

No. 3782

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JAN 20 2015

Subject Considered:

STEPHEN S. RODRIGUES, M.D.
5445 La Sierra Drive, Suite 102
Dallas, TX 75231-3464

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 6909

General remarks and official action taken:

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

WAIVER

Dr. Rodrigues acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Rodrigues 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. Rodrigues is a physician licensed by the State of Texas on August 9, 1997. He holds Texas Medical Board license no. K3434.
2. Dr. Rodrigues is a health care provider in the Texas workers' compensation system.
3. Dr. Rodrigues was not classified in the 2007, 2009, 2011, or 2013 Performance Based Oversight assessments.

COMMISSIONER'S ORDER

Stephen S. Rodrigues, M.D.; TDI Enforcement File No. 6909

Page 2 of 4

4. The division's Medical Advisor (whose duties are defined at TEX. LAB. CODE ANN. § 413.0511) and Medical Quality Review Panel (MQRP) (as established pursuant to TEX. LAB. CODE ANN. § 413.0512) conducted a medical quality review (MQR No. 12-196 HCP) of one injured employee's case for which Dr. Rodrigues provided health care services as a treating physician.

Medical Quality Review No. 12-196 HCP

5. Dr. Rodrigues initiated his care and treatment of an injured employee in May 2009, approximately two years after the date of injury. Dr. Rodrigues continued to treat the injured employee until July 2012 according to the medical records.
6. The medical quality review panel alleged Dr. Rodrigues' diagnosis, treatment, or evaluations were substantially different from those the commissioner found to be fair and reasonable in the Texas workers' compensation system.
7. Dr. Rodrigues voluntarily agrees to be permanently removed from the Texas workers' compensation system as a health care provider who provides health care services as a treating physician, or in any other capacity related to the treatment of injured employees in the Texas workers' compensation system.
8. Dr. Rodrigues denies the allegation 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.

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. §§ 401.011, 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0231, and 415.0215; 28 TEX. ADMIN. CODE § 180.26; and TEX. GOV'T CODE ANN. §§ 2001.051–2001.178.¹
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).

¹ All references to the Texas Labor Code (TLC) and the Texas Administrative Code (TAC) that relate to the findings of fact regarding violations, as set forth in this consent order, are those that were in effect when the violations occurred. Other TLC and TAC references related to jurisdictional and/or procedural issues cite current law.

COMMISSIONER'S ORDER

Stephen S. Rodrigues, M.D.; TDI Enforcement File No. 6909

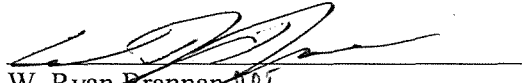
Page 3 of 4

3. Pursuant to TEX. LAB. CODE ANN. § 408.0231(c)(3), the criteria for recommending or imposing sanctions may include anything the commissioner of workers' compensation considers relevant, including evidence from the division's medical records that the applicable doctor's diagnosis, treatment, or evaluations are substantially different from those the commissioner finds to be fair and reasonable.
4. Dr. Rodrigues violated TEX. LAB. CODE ANN. § 408.0231(c)(3) each time his diagnosis, treatment, or evaluations were substantially different from those the commissioner found to be fair and reasonable in the Texas workers' compensation system.

ORDER


It is agreed and ORDERED that Stephen S. Rodrigues, M.D., will be permanently removed from the Texas workers' compensation system as a health care provider who provides health care services as a treating physician.

It is further agreed and ORDERED that Stephen S. Rodrigues, M.D., will not participate in treating, examining, and/or consulting with other physicians regarding injured employees who are covered under the Texas workers' compensation system, and will not receive direct or indirect remuneration from the Texas workers' compensation system.



W. Ryan Brannan
Commissioner of Workers' Compensation

Approved as to Form and Content:



Joseph M. Tabaracci
Staff Attorney, Compliance Division
Texas Department of Insurance

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

Before me, the undersigned authority, personally appeared the affiant, who being by me duly sworn, deposed as follows:

"My name is, Stephen S. Rodrigues, 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.

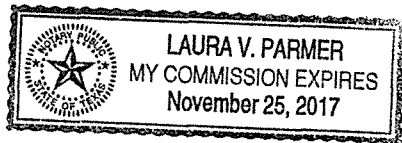
I voluntarily enter into this consent order and consent to the issuance and service of this consent order."

[Handwritten signature of Stephen S. Rodrigues]

Affiant

SWORN TO AND SUBSCRIBED before me on 01/12/15, 2015.

(NOTARY SEAL)



[Handwritten signature of Laura V. Parmer]

Signature of Notary Public

LAURA V. PALMER
Printed Name of Notary Public