



**BURNS V. COSTCO WHOLESALE (2009) Order Denying Reconsideration, 37
CWCR 230.** *Provided by S. Isaac Escobedo, Esq. of the Santa Rosa Office.*

Applicant sustained injuries to his low back in the course of his employment. Defendant accepted liability and provided treatment and benefits for applicant's back injuries. Beyond five years from his injuries, applicant's primary treating physician issued a report wherein he recommended that psychiatric treatment be authorized to address the psychiatric issues applicant was experiencing as a result of his low back pain. The QME agreed with this recommendation and stated that the applicant suffered from a depression secondary to his industrial injuries and that his need for anti-depressant medication was related to the work injuries. The primary treating physician prescribed Lexapro, an anti-depressant, the need for which, he said, had arisen as a direct consequence of his industrial injuries.

In response to the prescription, and without submitting the matter to UR, defendant denied the treatment claiming that it was barred by the statute of limitations. However, the WJC found that applicant was entitled to treatment to cure or relieve the effects of his industrial injuries, including anti-depressant medication and other medications as needed and appropriate for his depression. Defendant requested reconsideration of the WCJ's decision. The WCAB denied reconsideration and noted that § 4600(a) provides that medical treatment that is reasonably required to cure or relieve the injured worker from the effects of his injury shall be provided by the employer. Responding to defendant's argument that applicant should have pursued a psychiatric claim, the panel said that the dispositive issue was defendant's failure to conduct UR on applicant's request for further medical treatment.