

No. 3365

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JUN 20 2014

Subject Considered:

DEEPAK CHAVDA, M.D.
8251 Bedford Euless Road, Suite 210
North Richland Hills, Texas 76180-7247

CONSENT ORDER
TDI ENFORCEMENT FILE NOS. 3527 and 7114

General remarks and official action taken:

The commissioner of workers' compensation considers whether disciplinary action should be taken against Deepak Chavda, M.D. (Dr. Chavda).

WAIVER

Dr. Chavda acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Chavda waives all of these rights and any other applicable procedural rights in consideration of the entry of this consent order.

FINDINGS OF FACT

The commissioner of workers' compensation makes the following findings of fact:

1. Dr. Chavda holds Texas Medical License No. J5282, which was issued on March 4, 1994.
2. Dr. Chavda is a designated doctor in the Texas workers' compensation system. Dr. Chavda is certified to rate maximum medical improvement (MMI), issue impairment ratings (IR), and make recommendations regarding return to work (RTW). Dr. Chavda's certification as a designated doctor will expire on July 18, 2015. Dr. Chavda's certification to rate MMI and issue IRs will expire on June 22, 2015.
3. Dr. Chavda was not classified in the 2007, 2009, 2011, or 2013 performance based oversight (PBO) assessments.

Medical Quality Reviews Nos. 12-20-DD and 13-16 DD

4. The division, as authorized by TEX. LAB. CODE ANN. § 414.002, monitors system participants to determine compliance with the Texas Workers' Compensation Act and rules promulgated by the commissioner of workers' compensation.
5. The division's medical advisor (whose duties are defined under TEX. LAB. CODE ANN. § 413.0511) and medical quality review panel (MGRP) (as established pursuant to TEX. LAB. CODE ANN. § 413.0512) conducted a medical quality review of two cases in which Dr. Chavda conducted designated doctor examinations and another seven cases in a separate audit.
6. Dr. Chavda omitted pertinent facts in his medical evaluations and narrative reports as part of a designated doctor (DD) examination.
 - a. Dr. Chavda failed to provide sufficient documentation to justify the maximum medical improvement (MMI) date he certified for two injured employees.
 - b. Dr. Chavda failed to provide documentation to justify the impairment rating (IR) he assigned for two injured employees.
7. As part of a DD examination, Dr. Chavda performed unnecessary testing, which included x-rays and ultrasounds, in several cases identified as part of a division audit.
8. Dr. Chavda states that in March 2013, he notified the division that he wished to voluntarily remove himself from the designated doctor list.
9. Dr. Chavda denies all the allegations set forth above but does not contest the entry of this order. This consent order and its requirements are entered into in the nature of compromise and as a settlement agreement.
10. This consent order resolves any and all currently pending division cases in which Dr. Chavda served as a designated doctor.

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. §§ 401.011, 401.021, 402.001, 402.00111,

402.00114, 402.00116, 402.00128, 408.0041, 408.0231, 408.123, 408.1225, 408.124, 413.002, 413.044, 413.0511, 413.0512, 414.002, 415.021, and 415.0215¹; 28 TEX. ADMIN. CODE §§ 130.1, 180.21², 180.22, 180.26, and 127.210; 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 § 180.26(h).
3. Pursuant to 28 TEX. ADMIN. CODE § 180.21(m)(2), in addition to the grounds for issuing sanctions against a doctor under §180.26 of this title (relating to Criteria for Imposing, Recommending, and Determining Sanctions; Other Remedies), other division rules, or the Texas Workers' Compensation Act, the commissioner may revoke or suspend a designated doctor's certification as a designated doctor or otherwise sanction a designated doctor for noncompliance with requirements of this chapter for misrepresenting or omitting pertinent facts in medical evaluations and narrative reports.
4. Pursuant to 28 TEX. ADMIN. CODE § 127.210(a)(6), in addition to the grounds for issuing sanctions against a doctor under §180.26 of this title (relating to Criteria for Imposing, Recommending, and Determining Sanctions; Other Remedies), other division rules, or the Texas Workers' Compensation Act, the commissioner may revoke or suspend a designated doctor's certification as a designated doctor or otherwise sanction a designated doctor for noncompliance with requirements of this chapter for ordering or performing unnecessary testing of an injured employee as part of a designated doctor's examination.
5. Dr. Chavda violated 28 TEX. ADMIN. CODE §§ 180.21(m)(2) and 127.210 (a)(6), when he failed to provide sufficient documentation to justify the maximum medical improvement (MMI) date he certified and the impairment rating (IR) he assigned for two injured employees, and when he performed unnecessary testing, which included x-rays and ultrasounds, in several cases

¹ TEX. LAB. CODE ANN. § 402.072 was repealed effective September 1, 2011. However, this section was in effect at the time of these violations. TEX. LAB. CODE ANN. § 415.0215 was enacted effective September 1, 2011, to replace TEX. LAB. CODE ANN. § 402.072.

² 28 TEX. ADMIN. CODE § 180.21 was repealed effective September 1, 2012. However, this section was in effect at the time of these violations. 28 TEX. ADMIN. CODE § 127.210 was enacted effective September 1, 2012, to replace 28 TEX. ADMIN. CODE § 180.21, which was in effect for the cases involving the division's audit.

ORDER

It is ORDERED that Deepak Chavda, M.D. is removed from the division's designated doctor list for five years from the date of this consent order. For five years, Dr. Chavda may not serve as a designated doctor for the Texas Workers' Compensation system. For the five years, Dr. Chavda may certify maximum medical improvement (MMI) as a treating physician for patients he is treating, but not as part of a referral from another health care practitioner for MMI and IR determination.



Rod Bordelon ⁰⁰⁷
Commissioner of Workers' Compensation

Approved as to Form and Content:



Claudia Kirk
Staff Attorney, Compliance Division
Texas Department of Insurance

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF DALLAS

Before me, the undersigned authority, personally appeared affiant, Deepak Chavda, M.D., who being by me duly sworn, deposed as follows:

“My name is Deepak Chavda, M.D. I am of sound mind, capable of making this statement, and have personal knowledge of these facts, which are true and correct.

I waive rights provided by the Texas Labor Code and other applicable law and acknowledge the jurisdiction of the Texas commissioner of workers' compensation.

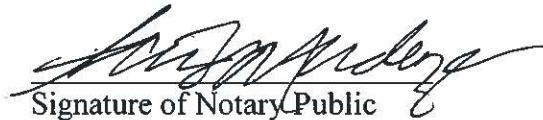
I voluntarily enter into this consent order and consent to the issuance and service of this consent order.”



Affiant

SWORN TO AND SUBSCRIBED before me on 2nd of June, 2014.

(NOTARY SEAL)


Signature of Notary Public

Irma L. Mendoza
Printed Name of Notary Public

