

NOT DESIGNATED FOR PUBLICATION

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. H305931

KIM WELBORN, EMPLOYEE

CLAIMANT

INSPIRATION POINT FINE ART COLLEGE,
EMPLOYER

RESPONDENT

FIRSTCOMP INS. CO.,
INSURANCE CARRIER/TPA

RESPONDENT

OPINION FILED AUGUST 28, 2025

Upon review before the FULL COMMISSION in Little Rock, Pulaski County, Arkansas.

Claimant unrepresented and appearing *pro se*.

Respondents represented by the HONORABLE RANDY P. MURPHY, Attorney, Little Rock, Arkansas.

Decision of Administrative Law Judge: Affirmed and Adopted.

OPINION AND ORDER

Respondent appeals an opinion and order of the Administrative Law Judge filed May 7, 2025. In said order, the Administrative Law Judge made the following findings of fact and 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.

We have carefully conducted a *de novo* review of the entire record herein and it is our opinion that the Administrative Law Judge's May 7, 2025 decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

All accrued benefits shall be paid in a lump sum without discount and with interest thereon at the lawful rate from the date of the Administrative Law Judge's decision in accordance with Ark. Code Ann. §11-9-809 (Repl. 2012).

IT IS SO ORDERED.

SCOTTY DALE DOUTHIT, Chairman

M. SCOTT WILLHITE, Commissioner

Commissioner Mayton dissents

DISSENTING OPINION

I respectfully dissent from the majority opinion finding that the claimant is entitled to additional medical treatment in the form of the injections prescribed by Dr. Dona for her compensable right knee injury sustained on June 5, 2022. In my *de novo* review of the record, I find the treatments recommended by Dr. Dona are neither reasonable nor necessary.

The claimant suffered a compensable injury while working as a seasonal costume manager for the respondent employer when she tripped on a rubber mat, twisting her knee and tearing her meniscus. The claimant's current treating physician, Dr. Samuel Dona, prescribed platelet-rich plasma (PRP) and hyaluronic acid (HA) injections to treat claimant's ongoing symptoms.

After a hearing, an administrative law judge (ALJ) ruled that the claimant is entitled to additional medical treatment in the form of the injections prescribed by Dr. Dona.

Ark. Code Ann. § 11-9-508(a) requires an employer to provide an injured employee with medical and surgical treatment "as may be reasonably necessary in connection with the injury received by the employee." The claimant has the burden of proving by a preponderance of the evidence the additional treatment is reasonable and necessary. *Nichols*

v. Omaha Sch. Dist., 2010 Ark. App. 194, 374 S.W.3d 148 (2010).

What constitutes reasonably necessary treatment is a question of fact for the Commission. *Gant v. First Step, Inc.*, 2023 Ark. App. 393, 675 S.W.3d 445 (2023). In assessing whether a given medical procedure is reasonably necessary for treatment of the compensable injury, the Commission analyzes both the proposed procedure and the condition it sought to remedy. *Walker v. United Cerebral Palsy of Ark.*, 2013 Ark. App. 153, 426 S.W.3d 539 (2013).

It is within the Commission's province to weigh all the medical evidence to determine what is most credible and to determine its medical soundness and probative force. *Sheridan Sch. Dist. v. Wise*, 2021 Ark. App. 459, 637 S.W.3d 280 (2021).

In weighing the evidence, the Commission may not arbitrarily disregard medical evidence or the testimony of any witness. *Id.* However, the Commission has the authority to accept or reject medical opinions. *Williams v. Ark. Dept. of Community Corrections*, 2016 Ark. App. 427, 502 S.W. 3d 530 (2016). Furthermore, it is the Commission's duty to use its experience and expertise in translating the testimony of medical experts into findings of fact and to draw inferences when testimony is open to more than a single interpretation. *Id.*

Specifically, the American Academy of Orthopaedic Surgeons, recommends against the use of HA injections due to a lack of generalized

results over the course of twenty-eight (28) studies. There is limited statistical proof of the benefit of HA injections.

In the course of litigating this claim, the respondents obtained an independent review of the claimant's medical records by Dr. Owen Kelly, an orthopedic surgeon. In a letter dated April 17, 2024, Dr. Kelly opined that the claimant had reached maximum medical improvement and stated that he would assign the claimant a seven percent (7%) impairment rating to the lower extremity. Dr. Kelly opined that regarding future medical treatment:

No further treatment is recommended as it relates to the isolated accident. At most, the meniscal tear would be attributed to the incident, but the other findings which included articular cartilage loss (arthritis) would not be related to a one-time isolated accident.

This opinion is substantiated by a post-surgical MRI dated November 29, 2023, which showed the progression of the claimant's meniscus.

Presently, the claimant has "[p]retty close" to full range of motion of her right knee. The injections performed by Dr. Dona to date have resulted in only moderate improvement according to the claimant ... "maybe 5, 10 percent" improvement to the claimant's pain. The claimant testified after the injections she only gets a little better and then it plateaus.

As Dr. Kelly highlighted, there is a moderate recommendation against the use of HA injections due to inconsistent evidence to support its use. Dr. Kelly stated in his report that PRP-Hyaluronic Acid injections are

not reasonable and necessary medical treatment for her knee. Further, Dr. Kelly reviewed the entirety of the claimant's medical records prior to issuing his opinion that the claimant has reached maximum medical improvement and that any ongoing pain is related to her chronic arthritis. This evidence was arbitrarily disregarded by the ALJ.

Dr. Kelly's opinion is strong evidence that the prescribed treatment is not necessary or reasonable for the treatment of the claimant's compensable injury, as the claimant's medical records clearly indicate her injury has resolved.

Accordingly, for the reasons set forth above, I must dissent.

MICHAEL R. MAYTON, Commissioner