

No. 3912

**OFFICIAL ORDER**  
*of the*  
**TEXAS COMMISSIONER OF WORKERS' COMPENSATION**

Date: APR 16 2015

Subject Considered:

**JOHN O. TAXIS, D.O.**  
211 Bay Bridge Drive  
Sugar Land, TX 77478-4739

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 9000

**General remarks and official action taken:**

The commissioner of workers' compensation considers whether disciplinary action should be taken against John O. Taxis, D.O. (Dr. Taxis).

**WAIVER**

Dr. Taxis acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Taxis 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. Taxis holds Texas Medical License No. F6330, issued on March 2, 1980. Dr. Taxis is a health care provider who was certified to perform designated doctor (DD) examinations, certify Maximum Medical Improvement (MMI), and assign impairment ratings (IRs) in the Texas workers' compensation system. Dr. Taxis voluntarily surrendered his DD certification on March 16, 2015. Dr. Taxis' MMI and IR certifications expire on May 13, 2015.

2. Dr. Taxis was not classified in the 2009 Performance Based Oversight (PBO) assessment. Dr. Taxis was classified as "high" tier in the 2011 PBO assessment, and "poor" tier in the 2007 and the 2013 PBO assessments.
3. Dr. Taxis failed to meet the standards for DD reporting as set out in the division rules.
4. Dr. Taxis performed two DD examinations for one injured employee: one in January 2012 and the other in July 2013. Dr. Taxis performed one DD examination on another injured employee in November 2013.
5. Dr. Taxis failed to file three DD narrative reports in the form and manner required by the division.
  - a. Dr. Taxis failed to provide an explanation of how he determined the MMI dates he certified for two injured employees.
  - b. Dr. Taxis also failed to indicate the amount of time spent on the examinations, list the medical records reviewed, and provide a statement that there were no disqualifying associations.
6. For two DD examinations, Dr. Taxis assigned invalid IRs because the assignments were based on incorrect MMI dates. Additionally, Dr. Taxis failed to document specific clinical and laboratory findings for each impairment when he assigned IRs for two DD examinations.

### CONCLUSIONS OF LAW

The commissioner of workers' compensation makes the following conclusions of law<sup>1</sup>:

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, 408.0231, 413.044, 413.0511, 415.021, and 415.0215; 28 TEX. ADMIN. CODE §§ 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).

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<sup>1</sup> All references to the Texas Labor Code and the Texas Administrative Code that relate to the findings of fact regarding violations, as set forth in this consent order, are those that were in effect in 2012 and beyond when the violations occurred.

3. Pursuant to TEX. LAB. CODE ANN. § 415.0215 and 28 TEX. ADMIN. CODE § 180.26, the sanctions the commissioner may impose include depriving a person of the right to practice before the division or of the right to receive remuneration under the Act.
4. Pursuant to TEX. LAB. CODE ANN. § 415.021(a), 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.
5. Pursuant to 28 TEX. ADMIN. CODE § 127.220(a), DD narrative reports must be filed in the form and manner required by the division and at a minimum: sufficiently explain how the DD determined the answer to each question within a reasonable degree of medical probability; list the specific medical records or other documents the designated doctor reviewed; include the time the designed doctor completed the tasks; and include a statement that there is no known disqualifying association.
6. Dr. Taxis violated 28 TEX. ADMIN. CODE § 127.220(a) when he failed to file his DD narrative reports in the form and manner required by the division by: failing to provide an explanation of the analysis performed to find whether MMI was reached for two injured employees' DD examinations; and by failing to list the medical records reviewed, indicate the amount of time spent on the examinations, and provide a statement that there were no disqualifying associations.
7. Pursuant to 28 TEX. ADMIN. CODE § 130.1(d)(1)(B)(iii), the Report of Medical Evaluation includes an attached narrative report. The narrative report must include findings of the certifying examination, including both normal and abnormal findings related to the compensable injury and an explanation of the analysis performed to find whether MMI was reached.
8. Dr. Taxis violated 28 TEX. ADMIN. CODE § 130.1(d)(1)(B)(iii), when he failed to provide an explanation of how he determined the MMI dates he certified for two injured employees.
9. Pursuant to 28 TEX. ADMIN. CODE § 130.1(c)(3), 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. An IR is invalid if it is based on the injured employee's condition on the date that is not the MMI date. The doctor assigning the impairment rating shall document specific laboratory or clinical findings of an impairment.

10. Dr. Taxis violated 28 TEX. ADMIN. CODE § 130.1(c)(3) when he assigned invalid IRs because the assignments were based on incorrect MMI dates, and when he failed to document specific clinical and laboratory findings for each impairment for two DD examinations.

**ORDER**

John O. Taxis, D.O., agrees not to re-apply for the division's DD certification. Dr. Taxis also agrees to surrender his MMI/IR credential(s) within 30 days from the date of this Order. In addition, Dr. Taxis will not re-apply for his MMI/IR credentials. In the event Dr. Taxis does apply, the division will not grant the DD certification or MMI/IR credentials.

  
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W. Ryan Braman  
Commissioner of Workers' Compensation

Approved as to Form and Content:

  
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Claudia Kirk  
Staff Attorney, Compliance Division  
Texas Department of Insurance

**AFFIDAVIT**

STATE OF TEXAS §

§  
COUNTY OF Fort Bend §

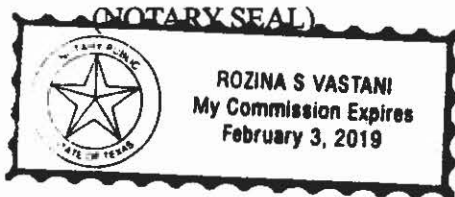
Before me, the undersigned authority, personally appeared the affiant John O. Taxis, D.O., who being by me duly sworn, deposed as follows:

"My name is John O. Taxis, D.O. 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."

John O. Taxis  
Affiant

SWORN TO AND SUBSCRIBED before me on April 7<sup>th</sup>, 2015.



R.S. Vastani  
Signature of Notary Public  
Rozina Vastani  
Printed Name of Notary Public