

# ***The Law Offices of Bolton and Helm, LLP***

## **CASE LAW UPDATE**

### **Firefighter Presumption – Hypertension Treatment Due Even If Claimant Reaches MMI Without Disability**

**In City of Pembroke Pines v. Ortagus, 2010 WL 4292823 (Fla. 1<sup>st</sup> DCA, November 11, 2010), the First DCA affirmed a JCC's ruling that the E/C must pay for treatment of the claimant's hypertension even though the claimant was no longer disabled by the condition and could fully perform his duties as a firefighter. In that case, a firefighter for the City of Pembroke Pines, On May 11, 2005, during his annual physical examination, was diagnosed with hypertension. His physician assigned him to light duty and prescribed medication. After several days off work and two days of light duty, the claimant returned to normal duty and was deemed to have reached maximum medical improvement on May 17, 2005. He needed continued medical treatment afterwards, including medication to control high blood pressure, cholesterol, semi-annual physical examinations, and annual stress tests. The E/C argued that the claimant's job-related hypertension was successfully controlled by medication such that he was back to normal duty and therefore the E/C need no longer pay for ongoing treatment of the condition. The appellate court explained once compensability is established, nothing in F.S. 440.151 or elsewhere in chapter 440, limits payment of medical benefits to only the period of disability. Thus, they affirmed the award of benefits.**

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