

No. 4589

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JUL 19 2016

Subject Considered:

RAY ALTAMIRANO, M.D.
6230 Stirrup Ln
San Antonio, TX 78240

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 10826

General remarks and official action taken:

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

WAIVER

Dr. Altamirano acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Altamirano 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. Altamirano is a health care provider who provides medical treatment and care to injured employees in the Texas workers' compensation system. He holds Texas Medical License No. P0535, which was issued on August 1, 2011.
2. Dr. Altamirano was not classified in the 2007, 2009, 2011, 2013 or 2015 Performance Based Oversight (PBO) assessments.

Medical Quality Review #15-1492 HCP

3. The division, as authorized by TEX. LAB. CODE ANN. § 414.002, monitors system participants to determine compliance with the Texas Workers' Compensation Act and rules promulgated by the commissioner of workers' compensation.
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) of one case where Dr. Altamirano was the treating doctor for an injured employee.

5. Dr. Altamirano treated the injured employee between 2013 and 2015. Throughout his treatment, Dr. Altamirano prescribed narcotics to the injured employee.
6. Dr. Altamirano provided improper, unreasonable, or medically unnecessary treatment or services to the injured employee because his medical records did not justify the prescription or continuation of medications provided to the injured employee.
7. Dr. Altamirano failed to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare as follows:
 - a. Dr. Altamirano failed to demonstrate adequate and/or legible recordkeeping in the case of the injured employee.
 - b. Dr. Altamirano failed to appropriately document or address the aberrant results of drug tests administered to the injured employee that indicated the absence of the prescribed narcotics, and the presence of cocaine.
 - c. Dr. Altamirano's handwritten notes were largely illegible and did not support the treatment plan for injured employee.

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. §§ 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0231, 413.002, 413.05115, 413.0512, 414.002, 414.007, 415.003, 415.021, and 415.0215; 28 TEX. ADMIN. CODE § 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 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, the commissioner of workers' compensation may impose a range of sanctions against any person regulated by the division, including an administrative penalty.
4. Pursuant to TEX. LAB. CODE ANN. §§ 415.0215 and 408.0231, 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.

5. Pursuant to TEX. LAB. CODE ANN. § 415.003(6), a health care provider commits an administrative violation if the person violates a commissioner rule, or fails to comply with a provision of the Texas Workers' Compensation Act.
6. Pursuant to TEX. LAB. CODE ANN. § 415.003(2), a health care provider commits an administrative violation if the person administers improper, unreasonable, or medically unnecessary treatment or services.
7. Dr. Altamirano provided improper, unreasonable, or medically unnecessary treatment or services to the injured employees in violation of TEX. LAB. CODE ANN. § 415.003(2) because his medical records did not justify the prescription or continuation of medications provided to the injured employee.
8. Pursuant to TEX. LAB. CODE ANN. § 408.0231(c)(5), the criteria for recommending or imposing sanctions may include anything the commissioner of workers' compensation considers relevant, including a professional failure to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare.
8. Dr. Altamirano failed to practice medicine or provide health care in an acceptable manner consistent with the public health, safety, and welfare in violation of TEX. LAB. CODE ANN. § 408.0231(c)(5) as follows:
 - a. Dr. Altamirano failed to demonstrate adequate and/or legible recordkeeping in the case of the injured employee.
 - b. Dr. Altamirano failed to appropriately document or address the aberrant results of drug tests administered to the injured employee that indicated the absence of the prescribed narcotics, and the presence of cocaine.
 - c. Dr. Altamirano's handwritten notes were largely illegible and did not support the treatment plan for injured employee.

ORDER


Ray Altamirano, M.D., is ORDERED to pay an administrative penalty of \$1,000 within 30 days from the date of this Order. The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.

It is further ORDERED that, for two years from the date of this Order, Ray Altamirano, M.D., shall be removed from the Texas workers' compensation system and will no longer participate in the Texas workers' compensation system, network or non-network, as a health care provider. Dr. Altamirano will not participate in treating, examining, and/or consulting with other physicians regarding injured employees who are covered under the Texas workers' compensation system. Additionally, Dr. Altamirano will not receive direct or indirect remuneration from the Texas workers' compensation system. This order does not apply to emergency cases, as defined by 28 Tex. Admin. Code § 133.2.



W. Ryan Brannan
Commissioner of Workers' Compensation

Approved as to Form and Content:



Van B. Moreland
Staff Attorney, DWC Enforcement
Texas Department of Insurance

