

No. 2020-6621

**Official Order
of the
Texas Commissioner of Workers' Compensation**

Date: 12-21-20

Subject Considered:

Eric A. Vanderwerff, D.C.
615 North O'Connor Road, Suite 12
Irving, Texas 75061-7597

Emergency Cease and Desist Order
Disciplinary Action
DWC Enforcement File No. 26578

General remarks and official action taken:

The Texas Department of Insurance, Division of Workers' Compensation (DWC), through staff counsel for DWC, presented to the commissioner of workers' compensation an application for an ex parte emergency cease and desist order. DWC alleges that Eric A. Vanderwerff's, D.C., Texas chiropractic license is expired, making him ineligible to provide health care in the Texas workers' compensation system.

Under TEX. LAB. CODE § 415.0211 and 28 TEX. ADMIN. CODE § 180.10, the commissioner of workers' compensation may issue an emergency cease and desist order if the commissioner believes that a person DWC regulates is engaging in conduct violating a law, rule, or order, and the commissioner believes that the alleged conduct will result in harm to the health, safety, or welfare of another person.

The commissioner determined that DWC's application meets the requirements of TEX. LAB. CODE § 415.0211 and 28 TEX. ADMIN. CODE § 180.10 to issue an emergency cease and desist order. Accordingly, the commissioner finds the following facts:

1. Dr. Vanderwerff is a health care provider and a treating doctor in the Texas workers' compensation system.

2. Dr. Vanderwerff held Texas Board of Chiropractic Examiners License No. 07199, which was issued on January 9, 1997.
3. Dr. Vanderwerff's National Provider Identifier number is 1619020096.
4. On October 1, 2020, Dr. Vanderwerff's license expired and remains expired as of December 18, 2020.
5. Based on copies of bills received from the insurance carriers and medical data (electronic data interchange (EDI)) between October 5, 2020, and November 12, 2020, Dr. Vanderwerff billed insurance carriers \$42,990.44 for health care services he provided to 14 injured employees while his chiropractic license was expired.
6. Based on copies of bills received from the insurance carriers and medical data (EDI), the following are the dates of service for the health care services Dr. Vanderwerff provided with an expired license:
 - October 5, 2020;
 - October 6, 2020;
 - October 7, 2020;
 - October 8, 2020;
 - October 12, 2020;
 - October 13, 2020;
 - October 14, 2020;
 - October 15, 2020;
 - October 19, 2020;
 - October 20, 2020;
 - October 21, 2020;
 - October 22, 2020;
 - October 26, 2020;
 - October 27, 2020;
 - October 28, 2020;
 - October 29, 2020;
 - November 2, 2020;
 - November 3, 2020;
 - November 4, 2020;
 - November 5, 2020;
 - November 9, 2020;
 - November 11, 2020; and

- November 12, 2020.
7. On October 19, 2020, and December 7, 2020, Dr. Vanderwerff signed as the treating doctor DWC Form-073, *Texas Workers' Compensation Work Status Report*, each time stating the injured employee's condition prevents the injured employee from returning to work.
 8. Dr. Vanderwerff violated TEX. LAB. CODE §§ 401.011(22), 415.003(5), (6), 408.023, and 28 TEX. ADMIN. CODE §§ 42.20 and 129.5 when he provided health care services to injured employees in the Texas Workers' Compensation system with an expired license.
 9. Dr. Vanderwerff violated TEX. LAB. CODE § 408.0231(c)(5) by not following DWC's rules and not practicing medicine in an acceptable manner consistent with public health, safety, and welfare.
 10. Pursuant to 22 TEX. ADMIN. CODE § 72.14, Dr. Vanderwerff is subject to disciplinary action by the Texas Board of Chiropractic Examiners because he provided health care services with an expired license.
 11. Based on the facts presented, unless Dr. Vanderwerff is immediately ordered to cease and desist from providing unlicensed chiropractic care to Texas workers' compensation patients, his conduct will result in harm to the health, safety, or welfare of another person.

Order

It is ordered that Eric A. Vanderwerff, D.C., must immediately cease and desist from the following:

Providing health care services in the Texas workers' compensation system, including serving as a treating doctor, until he notifies DWC that the Texas Board of Chiropractic Examiners has allowed him to practice chiropractic medicine.

This order is effective immediately and will continue in full force and effect until further order of the commissioner of workers' compensation. This order is binding on Eric A. Vanderwerff, D.C.

Under TEX. LAB. CODE § 415.0211, any person affected is entitled to request a hearing to contest the order. The affected person must request the hearing no later than 30 days after the person receives the order. A request to contest an order must be in writing, be directed to the commissioner and filed with the division's chief clerk of proceedings, and state the grounds for the request to set aside or modify the order.

Pending a hearing, this order will continue in full force and effect unless stayed by the commissioner. Any such hearing must be conducted according to the procedures for contested cases under TEX. GOV'T CODE §§ 2001.051-2001.062.

In the event this order is violated, the commissioner may impose an administrative penalty of \$25,000 per day per occurrence.



Cassie Brown
Commissioner of Workers' Compensation