BEFORE THE KANSAS WORKERS COMPENSATION APPEALS BOARD

MIA STONE	)	
Claimant	)	
V.	)	
	)	AP-00-0490-212
LINEAGE LOGISTICS SERVICES, LLC	)	CS-00-0475-291
Respondent	)	
AND	)	
	)	
ACE AMERICAN INSURANCE CO.	)	
Insurance Carrier	)	

ORDER

Respondent and its insurance carrier (Respondent) requested review of the May 13, 2025, Award by Administrative Law Judge (ALJ) Julie A.N. Sample. The Board heard oral argument on September 11, 2025.

APPEARANCES

Joshua P. Perkins appeared for Claimant. Christopher J. McCurdy appeared for Respondent.

RECORD AND STIPULATIONS

The Board has adopted the same stipulations and considered the same record as the ALJ, consisting of the transcript of the Regular Hearing held October 23, 2024, with exhibits attached; the transcript of the Evidentiary Deposition of Shane Doudna from April 3, 2025, with exhibits attached; the Joint Stipulation for Admission of Medical Report from Dr. Hall from April 16, 2025; the documents of record filed with the Division; and, the briefs submitted by the parties.

ISSUES

1. Did Claimant sustain an injury by an accident arising out of and in the course of her employment?

2. Should compensation be disallowed due to a reckless workplace safety violation?

3. Is Claimant entitled to temporary total disability benefits (TTD)?

4. Is Claimant entitled to reimbursement of unpaid medical bills or medical mileage?

5. Is Claimant entitled to future medical treatment?

FINDINGS OF FACT

Respondent is a cold storage facility with buildings located around the world. The building where Claimant worked, located in Olathe, is automated. The Olathe building contains multiple miles of automated conveyor belts controlled by programmable logic controls (PLC). Approximately 95 percent of product is moved by machines without human involvement. Automated gantry cranes load pallets onto the conveyor system. Sensors throughout the conveyor system identify when a pallet approaches, and the PLC turns off and on each section of the conveyor system as needed to move the pallet along the line. The conveyor system is constantly energized, unless it is turned off or placed in manual mode. Manual mode stops a section of the conveyor system and prevents the movement of pallets.

Claimant began working for Respondent in January 2022 as a warehouse generalist. Claimant was assigned to the mezzanine, where she oversaw the gantry area and made sure the system was running correctly. Claimant estimated problems occurred on the line 5 to 8 times per shift. Claimant testified:

> Q. Would there be frequent issues with the conveyor system?
>
> A. Yeah, there would be just from the pallets. Like there's constantly either stickers falling off of them because the sticker machine didn't put on a sticker properly. Or a lot of the pallets weren't in good condition; so when they ran on the conveyor belt, a lot of them would have missing pieces of wood that would get caught in the conveyor, which would either hit a sensor and stop the whole entire conveyor or it would get lodged in there, and a pallet could easily just get stuck in that position and stay there until it was removed.[1]

Each employee used a radio. If a problem was noted on the line, someone from process control would radio Claimant and ask her to correct it. Claimant explained:

> Q. All right. And what would you do if there was a piece of wood or a board that became lodged in the conveyor system?

[1] R.H. Trans. at 12-13.

> A. I would radio [process control] and let them know where the location is and if they see it on camera, and they'd be like, "Okay. We've got it. Go ahead and try to get it out."
>
> Q. Okay. And how would you go ahead and try to get it out?
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> A. Either by sticking my hand in the conveyor and trying to dislodge whatever is stuck in there, or sometimes they would tell us to use a broom, like the end of the broom, and actually try to hit it. Especially if there's a box stuck on the conveyor belt, they would have us sometimes, like, basically put our bodies in this little cage where you're not supposed to be and push it with the broom so they could move the box along.
>
> Q. Did they discourage you from hitting any kind of emergency stop button?
>
> A. They actually did. They – when I first started, they told us, like, "Do not hit the emergency button at all, no matter what, because it takes so long to start up the conveyor belt." It takes about, like, 30 minutes.[2]

Claimant testified she used her hands to remove debris on a daily basis and witnessed other employees using their hands to remove debris. She stated this behavior occurred frequently throughout the facility. Claimant stated process control did not provide equipment to dislodge obstructions. Claimant further testified:

> Q. Would process control instruct you to shut the line down before removing the piece of wood?
>
> A. We didn't have any control over that. They did.
>
> Q. Okay.
>
> A. So it was up to them to turn it off.
>
> Q. All right. So if they did not – "they" being process control – if they chose not to turn the line off and asked you to correct the problem, that's what you did?
>
> A. Yeah.[3]

On April 23, 2023, Claimant and Monica Savala, a process controller, identified a piece of wood lodged in the conveyor system. They worked together in an attempt to remove the wood, and they both placed their hands in the conveyor equipment. Ms.

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[2] *Id*. at 14-15.

[3] *Id*. at 18-19.

Savala removed her hand from the conveyor while discussing how to dislodge the obstruction. Claimant's left hand was still in the conveyor when an upcoming pallet triggered a sensor, and the system began moving. Claimant's left wrist became trapped between two plates. Ms. Savala pressed the emergency stop, or E-stop, and shut down the entire system.

Claimant was eventually freed from the machine and taken by ambulance to Overland Park Regional Medical Center. Claimant was initially treated by Johnson County EMS. She was then seen by Sonya Bullock, D.O., at Overland Park Regional. Dr. Bullock recorded a crush injury and noted pain along the distal left wrist and decreased range of motion. Claimant complained of numbness in all five fingers. X-rays revealed a nondisplaced ulnar styloid fracture. Dr. Bullock requested an orthopedic consultation with Dr. Christopher Pier, who recommended splinting and follow-up in 7-10 days.

On April 26, 2023, at 8:20 p.m., Claimant went to St. Luke's Hospital due to significant pain and numbness in her left upper extremity. She was diagnosed with acute carpal tunnel syndrome and underwent an emergency carpal tunnel release, performed by Dr. Maugans on April 27, 2023. Dr. Maugans took Claimant off work on April 27, 2023. Claimant's employment with Respondent was terminated on April 28, 2023.

On April 29, 2023, while in St. Louis, Missouri, Claimant experienced increased swelling and pain in her wrist. She went to the SSM Saint Louis University Hospital emergency department. Dr. Steven Lorber ordered labs, which were benign, and x-rays, which showed no acute fractures or dislocations. Dr. Lorber recommended Claimant keep her hand elevated and to follow-up with her hand surgeon.

On June 2, 2023, Dr. Maugans released Claimant to light duty work. Dr. Maugans continued to treat Claimant at Rockhill Orthopaedic Specialists through October 2, 2023, when Claimant was released to full duty. Dr. Maugans referred Claimant for physical therapy at Select Physical Therapy in Parkville, Missouri. Records from Select Physical Therapy show Claimant participated in physical therapy from May 15, 2023, through August 2, 2023.

Claimant was never offered work by Respondent while restricted to light duty or after she was released. At the time of the regular hearing, Claimant was employed at UPS as an assistant driver. Claimant testified she continues to experience numbness in her left index finger and middle finger and loss of grip strength. She has also lost range of motion in her left wrist.

Claimant acknowledged Ms. Savala was not her supervisor. Claimant indicated process control was "above" her, and she only attempted to clear debris from the conveyor

when asked to do so by process control.[4] Claimant stated she was not aware of safety signage warning of pinch points or other dangers. She agreed the signage could exist, but the event "was so traumatic that [she] just kind of blanked out."[5]

Claimant was never reprimanded for placing her hand in the conveyor belt prior to April 23, 2023, nor was she aware of other employees reprimanded for using their hands in the conveyor belt before the incident. Claimant stated there were no safety classes or meetings on her shift, and she did not receive training on how to interact with the conveyors. Regarding the accident, Claimant explained:

> I didn't think it was dangerous simply for the fact that I had [Ms. Savala] in charge of that – she knows how everything works – telling me what to do. I trusted her since she runs the conveyor system.[6]

Ms. Savala confirmed her responsibility as a process controller was to "maintain flow in the facility regarding pallets, conveyors, and fixing errors."[7] Ms. Savala explained she and two other people worked in process control and did not have a supervisor. Process control watched the line through cameras. Ms. Savala estimated obstructions occurred on the line 20 to 50 times per day. Process control was tasked with removing obstructions from the conveyor. Ms. Savala stated she would remove debris, but "if it was a difficult situation, [she] was always told to ask for help, which would include employees on the floor."[8] Ms. Savala testified:

> Q. So you had the ability to instruct other people to remove these obstructions; is that correct?
>
> A. Correct.
>
> Q. And you did that regularly prior to this accident?
>
> A. Yes.
>
> Q. Okay. And would you observe how they removed it on your camera?
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> A. Yes.

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[4] *Id*. at 41.

[5] *Id*. at 24.

[6] *Id*. at 48.

[7] *Id*. at 53.

[8] *Id*. at 55.

Q. Okay. Would they use their hands to remove the piece of wood?

A. Yes.

Q. Was that the primary method used to remove pieces of wood from the conveyor?

A. Yes.

Q. Were you provided any kind of tools or equipment by the company to assist you in removing pieces of wood from the conveyor?

A. No.

Q. As someone in process control, were you ever advised by anybody within the company not to use your hands to remove pieces of wood?

A. No.[9]

Ms. Savala stated she was not aware of any written policy which would have prevented Claimant's conduct on April 23, 2023. Ms. Savala testified she never had any meetings or training on how to remove obstructions from the line, and she was not aware of any safety signage on the machines in the facility. She said she was told by her fellow process controllers to do everything possible to remove an obstruction before calling maintenance. Ms. Savala witnessed other process controllers use their hands to clear the conveyor.

Ms. Savala testified she was never reprimanded for using her hands to clear obstructions prior to Claimant's accident, and she was unaware of any written policy stating the use of hands to clear the conveyor was prohibited. Ms. Savala denied seeing warning signs around the conveyor. No one on the safety team or management made her aware clearing the machine by hand was a safety issue. Following the incident, Respondent terminated Ms. Savala for a safety violation.

Shane Doudna, currently Respondent's regional director of operations, was general manager of the Olathe building on April 23, 2023. Mr. Doudna testified warehouse generalists and process controllers are equal in Respondent's hierarchy, and Ms. Savala did not have the authority to direct Claimant to clear obstructions in the conveyor. Mr. Doudna noted Claimant, as a warehouse generalist, was not certified to work on the machinery. Mr. Doudna explained, should an obstruction or jam occur, the process controller should put that section of the conveyor in manual mode and proceed to clear the jam. Process controllers are trained on this procedure and have access to grab sticks,

[9] *Id*. at 56-57.

located throughout the facility, to assist. If the blockage cannot be cleared, or if something is broken on the machine, the process controller notifies a maintenance technician to resolve the issue. Mr. Doudna stated warehouse generalists have no reason to touch the machinery or the conveyor.

Mr. Doudna testified warning stickers are located on various points of the machinery, placed there by the machine manufacturer. These stickers warn of pinch points or possible injury. Mr. Doudna stated employees are trained on pinch points, and each shift begins with a short safety meeting covering various topics. He indicated employees are told, during orientation, to obey all safety signage. Mr. Doudna testified:

> Q. . . . Is there anything in writing that would advise a warehouse generalist, such as [Claimant], to not stick their hand in a moving machine?
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> A. There is nothing that specific. The assumption was that a person would be – they would see that as a risk and that the markings would show, hey, do not stick your hand in here; it's a pinch point. There was no specific statement of do not stick your hand into the piece of machinery.
>
> Q. When you're talking about the "markings," you're talking about the signage that we just discussed?
>
> A. Yes, sir, the stickers.[10]

The manufacture's warning sticker advised the operator of a pinch point and to lock out the machine. Mr. Doudna opined Claimant should have refused to perform any activity deemed unsafe. He explained:

> They are told that safety is not only a topic; safety is intervention. That's actually one of the core commentaries of [Respondent] when it comes to safety. You, as any worker at [Respondent], have the right to question anyone about something that you feel is unsafe.[11]

Mr. Doudna stated warehouse generalists are trained on this policy during new-hire orientation and safety meetings. New hires are also trained on the safety conveyor training manual provided by the manufacturer. Mr. Doudna testified part of Respondent's general warehouse practices is following the safety guidelines recommended by the manufacturer.

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[10] Doudna Depo. at 22.

[11] *Id*. at 34.

Mr. Doudna indicated "General Warehouse Practices" is a document used as part of Respondent's orientation training.[12] This document is not in evidence.

Mr. Doudna opined Claimant committed a general warehouse practice violation by not obeying safety signage. Further, Mr. Doudna stated Claimant violated the written safety policy of "Safety is intervention."[13] Mr. Doudna acknowledged there is no written policy stating employees must observe and follow the machine stickers/signage, but it is discussed during orientation. Mr. Doudna testified Claimant was terminated for the safety violation of "[s]ticking her hand into a piece of running machinery," and Ms. Savala was terminated because she "did not put the machinery in manual mode."[14] Mr. Doudna indicated Claimant would have been accommodated by Respondent had she not been terminated on April 28, 2023.

Dr. Anne Rosenthal examined Claimant on December 7, 2023, at the request of Claimant's attorney, and opined Claimant sustained 33 percent impairment to the left upper extremity, using the AMA *Guides*[15] and competent medical evidence. Regarding future medical treatment, Dr. Rosenthal wrote:

> . . . if her left ECU (extensor carpi ulnaris) tendon continues to bother her, she should be returned to a hand surgeon and undergo treatment with a certified hand therapist to include a splint. If she fails nonoperative treatment, then she is a candidate for surgical stabilization of the left ECU tendon and would need therapy after surgery.[16]

Dr. Rosenthal reviewed the medical records from Johnson County MED-ACT, Overland Park Regional, St. Luke's Health System, SSM Health - St. Louis University Hospital, Rockhill Orthopaedic Specialists/St. Luke's Physicians Group, and Select Physical Therapy. Dr. Rosenthal opined the treatment Claimant had received to date regarding her work-related medical conditions from all providers had been reasonable, appropriate and directly necessary to cure and relieve the effects of her injury.

Dr. Michael Hall examined Claimant at Respondent's request. Utilizing the AMA *Guides* and his expertise, Dr. Hall determined Claimant sustained 7 percent impairment

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[12] *Id*. at 69-70.

[13] *Id*. at 72.

[14] *Id*. at 42.

[15] American Medical Ass'n, *Guides to the Evaluation of Permanent Impairment* (6th ed.).

[16] R.H. Trans., Cl. Ex. A at 8.

to the left upper extremity. Dr. Hall believed Claimant required future medical treatment in the form of an MRI and follow-up examination of the left index finger.

Claimant submitted unpaid medical bills and supporting medical records into evidence, including Rockhill Orthopaedics/St. Luke's Physicians Group, $3,869.00; Overland Park Regional, $8,054.23; Johnson County MED-ACT, $925.63; St. Luke's Health System, $28,709.91; Select Physical Therapy, $6,602.00; Metro Emergency Physician, $1,468.00, SSM Health - St. Louis University Hospital, $3,608.00; and Advanced Radiology, $28.91. The bills total $53,265.68. Claimant testified the bills were incurred for treatment of injuries suffered in her work-related accident.

The ALJ found Claimant's actions were "likely negligent" but did not rise to the level of "reckless" as used in K.S.A. 2022 Supp. 44-501(a).[17] The ALJ determined Respondent failed to meet its evidentiary burden on this affirmative defense, entitling Claimant to recover. The ALJ awarded 20 percent permanent partial disability to the left upper extremity, based upon an average of the two impairment ratings. The ALJ found Claimant's termination was not for cause, and she was entitled to payment of outstanding unpaid medical expenses, TTD benefits totaling $12,953.69, and future medical treatment. The ALJ made no specific findings related to Claimant's course of medical treatment, temporary or permanent restrictions, or the basis for the TTD award.

PRINCIPLES OF LAW AND ANALYSIS

Respondent argues the ALJ's Award should be reversed, as Claimant recklessly violated a safety rule and is not entitled to benefits under the Act. Respondent maintains the safety rule violated was contained in the manufacturer's safety warnings posted on the conveyer. Further, Respondent maintains Claimant is not entitled to TTD because she was terminated for cause; otherwise, Respondent would have offered accommodated light duty work.

Claimant contends the ALJ's Award should be affirmed. Claimant argues she did not recklessly violate Respondent's safety rules because Respondent did not enforce them.

1. Did Claimant sustain an injury by an accident arising out of and in the course of her employment?

An accident is an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. To be compensable, an accident must be identifiable by time and place of occurrence, produce at the time symptoms of an injury and occur during a single

[17] ALJ Award (May 13, 2025) at 7.

work shift.[18] An injury is any lesion or change in the physical structure of the body, causing damage or harm.[19] The accident must be the prevailing factor causing the injury. Prevailing factor is defined as the primary factor compared to any other factor, based on consideration of all relevant evidence.[20] An accidental injury is not compensable if work is a triggering factor or if the injury solely aggravates, accelerates or exacerbates a preexisting condition or renders a preexisting condition symptomatic.[21]

The facts surrounding Claimant's injury by accident are undisputed. Claimant suffered an injury from a sudden traumatic event of an afflictive or unfortunate nature accompanied by a manifestation of force when she caught her hand in the machine. Claimant's injury by accident is identifiable by time and place of occurrence and produced symptoms at the time of the injury. Dr. Rosenthal found Claimant's accident to be the prevailing factor causing her injury, need for medical treatment and resulting disability. Dr. Hall did not specifically address prevailing factor, but he assessed an impairment rating for Claimant's left upper extremity related to the alleged injury. The Board finds Claimant proved she suffered a compensable injury by accident to her left upper extremity arising out of and in the course of her employment with Respondent.

2. Should compensation be disallowed due to a reckless workplace safety violation?

The Board next addresses whether Respondent proved compensation should be barred under K.S.A. 44-501. Respondent argues the case is not compensable because Claimant recklessly violated one of its workplace safety rules or regulations. K.S.A. 44-501 states, in part:

> (a)(1) Compensation for an injury shall be disallowed if such injury to the employee results from:
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> . . .
>
> (D) the employee's reckless violation of their employer's workplace safety rules or regulations;

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[18] *See* K.S.A. 44-508(d).

[19] *See* K.S.A. 44-508(f)(1).

[20] *See* K.S.A. 44-508(g).

[21] *See* K.S.A. 44-508(f)(2).

Under K.A.R. 51-20-1:

> The director rules that where the rules regarding safety have generally been disregarded by employees and not rigidly enforced by the employer, violation of such rule will not prejudice an injured employee's right to compensation.

Once the employee has met the burden of proving a right to compensation, the employer has the burden of proving relief from liability based on any statutory defense or exception.[22] Respondent has the burden of proving a safety rule exists and Claimant recklessly violated the safety rule.

"Reckless" is not defined in K.S.A. 44-501(a)(1)(D), but it has been defined by the Kansas Court of Appeals as meaning either (1) an actor knows or has reason to know of facts creating a high degree or risk of physical harm and deliberately acts or fails to act in conscious disregard or indifference to that risk, or (2) an actor knows or has reason to know, but does not appreciate the high degree of risk, although a reasonable person in the actor's position would do so.[23] The conduct must be unreasonable and involve a risk of harm to others substantially in excess of that necessary to make the conduct negligent.[24] A violation of instruction alone is not enough, and the statute does not apply to mere negligence or poor judgment.[25] The preponderance of the credible evidence must support a conscious disregard of a known risk that exceeds negligence; recklessness is akin to gross, culpable or wanton negligence.[26]

Claimant was injured performing a task she had performed on a daily basis. Claimant was never reprimanded for placing her hand in the conveyor belt until this accident occurred. There were no safety classes or meetings training employees on how to work with the conveyors. Ms. Savala was not aware of any written policy preventing Claimant from clearing the conveyer with her hand. Both Claimant and Ms. Savala had witnessed other employees clearing the conveyor by hand without locking out. The safety stickers on the conveyer were placed there by the manufacturer, not Respondent.

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[22] *See Johnson v. Stormont Vail Healthcare, Inc*., 57 Kan. App. 2d 44, 53, 445 P. 3d 1183 (2019), *rev. denied* 311 Kan. 1046 (2020).

[23] *See Anderson v. PAR Electrical Contractors, Inc*., No. 118,999, 2018 WL 6074279, 430 P.3d 493 (Kansas Court of Appeals unpublished opinion filed Nov. 21, 2018).

[24] *See Van Le v. Exacta Aerospace, Inc.,* No. 1,060,178, 2012 WL 6101126 (Kan. WCAB Nov. 27, 2012).

[25] *See id.*

[26] *See Hardiman v. Kellogg Snack Division*, No. 1,062,612, 2013 WL 3368494 (Kan. WCAB June 10, 2013).

Mr. Doudna agreed there was nothing in writing instructing employees not to clear the conveyer with their hands. Mr. Doudna assumed the employee would see the risk. An assumption is not a workplace safety rule. Mr. Doudna also testified part of Respondent's general warehouse practices is following the safety guidelines recommended by the manufacturer. A manufacturer's safety warning on a piece of equipment is also not a workplace safety rule.

The greater weight of the credible evidence indicates Respondent did not have an actual safety rule at the time of the accident. The stickers placed on the conveyer by the manufacturer do not, themselves, constitute a safety rule for Respondent. The record does not prove Claimant acted recklessly, as defined by Kansas caselaw. Moreover, Claimant was acting in good faith when she cleared out the conveyer by hand. She was performing a task that she and others had performed in the past in furtherance of Respondent's business. The Board finds Respondent failed to meet the burden of proving a reckless violation of Respondent's safety rule occurred to bar entitlement to compensation for an otherwise compensable claim.

3. Is Claimant entitled to TTD?

K.S.A. 44-510c states, in part:

> (b)(2)(A) Temporary total disability exists when the employee, on account of the injury, has been rendered completely and temporarily incapable of engaging in any type of substantial and gainful employment. A release issued by a health care provider with temporary restrictions for an employee may or may not be determinative of the employee's actual ability to be engaged in any type of substantial and gainful employment, provided that if here is an authorized treating physician, such physician's opinion regarding the employee's work status shall be presumed to be determinative.
>
> . . .
>
> (C) If the employee has been terminated for cause or voluntarily resigns following a compensable injury, the employer shall not be liable for temporary total disability benefits if the employer could have accommodated the temporary restrictions imposed by the authorized treating physician but for the employee's separation from employment.

Respondent's sole argument related to the payment of TTD is Claimant was terminated for cause and could have been accommodated, making her ineligible for TTD under K.S.A. 44-510c(b)(2)(C).

Claimant's accident occurred on April 23, 2023, at which time Claimant was taken completely off work by Dr. Maugans. Claimant was placed on light duty on June 2, 2023,

by Dr. Maugans. On April 28, 2023, Claimant was terminated for violating safety practices. Claimant was found to be at maximum medical improvement and released by Dr. Maugans on October 2, 2023. Respondent did not accommodate Claimant's light duty restriction or offer Claimant employment after she was released.

The ALJ awarded TTD, finding Claimant's termination was not for cause. The Board agrees. Claimant was terminated for performing a task she had performed many times in the past. The facts suggest because Claimant was injured on this occasion, she was terminated.

4. Is Claimant entitled to reimbursement of unpaid medical bills or medical mileage?

When an employee sustains a compensable injury, it shall be the duty of the employer to provide such medical treatment as may be reasonably necessary to cure and relieve the employee from the effects of the injury.[27] Claimant submitted medical bills totaling $53,265.68. There is evidence in the record the bills are related directly to Claimant's medical treatment for her work-related injuries.

Claimant placed into to evidence the following unpaid medical bills:

Rockhill Orthopaedics/St. Luke's Physicians Group	$ 3,869.00
Overland Park Regional	$ 8,054.23
Johnson County MED-ACT	$ 925.63
St. Luke's Health System	$ 28,709.91
Select Physical Therapy	$ 6,602.00
Metro Emergency Physician	$ 1,468.00
SSM Health - St. Louis University Hospital	$ 3,608.00
Advanced Radiology	$ 28.91
	$ 53,265.68

The medical records associated with the above-listed providers were placed into evidence at the regular hearing. Dr. Rosenthal opined the treatment provide by the listed medical providers was reasonable, appropriate and directly necessary to cure and relieve the effects of Claimant's injury. The Board has reviewed the records and finds they show the services provided by each of the listed providers was for reasonable and necessary treatment of Claimant's work injuries. No evidence of the amount of medical mileage claimed was placed into the record.

The ALJ found the bills were incurred as a direct result of Claimant's accident. The Board agrees. Respondent is liable to pay the bills, subject to the Fee Schedule and to the extent they remain unpaid.

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[27] K.S.A. 44-510h(a).

5. Is Claimant entitled to future medical treatment?

K.S.A. 44-510h(e) states:

> It is presumed that the employer's obligation to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515, and amendments thereto, shall terminate upon the employee reaching maximum medical improvement. Such presumption may be overcome with medical evidence that it is more probably true than not that additional medical treatment will be necessary after such time as the employee reaches maximum medical improvement. The term "medical treatment" as used in this subsection (e) means only that treatment provided or prescribed by a licensed health care provider and shall not include home exercise programs or over-the-counter medications.

The ALJ found Claimant would require future medical treatment as a result of her work-related accident. Both Drs. Rosenthal and Hall opined Claimant would require future medical treatment. The Board finds the medical evidence supports a finding Claimant will require future medical treatment.

AWARD

WHEREFORE, it is the finding, decision and order of the Board the Award of Administrative Law Judge Julie A.N. Sample, dated May 13, 2025, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of February, 2026.

_____
BOARD MEMBER

_____
BOARD MEMBER

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BOARD MEMBER

c: (Via OSCAR)

Joshua P. Perkins, Attorney for Claimant
Christopher J. McCurdy, Attorney for Respondent and its Insurance Carrier
Hon. Julie A.N. Sample, Administrative Law Judge