

**2.30. APPELLATE REVIEW OF DECISIONS BY THE DEPARTMENT OF LABOR AND TRAINING AND THE MEDICAL ADVISORY BOARD.** -- (A)(1) Any party may file a petition with the court to review a decision of the Department of Labor and Training or the Medical Advisory Board within thirty (30) days of the date the decision enters.

(2) The petitioner shall file with the court a copy of the decision to be reviewed, along with the petition stating their grounds for appeal. The respondent need not file a responsive pleading unless otherwise required by statute or by court order.

(B) The petitioner shall provide a certified copy of the entire record of the proceeding under review to the court within thirty (30) days after the petition is filed, unless the court orders otherwise.

(C) After a petition is filed, the court shall establish a schedule for the submission of briefs by the parties.

(D) The Workers' Compensation Court Rules of Practice shall govern the proceedings. The court may consider evidence of procedural irregularities at the Department of Labor and Training or the Medical Advisory Board.

(E) The court shall not substitute its judgment for that of the Department of Labor and Training or the Medical Advisory Board regarding the weight of the evidence on questions of fact. The court may affirm or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the petitioner have been prejudiced because the decision of the Department of Labor and Training or the Medical Advisory Board is:

- (1) in violation of constitutional or statutory provisions;
- (2) in excess of the statutory authority of the Department of Labor and Training or the Medical Advisory Board;
- (3) made upon unlawful procedure;
- (4) affected by other error of law;
- (5) clearly erroneous in view of the reliable, probative, and substantial evidence presented; or
- (6) arbitrary or capricious or characterized by abuse of discretion or unwarranted exercise of discretion.

**Reporter's Notes. W.C.C. – R.P. 2.30 implements the procedure to address the expanded jurisdiction of the court as an appellate body to review the actions taken by the Department of Labor and Training and the Medical Advisory Board under the provisions of the Workers' Compensation Act. In appeals to the Workers' Compensation Court**

**involving the discipline of health care providers by the Medical Advisory Board and the decisions and orders of the Department of Labor and Training, the court's role is to review the determinations made by the Department of Labor and Training or the Medical Advisory Board to ensure that the parties were afforded all substantive and procedural due process rights. Although all proceedings under the provisions of the Workers' Compensation Act are specifically exempted from the Administrative Procedures Act pursuant to G.L. 1956 § 42-35-18(b)(6) – (15), the standard of judicial review of administrative actions established by that statute provides helpful guidance in this area and indicates the standards which must be met to ensure proper procedural safeguards. Accordingly, the review of a decision of the Department of Labor and Training and the Medical Advisory Board is limited to the record developed below to ensure that the decision was proper. The Workers' Compensation Court may not substitute its judgment for that of the Department of Labor and Training or the Medical Advisory Board as to the weight of the evidence on factual issues which have been determined by the Department of Labor and Training or the Medical Advisory Board.**