

No. 3932

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

**APR 24 2015**

**Date:** \_\_\_\_\_

**Subject Considered:**

**JERRY RODGERS, M.D.**  
664 Rains CR 1531  
Point, Texas 75472

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 8522

**General remarks and official action taken:**

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

**WAIVER**

Dr. Rodgers acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Rodgers 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. Rodgers holds Texas Medical Board License No. D5180, issued on August 10, 1968.
2. Dr. Rodgers is a health care provider, and was certified to perform designated doctor (DD) examinations in the Texas workers' compensation system. Dr. Rodgers voluntarily surrendered his DD certification on November 19, 2014.
3. Dr. Rodgers is certified to assign maximum medical improvement (MMI), and certify impairment ratings (IRs). Dr. Rodgers's MMI/IR certification expires on March 21, 2016.
4. Dr. Rodgers was not classified in the 2007, 2009, 2011, or the 2013 Performance Based Oversight assessments.
5. Dr. Rodgers was ordered to perform a DD examination of the injured employee on September 12, 2014.

6. The injured employee reported for the examination, but was told that the doctor was not available. The DD examination was subsequently rescheduled to October 24, 2014.
7. A DD who resolves questions or issues other than MMI/IR, shall file a Designated Doctor Examination Data Report (DWC Form-68) that meets the required elements and a narrative report within seven working days of the date of the examination of the injured employee.
8. Dr. Rodgers conducted a DD examination of the injured employee on October 24, 2014 to determine extent of injury, disability, and return to work.
9. Dr. Rodgers was required to file the DWC Form-68 and narrative report by November 4, 2014. Dr. Rodgers filed the DWC Form-68 and narrative report on November 12, 2014, eight days late.
10. Dr. Rodgers was on a mission trip to Tanzania at the time of the September 12, 2014 appointment. He notified his administrative services company, Genesis Medical, that he would be unavailable, but Genesis accepted the appointment without his knowledge or permission.

#### 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 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. In accordance with TEX. LAB. CODE ANN. § 415.021, the commissioner of workers' compensation may assess an administrative penalty against a person who commits an administrative violation.
4. Pursuant to 28 TEX. ADMIN. CODE § 180.26(a) and (b)(4) and (5), the division may impose sanctions on any system participant if that system participant has committed an administrative violation. The sanctions the division may impose include deletion or suspension from the designated doctor list and restrictions on appointments or reviews.
5. Pursuant to TEX. LAB. CODE ANN. § 415.021, a person commits an administrative violation if that person fails to comply with an order of the commissioner.
6. Dr. Rodgers violated TEX. LAB. CODE ANN. § 415.021 each time he failed to comply with an order to perform a DD examination.

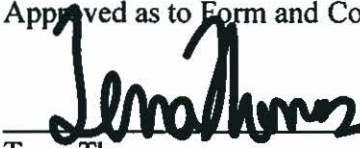
7. Pursuant to 28 TEX. ADMIN. CODE § 127.5(e), if the DD has a scheduling conflict, the DD must contact the injured employee at least one working day prior to the appointment.
8. Dr. Rodgers violated 28 TEX. ADMIN. CODE § 127.5(e) each time he failed to contact the injured employee at least one working day prior to the appointment when he had a scheduling conflict.
9. Pursuant to 28 TEX. ADMIN. CODE § 127.10(f), a DD who examines an injured employee on any question or issue other than MMI/IR is required to file a DWC Form-68 and narrative report within seven working days of the date of the DD examination.
10. Dr. Rodgers violated 28 TEX. ADMIN. CODE § 127.10(f) each time he failed to timely file the DWC Form-68 and narrative report.

**ORDER**

It is ORDERED that Jerry Rodgers, M.D. is prohibited from applying for admission to the division's designated doctor list for a period of three years from the date of this consent order.

  
\_\_\_\_\_  
W. Ryan Brannan  
Commissioner of Workers' Compensation

Approved as to Form and Content:

  
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Terra Thomas  
Staff Attorney, Compliance Division  
Texas Department of Insurance

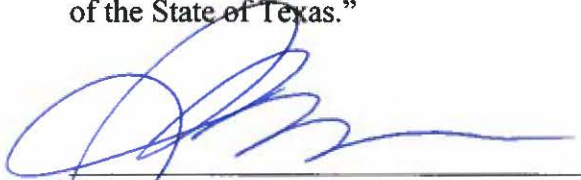
**AFFIDAVIT**

STATE OF TEXAS           §  
                                          §  
COUNTY OF WOOD       §

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

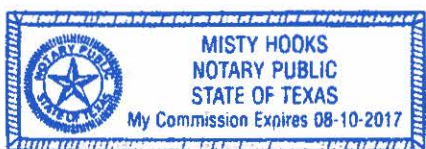
“My name is Jerry Rodgers, M.D. I am of sound mind, capable of making this statement, and have personal knowledge of these facts, which are true and correct.

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 April 16, 2015.

(NOTARY SEAL)



Misty Hooks  
Signature of Notary Public  
Misty Hooks  
Printed Name of Notary Public