EXHIBIT 4
DATE 2/20/2015
HB 500

To: Economic Affairs Interim Committee

From: Christopher Carter, injured worker

RE: Written Testimony regarding treating physician selection by insurer

Date: March 27, 2014

My name is Christopher Carter. I live in Great Falls, Montana. I work for a company that specializes in road construction materials, including sand, gravel, asphalt and concrete. My time of injury job for my employer involved heavy duty equipment operation as a wash plant worker. I operated and maintained the equipment to wash the mined gravel. The mined gravel goes through a conveyor system to be washed. I also performed maintenance on the wash plant equipment to keep the bearings, rollers, feeders, and belts in good operating condition. On July 26, 2012, I was performing maintenance on the head roll of a conveyor belt, when my co-worker negligently turned on the conveyor belt, forgetting that I was working on it. This caused my left foot and ankle to get sucked into and crushed by the head roll of the conveyor belt. I had to pull my foot out of my boot to escape further injury from the head roll. I had no prior injuries to my left foot and ankle before this accident. I reported to the Emergency Room on 7/26/12. The x-rays showed small corticated osseous fragments and irregularity of the medial talor dome. My foot was placed in a boot/brace and I was taken off work. I treated with Dr. Bock on 7/31/12 and Dr. Paul Johnson on 8/9/12. An MRI was ordered and showed an osteochondral lesion off of the medial talor dome, and disruptions of the anterior and posterior talofibular ligaments. Then I did physical therapy during September 2013 and followed up with Dr. Johnson on 10/3/12. I had continued swelling in my foot and ankle, even with physical therapy. Dr. Johnson referred me to a foot and ankle specialist, a podiatrist, Dr. Fisher.

I saw Dr. Bruce Fisher on 11/8/12, who noted medial and lateral left ankle edema, that my foot was valgus, and that my foot was abducted to 15 degrees. Dr. Fisher diagnosed me with a left ankle dislocation and with osteochondritis dissecans to the medial talus and disruption of the anterior and posterior talofibular ligaments.

I had bone scans on 11/14/12, showing the osteochontral injury and nondisplaced fracture of the medial talus. On 11/19/12, Dr. Fisher recommended a corticosteroid injection for diagnostic value and pain relief, but wanted to try a gauntlet-style brace first, which I tried, but which did not fully address the problem.

requested. Rather, Dr. Pike agreed with Dr. Fisher's treatment recommendations in Dr. Pike's medical notes dated May 22, and June 13, 2013. The 6/13/13, medical note from Dr. Pike states:

> First, with regards to the ankle, **I agree with the idea of a cortisone injection and also with the possibility of an arthroscopy as a last option. I would defer to Dr. Bruce Fisher in this regard and I agree that he should be Mr. Carter's treating physician from this point going forward."**

Unfortunately, the workers' compensation insurer would not authorize me to go back to Dr. Fisher, even though Dr. Pike agreed with me returning to Dr. Fisher. Dr. Pike's office also tried to refer me to Dr. Ronald Ray, a foot and ankle podiatrist and the insurer did not authorize me to see Dr. Ronald Ray either. I have had no choice in my medical care but to see the doctors chosen by the insurer. To date, nearly a year after the insurer said I could no longer see Dr. Fisher; I still do not have an official treating physician who has agreed to treat me. I still have not had the treatment recommended by Dr. Fisher, Dr. Singer, Dr. Pike, and Dr. Heid.

Instead of getting me a treating physician or coordinating my medical care, the insurer hired Dr. Heid to perform a second IME on 9/6/13. On 10/17/2013, Dr. Heid's IME report addendum said that I should be referred to an orthopedic foot and ankle specialist for diagnostic injections into the left tibiotalar joint, and after that, consideration of ankle arthroscopy surgery could be considered.

Doctors Fisher, Pike, Singer and Heid have made adequate requests for authorization in their medical notes for physical therapy, cortisone injections, an arthroscopy consults. Doctors may make authorization requests in their medical notes alone, and such requests are enough, because authorization requests do not need to be made on any special referral or authorization forms.

To date, I have still not had the cortisone shot recommended made by Dr. Singer (12/5/12), by Dr. Fisher, (1/14/13), by Dr. Pike (6/11/13, 10/18/13), and by Dr. Heid (10/18/13). I have not had the pain relief or diagnostics that the injection would provide. My foot and ankle are still in pain without the necessary medical treatment.

The work comp insurer most recently sent me to Dr. Thomas for a surgery consult. I had no choice in the doctor the insurer chose for surgery consultation. If I refuse to see the insurance company's doctor, the insurer can suspend or terminate my

benefits under Montana law. Thus, I cooperated and saw Dr. Thomas. Dr. Thomas explained to me that surgery is recommended as a last resort and may not work in all cases. I told Dr. Thomas that I would like to try the cortisone shot and other treatment options first if possible. Dr. Thomas said he just handled surgery, not other treatment options. Dr. Thomas told me he did not want to be my treating physician. I asked for a referral to see Dr. Ray, a podiatrist in Great Falls. He said that was up to the work comp insurer. The insurer would not authorize me see Dr. Ray in Great Falls. Instead, the insurer sent me to see Dr. Hansen in Helena. It is unclear if Dr. Hansen will agree to be my treating physician or not. If he does agree, I will have to travel 3 hours round trip to see him for each visit, instead of seeing a doctor in my own community of Great Falls. I just recently had an appointment with Dr. Hansen. The insurer did not send Dr. Hansen any of my x-rays or MRIs in advance, so Dr. Hansen was unable to provide much treatment for me. I still have not had the treatment that Dr. Fisher recommended over one year ago, and that 3 other doctors, including two IME doctors agreed with.

Allowing the insurer to select my treating physician for my work injury and to manipulate the treatment has unreasonably delayed my medical care. I do not get a say in which doctor treats me or which may perform surgery on my body. This is very frustrating and invasive to me. I think that my foot and ankle could have been healed by now, or greatly improved, if Montana law allowed me to choose my treating physician and if the physician of my choice was actually allowed to treat me without constant interference and obstruction by the insurer. I would have had the cortisone injections already in my foot for diagnostic and pain relief purposes, and if that had failed, I may have already had surgery by now. Instead, I have been without actual treatment for my foot and ankle injury for over one year. This delay is directly caused by the power that the legislature gave to insurers to control my care and my doctors.

Since I have not been allowed to choose my doctor and get the care that I need, I am still in pain. I have not been fully released to do my time-of-injury job. If the Montana Legislature wants workers to actually heal and get back to work without restrictions, then workers need to be able to choose their own doctors and to avoid doctors biased in favor of workers' compensation insurers. Please change this law and let injured workers like me choose my own treating physician. I am happy to further discuss with you the effects of the treating physician selection statute's interference with my medical care. You can call me at 406-799-4199.

Christopher Carter