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McDONALD, J., concurring. I agree with the majority opinion. I only wish to add that I believe the workers' compensation review board, while misapplying General Statutes § 31-307, also incorrectly upheld the withholding of all temporary disability benefits after April 26, 2005.

Following the shoulder surgery performed on the plaintiff, Petra Bode, by Nicola A. DeAngelis, an orthopedic surgeon, on September 16, 2005, DeAngelis reported on April 27, 2006, that there was some improvement but that the plaintiff's symptoms returned and his best option was a total shoulder replacement. It is the plaintiff's "demonstrated . . . unwillingness to submit to right shoulder replacement surgery," which the board found unreasonable, triggering the suspension of all such benefits. I note that the commissioner and the board did not set a date when delaying the further and drastic surgery became unreasonable. In these circumstances, where there has been one failed surgery and the patient sought other medical advice or second opinions¹ regarding the risks and benefits of the proposed surgery, a recognized course of patient conduct,² I would conclude that the failure to immediately undergo total shoulder replacement was not unreasonable. I believe the board should not have upheld the withholding of all temporary disability benefits from April 26, 2005, forward.

¹ In the discussion of the partial disability, the commissioner and the board found that the plaintiff's symptoms returned after the September 16, 2005 shoulder surgery and that he sought these second opinions. Over the next three months, the plaintiff continued to consult physicians and the medical records reflect that on May 15, 2006, the plaintiff consulted Michael A. Brown, an orthopedic surgeon, for an outpatient consultation to discuss the risks and benefits of shoulder replacement surgery; on July 20, 2006, the plaintiff consulted Theodore Shoemaker, a medical doctor, to discuss possible shoulder surgery; and on July 31, 2006, the plaintiff consulted Tara Rizvi, a rheumatologist, to discuss possible shoulder surgery.

² "The single most important way you can stay healthy is to be an active member of your own health care team. . . . No surgery is risk free. It is important to learn about the possible benefits and risks involved in the surgical procedure Research has shown that patients who are informed about their procedure can better work with their doctors to make the right decisions. Getting a second opinion is important." Beth Israel Deaconess Medical Center in partnership with the United States Department of Health & Human Services, "Questions to Ask Your Doctor Before Having Surgery," available at <http://www.bidmc.org/YourHealth/HealthNotes/Surgery/QuestionsToAskYourDoctorBeforeHavingSurgery.aspx> (last visited July 27, 2011).

"Second opinions offer a different perspective on a condition that has previously been assessed. By asking a different physician to look at [a] case, [one] may learn new ways to treat [a] condition or simply obtain reassurance that [a] current treatment plan is the most appropriate." Massachusetts General Hospital, Vascular Center, "Second Opinions," available at <http://www.massgeneral.org/vascularcenter/appointments/secondopinions.aspx> (last visited July 27, 2011).