

No. DWC - 11 - 0043

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

Date: MAR 24 2011

**Subject Considered:**

**JAMES CROCKETT, D.O.**  
P.O. Box 60  
Marlin, Texas 76661

**CONSENT ORDER**  
**DISCIPLINARY ACTION**  
TDI ENFORCEMENT FILE NO. 58604

**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 James Crockett, D.O. (Dr. Crockett). The Texas Department of Insurance, Division of Workers' Compensation Staff (Division Staff) alleges that Dr. Crockett 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. Crockett 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 § 180.26(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, 408.023, 408.0231, 413.041, 413.0511, 414.002, 415.003, 415.021, and 415.023; 28 TEX. ADMIN. CODE §§ 180.22, 180.26, and 180.27; and TEX. GOV'T CODE ANN. §§ 2001.051-2001.178.

## WAIVER

Dr. Crockett 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. Crockett waives all of 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:

1. Dr. Crockett holds Texas Medical License No. J1957, which was issued on November 14, 1992, and he provides medical treatment and care to injured employees in the workers' compensation system.
2. The Office of the Medical Advisor reviewed medical cases where Dr. Crockett provided medical treatment and care to injured employees. (Medical Quality Review 10-SC-016).
3. After completing the review of three cases, the Office of the Medical Advisor made the following findings:
  - a. in all three cases that were reviewed, Dr. Crockett's diagnoses were unsupported by the documentation and/or physical exam findings;
  - b. in all three cases that were reviewed, Dr. Crockett's treatments and/or referrals were unsupported by the documentation and/or physical exam findings;
  - c. in all three cases that were reviewed, the medications prescribed and/or treatments performed by Dr. Crockett failed to promote recovery and/or result in any significant improvement in pain or functional improvement.
  - d. in all three cases that were reviewed, Dr. Crockett failed to promote a timely return to work.
  - e. in all three cases that were reviewed, Dr. Crockett delivered health care that was excessive, unnecessary, unreasonable, and did not meet professionally recognized standards of care.

MITIGATING FACTORS

4. Dr. Crockett agrees he will not participate in the Texas Workers' Compensation system as a Health Care Provider or Practitioner for ten (10) years from the execution date of this order.
5. Dr. Crockett agrees he will receive no direct or indirect remuneration from the Texas Workers' Compensation system for ten (10) years from the execution date of this order.
6. At the conclusion of the ten (10) year period, Dr. Crockett may apply for restoration and/or reinstatement of his privileges by applying in the form and manner prescribed by the Division.
7. This Order does not apply to emergency cases, and "emergency" shall be defined by 28 TEX. ADMIN. CODE § 133.2.
8. This 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 of resolving this dispute through administrative or judicial proceedings. Dr. Crockett neither admits nor denies the allegations contained herein.

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, 408.023, 408.0231, 413.041, 413.0511, 414.002, 414.003, 415.003, 415.021, and 415.023; 28 TEX. ADMIN. CODE §§ 180.22, 180.26, and 180.27; 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. Dr. Crockett has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this Order.
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.

# DWC - 11 - 0043

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. Rules adopted under TEX. LAB. CODE ANN. § 408.0231(b)(2) are in addition to, and do not affect, the rules adopted under TEX. LAB. CODE ANN. § 415.023(b). See TEX. LAB. CODE ANN. § 408.0231(c).
7. Dr. Crockett failed to provide health care to which injured employees were entitled under TEX. LAB. CODE ANN. § 408.021(a)(1)-(3) and 28 TEX. ADMIN. CODE § 180.22(a)(1)-(3), because the health care did not cure or relieve the effects naturally resulting from the compensable injury, promote recovery, and/or, promote a timely return to work.
8. Dr. Crockett administered improper, unreasonable, and medically unnecessary care, which, in accordance with TEX. LAB. CODE ANN. § 415.003(2), is an administrative violation.
9. Dr. Crockett violated the Division's treatment guidelines, which, in accordance with TEX. LAB. CODE ANN. § 415.003(4), is an administrative violation.
10. The conduct alleged above is grounds for imposing sanctions against Dr. Crockett because the Office of the Medical Advisor has recommended sanctions and the following conduct has occurred:
  - a. Dr. Crockett violated Statutes and Rules, which, in accordance with 28 TEX. ADMIN. CODE §180.26(d)(1), is grounds for imposing a sanction;
  - b. Dr. Crockett's diagnoses and treatments were substantially different from those the commissioner finds to be fair and reasonable which, in accordance with TEX. LAB. CODE ANN. § 408.0231(c)(3), is grounds for imposing sanctions;
  - c. Dr. Crockett failed to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare which, in accordance with TEX. LAB. CODE ANN. §408.0231(c)(5), is grounds for imposing sanctions; and,
  - d. Dr. Crockett engaged in conduct relating to the delivery, evaluation, or remuneration of health care that the Division finds is not fair and reasonable and/or does not meet professionally recognized standards of health care, which, in accordance with 28 TEX. ADMIN. CODE § 180.26(d)(3), is grounds for imposing sanctions.

**DWC - 11 - 0043**

11. The Commissioner of Worker's Compensation may impose sanctions on a doctor for the reasons listed in TEX. LAB. CODE ANN. § 408.0231 and 28 TEX. ADMIN. CODE § 180.26, which include evidence that the doctor's diagnoses or treatments are substantially different from those the commissioner finds to be fair and reasonable or for the professional failure to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare.
12. Pursuant to TEX. LAB. CODE ANN. §§ 402.072, 408.0231, and 28 TEX. ADMIN. CODE §180.26, the Commissioner of Workers' Compensation may impose a range of sanctions against any person regulated by the Division, which includes the authority to deprive a person of the right to practice before the Division or of the right to receive remuneration under the Act.
13. The Commissioner of Worker's Compensation may impose penalties and sanctions as provided by TEX. LAB. CODE ANN. § 413.041(c), which include the forfeiture of the right to reimbursement for services rendered during the period of noncompliance of the financial disclosure requirements.
14. Dr. Crockett's diagnoses were found to be improper, unfair, and/or unreasonable because they were not supported by the documentation and/or physical exam findings in three injured employees' medical cases.
15. Dr. Crockett's treatments were found to be improper, unfair, and/or unreasonable because they were not supported by the documentation and/or physical exam findings in three injured employees' medical cases.
16. Dr. Crockett failed to cure or relieve the effects naturally resulting from the compensable injury and/or promote recovery in three injured employees' medical cases.
17. Dr. Crockett failed to promote a timely return to work in three injured employees' medical cases.
18. Dr. Crockett delivered health care that was excessive, unnecessary, and/or was not consistent with the public health, safety, and welfare, and therefore did not meet professionally recognized standards of care in three injured employees' medical cases.

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

DWC - 11 - 0043

**IT IS THEREFORE ORDERED** that for ten (10) years from the execution date of this order, James Crockett, D.O. shall not participate in the Workers' Compensation system as a Health Care Provider.

**IT IS FURTHER ORDERED** that for ten (10) years from the execution date of this order, James Crockett, D.O. shall not participate in the Workers' Compensation system as a Health Care Practitioner. Therefore, he will not participate in treating, examining, and/or consulting with other physicians regarding injured employees who are covered under the Workers' Compensation system for ten (10) years from the date of execution of this order.

**IT IS FURTHER ORDERED** that for ten (10) years from the execution date of this order, James Crockett, D.O. shall receive no direct or indirect remuneration from the Workers' Compensation system.

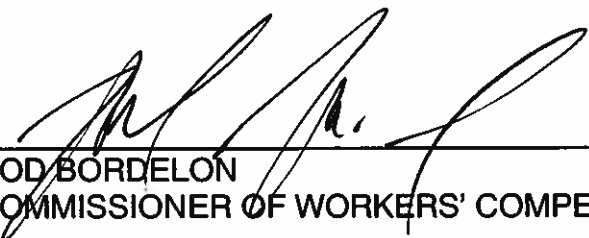
**IT IS FURTHER ORDERED** that at the conclusion of the ten (10) year period, James Crockett, D.O. may apply for restoration and/or reinstatement of his privileges by applying in the form and manner prescribed by the Division.

**IT IS FURTHER ORDERED** that this Order does not apply to emergency cases, and "emergency" shall be defined by 28 TEX. ADMIN. CODE § 133.2.

**IT IS FURTHER ORDERED** that this Order applies to network and non-network healthcare.

**IT IS FURTHER ORDERED** that James Crockett, D.O. continues to be responsible for the payment of any remaining valid refunds due any insurance carrier.

**IT IS FURTHER ORDERED** by the Commissioner of Workers' Compensation that should James Crockett, D.O. fail to comply with the terms of this order that James Crockett, D.O. will have committed an administrative violation and that his failure to comply with the terms of this order may subject James Crockett, D.O. 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:**



---

Terra Thomas  
Staff Attorney, Enforcement Division  
Texas Department of Insurance

DWC - 11 - 0043

**AGREED, ACCEPTED, AND EXECUTED BY:**

  
\_\_\_\_\_  
Signature of James Crockett, D.O.

3-17-11  
\_\_\_\_\_  
Date

James Scott Crockett PO  
\_\_\_\_\_  
Printed Name of James Crockett, D.O.



DWC - 11 - 0043

STATE OF TEXAS                   §  
   §  
COUNTY OF Falls           §

BEFORE ME, Lupe Alaman, a notary public in and for the State of Texas, on this day personally appeared 3/17/2011, known to me or proven to me through James Scott Crockett 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 James Crockett, 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."

[Handwritten Signature]  
\_\_\_\_\_  
Signature

James Scott Crockett D.O.  
\_\_\_\_\_  
Typed/Printed Name

Given under my hand and seal of office this 17 day of March, 2011.



Lupe Alaman  
\_\_\_\_\_  
Notary Public, State of Texas  
My commission expires: 02/19/2014