

BOISE, WEDNESDAY, MAY 15, 2024 at 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

CHRISTINE CORAY,)	
)	
Claimant-Appellant-)	
Cross Respondent,)	
)	
v.)	
)	
IDAHO REGIONAL HAND & UPPER)	Docket No. 50570
EXTREMITY CENTER, PLLC, Employer;)	
and IDAHO STATE INSURANCE FUND,)	
Surety,)	
)	
Defendants-Respondents-)	
Cross Appellants.)	
_____)	

Appeal from the Idaho Industrial Commission.

Monroe Law Office, Boise, for Appellant.

Anderson Julian & Hull, LLP, Boise, for Respondent.

This case involves a worker’s compensation claim. Christine Coray appeals the Idaho Industrial Commission’s (“the Commission”) interpretation of Idaho Code section 72-433, pertaining to her employer’s right to request that she submit to an independent medical examination (“IME”) after she was injured in a workplace accident. Coray’s employer, Idaho Regional Hand and Upper Extremity Center, LLC, and its surety (collectively, “the employer”) scheduled an IME to assess whether Coray’s need for treatment was related to the accident, and to assess Coray’s degree of impairment or need for workplace restrictions. The physician opined that Coray’s ongoing pain back was related to pre-existing conditions and degenerative disease, and Coray had no impairments or restrictions resulting from the workplace injury. Accordingly, Coray’s claim for additional treatment, including back surgery, was denied.

Coray ultimately underwent surgery as recommended by her own physician and surgeon. Following the surgery, Coray submitted additional medical evidence to the employer in pursuit of a claim for disability benefits relating to the workplace accident. The employer then attempted to schedule a second IME, but with Dr. Charles Timothy Floyd, a different orthopedic surgeon than the one who performed the first IME. Coray refused to submit to an examination with the new physician, but agreed to attend a second IME with the original physician who performed the

first IME. The employer filed a motion to compel Coray's attendance, and in response, Coray submitted a petition for declaratory ruling. The Petition submitted the following issues: (1) when a single injury is the subject of multiple Idaho Code section 72-433 examinations, whether the statute requires that each such exam be conducted by the same physician; and (2) whether Coray is required to attend an independent medical examination with Dr. Floyd.

The Commission concluded that the plain language of Idaho Code section 72-433 does not require the employer to use only one physician for the evaluation of a discrete workplace injury, but determined that the issue of whether Coray is required to attend the second IME with Dr. Floyd was an issue for resolution with the Referee assigned to Coray's worker's compensation case. However, the Commission also determined that Idaho Code section 72-433 imposes a reasonableness standard on each independent medical examination, and the burden of proof for establishing such falls upon the employer.

Coray appeals the Commission's conclusion that Idaho Code section 72-433 does not require an employer to use only one physician for the evaluation of a discrete injury, arguing such a conclusion is contrary to the plain language of the statute. The employer cross-appeals the Commission's conclusion that it has the burden of proving that it is reasonable to require Coray to submit to the proposed exam by Dr. Floyd, arguing no such burden is imposed by Idaho Code section 72-433.