



## **THE BOARD HAS THE AUTHORITY TO CHOOSE BETWEEN TWO CONFLICTING MEDICAL OPINIONS, HERE DEALING WITH WEANING CLAIMANT FROM OPIOID PAIN KILLERS (THIRD DEPT).**

The Third Department determined the Workers' Compensation Board has the authority to chose between two conflicting medical opinions. Here claimant had significant pain was was taking high doses of opioids. The independent medical examiner (IME) had one opinion about how the claimant should be weaned from the opioids and claimant's own physician had a different opinion. The Board sided with the IME:

Although claimant's physician and the IME gave differing opinions regarding the advisability of weaning claimant from his opiate medications, as well as the manner in which it should be accomplished, the Board is vested with the authority to resolve conflicting medical opinions ... . Thus, the Board could choose to credit the opinion of the IME, which was in accordance with the applicable guidelines, over that of claimant's treating physician. Therefore, inasmuch as substantial evidence supports the Board's decision, we find no reason to disturb it ... . [Matter of Forte v Muccini, 2020 NY Slip Op 01881, Third Dept 3-16-20](#)