

# WORKERS' COMPENSATION

AUGUST 2011

## An Injured Worker's Right to Choose Their Own Treating Physician in Arizona Workers' Comp

The issue of choice of doctors has been characterized as "one of the stormiest issues in the history of workmen's compensation." Two competing interests clash: the interest of the injured worker in having a physician in whom he or she has confidence, and the carrier's interest in maintaining control over the quality and cost of the medical care recommended.

The law in Arizona is well settled regarding an injured worker's right to choose his or her own treating doctor. **Unless the employer is self-insured, the employee has a fairly unfettered right to treat with the physician of his or her choice.** To change doctors, all that is required is to file a Request for Change of Doctors with the Industrial Commission of Arizona or obtain the permission of the insurance carrier. The only employers who are able to direct injured workers to physicians of their choosing are those who self insure for workers compensation claims.

As attorneys who practice exclusively workers compensation, we frequently recommend to our new clients that they change physicians from the doctor to whom the insurance company has sent them, to a doctor who will be an advocate for the patient, not the insurance carrier.

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X. Alex Carpio, Erica Gonzalez-Melendez and Chad Snow, Attorneys



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WORKERS' COMPENSATION ATTORNEYS

### Did you know.....?

- Attorney Erica Gonzalez-Melendez received the Daniel R. Ortega Public Service Award from Valle del Sol's Hispanic Leadership Institute in 2010?
- Attorney Chad Snow served a 2-year mission with the L.D.S. church in Bilbao, Spain?
- Attorney X. Alex Carpio is currently serving as General Counsel for Citizens for a Better Arizona, the Committee fighting for the recall of State Senate President Russell Pearce?

### Fun Facts for August...

- Hawaii became the 50th state of the United States of America August 21, 1959. The third Friday of August was designated Statehood Day, a state holiday.
- August 15 is the Catholic Feast of the Assumption.
- August is National Immunization Awareness Month.

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