

No. **2023-8364**

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

Date: 11/30/2023

Subject Considered:

Cameron Lee Jackson, D.C.
12941 North Freeway, Suite 216
Houston, Texas 77060-1241

Consent Order
DWC Enforcement File No. 30249

General remarks and official action taken:

This is a consent order with Cameron Lee Jackson, D.C. (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

Waiver

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights, and any other procedural rights that apply, in consideration of the entry of this consent order.

Findings of Fact

1. Respondent is a health care provider in the Texas workers' compensation system.
2. On February 3, 2000, Respondent was licensed as a chiropractor by the Texas Board of Chiropractic Examiners under License No. 8452.
3. Respondent was a designated doctor (DD) in the Texas workers' compensation system from September 2, 2014, to November 20, 2022. Respondent was certified to rate maximum medical improvement (MMI) and assign impairment ratings (IRs) from September 2, 2014, to November 20, 2022.

13. Respondent did not efficiently manage the health care services provided to the injured employee in his role as the treating doctor.

Failure to File a Correct DWC-073

14. For each DWC-073, Respondent is listed as the treating doctor.
15. For 10 visits between [REDACTED], and [REDACTED], the Referral Doctor noted in the chart, "[t]he patient will work modified duties with restriction as documented in the DWC-73 form."
16. However, in the DWC-073 for every visit except [REDACTED], box 13c was checked—indicating the injury has prevented and still prevents the injured employee from returning to work.
17. On [REDACTED], box 13b of the DWC-073 was checked, indicating the injured employee may return to work with restrictions after more than 10 months off work.
18. On [REDACTED], and [REDACTED], box 13a of the DWC-073s was checked—indicating the injured employee may return to work without restrictions.
19. Respondent was listed as the doctor on each DWC-73. Nine out of 10 of the DWC-73s were contradicted by the medical records. The inaccuracies led to the injured employee not returning to work for more than one year.
20. Respondent failed to ensure that the DWC-73s were correct before the DWC-73s were filed.

Failure to Accurately Bill for Health Care Services Rendered

21. For all 12 visits, Respondent is listed as the rendering provider on each CMS-1500 form submitted for the healthcare services provided to the injured employee. However, Respondent did not provide the health care services, nor did Respondent sign a single visit note.
22. Injury Center of Houston was listed as the facility on each CMS-1500.

23. Respondent billed \$ [REDACTED] for the health care services as the rendering provider when the Referral Doctor was the rendering provider.
24. Respondent received \$ [REDACTED] for the health care services rendered by the Referral Doctor.

Assessment Of Sanction

1. Failure to efficiently manage health care services as the treating doctor is harmful to injured employees, the public, and the Texas workers' compensation system. This conduct directly interferes with the division's goal of providing timely, appropriate, and high-quality medical care supporting restoration of the injured employee's physical condition and earning capacity.
2. Failure to file DWC-073 in the form and manner required by DWC increases the likelihood of disputes and hinders the ability of DWC and system participants to resolve disputes promptly and fairly.
3. Failure to accurately bill for medical services rendered increases the likelihood of disputes and hinders the ability of DWC to regulate the workers' compensation system.
4. In assessing the sanction for this case, DWC fully considered the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;
 - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange (EDI) requirements;
 - to the extent reasonable, the economic benefit resulting from the prohibited act; and
 - other matters that justice may require, including, but not limited to:
 - i. PBO assessments;

- ii. prompt and earnest actions to prevent future violations;
 - iii. self-report of the violation;
 - iv. the size of the company or practice;
 - v. the effect of a sanction on the availability of health care; and
 - vi. evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
5. In assessing the sanction for this case, DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating: the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act; the penalty necessary to deter future violations; whether the administrative violation had a negative impact on the delivery of benefits to an injured employee; and the economic benefit resulting from the prohibited act. Specifically, Respondent received an economic benefit of \$1,382.
6. DWC found the following factor in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be mitigating: Respondent's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act. Specifically, Respondent conducted further training of staff emphasizing the accuracy and consistency of all forms.
7. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative violation(s) occurred; and that the proposed sanction is appropriate, including the factors DWC considered under Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to Tex. Lab. Code §§ 401.021; 402.001, 402.00114, 402.00116, 402.00128, 408.0231, 408.1225 (DD), 413.002, 413.044 (DD), 413.0511, 413.0512, 414.002, 414.003, 415.021, and 415.0215.
2. The commissioner has the authority to dispose of this case informally pursuant to: Tex. Lab. Code §§ 401.021, 402.00128, 415.034, and 28 Tex. Admin. Code §§ 180.26 (h) and (i).

3. Respondent has knowingly and voluntarily waived all procedural rights to which it may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.
4. Pursuant to Tex. Lab. Code § 401.011(42), "treating doctor" means the doctor who is primarily responsible for the employee's health care for an injury.
5. Pursuant to Tex. Lab. Code §§ 408.0231 and 415.0215; and 28 Tex. Admin. Code § 180.26, the commissioner may impose sanctions against a doctor who commits an administrative violation, including:
 - (1) reduction of allowable reimbursement;
 - (2) mandatory preauthorization of all or certain health care services;
 - (3) required peer review monitoring, reporting, and audit;
 - (4) deletion or suspension from the designated doctor list;
 - (5) restrictions on appointment under this Chapter 408 of the Texas Labor Code;
 - (6) conditions or restrictions on an insurance carrier regarding actions by insurance carriers under this subtitle in accordance with the memorandum of understanding adopted under Subsection (e); and
 - (7) mandatory participation in training classes or other courses as established or certified by the division.
6. Pursuant to Tex. Lab. Code § 408.0231(c)(5), health care providers must practice medicine and provide health care in an acceptable manner consistent with the public health, safety, and welfare.
7. Pursuant to Tex. Lab. Code § 415.003(5), a health care provider commits an administrative violation if he violates a commissioner rule.
8. Pursuant to Tex. Lab. Code § 415.003(6), a health care provider commits an administrative violation if the person fails to comply with a provision of the Texas Workers' Compensation Act.
9. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.

10. Pursuant to 28 Tex. Admin. Code § 129.5(a)(1), the term "doctor" means either the treating doctor or a referral doctor, as defined by §180.22(c) and (e) of this title.
11. Pursuant to 28 Tex. Admin. Code § 180.22(a), health care providers shall provide all health care reasonably required by the nature of the injury as and when needed to: (1) cure or relieve the effects naturally resulting from the compensable injury; (2) promote recovery; or (3) enhance the ability of the injured employee to return to or retain employment.
12. Pursuant to 28 Tex. Admin. Code § 180.22(e), the referral doctor is a doctor who examines and treats an injured employee in response to a request from the treating doctor.

Failure to Efficiently Manage Health Care Services as the Treating Doctor

13. Pursuant to Tex. Lab. Code § 408.025(c), the treating doctor is responsible for maintaining efficient utilization of health care.
14. Pursuant to 28 Tex. Admin. Code § 180.22(c)(2), the treating doctor is responsible for the efficient utilization and management of health care.
15. Respondent violated Tex. Lab. Code § 415.003(5) and (6) and 28 Tex. Admin. Code § 180.22(c)(2) by failing to efficiently manage the health care services provided to the injured employee in his role as the treating doctor.

Failure to File a Correct DWC Form-073, Work Status Report

16. Pursuant to Tex. Lab. Code § 408.025(a), the commissioner by rule shall adopt requirements for reports and records that are required to be filed with DWC or provided to the injured employee, the employee's attorney, or the insurance carrier by a health care provider.
17. Pursuant to 28 Tex. Admin. Code § 129.5, a doctor, will be considered to have filed a complete Work Status Report if the report is filed in the form and manner prescribed by the division, signed, and contains at minimum:
 - a. identification of the injured employee's work status;

- b. effective dates and estimated expiration dates of current work status and restrictions (an expected expiration date is not binding and may be adjusted in future Work Status Reports, as appropriate, based on the condition and progress of the injured employee);
 - c. identification of any applicable activity restrictions;
 - d. an explanation of how the injured employee's workers' compensation injury prevents the injured employee from returning to work (if the doctor believes that the injured employee is prevented from returning to work); and
 - e. general information that identifies key information about the claim (as prescribed on the report).
18. Respondent violated Tex. Lab. Code § 415.003(5) and (6) and 28 Tex. Admin. Code § 129.5 each time Respondent failed to file an accurate DWC-073 in the form and manner required by DWC.

Failure to Accurately Bill for Health Care Services Rendered

19. Pursuant to Tex. Lab. Code § 415.003(4), a health care provider commits an administrative violation if the person violates the division's fee and treatment guidelines.
20. Pursuant to 28 Tex. Admin. Code § 134.203(a)(6), notwithstanding Medicare payment policies, chiropractors may be reimbursed for services provided within the scope of their practice act.
21. Pursuant to 28 Tex. Admin. Code § 133.20, the health care provider that provided the health care shall submit the bill.
22. Respondent violated Tex. Lab. Code § 415.003(4), (5), and (6) and 28 Tex. Admin. Code § 133.20 each time the health care services rendered were incorrectly billed.

Order

It is ordered that Cameron Lee Jackson, D.C. must:

1. Pay an administrative penalty of \$8,000 within 30 days from the Commissioner signs the order. After receiving an invoice, Cameron Lee Jackson, D.C. must pay the administrative penalty by company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement, MC AO-9999, PO Box 12030, Austin, Texas, 78711-2030; and
2. Attend and complete at least six hours of continuing education approved by the Texas Board of Chiropractic Examiners on the topic of Ethics, Risk & Record Keeping within 180 days from the date of this Order. Respondent must request approval for each course from DWC prior to enrollment. To obtain approval for a course, Respondent must submit in writing to Enforcement information on the course, including a reasonably detailed description of the course content, including the course location and dates of instruction. Confirmation of the attendance and completion of a continuing education course must be provided to DWC within 14 days of completion. You may email confirmation of your successful completion of the course(s) to DWC_Enforcement@tdi.texas.gov.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Tyrus Housh
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