

## **Limberakis v. Pro-Tech Security, Inc.**

### **Facts**

George Limberakis injured his back lifting a heavy iron gate while working as a security officer for Pro-Tech Security, Inc. Pro-Tech provided medical care with Dr. Ashley Park who treated Mr. Limberakis with medication, physical therapy, and injections, and assigned work restrictions. Dr. Park released Mr. Limberakis from his care over a year-and-a-half after beginning treatment, stating he had no further treatment to offer him. Dr. Park refused requests to schedule a follow-up appointment, so Mr. Limberakis asked Pro-Tech to provide medical care with another physician. Pro-Tech refused Mr. Limberakis' request for additional medical treatment.

### **Trial Court Action**

The trial court ordered Pro-Tech to provide a panel of physicians that did not include Dr. Park to Mr. Limberakis, finding that Mr. Limberakis had on-going symptoms from his work injury and that Dr. Park had refused to provide further treatment.

### **Primary Issue on Appeal**

Whether the trial court erred in ordering Pro-Tech to provide a new panel of physicians.

### **Pertinent Statutory Language**

Tennessee Code Annotated section 50-6-204(a)(1)(A): "The employer or the employer's agent shall furnish, free of charge to the employee, such medical and surgical treatment . . . made reasonably necessary by accident as defined in this chapter."

Tennessee Code Annotated section 50-6-204(a)(3)(G): "If any physician . . . on a panel provided to an employee under this subsection declines to accept the employee as a patient for the purpose of providing treatment to the employee for his workers' compensation injury, the employee may . . . request that the employer provide an additional choice of a physician . . . to replace the physician . . . who refused to accept the injured employee as a patient for the purpose of treating the employee's workers' compensation injury."

### **Pro-Tech Security's Argument**

Pro-Tech argues that Mr. Limberakis is not entitled to a new physician because he has presented no medical evidence contradicting Dr. Park's opinion that he does not need additional medical treatment for his work injury. Pro-Tech also argues that the portion of the statute allowing Mr. Limberakis to seek a new physician does not apply in this case because Dr. Park did not decline to accept him as a patient. Rather, Dr. Park accepted Mr. Limberakis as a patient, provided treatment, and determined no additional treatment was needed. Finally, Pro-Tech argues that, based on Dr. Park's opinion that no additional treatment is necessary, it has provided all the medical benefits the law requires.

**Mr. Limberakis' Argument**

Mr. Limberakis argues that because Dr. Park has refused to see him for a follow-up visit for his ongoing symptoms, he is entitled to select a new physician who will provide the necessary treatment. Mr. Limberakis contends that he is entitled to lifetime medical care for his work injury, and that Dr. Park's refusal to continue treating him requires Pro-Tech to provide another physician.