

No. **DWC-10-0042**

*OFFICIAL ORDER*  
*of the*  
**COMMISSIONER OF WORKERS' COMPENSATION**  
*of the*  
**STATE OF TEXAS**  
**AUSTIN, TEXAS**

Date: **JUN 30 2010**

**Subject Considered:**

**JESSE W. VREDENBURGH, D.O.**  
PMB 223  
1605 U.S. Highway 181  
Portland, Texas 78374-3701

**CONSENT ORDER**  
**DISCIPLINARY ACTION**  
TDI ENFORCEMENT FILE NOS. 54690, 56557, and 57311

**General remarks and official action taken:**

On this date came on for consideration by the Commissioner of Workers' Compensation, the matter of whether disciplinary action should be taken against Jesse W. Vredenburg, D.O. ("Dr. Vredenburg"). The Texas Department of Insurance, Division of Workers' Compensation Staff (Division Staff) alleges that Dr. Vredenburg violated the Texas Labor Code and that such conduct constitutes grounds for the imposition of sanctions pursuant to TEX. LAB. CODE ANN., ch. 415.

Division Staff and Dr. Vredenburg announce that they have compromised and settled all claims and agree to the entry of this Consent Order. The parties request that the Commissioner of Workers' Compensation informally dispose of this case pursuant to TEX. GOV'T CODE ANN. § 2001.056, TEX. LAB. CODE ANN. §§ 401.021 and 402.00128(b)(7), and 28 TEX. ADMIN. CODE § 180.8(h).

**JURISDICTION**

The Commissioner of Workers' Compensation has jurisdiction over this matter pursuant to TEX. LAB. CODE ANN. §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 402.072, 408.0041, 408.123, 414.002, 414.003, 415.003, 415.021, and 415.023; and 28 TEX. ADMIN. CODE §§ 126.7, 130.1, 130.3, 130.6, 180.1, 180.2, 180.3, 180.7, 180.8, 180.10, 180.11; 180.12, 180.21, 180.22, 180.23, and 180.26; and TEX. GOV'T CODE ANN. §§ 2001.051-2001.178.

WAIVER

Dr. Vredenburg acknowledges the existence of certain rights provided by the Texas Labor Code and other applicable law, including the right to receive a written notice of possible administrative violations as provided for by TEX. LAB. CODE ANN. § 415.032, the right to request a hearing as provided for by TEX. LAB. CODE ANN. § 415.034, and the right to judicial review of the decision as provided for by TEX. LAB. CODE ANN. § 415.035. Dr. Vredenburg waives these rights, as well as any other procedural rights that might otherwise apply, in consideration of the entry of this Consent Order.

FINDINGS OF FACT

The Commissioner of Workers' Compensation makes the following findings of fact:

**System Participant – Certifying Doctor**

1. In accordance with 28 TEX. ADMIN. CODE § 130.1(a)(1), only an authorized doctor may certify Maximum Medical Improvement (MMI), determine whether there is permanent impairment, and assign an impairment rating.
2. In accordance with 28 TEX. ADMIN. CODE § 130.1(a)(1)(A)(i)-(iii), doctors serving in the following roles may be authorized: the treating doctors (or a doctor to whom the treating doctor has referred the employee for evaluation of maximum medical improvement and/or permanent whole body impairment in the place of the treating doctor), a designated doctor, and a required medical examination doctor selected by the carrier and approved by the commission after a designated doctor has performed a maximum medical improvement and/or permanent whole body impairment exam.
3. In accordance with 28 TEX. ADMIN. CODE § 130.1(a)(1)(B)(i)-(ii), a doctor serving in one of the roles described in subsection 28 TEX. ADMIN. CODE § 130.1(a)(1)(A), is authorized as follows: a doctor whom the commission has certified to assign impairment ratings or otherwise given specific permission by exception to, is authorized to determine whether an injured employee has permanent impairment, assign an impairment rating, and certify MMI; and a doctor whom the commission has not certified to assign impairment ratings or otherwise given specific permission by exception to is only authorized to determine whether an injured employee has permanent impairment and, in the event that the injured employee has no impairment, certify MMI.
4. In accordance with 28 TEX. ADMIN. CODE § 130.1(a)(3), a doctor who is authorized under this subsection to certify MMI, determine whether permanent impairment exists, and assign an impairment rating and who does, shall be referred to as the "certifying doctor."

5. Dr. Vredenburgh was last certified to assign impairment ratings on September 16, 2009.

**Certification of Maximum Medical Improvement and  
Evaluation of Impairment Ratings**

6. In accordance with TEX. LAB. CODE ANN. § 408.123(a), after an employee has been certified by a doctor as having reached maximum medical improvement, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating.
7. In accordance with TEX. LAB. CODE ANN. § 408.123(b), a certifying doctor shall issue a written report certifying that maximum medical improvement has been reached, stating the employee's impairment rating, and providing any other information required by the commissioner to the Division, the employee, and the insurance carrier.
8. In accordance with 28 TEX. ADMIN. CODE § 130.1(d)(1), certification of maximum medical improvement and assignment of an impairment rating requires submission of a Report of Medical Evaluation, also known as the DWC Form-69.
9. In accordance with 28 TEX. ADMIN. CODE § 130.1(d)(2), the DWC Form-69 must be filed with the Division, employee, employee's representative, and the insurance carrier no later than the seventh working day after the later of the date of the certifying examination or the receipt of all of the medical information required by 28 TEX. ADMIN. CODE § 130.1.
10. In accordance with 28 TEX. ADMIN. CODE § 130.1(d)(3)(A)-(B), the Report of Medical Evaluation shall be filed with the insurance carrier by facsimile or electronic transmission; and the Report of Medical Evaluation shall be filed with the commission, the injured employee and the injured employee's representative by facsimile or electronic transmission if the doctor has been provided the recipient's facsimile number or email address; otherwise, the report shall be filed by other verifiable means.
11. In accordance with 28 TEX. ADMIN. CODE § 130.1(e)(1)-(3), the certifying doctor shall maintain the original copy of the Report of Medical Evaluation and narrative as well as documentation of the date of the examination; the date any medical records necessary to make the certification of maximum medical improvement were received, and from whom the medical records were received; and the date, addressees, and means of delivery that reports required under 28 TEX. ADMIN. CODE § 130.1 were transmitted or mailed by the certifying doctor.

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## System Participant – Designated Doctor

12. A “designated doctor”, as defined by TEX. LAB. CODE ANN. § 401.011(15), means a doctor appointed by mutual agreement of the parties or by the Division of Workers’ Compensation (Division) to recommend a resolution of a dispute as to the medical condition of an injured employee.
13. In accordance with 28 TEX. ADMIN. CODE § 180.21(b), in order to serve as a designated doctor, a doctor must be on the Designated Doctor List (DDL).
14. In accordance with 28 TEX. ADMIN. CODE § 180.21(d)(1)-(4), to be on the DDL on or after January 1, 2007, the doctor shall at a minimum: meet the registration requirements, or the exceptions thereto, of 28 TEX. ADMIN. CODE § 180.21(c)(1) or, upon expiration or waiver of the Approved Doctors List (ADL) in accordance with TEX. LAB. CODE ANN. § 408.023(k), comply with all successor requirements, including but not limited to financial disclosure under TEX. LAB. CODE ANN. §413.041; have filed an application to be on the DDL, which must be renewed biennially; have successfully completed Division-approved training and examination on the assignment of impairment ratings using the currently adopted edition of the American Medical Association Guides, medical causation, extent of injury, functional restoration, return to work, and other disability management topics; and have had an active practice for at least three years during the doctor’s career.
15. Dr. Vredenburg was last approved to be on the Division’s Designated Doctor List on September 16, 2009.

### Designated Doctor’s Role and Responsibilities

16. In accordance with TEX. LAB. CODE ANN. § 408.0041(a), a designated doctor may be called upon to perform medical examinations, as requested by an insurance carrier, employee, or the Division, to resolve any question about the impairment caused by the compensable injury, the attainment of MMI, the extent of the employee’s compensable injury, whether the injured employee’s disability is a direct result of the work-related injury, the ability of the employee to return to work, and other similar issues.
17. In accordance with 28 TEX. ADMIN. CODE § 126.7(n), a designated doctor must file a report, as required by 28 TEX. ADMIN. CODE §§ 130.1 and 130.3, when the designated doctor determines that an employee has reached MMI, when the designated doctor assigns an impairment rating, or when the designated doctor determines that the employee has not reached MMI. The report must be sent to the insurance carrier, the employee, the employee’s representative, if any, the treating doctor, and the Division.

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18. In accordance with 28 TEX. ADMIN. CODE § 126.7(q), the designated doctor shall maintain accurate records, including the employee records, analysis (including supporting information), and narratives provided by the insurance carrier and treating doctor, to reflect: the date and time of any designated doctor appointments scheduled with an employee; the circumstances regarding a cancellation, no-show or other situation where the examination did not occur as initially scheduled or rescheduled; the date of the examination; the date medical records were received from the treating doctor or any other person or organization; the date the medical evaluation report, including the narrative report described in subsection 28 TEX. ADMIN. CODE § 126.7 (n), was submitted to all parties; the name of all referral health care providers, date of appointments and reason for referral by the designated doctor; and the date the doctor contacted the Division for assistance in obtaining medical records from the insurance carrier or treating doctor.
19. In accordance with 28 TEX. ADMIN. CODE § 126.7(u)(1)-(2), the Division may contact the designated doctor if it determines that clarification is necessary to resolve an issue regarding the designated doctor's report. The Division, at its discretion, may request clarification from the designated doctor on issues the Division deems appropriate. To respond to the request for clarification, the designated doctor must be on the Division's DDL at the time the request is received by the Division. The designated doctor shall respond to the letter of clarification within five days of receipt. If in order to respond to the request for clarification, the designated doctor has to reexamine the injured employee, the doctor shall: respond to the request for clarification advising of the need for an additional examination within five days of receipt and provide copies of the response to the parties specified in subsection 28 TEX. ADMIN. CODE § 126.7 (p); and conduct the reexamination within 21 days from the request by the Division at the location of the original examination.

#### **Assignment of a Designated Doctor**

20. In accordance with TEX. LAB. CODE ANN. § 408.0041(b), a medical examination requested under TEX. LAB. CODE ANN. § 408.0041 (a) shall be performed by the next available doctor on the Division's list of designated doctors whose credentials are appropriate for the issue in question and the injured employee's medical condition as determined by commissioner rule.
21. Pursuant to 28 TEX. ADMIN. CODE § 126.7(e), the Division, within 10 days after approval of a valid request, shall issue a written notice that assigns a designated doctor; requires an exam to be conducted on a date no earlier than 14 days, but no later than 21 days from the date of the written notice; and notify the designated doctor, the employee, the employee's representative, if any, and the insurance carrier that the designated doctor will be directed to examine the employee. The written notice shall indicate the designated doctor's name, license number,

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practice address and telephone number, and the date and time of the examination or the date range for the examination to be conducted; explain the purpose of the designated doctor examination; require the employee to submit to an examination by the designated doctor; and require the treating doctor and insurance carrier to forward all medical records.

22. Pursuant to 28 TEX. ADMIN. CODE § 126.7(f), the designated doctor's office and the employee shall contact each other if there exists a scheduling conflict for the designated doctor appointment. The designated doctor or the employee who has the scheduling conflict must make the contact at least 24 hours prior to the appointment. The 24-hour requirement will be waived in an emergency situation (such as a death in the immediate family or a medical emergency). The rescheduled examination shall be set to occur within 21 days of the originally scheduled examination. Within 24 hours of rescheduling, the designated doctor shall contact the Division's field office and the insurance carrier with the time and date of the rescheduled examination. If the examination cannot be rescheduled within 21 days, the designated doctor shall notify the Division and the Division shall select a new designated doctor.

#### **Division Audit of Dr. Vredenburgh**

23. Dr. Vredenburgh was audited by the Division on March 27, 2008. The purpose of the audit was to determine if Dr. Vredenburgh was timely in filing the DWC Form-69 with the insurance carrier and the method by which the report was submitted to the insurance carrier. The audit evaluated Dr. Vredenburgh's performance during a seven month period from June 1, 2007 through December 31, 2007.
24. Dr. Vredenburgh filed 100 DWC Form-69s, which were subject to the audit, during the period of review.
25. Of the 100 DWC Form-69s identified, 1 was timely sent to the insurance carrier.
26. Of the 100 DWC Form-69s identified, 1 was sent to the insurance carrier via facsimile or electronic transmission.
27. Dr. Vredenburgh's compliance rate for filing forms in a timely manner was 1.00%.
28. Dr. Vredenburgh's compliance rate for filing forms by the proper method was 1.00%.

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**Complaints Filed Against Dr. Vredenburgh**

Failure to File the DWC Form-69 in a Timely Manner

29. Dr. Vredenburgh filed the DWC Form-69 with the Division 211 days past the required deadline (Injured Employee: A.S.; Carrier Number: 2230148103; DWC Claim Number: xxxx2795).
  - a. Dr. Vredenburgh performed a designated doctor examination of the injured employee on June 20, 2008.
  - b. Dr. Vredenburgh had all necessary records prior to the date of the examination.
  - c. The examination was deemed complete on June 20, 2008.
  - d. Dr. Vredenburgh was required to file a Report of Medical Evaluation (DWC Form-69) with the Division, the employee and the carrier not later than the seventh working day after the examination.
  - e. The DWC Form-69 was required to be sent to the injured employee, the carrier and the Division by July 1, 2008.
  - f. Dr. Vredenburgh filed the DWC Form-69 with the Division on January 28, 2009, or 211 days past the required deadline.
  
30. Dr. Vredenburgh filed the DWC Form-69 with the Division 171 days past the required deadline (Injured Employee: M.R.; Carrier Number: 011230; DWC Claim Number: xxxx5129).
  - a. Dr. Vredenburgh performed a designated doctor examination of the injured employee on April 2, 2009.
  - b. Dr. Vredenburgh had all necessary records prior to the date of the examination.
  - c. The examination was deemed complete on April 2, 2009.
  - d. Dr. Vredenburgh was required to file a Report of Medical Evaluation (DWC Form-69) with the Division, the employee and the carrier not later than the seventh working day after the examination.
  - e. The DWC Form-69 was required to be sent to the injured employee, the carrier and the Division by April 13, 2009.

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- f. Dr. Vredenburg filed an incomplete DWC Form-69 with the Division on April 7, 2009, but did not file a complete DWC Form-69 until October 1, 2009, or 171 days past the required deadline.

Failure to File Letters of Clarification (LOC) in a Timely Manner

31. Dr. Vredenburg filed the LOC with the Division 17 days past the required deadline (Injured Employee: A.A.; Carrier Number: WC2543940; DWC Claim Number: xxxx4782).
- a. An LOC request was sent by First Class Mail to Dr. Vredenburg on June 20, 2008.
  - b. Per 28 TEX. ADMIN. CODE § 102.5(d), the letter was deemed received five days after mailing; therefore, the LOC request was deemed received by Dr. Vredenburg on June 25, 2008.
  - c. Dr. Vredenburg was required to file the LOC by June 30, 2008, five days after receipt.
  - d. Dr. Vredenburg filed the LOC with the Division on July 17, 2008, or 17 days past the required deadline.
32. Dr. Vredenburg filed the LOC with the Division 14 days past the required deadline (Injured Employee: D.P.; Carrier Number: 532CBCMB0949; DWC Claim Number: xxxx0462).
- a. An LOC request was sent by facsimile to Dr. Vredenburg on August 15, 2008.
  - b. Dr. Vredenburg was required to file the LOC by August 20, 2008, five days after receipt.
  - c. Dr. Vredenburg filed the LOC with the Division on September 3, 2008, or 14 days past the required deadline.
33. Dr. Vredenburg filed the LOC with the Division 21 days past the required deadline (Injured Employee: O.K.; Carrier Number: YLLC73512; DWC Claim Number: xxxx7991).
- a. An LOC request was sent by facsimile to Dr. Vredenburg on May 19, 2009.
  - b. Dr. Vredenburg was required to file the LOC by May 26, 2009, five days after receipt.



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- c. Dr. Vredenburgh filed the LOC with the Division on June 16, 2009, or 21 days past the required deadline.
  
34. Dr. Vredenburgh filed the LOC with the Division 19 days past the required deadline (Injured Employee: O.S.; Carrier Number: 99J0000534552; DWC Claim Number: xxxx9359).
  - a. An LOC request was sent by First Class Mail to Dr. Vredenburgh on October 13, 2009.
  - b. Per Dr. Vredenburgh's response, the LOC request was received on October 16, 2009.
  - c. Dr. Vredenburgh was required to file the LOC by October 21, 2009, five days after receipt.
  - d. Dr. Vredenburgh filed the LOC with the Division on November 8, 2009 after 5:00 p.m., by facsimile. Therefore, Dr. Vredenburgh filed the LOC with the Division on November 9, 2009, the next business day, or 19 days past the required deadline.
  
35. Dr. Vredenburgh filed the LOC with the Division 1 day past the required deadline (Injured Employee: J.S.; Carrier Number: 99J0000531714; DWC Claim Number: xxxx3933).
  - a. An LOC request was sent by First Class Mail to Dr. Vredenburgh on July 10, 2009.
  - b. Per 28 TEX. ADMIN. CODE § 102.5(d), the letter was deemed received five days after mailing; therefore, the LOC request was deemed received by Dr. Vredenburgh on July 15, 2009.
  - c. Dr. Vredenburgh was required to file the LOC by July 20, 2009, five days after receipt.
  - d. Dr. Vredenburgh filed the LOC with the Division on July 21, 2009, or 1 day past the required deadline.
  
36. Dr. Vredenburgh filed the LOC with the Division 2 days past the required deadline (Injured Employee: M.L.; Carrier Number: WC2712511; DWC Claim Number: xxxx3909).
  - a. An LOC request was sent by facsimile to Dr. Vredenburgh on April 14, 2010.

- b. Dr. Vredenburgh was required to file the LOC by April 19, 2010, five days after receipt.
- c. Dr. Vredenburgh filed the LOC on April 21, 2010, or 2 days past the required deadline.

#### Failure to Conduct a Reexamination in a Timely Manner

- 37. Dr. Vredenburgh reexamined the injured employee 52 days past the required deadline (Injured Employee: O.K.; Carrier Number: YLLC73512; DWC Claim Number: xxxx7991).
  - a. An LOC request was sent by facsimile to Dr. Vredenburgh on May 19, 2009.
  - b. Dr. Vredenburgh determined that a reexamination was necessary to respond to the LOC.
  - c. Dr. Vredenburgh was required to reexamine the injured employee by June 9, 2009, 21 days after receipt of the LOC.
  - d. Dr. Vredenburgh reexamined the injured employee on August 28, 2009, or 80 days past the required deadline.

#### **Aggravating Factors**

##### Harm to Injured Workers

- 38. Pursuant to TEX. LAB. CODE ANN. § 408.121 (a)–(b), an employee's entitlement to impairment income benefits begins on the day after the date the employee reaches MMI and the insurance carrier must begin paying impairment income benefits not later than the fifth day after receiving the doctor's report certifying MMI.
- 39. Pursuant to TEX. LAB. CODE ANN. § 408.122, a claimant may not recover impairment income benefits unless there is evidence of impairment based on objective clinical or laboratory findings. If the finding of impairment is made by a doctor chosen by the claimant and the finding is contested, a designated doctor or a doctor selected by the insurance carrier must be able to confirm the objective clinical or laboratory finding on which the finding of impairment is based.
- 40. The payments of impairment income benefits to injured employees may have been delayed as a result of Dr. Vredenburgh's inability to submit the DWC Form-69s and letters of clarification in a timely manner.

41. Dr. Vredenburg's failure to timely file DWC Form-69s and letters of clarification impedes the dispute resolution process, which harms the injured worker by delaying their receipt of effective medical care, their benefit payments, and their return to work.

Warning Letters

42. On or about March 21, 2006, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
43. On or about September 2, 2008, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
44. On or about September 2, 2008, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
45. On or about September 2, 2008, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
46. On or about January 5, 2009, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
47. On or about January 5, 2009, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.
48. On or about January 5, 2009, the Division issued a warning letter to Dr. Vredenburg for failing to timely file a DWC Form-69.

**Mitigating Factors**

49. During the period of the audit, Dr. Vredenburg relied upon Concentra Medical Center ("Concentra") to timely transmit DWC-69 forms to the Division and insurance carriers.
50. Dr. Vredenburg acknowledges that although he relied upon Concentra to perform administrative functions, it is his ultimate responsibility to ensure compliance with the Act and Rules.
51. Dr. Vredenburg no longer relies upon Concentra to perform the administrative duties required of him by the Act and Rules.

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52. Additional documentation provided by Dr. Vredenburgh demonstrates an improvement in compliance for timeliness of filing and method of transmission compared to the compliance rate determined in the Division's audit. This documentation did not affect the audit results, but was considered in determining the sanctions.
53. Dr. Vredenburgh has adopted the following compliance plan to prevent future administrative violations:
  - a. Office staff will maintain a phone log report detailing all times, dates, and purpose of calls.
  - b. Office staff will follow up on all rescheduled designated doctor exams and communicate the times and dates of such exams to all relevant parties.
  - c. All faxed materials will be documented by fax confirmation and all mail correspondence will be sent by certified mail.
54. Dr. Vredenburgh agrees to attend one educational conference during the next six (6) months that focuses on the roles and responsibilities of health care providers in the Texas Workers' Compensation system, and to provide the Division with evidence of attendance within thirty (30) days of attendance of the event.
55. Dr. Vredenburgh agrees to send each member of his staff to one educational conference during the next six (6) months that focuses on the roles and responsibilities of health care providers in the Texas Workers' Compensation system, and to provide the Division with evidence of attendance within thirty (30) days of attendance of the event.
56. Dr. Vredenburgh agrees that, within thirty (30) days from the date of this Order, he will limit for twelve (12) months the locations on his profile for the assignment of designated doctor examinations by the Division to the counties of: San Patricio, Harris, Jim Wells, Washington, Walker, Kleberg, Fayette, Orange, and Wharton. During this time, the Division will not assign nor shall Dr. Vredenburgh accept any designated doctor appointments outside these counties.
57. Dr. Vredenburgh agrees to file the DWC Form-69 in a timely manner as required by 28 TEX. ADMIN. CODE §§ 126.7 and 130.1.
58. Dr. Vredenburgh agrees to file the letter of clarification in a timely manner as required by 28 TEX. ADMIN. CODE § 126.7.
59. Dr. Vredenburgh agrees to conduct reexaminations in a timely manner as required by 28 TEX. ADMIN. CODE § 126.7.

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60. Dr. Vredenburgh agrees to maintain proper records/documentation as required by 28 TEX. ADMIN. CODE §§ 126.7(q)(1)-(7) and 130.1(e)(1)-(3).

**Other Considerations**

61. This Consent Order, and the actions required hereby, is entered into in the nature of compromise and settlement and in order to avoid the time, trouble, and expense to the Division Staff and to Dr. Vredenburgh of resolving this dispute through administrative or judicial proceedings.
62. Dr. Vredenburgh has entered into this settlement agreement to avoid the expense and time involved in litigation, but does not admit nor does he deny the allegations made by Division Staff and asserts that the existence of a violation of the Act and Rules promulgated by the Commissioner of Workers' Compensation is in dispute.
63. The findings against Dr. Vredenburgh were based on his failure to fulfill the administrative duties required of him as a system participant in the Workers' Compensation System. These allegations do not reflect on his quality of care.

**CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact, the Commissioner of Workers' Compensation makes the following conclusions of law:

1. The Commissioner of Workers' Compensation has jurisdiction over this matter pursuant to TEX. LAB. CODE ANN. §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 402.072, 408.0041, 408.123, 414.002, 414.003, 415.003, 415.021, and 415.023; and 28 TEX. ADMIN. CODE §§ 126.7, 130.1, 130.3, 130.6, 180.1, 180.2, 180.3, 180.7, 180.8, 180.10, 180.11; 180.12, 180.21, 180.22, 180.23, and 180.26; and TEX. GOV'T CODE ANN. §§ 2001.051-2001.178.
2. The Commissioner of Workers' Compensation has authority to informally dispose of this matter as set forth herein under TEX. GOV'T CODE ANN. § 2001.056, TEX. LAB. CODE ANN. §§ 401.021 and 402.00128(b)(7), and 28 TEX. ADMIN. CODE § 180.8(h).
3. Dr. Vredenburgh has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this Order, including, but not limited to, written notice of possible administrative violations, a hearing, and judicial review.

4. In accordance with TEX. LAB. CODE ANN. § 415.021, in addition to any sanction, administrative penalty, or other remedy authorized by this subtitle, the Commissioner of Workers' Compensation may assess an administrative penalty against a person who commits an administrative violation.
5. In accordance with TEX. LAB. CODE ANN. § 415.023(a), a person who commits an administrative violation under Section 415.001, 415.002, 415.003, or 415.0035 as a matter of practice is subject to an applicable rule adopted under TEX. LAB. CODE ANN. § 415.023(b) in addition to the penalty assessed for the violation.
6. In accordance with 28 TEX. ADMIN. CODE § 180.21(m), in addition to the grounds for deletion or suspension from the ADL or for issuing other sanctions against a doctor under 28 TEX. ADMIN. CODE § 180.26, the Commissioner shall delete or suspend a doctor from the DDL, or otherwise sanction a designated doctor for noncompliance with the requirements of this section or if any of the following conduct occurs:
  - a. failure to timely respond as a pattern of practice to a request for clarification from the Division regarding an examination.
  - b. other violation of applicable statutes or rules while serving as a designated doctor.
7. In accordance with 28 TEX. ADMIN. CODE § 180.26(d)(1), the Medical Advisor may recommend a sanction against a doctor or a carrier or the deletion or suspension of a doctor from the ADL if they violate the Statute, Rules, or a commission decision or order or agreement.
8. In accordance with TEX. LAB. CODE ANN. § 415.003(5), a health care provider, like a designated doctor, commits an administrative violation each time he or she violates a commissioner's rule.
  - a. Dr. Vredenburg violated 28 TEX. ADMIN. CODE § 126.7(u), each time he failed to file the letter of clarification in a timely manner.
  - b. Dr. Vredenburg violated 28 TEX. ADMIN. CODE § 126.7(u), each time he failed to reexamine an injured employee in a timely manner.
  - c. Dr. Vredenburg violated 28 TEX. ADMIN. CODE § 130.1(d)(2), each time he failed to file the DWC Form-69 in a timely manner.
9. Dr. Vredenburg failed to timely reexamine an injured employee in one (1) instance.

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10. Dr. Vredenburgh failed to timely file the DWC Form-69 with the Division in one hundred and one (101) instances.
11. Dr. Vredenburgh failed to timely file the letter of clarification in six (6) instances.

Based on the Findings of Fact and Conclusions of Law above, the Commissioner of Workers' Compensation has determined that the appropriate disposition is imposition of the following sanctions and full compliance with the terms of this Order.

**IT IS THEREFORE ORDERED** that Dr. Jesse W. Vredenburgh shall pay, and is hereby directed to pay, an administrative penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000.00). Said administrative penalty shall be paid in full on or before six months from the date of this Order. Dr. Vredenburgh may elect to pay in monthly installments, varying installments, or one lump sum so long as the entire administrative penalty is paid in full within the period stated herein. Each payment must be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Enforcement Division-DWC, Division 3721, MC-9999, P.O. Box 149104, Austin, Texas 78714-9104.

**IT IS FURTHER ORDERED** that within thirty (30) days from the date of this Order, Dr. Jesse W. Vredenburgh will limit for twelve (12) months the locations on his profile for the assignment of designated doctor examinations by the Division to the counties of: San Patricio, Harris, Jim Wells, Washington, Walker, Kleberg, Fayette, Orange, and Wharton. During this time, the Division will not assign nor shall Dr. Vredenburgh accept any designated doctor appointments outside these counties.

**IT IS FURTHER ORDERED** that within six (6) months from the date of this Order, Dr. Jesse W. Vredenburgh and each member of his staff shall attend an educational conference focusing on the roles and responsibilities of health care providers in the Texas Workers' Compensation system, and provide the Division with evidence of attendance within thirty (30) days of attendance of the event. Evidence of attendance shall be sent to the Texas Department of Insurance, Enforcement Division-DWC, Division 3721, MC-9999, P.O. Box 149104, Austin, Texas 78714-9104.

**IT IS FURTHER ORDERED** that Dr. Jesse W. Vredenburgh will conduct reexamination of injured employees in a timely manner as required by 28 TEX. ADMIN. CODE § 126.7(u).

**IT IS FURTHER ORDERED** that Dr. Jesse W. Vredenburgh will file the letter of clarification in a timely manner as required by 28 TEX. ADMIN. CODE § 126.7(u).

**IT IS FURTHER ORDERED** that Dr. Jesse W. Vredenburgh will file the DWC Form-69 in a timely manner as required by 28 TEX. ADMIN. CODE § 130.1(d)(2).

COMMISSIONER'S ORDER

Jesse W. Vredenburg, D.O.; CTS Nos. 54690, 56557, & 57311

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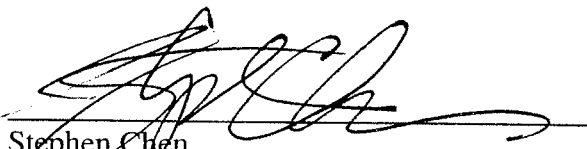
**DWC - 1 0 - 0 0 4 2**

**IT IS FURTHER ORDERED** that Dr. Jesse W. Vredenburg shall comply with the compliance plan established in this Order.

**IT IS ALSO ORDERED** by the Commissioner of Workers' Compensation that should Dr. Jesse W. Vredenburg fail to comply with the terms of this Order that Dr. Jesse W. Vredenburg will have committed an additional administrative violation and his failure to comply with the terms of this Order may subject Dr. Jesse W. Vredenburg to further penalties as authorized by the Texas Labor Code, which, pursuant to TEX. LAB. CODE ANN. § 415.021(a), includes the right to impose an administrative penalty of up to \$25,000 per day per occurrence.

  
\_\_\_\_\_  
ROD BORDELON  
COMMISSIONER OF WORKERS' COMPENSATION

FOR THE STAFF:

  
\_\_\_\_\_  
Stephen Chen  
Staff Attorney, Enforcement Division  
Texas Department of Insurance

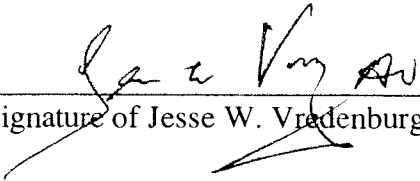


COMMISSIONER'S ORDER

Jesse W. Vredenburg, D.O.; CTS Nos. 54690, 56557, & 57311  
Page 17 of 18

**DWC - 10 - 0042**

AGREED, ACCEPTED, and EXECUTED on this 24 day of June, 2010 by:

  
\_\_\_\_\_  
Signature of Jesse W. Vredenburg, D.O.

STATE OF TEXAS                    §  
  §  
COUNTY OF GALVESTON       §

**DWC - 10 - 0042**

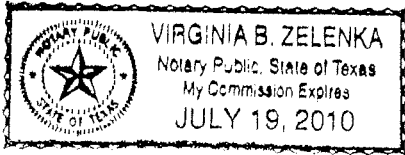
BEFORE ME, VIRGINIA B ZELENIKA, a notary public in and for the State of Texas, on this day personally appeared JESSE W. VREDENBURGH known to me or proven to me through DRIVERS LICENSE to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. "My name is Jesse W. Vredenburg, D.O. I am of sound mind, capable of making this statement, and personally acquainted with the facts stated in this Consent Order.
2. I have read the terms and conditions contained within this Consent Order, and I have knowingly and voluntarily entered into it.
3. I consent to the issuance and service of this Consent Order, and I am executing the same for the purposes and consideration described herein."

Jesse W. Vredenburg  
Signature  
Jesse W. Vredenburg  
Typed/Printed Name

Given under my hand and seal of office this 24 day of JUNE, 2010.

(NOTARY SEAL)



Virginia B. Zelenka  
Notary Public, State of Texas  
My commission expires: 7/19/10