

[J-100A&B-2016][M.O. – Wecht, J.]
IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

MARY ANN PROTZ,	: No. 6 WAP 2016
	:
Appellant	: Appeal from the Order of the
	: Commonwealth Court entered
v.	: September 18, 2015 at No. 1024 CD
	: 2014, vacating the order of the Workers'
	: Compensation Appeal Board entered
WORKERS' COMPENSATION APPEAL	: May 22, 2014 at No. A13-0096 and
BOARD (DERRY AREA SCHOOL	: remanding with instructions.
DISTRICT),	:
	:
Appellees	: ARGUED: November 1, 2016
MARY ANN PROTZ	: No. 7 WAP 2016
	:
	: Appeal from the Order of the
v.	: Commonwealth Court entered
	: September 18, 2015 at No. 1024 CD
	: 2014, vacating the order of the Workers'
WORKERS' COMPENSATION APPEAL	: Compensation Appeal Board entered
BOARD (DERRY AREA SCHOOL	: May 22, 2014 at No. A13-0096 and
DISTRICT)	: remanding with instructions.
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APPEAL OF: DERRY AREA SCHOOL	: ARGUED: November 1, 2016
DISTRICT	:

CONCURRING OPINION

CHIEF JUSTICE SAYLOR

DECIDED: JUNE 20, 2017

I support the core legal analysis contained in the majority opinion. At least in the absence of some sort of ongoing legislative or administrative review or oversight, I agree that prospective medical texts cannot be incorporated into a scheme affecting citizens' substantial rights. My differences with the majority opinion are more a matter

of approach than substance, as, for example, I find it unnecessary to even consider that the American Medical Association might concoct anything, *see* Majority Opinion, *slip op.* at 10, or that the General Assembly may have acted on an avoidance rationale, *see id.* at 13 n.6.