

judgment, no additional treatment is called for and you're not going to get any, but the employee is still experiencing the condition that makes him or her feel the treatment is necessary, that is not, in your opinion, a denial? If they're not going to be given additional treatment, that's not a denial?

SENATOR LANDIS: No, and I'll tell you why. The employer has already assumed responsibility to compensate for injury.

SENATOR CHAMBERS: Uh-huh.

SENATOR LANDIS: They've begun that compensation. Their opinion as to the necessary treatment has come to an end but the employee's definition of compensability continues.

SENATOR CHAMBERS: All right, then this puts the employee in a position of having to go to another doctor at his or her expense because they were directed to the company quack. They've got to go and then is this other doctor says, yes, you need this treatment, then the employee can pay that doctor if they feel they need it and the doctor ministers to them and helps...let's say it is pain, then they've got two doctors that they're dealing with. If they had not been funneled to the company doctor in the first place, maybe this would not have happened but, nevertheless, it did. Would that then, in retrospect, be viewed as a denial of compensability?

SENATOR LANDIS: In my understanding of that situation...

SENATOR CHAMBERS: Yes, that's what I wanted (interruption)...

SENATOR LANDIS: ...the answer is no and let me, if I could, just...

SENATOR CHAMBERS: Sure.

SENATOR LANDIS: ...further answer. The second doc whose opinion a court later upheld and said, you're right, this guy was injured, he deserved more treatment, the...the employer will pay for it.

SENATOR CHAMBERS: Uh-huh.

SENATOR LANDIS: They'll pay for the second doc. They'll pay for all treatment that either they agree to or a court compels