

No. DWC - 12 - 0127

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JUL 16 2012

Subject Considered:

STEPHEN RICE FOWLER, M.D.
318 Andrews Road
Ennis, Texas 75119

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 60864

General remarks and official action taken:

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

WAIVER

Dr. Fowler acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Fowler 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. Fowler holds Texas medical license number H-9514 which was issued on August 23, 1991. Dr. Fowler is a health care provider in the Texas workers' compensation system.
2. Dr. Fowler is a designated doctor in the Texas workers' compensation system. Dr. Fowler's last certification as a designated doctor was issued on May 11, 2011 and will expire May 11, 2013.
3. Dr. Fowler was classified as average tier in the performance based oversight in the 2007 assessment. Dr. Fowler was not classified for performance based oversight in the 2009 or 2011 assessments.

4. Dr. Fowler's Texas medical license was suspended by Texas Medical Board Order License No. H-9514 on April 13, 2012, for inability to practice medicine with reasonable skill and safety due to intemperate use of alcohol. The suspension of his license will remain in effect until he requests a lift by proving to the Texas Medical Board by clear and convincing evidence that he is physically, mentally and otherwise competent to practice medicine.

CONCLUSIONS OF LAW

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, 402.072¹, 408.0041, 408.0231, 414.002, 415.003, and 415.021; 28 TEX. ADMIN. CODE §§ 130.1 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 § 180.26(h).
3. Pursuant to TEX. LAB. CODE ANN. § 408.0231(e), the commissioner shall act on a recommendation by the medical advisor and, after notice and the opportunity for a hearing, may impose sanctions on a doctor.
4. Pursuant to TEX. LAB. CODE ANN. § 408.0231, the criteria for imposing sanctions on a doctor is anything the Commissioner of Worker's Compensation considers relevant, including findings that the doctor's medical license has been suspended by the appropriate licensing authority or for the professional failure to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare.
5. Pursuant to TEX. LAB. CODE ANN. §§ 408.0231 and 415.0215 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.
6. Stephen Rice Fowler, M.D. violated TEX. LAB. CODE ANN. § 408.0231 because the Texas Medical Board suspended his license and he failed to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare.

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

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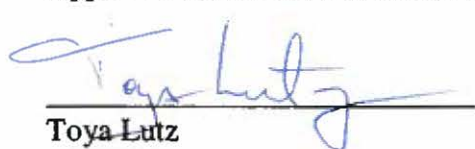
ORDER

It is ORDERED that Stephen Rice Fowler, M.D. will not re-credential and apply to be on the designated doctor list until such time as the Texas Medical Board lifts the suspension of Stephen Rice Fowler, M.D.'s license to practice medicine. It is ORDERED that Stephen Rice Fowler, M.D. is removed as a designated doctor and is deprived of the right to certify maximum medical improvement and/or assign impairment ratings in the workers' compensation system until such time as the Texas Medical Board lifts the suspension of Stephen Rice Fowler, M.D.'s license to practice medicine. It is ORDERED that Stephen Rice Fowler, M.D. must re-credential prior to applying to be on the designated doctor list if the Texas Medical Board lifts the suspension of Stephen Rice Fowler, M.D.'s medical license prior to May 11, 2013.



ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

Approved as to form and substance:



Toya Lutz
Staff Attorney, Compliance Division
Texas Department of Insurance

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AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF Dallas §

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

"My name is Stephen Rice Fowler, 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 have knowingly and voluntarily entered into the foregoing Consent Order and agree with and consent to the issuance and service of the same by the commissioner of workers' compensation of the state of Texas."

Stephen Rice Fowler
Affiant

SWORN TO AND SUBSCRIBED before me on June 29, 2012.

(NOTARY SEAL)



Elizabeth Gonzalez
Signature of Notary Public

Elizabeth Gonzalez
Printed Name of Notary Public