has prescribed treatment in the form of PRP injections and hyaluronic acid injections.

At some point respondent denied claimant's entitlement to additional medical treatment including the injections by Dr. Dona. As a result, claimant has filed this claim contending that she is entitled to additional medical treatment from Dr. Dona.

ADJUDICATION

Claimant contends that she is entitled to additional medical treatment from Dr. Dona which includes PRP injections and hyaluronic acid injections.

An employer is required to provide for an injured employee such medical treatment as may be reasonably necessary in connection with the injury received by the employee. A.C.A. §11-9-508(a). The employee has the burden of proving by a preponderance of the evidence that medical treatment is reasonably necessary. *Stone v Dollar General Stores*, 91 Ark. App. 260, 209 S.W. 3d 445 (2005). What constitutes reasonably necessary medical treatment is a question of fact for the Commission. *Wright Contracting Company v Randall*, 12 Ark. App. 358, 676 S.W. 2d 750 (1984).

After reviewing the evidence in this case impartially, without giving the benefit of the doubt to either party, I find that claimant has met her burden of proof.

Initially, I note that claimant submitted into evidence a letter from Dr. Dona dated January 27, 2025, which states:

Mrs. Kimberly Welborn is my patient and I am actively treating her. In my expert medical opinion, Mrs. Welborn will benefit from continued treatment with platelet-rich plasma (PRP) and synergistic use of viscosupplementation for medical history of chronic postoperative right knee pain

secondary to exacerbation of primary osteoarthritis with component of posttraumatic osteoarthritis in the setting of prior arthroscopy. The patient has demonstrated clinical improvement with prior treatments under ultrasound guidance.

Subsequent to that letter claimant was again seen by Dr. Dona on February 12, 2025. Dr. Dona noted that claimant's pain had moderately worsened since the time of her last visit and that it was interfering with her daily activities. Dr. Dona further noted that a prior injection had provided some relief in the months following the procedure. Dr. Dona performed a PRP injection that date using ultrasound and noted that claimant might need a total joint arthroscopy should she fail to improve from the injections.

In response to claimant's continued medical treatment, respondent had various medical records of the claimant reviewed by Dr. Owen Kelly, an orthopedic surgeon. In a report dated April 17, 2024, Dr. Kelly opined that claimant had reached maximum medical improvement and stated that he would assign claimant an impairment rating equal to 7% to the lower extremity. He also noted that he did not believe claimant needed any further treatment with respect to her accident.

With respect to the PRP injections and hyaluronic acid injections, Dr. Kelly authored a letter dated February 24, 2025, stating that in his opinion the injections were not reasonable and necessary medical treatment. In support of his statement he relied upon recommendations by the Academy of Orthopedic Surgeons which he indicated noted moderate recommendations against the use of hyaluronic acid and PRP injections.

I find that the opinion of Dr. Dona is entitled to greater weight than the opinion of Dr. Kelly. Initially, I note that Dr. Kelly's opinion is based upon the medical records

through March 27, 2024. Claimant has continued to receive medical treatment from Dr. Dona since that date. Furthermore, I note that the recommendations cited by Dr. Kelly in support of his opinion do not indicate that the use of hyaluronic acid and PRP injections provide no benefit. Instead, he notes that there is a moderate recommendation or limited recommendation against their use. According to the opinion of Dr. Dona, claimant is receiving a benefit from these injections. Most significantly, Dr. Dona is claimant's treating physician and has had the opportunity to evaluate her following the injection procedures. On the other hand, claimant has never been evaluated by Dr. Kelly.

Based upon the foregoing, I find that the opinion of Dr. Dona is entitled to greater weight than the opinion of Dr. Kelly under the circumstances presented in this case. Therefore, based upon the opinion of Dr. Dona, I find that claimant has met her burden of proving by a preponderance of the evidence that she is entitled to additional medical treatment from him. This includes the PRP injections and hyaluronic acid injections.

AWARD

Claimant has met her burden of proving by a preponderance of the evidence that she is entitled to additional medical treatment from Dr. Dona. This includes PRP injections and hyaluronic acid injections.

If respondents have not already done so, they are directed to pay the court reporter, Whitney Bryant, her fees and expenses within thirty (30) days of receipt of her invoice.

IT IS SO ORDERED.

GREGORY K. STEWART
ADMINISTRATIVE LAW JUDGE