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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM APPELLATE PANEL OF THE S.C. WORKER'S COMPENSATION
COMMISSION

T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

WCC File No. 1303465

Appellate Case No. 2016-000790

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc.

AND

New Hampshire Insurance Co.

Carrier,
Defendants. Respondents

APPELLANTS' REPLY TO RESPONDENTS' RETURN TO AMENDED MOTION TO
HOLD TIME IN ABEYANCE TO CONSIDER SUBJECTS TO BE INCLUDED IN
THE APPEAL

I, Ann Stevenson, hereby respectfully REPLY TO DEFENDANTS' RETURN TO AMENDED MOTION FOR TIME BE HELD IN ABEYANCE TO CONSIDER SUBJECTS TO BE INCLUDED in the above-captioned appeal for the following reasons:

- 1) Radiological Reading Diagnostic Errors and possibilities-- Now from what we understand happened of these "doctors" at Dr's Care, were the x-ray readings deliberate or just negligent errors? HOW MANY WERE AND HOW MANY WERENT? (pg1-4)
- 2) Negligent, unethical, and substandard behavior with deliberate lack of medical treatment. (See Time Index with explanations and p9-32 and more)). Doctors who have the deliberate intent to do harm to patients who have placed physical health and well-being into the doctors' hands with the belief these doctors will provide the care that is necessary. I ask again, why would any

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doctor do the things that these doctors have done? As you can see in Dr Baens excuse for denying the Physical Therapy (p104), she states "No Objective Findings" and that is exactly why she did not do a medical evaluation that would stand up to Objective Findings because she did not perform any physical tests or even read the Physical Therapy reports to see what she missed. ***Or didn't miss*** (p10,19,20,26) **But why would a doctor who refused to see a patient, monitor activity, interact with adjuster, and stick her nose into that patient's treatment therapy to intentionally interfere months later from a different doctor (she actually removed herself by refusing to see the patient On March 14,2013 (p37 Email 032113 11:21am line16-23) and then (p39 line 5-6) only Dr Merritt was assigned after 032713)?** (p104,61,62,63,64,65,104,105,115,116,117)

- 3) The **deliberate and willful breaking of HIPPA laws** (see same pages directly above) of accessing patient files by a doctor who **was not treating** the patient, and who deliberately and with intent to do **physical harm denied physical therapy** written by an ortho specialist, **Dr Merritt**. And in so doing, by directly causing physical harm to the patient **Dr Baens saved the carrier the money** of all those **UNUSED PHYSICAL THERAPY** visits which are shown in the Index of Time, on 7/16/13 (pg117). As Dr's Care has prevented me for several years in accessing my records, that too **is a violation of HIPPA laws**. (And leads me to believe that **more** of the supervisors and record keepers **were involved in illegal activities** also). We are still awaiting (almost a month now) the **"requested" log of HIPPA access** (a statement of all who have had access to Ann Stevenson's medical file) at Doctor's Care and from Dr's Care which would also show that any **who had access also knew of the HIPPA VIOLATIONS and decided not to report them or any other illegal activity that occurred**. As you can see in some of the chosen exhibits that came from Dr's Care, the defendants' and their lawyers had access to this file. But **how did they acquire access to it?**
- 4) Why would a **"HOT-Looking Blonde female"** lawyer be the one called in to take Dr Merritt's deposition? And that be the only time she is seen. Was this to disarm the doctor and get him confused on record? Or so he would not feel combative towards a male lawyer who asked "threatening" questions which he would have answered more objectively? Isn't that why drug company reps are usually "hot-looking women" to persuade the doctors to do what they want them to? To make choices based on the drug rep? Is that her expertise? Because both males in the room paid attention to her. Or was it also to distract the claimant's lawyer too during the deposition?
- 5) Refusal of Care by Carrier and Representatives without notice to patient and written proof of coverage (see the many Email written agreements and statements listed in Time Index). By letting these **"WRITTEN AGREEMENTS"** stand and not denying them, they made legal binding agreements which prevented me "from knowing" that I would have to go elsewhere to get the medical treatment that I needed. These adjusters' actions were willful and deliberate to do harm to the patient and colluded to prevent the patient from receiving **STANDARD MEDICAL CARE**. They prolonged pain and physical torture and inflicted further damage without being held responsible for their actions. One adjuster who knew exactly what was happening, and co-colluded in sadistic behavior, states in Email 040413 4:48PM (pg 52), ***Unfortunately inability to sleep is not covered on your claim***. If you feel your inability to sleep **is partly due to your allowed treatment**, you would need to speak with the treating physician for treatment options. If your supervisor would like to contact us, she is more than welcome." ***What can you do*** when the doctors **do not listen, do**

- not respond**, and do not write down what is discussed at visits? Have you every heard of a doctor predicting a conclusive negative outcome for a patient due to the doctors' actions and inactions?
- 6) Why would doctors and adjusters who are in the "Worker's Compensation Business", deliberately not treat the patient, especially at the very beginning when that makes the most difference and then leave the patient re-injuring areas on regular work schedules without any regard to physical injuries? What is their purpose if not to help the injured to heal? It shouldn't be to re-injure them, should it?
 - 7) Look at Dr Baens (022813 and 031213 Defendants' APA p27, p36) one work status where all kinds of work restrictions are listed. How is it possible to work a regular shift of 8 to 10 hours of continuous standing with all those restrictions? (p27 and Defendants' APA p33,34,36)
 - 8) In email 03/21/13 at 5:24PM (p39) from Barbara Cowan, she states,"As for your work hours, it is my understanding that you continue to be scheduled for your pre-injury hours." So how was it possible for any of the restrictions that were noted on Work Status to have been complied with?
 - 9) I was forced to see a doctor I thought was impaired and had an affect after adjuster and adjuster's supervisor had agreed to changing doctor per phone conversation.(see many emails), because Dr Baens **refused** to see me. Later we find out that even though his appearance was of being impaired and he was probably that too, Dr Scott had the deliberate intent to do damage to this patient, by his action and inaction and stating in writing that the patient declined evaluation, which did not happen, he set his evaluation up for the basis for all other doctors to make their flawed decisions, **which was his PURPOSE in this Drama.**
 - 10) **The only time** Walmart took notice of some of the Doctor's restrictions was when they forced me to sign an employment contract with them on 7/3/13 or be terminated or lose worker's comp benefits. (p111-114) and that was part of their plan for termination too.
 - 11) Medical and Prescription errors along with Dr Tamadon's evaluation and standard of care. Dr. Tamadon did base his perception on Dr's Care, but he also guessed and he guessed wrong and refused to view, see, add to , or listen to any possible corrections. We don't know what the medical file the adjuster sent to him contained, but it did not include the accident video and could not have included the physical therapy evaluations. But this doctor **refused to have a paid visit** to correct his impressions and **refused to look** at the MECHANISM OF INJURY to which Dr Merritt at his deposition changed his mind of what had actually happened when he saw just 4 pictures. In some emails **Dr Tamadon was supposed to be a second opinion** and said to treat what he decided needed to be done. But he **was not** (he was a one time IME) and evidently he was prejudiced to start with so I do not know if his was direct collusion or whether he was taken in and provided irrelevant material to base his claim and opinion on. He made observations that were impossible to make. The receptionist/nurse seated me in the patient room and he entered, did what he did, and then walked out. So he could not have seen how I walked, because he did not have me do it in front of him. And if as the physical therapist says after so many feet Ann's gait becomes antalgic and she observed many more times than just a one time visit where he did not actively do so. Also see Dr Pappas (071213p110-114), where he notes the gait, and recommends to stay off foot. **Why would Dr Tamadon make false statements?** Either way Dr Tamadon would not, change anything **unless Walmart gave him the information** and he would not take any information from me. But what kind of doctor is not willing to change his perception or diagnosis when confronted with the factual Mechanism of Injury and Physical Therapy evaluations? Does this doctor say he is never wrong or admit

to ever making mistakes? Not even when proven to be so? **He refused to allow a patient to correct the record, even though that is in the Medical Standard about a second appointment to correct the record. He did not intend to have a patient- physician relationship, sowhat was his inducement?**

- 12) Time Index to compare and correlate Emails, Events and corrections to Hearing Transcript with explanations and questions. The first Physical Therapy evaluation of 030813 shows injury evaluation and is listed in the Time Index. The Time Index shows the events and what followed as far as what is known by me and *how the lamb was led to slaughter*. The **Non-organic symptoms** of which one example was **plantar pain** at physical therapy (On 051513 p77 and 071213 p110-114)(also see 010815Hearing Transcript p68 lines 6 through pp70 line16) , was **actually proven to be Organic symptoms, at Dr Pappas**, the foot ortho's appointment 071213(p110-114) and Sept13 where he injected a cortisone shot into the foot and diagnosis of plantar fasciitis along with other tendon and ligament diagnoses. If you look at other physical therapy notes (May-June2013) the non-organic symptoms match the symptoms once the patient gets to see the foot ortho.
- 13) **FCE** –The defendants' copy which was one of their exhibits, was **missing p7** which I had to pick up a copy of from Georgetown Hospital System and is enclosed. **What do you think is on page 7? What body parts are evaluated there?** These are the shoulder, wrist, hip, and knee(there is no other page assigned to it for this or other separate documents that were scanned in at the end of the page-numbered ones when physically turned in. At the hearing, in the transcript, *read what the Mr Baxley has to say about the FCE* and it doesn't appear that anyone else looked at it either, since page 7 was missing. **Since on the MMI (FORM 14B (pg126), Dr Merritt's RETURN TO WORK RESTRICTIONS were based on the FCE OBJECTIVE FINDINGS, and EVALUATIONS why did the adjuster and Ann's supervisor tell her, she could only come back to work with no restrictions? Why were Dr Merritt's work restrictions ignored? Why were multiple accommodation forms filled out and Dr Merritt's multiple work restrictions denied over and over? Saying that the restrictions were not compatible with the job description? (see email in personnel file pg 178 and pg144 in Email 042114 2:52Pm) Is that a good reason why Worker's Comp rules do not apply to them? In Dr Merritt's deposition, (p26 line 14 – 25) the defendants' female lawyer states, "The test (FCE) determined that she could still return to work in the light physical demand category."** Since it was well-known to this visiting attorney, **why did the defendants refuse to provide that and demand that Ann return with no restrictions? (Email 10/21/13 08:59am to Hamp Manning from adjuster, p127) Irregardless of the facts?**
- 14) Why was **Dr Merritt's Worker's Compensation referral for the hand ignored** at least two or more times? At his deposition in Nov2013, Dr Merritt realized his first hand referral had been ignored and on 122713(p131 sent another referral for the hand to Worker's Comp.) He states" Still having problems with her right hand ,right hip, right ankle, right knee, neck and right shoulder. **She is concerned today mostly about her hip and hand which have not been**

evaluated. She continues to use a cane to walk.” and also on 010914. he states, “She is still waiting worker's comp approval to have her hand seen by hand specialists..” What do you think happened to this at the adjusters end? Nothing happened so they ignored Dr Merritt (the assigned physician) again.

- 15) Why did the adjusters refuse to treat and/or cover areas of the body that they had stated in writing? That they knew were injured in other witness accident reports? Why did they ignore the patient? Why did they ignore Dr Merritt? Why did they ignore their responsibility? unless their responsibility was not towards employee repair, but employee endangerment? Because the employer did not care what the adjusters did, their actions, and refused to do an ethics investigation when one was requested, “stating that department did not / could not be investigated.” The injured employee did not know it was the INTENTION of the employer and the adjuster to terminate employment and refuse to treat any and all injuries possible to save them money. Throw the injured one out and hire a new uninjured employee who could do the full job expectation, *because it is their choice to act immorally, unethically, and even criminally* as long as they can't be caught or prosecuted.
- 16) Non-compliance with Subpoenas issued by Carter Martling (10-18-13 and the other similar subpoena issued before second hearing) that were not Quashed along with the explanations of witness statements not being privileged materials and why. These subpoenas were never denied and the one that was Quashed had no log or listing of anything else that the defendants' lawyer wanted to deny access to. There's been no denial, so where is the material? (The witness statements) and the personnel record received appeared to have been *scrubbed*. *We are still waiting for compliance with the subpoenas. I request that you directly address this because one of the witnesses has stated facts about my injury the employer and the adjusters have denied the foot and ankle.*
- 17) Corrections to the statements made in the Hearing Transcript for your consideration. Is it a moral, ethical, or legal responsibility for a lawyer, an “**officer of the court**” to **report criminal activity**? Is it a moral, ethical or legal responsibility of this officer of the court to **correct false statements made to tribunals** and proceedings from which they base their judgments on? *What about selectively altering or removing evidence which is not corrected since there was no benefit to do so? (p7 of FCE)* Why have some statements been made to be **FACTS OF LAW** when they are based on false statements?
- 18) Due to the medical errors, unethical actions, and criminal activity that has occurred in this case, I am asking that this case be remanded back to the Worker's Compensation Commission so that all regulating agencies, Federal and State, can work together to get the facts and information necessary to fully pursue action *and so that I can get an ethically and morally competent lawyer who will take on my case representing the best interests of this injured and physically abused ex-employee, and possibly make it harder for corruption, collusion, and criminal action of any magnitude to happen to employees unfortunate enough to be injured at work. If it has happened to one, then wouldn't there be many more out there already and on into the future?*

Thank you for your consideration and time with which I don't seem to have had much of.

Thank you for giving me the opportunity to at least partially be heard. Not many would listen. I appreciate your opinions, especially if you can prevent this from happening to another pharmacist and the patients who got the prescriptions wrong, and other injured employees who were denied medical treatment because of what appears to be collusion in the medical field with the deliberate intent to do harm.

I cannot believe that "all of this" Dr's Care staff deliberately caused my physical condition to be much worse than it had to be. It has been hard to understand why people much less doctors would **deliberately do damage to another human being!** My parents raised me to believe in right and wrong, to be guided by my conscience and to never intentionally hurt another. But there appear to be a lot of people out there who have **made their choice, and they are out there abusing others without consequence.**

Thank you for your time and all that you do in the pursuit of justice,

October 12, 2016

Respectfully yours,

Ann Stevenson, pharmacist

Ann Stevenson
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151
Appellant / Claimant

Counsel of Record
W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

HTC Webmail

asteven@sccoast.net

Ann Stevenson

From : Barbara Cowan
<Barbara.Cowan@cmiw.com>

Thu, Mar 21, 2013 05:24 PM
1 attachment

Subject : Ann Stevenson

To : ANN STEVENSON
<asteven@sccoast.net>

Cc : Krystal Rogers
<k2roger@wal-mart.com>

Ann,

As previously discussed, in South Carolina workers' comp, the employer has choice of physician. I did allow you to switch between doctors at Doctors Care early on. You have an appointment 3-27-13 with a new doctor. He is an orthopedic. If you need to treat between now and your orthopedic appointment then feel free to treat with the Doctors Care that you have been treating with to date.

I have discussed this with my Team leader and we agree that you need to continue with your current doctor at Doctors Care until your orthopedic appointment at which time your orthopedic will become your authorized treating physician.

As for your work hours, it is my understanding that you continue to be scheduled for your pre-injury hours. I will pull an earning history for you and a copy of your schedule to make sure then get back to you.

You mentioned a second job? Please let me know where you work at your 2nd job.

Thank you,

Barbara Cowan
Case Manager, SC
Phone 479.621.2900 ext 20746
Fax 479.273.8058
barbara.cowan@cmiw.com
Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288

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From: ANN STEVENSON [mailto:asteven@sccoast.net]

Sent: Thursday, March 21, 2013 10:21 AM

To: Barbara Cowan

Subject: Fw:

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Hi,

I just got off the phone with Heidi at Carolina Forest who said that someone had told me I had to go back in to be seen before I could get anything for pain. I made it clear to her that noone called me back, after I called and was only told they would pull my chart and leave it for the doctor to see inbetween patients. Possibly they were too busy to call me to make me aware of that information or I would have gone to see a doctor on Wed instead of waking up in pain. Now I have to get ready for work and do not have time to wait somewhere to see a doctor. So it looks like I will be in pain again tonight and will forced to see a doctor on friday.

So that was my answer from Carolina Forest Doctors Care..... no care.

I am not a number on a sheet of paper that can wait in pain or injuries getting worse til someone decides they want to treat me, answer me, or to give me information. On 3/12, under Dr Baens I had asked for something for pain but she went ballistic about me prescribing my own medicines and at that point left the room and making sure there were no further discussion of any other matters other than her nurse coming in. After that visit, I continued to ask you for another doctor and then was forced to see Dr. Scott or noone, because she was UNAVAILABLE and had told me she probably would be.

Doctors and medical personnel should have the interests of their patients in mind and not be ruled by insecurities in knowledge or anything else causing them not to be able to perform their job adequately.

Thank you,

Ann

----- Original Message -----

From: ANN STEVENSON

To: Barbara Cowan

Sent: Thursday, March 21, 2013 5:10 AM

Subject: Re:

Hi,

I have been up in pain for the last two hours and unable to sleep. I called the Carolina Forest Doctors Care as soon as they opened on 3/20 requesting some pain blockers, enough to last until the orthopedic appt. So far I have not heard from them or the pharmacy about anything being ready, or any other problems and I am on ready reminder. I will call again but..... forcing me to remain in pain is sadistic.

I did not have their email address and you cannot leave messages on their phone when they are not open, that is why I had to wait until they opened at 8am yesterday morning to call them.

And yes, I do have to work today..... probably will go in with less than 3 hours sleep and since I have not gotten back to sleep yet, I don't know about the intermittent sleep that may occur if the pain lets off.

Thank you,

Ann Stevenson

----- Original Message -----

From: Barbara Cowan

To: asteven@sccoast.net

Sent: Tuesday, March 05, 2013 11:48 AM

Barbara Cowan

Case Manager III, Workers' Compensation SC
Phone 479.621.2900 ext 20746 Fax 479.273.8058

barbara.cowan@cmiw.com

Claims Management, Inc.
PO Box 1288
Bentonville, AR 72712-1288

Respect - **Service - Excellence**

This email and any files transmitted with it are confidential and intended solely for the individual or entity to

CJTD 8057



Return To Work Form

- 200 Middleburg Drive, Myrtle Beach, SC 29577 (843) 905-6650
- 1480 Main Street, Conway, SC 29526 (843) 381-8206
- 1113 Church Street, Conway, SC 29526 (843) 246-6267
- 1046 North Finner Street, Georgetown, SC 29540 (843) 549-7200
- 1714 Hwy 17 South, N. Myrtle Beach, SC 29582 (843) 361-0705
- 1220 21st Avenue, North Myrtle Beach, SC 29577 (843) 626-9377

- 1600 Hwy. 17 North, Surfside Beach, SC 29575 (843) 236-1441
- 2246 Highway 17, Little River, SC 29566-9235 (843) 663-2220

Name: Ann Stevenson Arrival Time: 8:22 Discharge Time: 0930

Date: 3-14-13 Company Name: Walmart

WORK STATUS: (Check Appropriate Boxes)

- 1. May perform full duty activities as of _____ without accommodations.
- 2. Off duty due to work-related condition.
Estimated return to work date with modified duty: _____
Estimated return to work date for full duty: _____
RETURN FOR RE-EVALUATION AT THIS LOCATION ON _____ Time: _____
- 3. May work with the following accommodations as of: 3/19/13
 - No lifting more than 15 lbs.
 - No operation of hazardous or fast-moving machinery, no driving.
 - Ground level work only, no ladders or heights.
 - No repetitive bending, stooping, squatting, pushing, jerking, twisting, or bounding.
 - No continuous standing and/or sitting.
 - ~~Minimum walking or climbing (including stairs)~~ Avoid climbing stairs/ladders.
 - Limited use of (R)acc.
 - No overhead lifting.
 - No high repetitive hand activities for extended periods of time.
 - No use of _____
- 4. Has reached Maximum Medical Improvement (MMI)
- 5. Return for re-evaluation at this office on _____ Time: _____

Additional Comments: Please limit to ≤ 7hrs/day work.

PATIENT DISCHARGE INSTRUCTIONS:

Diagnosis: Multiple strains Sprain Medications: as directed as needed

Wound or Injury Care: keep dry and clean do not remove dressing elevate extremity warm soaks

ice every _____ apply heat every _____ wear elastic support/immobilizer/keep taped

home exercise instructions given follow instructions sheet given bed rest for _____

REFERRAL: If a referral is made for physical therapy, or to another physician, please complete this section:

To: Dr. [unclear] Date: _____ Time: _____

For: _____

Address: _____

I understand the above instructions and what to do for my follow-up care. I have received a copy of these instructions for myself and for my employer.

Employee Signature: Ann Stevenson Date: 03/14/13

Provider Signature: [Signature] Date: 3/14/13

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Return to Work Form

- 200 Middleburg Drive, Myrtle Beach, SC 29579 (843) 903-6650
- 1400 Main Street, Conway, SC 29526 (843) 381-8206
- 1113 Church Street, Conway, SC 29526 (843) 248-6269
- 1048 North Fowler Street, Georgetown, SC 29440 (843) 545-7100
- 1714 Hwy 17 South, Myrtle Beach, SC 29582 (843) 361-0705
- 1220 21st Avenue, North Myrtle Beach, SC 29577 (843) 626-9379
- 1609 Hwy 17 North, Surfside Beach, SC 29575 (843) 238-1461

Name: STEVENSON, Arnel Arrival Time: Discharge Time:

Date: 3/14/13 Company Name:

WORK STATUS: (Check Appropriate Boxes)

- 1. May perform full duty activities as of without accommodations.
- 2. Off duty due to work-related condition.
 Estimated return to work date with modified duty:
 Estimated return to work date for full duty:
RETURN FOR RE-EVALUATION AT THIS LOCATION ON Time:
- 3. May work with the following accommodations as of 3/14/13
 - No lifting more than 25 lbs.
 - No operation of hazardous or fast-moving machinery, no driving.
 - Ground level work only, no ladders or heights.
 - No repetitive bending, stooping, squatting, pushing, jerking, twisting, or bouncing.
 - No continuous standing and/or sitting.
 - Minimum walking or climbing (including stairs) 85%
 - Limited use of both arms
 - No overhead lifting.
 - No high repetitive hand activities for extended periods of time.
 - No use of
- 4. Has reached Maximum Medical Improvement (MMI)
- 5. Return for re-evaluation at this office on Time:

Additional Comments: ok to work up to 12 hr. shifts Time: (479) 273 8058

PATIENT DISCHARGE INSTRUCTIONS:

Diagnosis: Multiple strains S/P fall Medications: as directed as needed
 Wound or Injury Care: keep dry and clean do not remove dressing elevate extremity warm soaks
 ice every apply heat every wear elastic support/immobilizer/keep taped
 home exercise instructions given follow instructions sheet given bed rest for

REFERRAL: If a referral is made for physical therapy, or to another physician, please complete this section:

To: Arthro Date: Time:

For:

Address:

I understand the above instructions and what to do for my follow-up care. I have received a copy of these instructions for myself and for my employer.

Employee Signature: Date:

Provider Signature: *[Signature]* Date: 3/15/13

(MED-F016-B-09)

LISTD 8857



Return To Work Form

- 206 Middleburg Drive, Myrtle Beach, SC 29579 (843) 905-6690
- 1490 Main Street, Conway, SC 29526 (843) 381-8206
- 1115 Church Street, Conway, SC 29526 (843) 248-5269
- 1062 North Yorker Street, Georgetown, SC 29440 (843) 545-7200
- 1714 Hwy 17 South, N. Myrtle Beach, SC 29582 (843) 361-0705
- 1320 21st Avenue, North Myrtle Beach, SC 29577 (843) 626-9577

- 1600 Hwy. 17 North, Surfside Beach, SC 29575 (843) 238-1461
- 2246 Highway 17, Little River, SC 29568-9235 (843) 683-2270

Name: Ann Stevenson Arrival Time: 1:00pm Discharge Time: 8:29pm

Date: 3/12/13 Company Name: Wal-Mart

WORK STATUS: (Check Appropriate Boxes)

- 1. May perform full duty activities as of _____ without accommodations.
- 2. Off duty due to work-related condition.
 Estimated return to work date with modified duty: 3/13/2013
 Estimated return to work date for full duty: _____
 RETURN FOR RE-EVALUATION AT THIS LOCATION ON per ORTHO / as a / week Time: _____
whenever comes fast
- 3. May work with the following accommodations as of _____:
 - No lifting more than 15 lbs.
 - No operation of hazardous or fast-moving machinery, no driving.
 - Ground level work only, no ladders or heights.
 - No repetitive bending, stooping, squatting, pushing, jerking, twisting, or bounding.
 - No continuous standing and/or sitting.
 - Minimum walking or climbing (including stairs)
 - Limited use of CR arm
 - No overhead lifting.
 - No high repetitive hand activities for extended periods of time.
 - No use of _____
- 4. Has reached Maximum Medical Improvement (MMI)
- 5. Return for re-evaluation at this office on see above Time: _____

Additional Comments: I will refer her to ORTHOPAEDICS because she is complaining she has suffered muscle atrophy + now pain in her (R) thigh / more pain in her shoulder/neck and is self-prescribing

PATIENT DISCHARGE INSTRUCTIONS: "start gabapentin" / ice wraps / and US treatment for her pain

Diagnosis: Acute Muscle Strain / Neck & Shoulder Discomfort

Wound or Injury Care: keep dry and clean do not remove dressing elevate extremity warm soaks

ice every _____ apply heat every _____ wear elastic support/immobilizer/keep taped

home exercise instructions given follow instructions sheet given bed rest for _____

REFERRAL: If a referral is made for physical therapy, or to another physician, please complete this section:

To: ORTHOPAEDICS / PT Date: _____ Time: _____

For: _____

Address: _____

I understand the above instructions and what to do for my follow-up care. I have received a copy of these instructions for myself and for my employer.

Employee Signature: Ann Stevenson Date: _____

Provider Signature: [Signature] Date: 3/12/2013

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Return to Work Form

- 300 Middleburg Drive, Myrtle Beach, SC 29579 (843) 903-6690
- 1400 Ocean Street, Conway, SC 29526 (843) 381-6300
- 1113 Church Street, Conway, SC 29526 (843) 248-0260
- 1068 North Finner Street, Georgetown, SC 29440 (843) 545-7200
- 1716 Hwy 17 South, W Myrtle Beach, SC 29582 (843) 361-0705
- 1220 22nd Avenue, North Myrtle Beach, SC 29517 (843) 626-9379

- 1600 Hwy 17 North, Surfside Beach, SC 29575 (843) 238-1461
- 2246 Highway 17, Little River, SC 29566-9235 (843) 668-2220

Name: Ann Stevenson Arrival Time: 1403 Discharge Time: 1635
 Date: 2/20/13 Company Name: Walman

WORK STATUS: (Check Appropriate Boxes)

- 1. May perform full duty activities as of _____ without accommodations.
- 2. Off duty due to work-related condition.

Estimated return to work date with modified duty: 3/01/2013

Estimated return to work date for full duty: _____

RETURN FOR RE-EVALUATION AT THIS LOCATION ON 1 week after PT Time: _____

- 3. May work with the following accommodations as of: 3/01/2013

- No lifting more than 10 lbs.
- No operation of hazardous or fast-moving machinery, no driving.
- Ground level work only, no ladders or heights.
- No repetitive bending, stooping, squatting, pushing, jerking, twisting, or bouncing.
- No continuous standing and/or sitting.
- Minimum walking or climbing (including stairs)
- Limited use of (R) leg(s) extremely
- No overhead lifting
- No high repetitive hand activities for extended periods of time.
- No use of (R) knee (no kneeling)

- 4. Has reached Maximum Medical Improvement (MMI)
- 5. Return for re-evaluation at this office on 3/08/2013 or 1 week after PT Time: _____

Additional Comments: Status post surgery have improved mobility + worsened symptoms will refer to PT for pain management - but also prefer chiropractic care

PATIENT DISCHARGE INSTRUCTIONS:

Diagnosis: Middle/pt spine + Neck Strain / Parosithesis Medications: as directed as needed
 Wound or Injury Care: keep dry and clean do not remove dressing elevate extremity warm soaks
 ice every _____ apply heat every _____ wear elastic support/immobilizer/keep taped
 home exercise instructions given follow instructions sheet given bed rest for _____

REFERRAL: (if a referral is made for physical therapy, or to another physician, please complete this section:

To: PT Date: _____ Time: _____
 For: _____

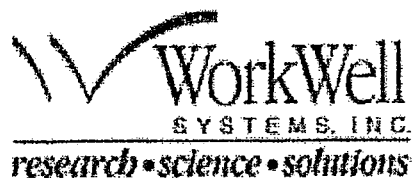
Address: _____
 I understand the above instructions and what to do for my follow-up care. I have received a copy of these instructions for myself and for my employer.
 Employee Signature: Ann Stevenson Date: 02/28/13
 Provider Signature: [Signature] Date: 02/28/2013

Client Name: Ann Stevenson

FCE Dates: 08/27/2013 and 08/28/2013

Therapist: James Kuykendall

NextStep Rehabilitation
 3650 Coalition Dr
 PO Box 1145
 Myrtle Beach, SC 29578



	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Shoulder					
Extension	60	WFL	WFL	5	5
Abduction	180	137	WFL	2	5
Internal Rotation	70	56	WFL	2	5
External Rotation	90	WFL	WFL	5	5

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Elbow					
Flexion	150	WFL	WFL	4	5
Extension	0	WFL	WFL	4	5

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Forearm					
Pronation	80	WFL	WFL	5	5
Supination	80	WFL	WFL	5	5

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Wrist					
Flexion	80	37	WFL	2	5
Extension	70	55	WFL	2	5
Ulnar Deviation	30	WFL	WFL	4	5
Radial Deviation	20	WFL	WFL	4	5

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Gross Hand Motion					
Composite Motion		WFL	WFL	5	5

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Hip					
Flexion (knee extd)	90	74	107	2	4
Flexion (knee fld)	120	104	WFL	2	4
Abduction	45	WFL	WFL	5	4
Adduction	30	WFL	WFL	4	4
Extension	30	WFL	WFL	3	4
Internal Rotation	45	40	40	2	2
External Rotation	45	35	WFL	2	4

	Normal	Range of Motion		Muscle Strength	
		Right	Left	Right	Left
Knee					
Flexion	135	110	WFL	2	5
Extension	0	WFL	WFL	5	5

1 therapy.

2 Q Okay.

3 A I was doing some and spreading them out so
4 they wouldn't hurt as bad, throughout the day.

5 Q All right.

6 MR. BAXLEY: Here's one, and this is on page 72.

7 Q This kind of goes -- goes back to what we
8 were talking about with Dr. Merritt. This one says,
9 "Continues with non-organic complaints." Something --

10 A Planter foot --

11 Q -- "planter foot pain with isometric hip;
12 does not see motivated to return to work. Refused
13 some therapeutic exercises secondary to already doing
14 them at home." Did she talk with you about getting
15 back to work?

16 A What day is that?

17 Q That is May --

18 A If that's in May, I was already having foot
19 problems, more foot problems. That's probably around
20 the time that that thing ripped in my foot.

21 Q Okay. Did she talk with you about getting
22 back to work?

23 A No, she didn't really discuss that much with
24 me. I know I had to cancel an appointment the second
25 day after I had ripped that thing in my foot.

1 Q Yes, ma'am.

2 MR. BAXLEY: On page 71.

3 Q And this also on in May, it says that you
4 were complaining of nonspecific ankle and knee pain,
5 but that there were no palpable restrictions and that
6 you refused to participate in the therapeutic exercise
7 due to that you had already done them at home, I
8 guess; is that accurate?

9 A Yes, I had done them at home.

10 Q Is the rest of that report accurate, that --
11 that you were complaining about ankle and knee pain
12 and that she kind of palpated around trying to figure
13 out where they were coming from?

14 A I think that was Mike that did that therapy.

15 Q I didn't ask you who did the therapy, I was
16 just asking if that's true?

17 A I don't know. That's May?

18 Q Yes, ma'am, May 16th.

19 A And now what were you asking again?

20 Q Is it true that you were complaining about
21 ankle and knee pain and that they palpated around to
22 try and figure out where it was coming from?

23 A Yes.

24 Q Okay.

25 MR. BAXLEY: 69 is the next one.

1 THE COURT: Okay.

2 Q Ma'am, this one says, "Patient complained of
3 poor toleration for any of the therapeutic exercises.
4 She complained of pain, not organic, unrelated to the
5 activity." And as an example, she said, that when you
6 were doing stuff with your arms, you complained of
7 about shooting pain in your ankle. Do you remember
8 her having those discussions with you about her
9 concerns about those things?

10 A She didn't discuss it, but she might have
11 had me standing trying to do some kind of arm exercise
12 and I was having trouble standing. And that was
13 during that time -- that said June 5th? That was
14 during -- after that time that I had that foot
15 problem, I was having trouble standing up for long
16 periods of time.

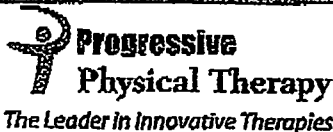
17 Q The next visit, --

18 MR. BAXLEY: This is page 68.

19 Q It said that you came in saying that your
20 hand was swollen; your right hand was swollen, but she
21 says further down that no swelling was noted in the
22 right hand; do you remember that?

23 A I don't know what she said in there.

24 Q And do you remember coming in with your hand
25 swollen?



PROGRESSIVE PHYSICAL THERAPY EVALUATION

1220 21st Avenue North
 Myrtle Beach, SC 29577
 Phone: (843)443-9368
 Fax: (843)916-2348

To M.D.:
 Faxed
 Mailed
 Given to Patient
 Filed in DC chart

Patient Name: Ann Stevenson
DOB: 05/19/1956
Claim #: 6815476

Dx/ICD-9: Multiple strains
Date of Onset: 02/16/2013
Date of Surgery: n/a

Date: 03/08/2013
Physician: Dr. Baens
Therapist: Mike Miller, DPT

History: Patient is a poor historian. Patient presents with c/o right shoulder, elbow, wrist, hip, and knee pain after tripping on computer cord at work and falling onto the right side of her body. Patient is unclear as to exactly how the fall occurred, but she did note it was on her right side. She also complains of intermittent headaches and diffuse and poorly localized distal right extremity numbness/tingling.

Meds: Magnesium Salicylate, Roboxin

Diagnostic findings: X-ray (-) per patient report

Past Medical History: (+) h/o MVA > 10 years which affected left side; see above for recent fall history

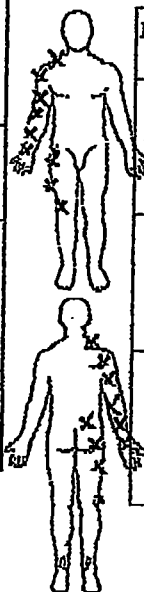
Occupation: Pharmacist at Walmart
Physical Demands: Constant phone-use and computer-use to assist customers, travels
Work Status: light duty
Vitals: HR = NT; BP = NT

When Worse: sitting > 30 min, walking > 30 min, using right UE or LE
When Better: lying on left side, heat, meds listed above
Pain: 5/10 @ present, 2/10 @ best, 8/10 @ worst
Quality: intermittent throbbing pain

Range of Motion and Strength:

ACTIVE RANGE OF MOTION	Right LE: WNL with all motions with c/o pain at end ranges Right UE: Shoulder flexion/abduction restricted to 110 degrees due to anterior shoulder pain; elbow supination=45 degrees, wrist extension=60 degrees; normal tight composite fist noted
STRENGTH	Left UE and LE 5/5 Right UE: grossly 3+/5 with c/o diffuse pain Right LE: grossly 4/5 with c/o lateral hip pain Grip: Right 30#, Left 60#
POSTURE	Cervical Lordosis <input checked="" type="checkbox"/> ↑ <input type="checkbox"/> ↓ <input type="checkbox"/> WNL Lumbar Lordosis <input checked="" type="checkbox"/> ↑ <input type="checkbox"/> ↓ <input type="checkbox"/> WNL Thoracic Kyphosis <input checked="" type="checkbox"/> ↑ <input type="checkbox"/> ↓ <input type="checkbox"/> WNL Scapulothoracic -- rounded shoulders and slumped Asymmetry -- none noted
GAIT	<input checked="" type="checkbox"/> independent; no AD <input checked="" type="checkbox"/> antalgic: favors left side due to right sided body pain

Summary of Objective Findings: * → denotes pain below with movements



DOMINANCE - right	UE FUNCTIONAL INDEX SCORE	LE FUNCTIONAL INDEX SCORE
	14/80	25/80
PALPATION	Vague tenderness when palpating posterolateral hip, anterior knee, and volar forearm/wrist; point tenderness over anterior shoulder capsule at supraspinatus insertion	
JT. MOBILITY	Stiffness noted at end range of hip flexion; decreased posterior glenohumeral joint glides; empty end-feels noted at end range of shoulder flexion/abduction due to patient guarding	
SPECIAL TESTS	All negative at elbow, wrist, hip, and knee (+) Hawkins Kennedy, (+) Neers on right shoulder	
OTHER FINDINGS	Neck Oswestry: 44% Low Back Oswestry: 38%	

Assessment: This patient presents with the above functional limitations, affecting ADL and work capacity. Signs and symptoms are consistent with multiple upper and lower body strains after a traumatic fall. She will benefit from physical therapy in order to restore prior levels of function and return to previous work capacity. Patient was hesitant to begin exercises today due to her multiple complaints of pain; however we did initiate some light exercises to help manage her pain and immobility. Patient seems to be more interested in pain modalities. Compliance may be an issue in the near future.

Rehab Potential: fair

Vocation readjustment services required? no

Continued on next page

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October 12, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
1220 Senate Street
Columbia, South Carolina 29211

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465

Dear Ms. Kitchings:

Enclosed for filing is REPLY TO RESPONDENTS' RETURN TO AMENDED Motion For Time To Be Held in Abeyance to consider subjects to be included in appeal in the above case. Also enclosed are the following:

(1) Proof of service of this REPLY TO RESPONDENTS' RETURN TO AMENDED Motion for Time To Be Held in Abeyance to consider subjects to be included on the respondents

Thank you for your time and consideration,



Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151

cc: W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPELLANT'S REPLY TO RESPONDENTS' RETURN TO AMENDED MOTION
TO HOLD TIME IN ABEYANCE TO CONSIDER SUBJECTS FOR INCLUSION IN
APPEAL

T. Scott Beck, Commissioner

Melody L. James, Commissioner

Gene McCaskill, Commissioner

RECEIVED

OCT 17 2016

SC Court of Appeals

WCC File No. 1303465

Appellate Case No 2016-00790

Ann Stevenson

Claimant/Appellant

vs.

Wal-Mart Stores, Inc.

AND

New Hampshire Insurance Co.

Carrier,
Defendants. Respondents

PROOF OF SERVICE

I certify that I have served the REPLY TO RESPONDENTS' RETURN TO AMENDED Motion to Hold Time In Abeyance To Consider Subjects For Inclusion In Appeal on Wal-Mart Stores, Inc., and New Hampshire Insurance Co. by depositing a copy of it in the United States Mail, postage prepaid, on October 13, 2016, addressed to their attorney of record, W. Johnnie Baxley III, Esquire, 421 Wando Park Blvd., Mt. Pleasant, S.C. 29464.

October 13, 2016



Ann Stevenson
1622 Greenleaf Drive
Conway, S.C. 29526
843-347-5151
Claimant/ Appellant

October 12, 2016

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OCT 17 2016

SC Court of Appeals

W. Johnnie Baxley III, Esquire
Wilson, Jones, Carter, & Baxley, PA
421 Wando Park Blvd.
Mt. Pleasant, SC 29464
843-284-1082
Attorney for Respondents

RE: Ann Stevenson, Claimant/Appellant, vs. Wal-Mart Stores, Inc., Employer, and New Hampshire Insurance Company, Carrier/Defendants/Respondents, Worker's Compensation File No. 1303465

Dear Mr. Baxley:

Enclosed for filing is APPELLANT'S REPLY TO RESPONDENTS' RETURN TO CLAIMANT'S AMENDED motion to hold time in abeyance to consider subjects for inclusion in the appeal in the above case.

Sincerely,



Ann Stevenson, Claimant/Appellant
2261 Greenleaf Drive
Conway, S.C. 29526
843-347-5151

Ann Stevenson
2261 Greenleaf Dr.
Conway, SC 29526



RECEIVED

OCT 17 2016

SC Court of Appeals

South Carolina Court of Appeals
P.O. Box 11629
1220 senate st.
Columbia, SC 29201