

No. 4314

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: FEB 23 2016

Subject Considered:

ANIL TUKARAMPANT BANGALE, M.D.
5201 River Oaks Blvd.
River Oaks, TX 76114-2923

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 9685

General remarks and official action taken:

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

WAIVER

Dr. Bangale acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Bangale 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. Bangale is a physician licensed by the State of Texas. He holds Texas Medical License No. E7370, issued on August 27, 1977.
2. Dr. Bangale is a health care provider, and was certified to perform designated doctor (DD) examinations in the Texas workers' compensation system. Dr. Bangale's DD certification expired on July 9, 2015.
3. Dr. Bangale was classified as "average" tier in the 2007 and the 2011 Performance Based Oversight (PBO) assessments. Dr. Bangale was classified as "high" tier in the 2013 PBO assessment. Dr. Bangale was not classified in the 2009 PBO assessment.

FAILURE TO INCLUDE ADDITIONAL TESTING RESULTS IN REPORT

4. Dr. Bangale performed a DD examination on May 23, 2013, for one injured employee.

5. The purpose of the examination was to certify a MMI date and to assign an IR.
 - a. Dr. Bangale ordered additional testing, specifically a MRI. Dr. Bangale, however, filed the DD report and narrative prior to receiving the MRI results.
 - b. Dr. Bangale failed to include the MRI results to determine MMI and to assign an IR.
 - c. Dr. Bangale failed to include the results of additional testing he ordered as necessary to resolve the issue in question in his report.

**FAILURE TO CONDUCT A COMPLETE DESIGNATED DOCTOR EXAMINATION
AND MEET REPORTING REQUIREMENTS**

6. Dr. Bangale performed a DD examination on February 18, 2013, for one injured employee.
7. The purpose of the examination was to certify a MMI date, assign an IR, and determine return to work (RTW) issues. In his DD report:
 - a. Dr. Bangale failed to list the medical records reviewed;
 - b. Dr. Bangale failed to document range of motion testing he performed for the injured employee's right shoulder; and,
 - c. Dr. Bangale documented that the injured employee had decreased sensation for two fingers, but failed to include that finding in his IR analysis.

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, 408.0041, 415.021, and 415.0215; 28 TEX. ADMIN. CODE §§ 127.10, 127.220, 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. § 415.021(a), in addition to any other provisions in this subtitle relating to violations, a person commits an administrative violation if the person violates, fails to comply with, or refuses to comply with this subtitle or a rule, order, or decision of the commissioner. 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. The administrative penalty shall not exceed \$25,000 per day per occurrence. Each day of noncompliance constitutes a separate violation.

4. Pursuant to TEX. LAB. CODE ANN. § 127.220(a)(3), (7), DD narrative reports must be filed in the form and manner required by the division and at a minimum: sufficiently explain how the designated doctor determined the answer to each question within a reasonable degree of medical probability; summarize any additional testing conducted or referrals made as part of the evaluation.
5. Dr. Bangale violated TEX. LAB. CODE ANN. § 127.220(a)(3), (7), and (9) when he failed to summarize and analyze the MRI results in his DD report, and when he failed to list all the medical records he reviewed in his DD report.
6. Pursuant to TEX. LAB. CODE ANN. § 127.220(a)(9), DD narrative reports must be filed in the form and manner required by the division and at a minimum list the specific medical records or other documents the designated doctor reviewed as part of the evaluation.
7. Dr. Bangale violated TEX. LAB. CODE ANN. § 127.220(a)(9) when he failed to list specific medical records or other documents reviewed as part of the DD evaluation.
8. Pursuant to 28 TEX. ADMIN. CODE § 130.1(c)(3)(B), and (c)(3)(D)(ii), assignment of an impairment rating for the current compensable injury shall be based on the injured employee's condition as of the MMI date considering the medical record and the certifying examination. The doctor assigning the impairment rating shall document specific clinical or laboratory findings of permanent impairment and compare the results of the analysis with the impairment criteria and provide a description of how the findings relate to and compare with the criteria described in the applicable chapter of the AMA Guides.
9. Dr. Bangale violated 28 TEX. ADMIN. CODE § 130.1(c)(3)(B) and (c)(3)(D)(ii) when he failed to document in his DD report that he performed range of motion testing for the injured employee's shoulder, and when he documented in his DD report that the injured employee had decreased sensation for two fingers but failed to include the finding in his IR analysis.

ORDER

Anil Tukarampant Bangale, M.D. agrees to not reapply for certification or recertification to the Designated Doctor List. In the event that Anil Tukarampant Bangale, M.D. applies for certification, or recertification of the Designated Doctor List, the division will not grant the certification.



W. Ryan Brannan
Commissioner of Workers' Compensation

Approved as to Form and Content:



Jeffrey Bullock
Staff Attorney, Compliance Division
Texas Department of Insurance

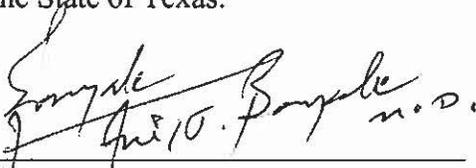
AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

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

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

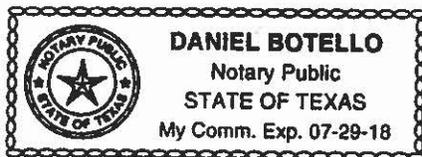
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of workers' compensation of the State of Texas.”



Affiant

SWORN TO AND SUBSCRIBED before me on JAN 20, 2016.

(NOTARY SEAL)





Signature of Notary Public

Daniel Botello Jr.

Printed Name of Notary Public