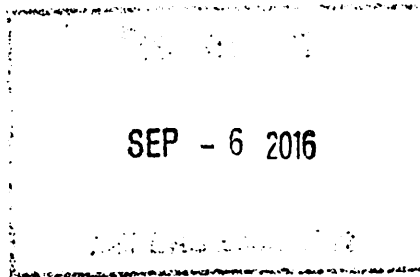


ATTACHMENT C
RESPONDENTS ARGUMENT

Respondent's Argument



August 10, 2016

Calpers Appeal Board,

There are a few things I like would the board to consider pertaining to my request for a medical disability. At the time of the hearing I didn't have any legal advice and I didn't include my work compensation doctors final report. Enclosed is a final report from Dr. Scott Goldman. Please consider his medical point of view of my injury.

There are some days where I am completely incapacitated and have difficulty going to work due to my headaches caused by my neck injury. I am able to do many tasks with pain but once the headaches start they affect my head and stomach making it difficult to leave the house because of the nausea and vomiting. According to Dr. Goldman I can do modified work but working as a nurse with the California Department of Corrections consists of a lot of pushing and pulling which will only aggravate my injury or make it worse. At this time, I don't feel I am able to continue my work as a Licensed Vocational Nurse with the Department of Corrections, or will I be able to defend myself if I needed to in a correctional setting. Also the department of corrections doesn't allow nurses to work under modified work restrictions. Dr. Goldman work restrictions state "no pushing, pulling, or lifting more than 30 pounds. No overhead reaching. No repetitive opening or closing of heavy doors. No repetitive neck flexion or extension." These restrictions don't allow me to function as an LVN within a correctional facility. Included is a Duty Statement I just wanted to point out that medication for a whole correctional unit includes multiple inmates anywhere from 50-200 inmates and that requires preparing medication for most of them. Once the medication is prepared and given to the inmate a nurse has to chart each and every pill, ointment, injection, cream or treatment given. This requires sometimes hours of looking down completing all necessary paperwork and documentation. This is one of my work restrictions that makes my headaches severe (neck flexion). One other thing that is not disclosed in this duty statement but in other duty statements I have signed is that nurses need to lift patients. There is no way I can lift another human assisted or not. I have pain when lifting that causes my headaches. Please consider my request and Dr. Goldman's professional opinion.

Thank you for your time and consideration to this matter,

Christa Arrona

July 8, 2015

Teresa Larson
STATE COMPENSATION INSURANCE FUND
P.O. Box 65005
Pinedale, CA 93650

PATIENT: ARRONA, CHRISTA

ADDRESS:

DATE OF BIRTH:

OCCUPATION: LVN

EMPLOYER: California Institute for

Women

DATE OF INJURY: 01/30/13

DATE OF EVALUATION: 07/08/15

CLAIM NUMBER: 05945104

TREATING PHYSICIAN: Scott Goldman, M.D.

**PRIMARY TREATING PHYSICIAN'S
PERMANENT AND STATIONARY REPORT (PR-4)**

Dear Ms. Larson:

HISTORY OF PRESENT ILLNESS:

This year-old female presents to my office today for re-evaluation concerning a painful condition about the neck. She sustained a work-related injury on January 30, 2013, while working for the California Institute for Women as a LVN. She states that on the date of injury she was performing her job duties including repetitively opening and closing heavy doors, which caused her to develop significant pain to her neck radiating down the left upper extremity.

The patient's history was reviewed on July 8, 2015.

Things I would like the Calpers Appeals to consider in my case:

- 1-Please consider the final report from Dr. Scott Goldman. *
- 2-I, Christa Arrona had no legal advice when preparing my case.
- 3-My injury related headaches that cause me to be severely nauseated and incapacitated.
- 4-Dr. Goldman's work restrictions are all included in my job description.
- 5-I would not be able to defend myself if I needed to in a correctional setting.
- 6-Duty Statement which was dated my first day of work and this is my copy enclosed. *
- 7-Licensed Vocational Nurse (safety) job posting *

(*Includes documentation)

Please consider my above facts,

Thank you,

Christa Arrona

INJURIES PRIOR TO OR SUBSEQUENT TO THE INDUSTRIAL INJURY:

She denies any injury to the neck prior to or subsequent to this work-related injury sustained on January 30, 2013, while working for the California Institute for Women as a LVN.

TREATMENT HISTORY:

This patient was evaluated and treated for her neck pain and an MRI scan off the cervical spine demonstrated a protruding disc of 3 mm at the C5-6 level. She was treated with physical therapy and medications as well as pain management. She has now reached Maximum Medical Improvement and is placed on Permanent and Stationary status.

PHYSICAL EXAMINATION:

General Evaluation: Well developed and well nourished.

EXAMINATION OF THE CERVICAL SPINE:

Inspection of the cervical spine reveals no gross deformity. There is spasm about the left side of the neck. There is tenderness about the left side of the neck. The patient complains of pain with motion, which radiates into the left upper extremity.

Range of motion:

		<u>Normal</u>
Flexion	40°	50°
Extension	20°	60°
Lateral Bend to the Right	20°	45°
Lateral Bend to the Left	20°	45°
Rotation to the Right	60°	80°
Rotation to the Left	60°	80°

VASCULAR EXAMINATION:

Upper Limb:

NEUROLOGIC EXAMINATION:

Upper Limb:

Motor

	<u>Right</u>	<u>Left</u>	<u>Normal</u>
C5 - Biceps - elbow flexion			5/5
C6 - ECRB- wrist extension			5/5
C7 - Triceps - elbow extension			5/5
C8 - FDP - finger flexion			5/5
T1 - Hand Interossei - finger spreading			5/5

Sensory Exam

Decreased sensation is noted about the dorsal radial aspect of the left hand.

<u>Deep</u>	<u>Tendon</u>		
<u>Reflexes</u>	<u>Right</u>	<u>Left</u>	<u>Normal</u>
C5 - Biceps Tendon			2+
C6 - Brachioradialis Tendon			2+
C7 - Triceps Tendon			
2+	2+	2+	

DIAGNOSES:

1. Cervical spine, disc bulge at C5-6 (ICD-9 722.0).
2. Cervical spine, left-sided C6 radiculopathy (ICD-9 723.4).

TREATMENT PLAN:

1. Home exercise program for the cervical spine.
2. Continue medications to control inflammation and pain.

SUMMARY AND CONCLUSIONS.

MMI STATUS:

Maximum Medical Improvement as of July 8, 2015.

DISABILITY STATUS:

Permanent and Stationary.

ABILITY TO PERFORM ACTIVITIES OF DAILY LIVING:

Her activities of daily living with regard to the **cervical spine** are impaired with respect to dressing including shoes, taking a shower/bath, preparing a meal, performing housework, combing hair, brushing teeth, and driving a car.

IMPAIRMENT RATING:

Whole Person Impairment is assessed using the *American Medical Association Guides to the Evaluation of Permanent Impairment, Fifth Edition*.

Cervical spine with a 3 mm disc bulge at C5-6 with a verifiable (by examination) left-sided C6 radiculopathy.

According to the Table 15-5 on page 392, the following is the Criteria for Rating Impairment Due to Cervical Disorders, for DRE Category III:

Significant signs of radiculopathy, such as pain and/or sensory loss in a dermatomal distribution, loss of relevant reflex(es), loss of muscle strength, or unilateral atrophy compared with the unaffected side, measured at the same distance above or below the elbow; the neurologic impairment may be verified by electrodiagnostic findings or individual had clinically significant radiculopathy, verified by an imaging study that demonstrates a herniated disk at the level and on the side expected from objective clinical findings with radiculopathy. The patient also has difficulties with her activities of daily living as a result of pain from her cervical spine; therefore, **she has an 18% Whole Person Impairment for the cervical spine.**

Body Part	Impairment (WPI)	Page	Chapter	Table
Cervical Spine	18%	392	15	15-5

Total WPI 18%.

ABILITY TO RETURN TO USUAL AND CUSTOMARY WORK:

The patient is unable to return to her usual and customary duties.

WORK STATUS:

Modified work.

WORK RESTRICTIONS:

No pushing, pulling, or lifting more than 30 pounds. No overhead reaching.
No repetitive opening or closing of heavy doors. No repetitive neck flexion or extension.

CAUSATION OF INJURY:

Based on all of the available information, including the examinee's history, physical findings, and objective diagnostic findings, it is with the most reasonable medical probability that the examinee's cause of injury, with respect to her cervical spine is industrial (work related). The examinee's history indicates a specific industrial injury sustained on January 30, 2013, while working for the California Institute for Women as a LVN.

APPORTIONMENT (CAUSATION OF IMPAIRMENT):

I took into consideration the Escobedo vs. Marshalls (2005) and the Benson vs. WCAB (2009) decisions when determining Apportionment.

Based on all of the available information, including the examinee's history, physical findings, and objective diagnostic findings, it is with the most reasonable medical probability that 100% of the examinee's CERVICAL SPINE impairment is apportioned to the January 30, 2013, work-related injury.

FUTURE MEDICAL CARE:

The patient should have access to future medical care. They should have available re-evaluation by his Primary Treating Physician and orthopedic surgeon for exacerbations. They should also have access to physical therapy, medications to control inflammation and pain, pain management including epidural steroid injection and ablation therapy, and possible neuro-surgical treatment.

SOURCE OF FACTS:PRIVATE

I declare under penalty of perjury that this report is true and correct to the best of my knowledge and that I have not violated Labor Code §139.3.

Approximately one hour was spent in the preparation and review of this report, addressing the issues of causation and apportionment, and in the final editing.

Signed in the City of Upland, County of San Bernardino, on this date _____.

Sincerely,

Scott Goldman, M.D.
Board Certified Orthopedic Surgeon
Qualified Medical Evaluator

SG/ml
T: 07/20/15
38903



LICENSED VOCATIONAL NURSE (SAFETY)
California Correctional Health Care Services

1

OPEN – CONTINUOUS FILING

**CONTACT
INFORMATION
ON THE WEB**

www.cphcs.ca.gov

www.ChangingPrisonHealthCare.org

*The State of
California is an equal
opportunity employer to all,
regardless of age, ancestry,
color, disability (mental and
physical), exercising the right
to family care and medical
leave, gender, gender
expression, gender identity,
genetic information, marital
status, medical condition,
military or veteran status,
national origin, political
affiliation, race, religious creed,
sex (includes pregnancy,
childbirth, breastfeeding, and
related medical conditions),
and sexual orientation.*

Position Information

Positions currently exist statewide with the California Correctional Health Care Services.

A Licensed Vocational Nurse (Safety), under clinical direction of a registered nurse or physician and under assigned administrative supervision at a State correctional hospital/facility, in a program providing care to forensic clients, patients, or inmates, provides a basic level of general nursing care to forensic clients, patients, or inmates with mental, emotional, or developmental disabilities, or visually impaired, medically ill, or infirm forensic clients, patients, or inmates; and does other related work.

Salary and Benefit Information

Currently, as of July 1, 2015:

\$3,659 - \$4,582 per month - This salary range applies to incumbents appointed to Adult Institutions and Division of Correctional Health Care Services **except** for at the following locations: San Quentin State Prison, Correctional Training Facility, and Salinas Valley State Prison.

\$4,108 - \$5,143 per month - This salary range applies to incumbents appointed to Adult Institutions and Division of Correctional Health Care Services **only** at the following locations: San Quentin State Prison, Correctional Training Facility, and Salinas Valley State Prison.

For a summary of benefits, visit the California Department of Human Resources at:

<http://www.calhr.ca.gov/employees/pages/salary-and-benefits.aspx>

Who Can Apply

All applicants who meet the education and/or experience requirements as stated below may apply.

Minimum Qualifications

Possession of a valid, active license from the State of California to practice as a Licensed Vocational Nurse.

Special Personal Characteristics: Willingness to work at State correctional hospitals/facilities; demonstrated leadership ability; aptitude for working with forensic clients, patients, or inmates who are acutely ill, infirm, visually impaired, have an emotional disorder, or who are mentally or developmentally disordered offenders; and demonstrate emotional stability, patience, tact, and alertness.



**Licensed Vocational Nurse
(Safety)**

**California
Correctional Health
Care Services'** vision is to
provide constitutionally
adequate medical care to
patient-inmates of the California
Department of Corrections and
Rehabilitation within a delivery
system the State can
successfully manage and
sustain.

Minimum Qualifications (Continued)

Special Physical Characteristics: Incumbents must possess and maintain sufficient strength, agility, and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job without compromising their own health and well-being or that of their fellow employees, forensic clients, patients, inmates, or the public.

Drug Testing Requirement: Applicants for positions in this class are required to pass a drug-screening test. (The drug-screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)

Examination Information

This examination consists of a Training and Experience Assessment weighted 100%. In order to obtain a position on the eligible list, a minimum rating of 70% must be attained.

**TRAINING AND EXPERIENCE ASSESSMENT
WEIGHTED 100%**

Knowledge of:

1. Fundamentals of nursing care, including medication administration;
2. General nursing procedures and techniques involved in the forensic client/patient/inmate care;
3. Principles used in caring for individuals who are immobile;
4. Medical terminology;
5. General hospital/facility routine and equipment.

Ability to:

1. Perform nursing procedures as regulated by licensure and certification;
2. Observe and document symptoms and behavior;
3. Maintain records and prepare reports;
4. Gain the interest, respect, and cooperation of forensic clients/patients/inmates;
5. Work effectively with forensic clients/patients/inmates and the interdisciplinary treatment team;
6. Function effectively in an emergency situation;
7. Practice universal precautions.



HEALTH CARE SERVICES



Licensed Vocational Nurse (Safety)

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Rehabilitation within a delivery
system the State can
successfully manage and
sustain.*

How to Apply and Test

The Application and Training and Experience Assessment are available on the internet. Applicants respond to questions regarding their ability to meet minimum qualifications, provide contact information, and take the Training and Experience Assessment. The application form for Licensed Vocational Nurse (Safety) is contained within the internet process; therefore, a standard state application is not necessary. You may apply and take the Training and Experience Assessment on the internet by connecting to the following on-line instructions:

http://cphcs.hodesiq.com/bl_joblist.asp

If you do not have internet access, there are public access internet terminals in over 150 California public libraries. Contact your local library for information as to where the nearest internet terminal is located and the policies related to usage.

The testing period for this examination is six (6) months. Once you have taken the examination, you may not retest for six (6) months.

If you have a disability and need special testing arrangements, please contact the California Correctional Health Care Services' Examination Services at (916) 691-5894 to make specific arrangements.

Eligible List Information

The resulting eligible list will be established to fill vacancies within the California Correctional Health Care Services. Names of successful candidates are merged onto the list in order of final scores, regardless of date. Eligibility expires 12 months after it is established, unless the needs of the service and conditions of the list warrant a change in this period.

Veteran's Preference and Career Credits

Veteran's Preference will be awarded in this examination. All persons who successfully pass this examination, who qualify for, and have requested Veteran's Preference will be placed in Rank 1 of the respective eligibility list, regardless of score. Career credits will not be granted in this examination.



HEALTH CARE SERVICES



Licensed Vocational Nurse (Safety)

*California
Correctional Health
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Rehabilitation within a delivery
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successfully manage and
sustain.*

General Information

Applications are available at the State's career website at jobs.ca.gov, local offices of the Employment Development Department, the California Correctional Health Care Services, and at the California Department of Corrections and Rehabilitation.

If you meet the requirements stated in this bulletin, you may take this examination, which is competitive. Possession of the entrance requirement(s) does not assure a place on the eligible list. All candidates who pass the examination described in this bulletin will be ranked according to their scores.

Eligible Lists: Eligible lists established by a competitive examination, regardless of date, must be used in the following order: 1) sub-divisional promotional; 2) departmental promotional; 3) multi-departmental promotional; 4) service wide promotional; 5) departmental open; 6) open. When there are two lists of the same kind, the older must be used first.

The California Correctional Health Care Services reserves the right to revise the examination plan to better meet the needs of the service if the circumstances under which this examination was planned change. Such revisions will be in accordance with civil service laws and rules and all competitors will be notified.

General Qualifications: Competitors must possess essential personal qualifications including integrity, initiative, dependability, good judgment, ability to work cooperatively with others, and a state of health consistent with the ability to perform the assigned duties of the class. A medical examination may be required. In open examinations, an investigation may be made of employment records and personal history, and fingerprinting may be required.

High School Equivalence: Equivalence to completion of the 12th grade may be demonstrated in any one of the following ways: 1) passing the General Educational Development (GED) test; 2) completion of 12 semester units of college-level work; 3) certification from the State Department of Education, a local school board, or high school authorities that the candidate is considered to have education equivalent to graduation from high school; or 4) for clerical and accounting classes, substitution of business college work in place of high school on a year-for-year basis (high school is four years).

Veteran's Preference: California law allows the granting of Veteran's Preference to any veteran, widow, or widower of a veteran, or spouse of a 100% disabled veteran who achieves a passing score in any Open examination to be ranked in the top rank of the resulting eligibility list. Directions to apply for Veteran's Preference are on the Veteran's Preference Application (CalHR 1093) which is available from Department of Human Resources at <http://jobs.ca.gov/Job/VeteransInformation> and the Department of Veterans Affairs at www.cdva.ca.gov. Veteran's Preference is not granted once a person achieves permanent civil service status.

It is an objective of the State of California to achieve a drug-free work place. Any applicant for State employment will be expected to behave in accordance with this objective because the use of illegal drugs is inconsistent with the law of the State, the rules governing civil service, and the special trust placed in public servants. Only individuals lawfully authorized to work in the United States will be hired.

For Current Examination Information, call
(916) 691-5894 or 1-877-793-4473

California Relay Service for the Deaf or Hearing Impaired:
1-800-735-2929

This bulletin cancels and supersedes all previously issued bulletins.

6

Position Number: 065-930-8274-xxx

Employee: _____

Julie [Signature]

DUTY STATEMENT

LICENSED VOCATIONAL NURSE, SAFETY DIVISION OF CORRECTIONAL HEALTH CARE SERVICES

Under the Direction of the Supervising Registered Nurse-II the Licensed Vocational Nurse, Safety will provide direct and indirect patient care to inmate/patients collaborating with physicians and other members of the interdisciplinary team.

DUTIES:

- 50% Provide basic hygiene and nursing care, including administration of prescribed medications and the therapeutic effects, treatments and disease prevention, as ordered by the physician. Obtain specimens for diagnostic testing as ordered by the physician or existing protocols (intravenous therapy and blood withdrawal requires separate Board certification). Records in the patient Health Record comprehensive documentation regarding patient's care and status.
- 20% Participate as a member of the interdisciplinary team in developing multidisciplinary treatment plans, assist the physician with medical or minor surgical procedures and prepare records and reports.
- 10% Provide observation and therapeutic intervention consistent with the inmate/patients physical and psychological status, evaluate effectiveness of the inmate/patient treatment regimen and record progress.
- 10% Document all nursing activities in the patient medical record, including the initial nursing assessment, treatment interventions and inmate/patient teaching.
- 10% Ensure a safe therapeutic environment for both the inmate/patient and staff, maintain order, and supervise the conduct of inmates.

Christa Amador

Employee Signature

5/2/11

Date

Nursing Supervisor Signature

Date