

worker appears at preliminary hearing without an authorized, treating physician that is being provided by the respondent, the Administrative Law Judge may appoint a specific health care provider to provide treatment.

The Appeals Board also finds the Administrative Law Judge did not exceed his authority in prohibiting medical management. Medical management is not a right of the respondent under the Workers Compensation Act. Because the Administrative Law Judge did not act arbitrarily or capriciously, the Judge did not exceed his authority and jurisdiction.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that this review should be, and hereby is, dismissed and that the Preliminary Hearing Order of Administrative Law Judge Alvin E. Witwer dated November 27, 1995 remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of February 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

- c: Robert Harris, Kansas City, KS
- Mark E. Kolich, Kansas City, KS
- Alvin E. Witwer, Administrative Law Judge
- Philip S. Harness, Director