

**[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'
	:	Compensation Appeal Board entered
WORKERS' COMPENSATION APPEAL	:	May 22, 2014 at No. A13-0096 and
BOARD (DERRY AREA SCHOOL	:	remanding with instructions.
DISTRICT)	:	
	:	
APPEAL OF: DERRY AREA SCHOOL	:	
DISTRICT	:	ARGUED: November 1, 2016

***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.