

No. **2021-7070**

Confidential Information Redacted  
Texas Labor Code §§402.083 and 402.092

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

**Date: 11/9/2021**

**Subject Considered:**

CHRISTUS Good Shepherd Medical Center  
700 East Marshall Avenue  
Longview, Texas 75601-5580

Consent Order  
DWC Enforcement File Nos. 25885 and 25889

**General remarks and official action taken:**

This is a consent order with CHRISTUS Good Shepherd Medical Center (CHRISTUS). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against CHRISTUS.

**Waiver**

CHRISTUS acknowledges that the Texas Labor Code and other applicable laws provide certain rights. CHRISTUS 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. CHRISTUS is a health care provider operating in the Texas workers' compensation system.
2. CHRISTUS was not selected to be tiered in the 2007, 2009, 2011, 2013, 2015, 2017, or 2019 Performance Based Oversight (PBO) assessments.

Improperly Pursuing a Private Claim against an Injured Employee

*First Instance (File No. 25885)*

3. On [REDACTED] through [REDACTED] CHRISTUS provided medical services to an injured employee.
4. On [REDACTED] CHRISTUS sent a bill to the injured employee for the health care services it provided on [REDACTED] through [REDACTED]
5. After receiving the [REDACTED] bill, the injured employee's workers' compensation insurance carrier made a partial payment of [REDACTED] which left a balance of [REDACTED]
6. On [REDACTED] CHRISTUS billed the injured employee for the remaining balance after applying the insurance carrier's payment for the workers' compensation injury.
7. On [REDACTED] CHRISTUS sent a bill to the injured employee for the health care services it provided on [REDACTED] through [REDACTED]
8. On [REDACTED] a debt collection service contacted the injured employee on behalf of CHRISTUS about the remaining balance.
9. On [REDACTED] DWC contacted CHRISTUS to inform it of the injured employee's status as a workers' compensation claimant and direct it to cease billing the injured employee. CHRISTUS did not cease billing the injured employee.
10. There is no finding determining that the injured employee violated TEX. LAB. CODE § 408.022 in selecting a treating doctor and no final adjudication that the claim was not compensable.

*Second Instance (File No. 25889)*

11. On [REDACTED] CHRISTUS provided medical services to an injured employee.
12. On [REDACTED] CHRISTUS sent a bill to the injured employee for the health care services it provided on [REDACTED]

Confidential Information Redacted  
Texas Labor Code §§402.083 and 402.092

13. On [REDACTED] DWC sent a letter to CHRISTUS to inform it of the injured employee's status as a workers' compensation claimant and direct it to cease billing the injured employee.
14. On [REDACTED] CHRISTUS sent a bill to the injured employee for the health care services it provided on [REDACTED]
15. On [REDACTED] a debt collection service contacted the injured employee on behalf of CHRISTUS about the remaining balance.
16. On [REDACTED] DWC contacted CHRISTUS to inform it of the injured employee's status as a workers' compensation claimant and direct it to cease billing the injured employee. CHRISTUS did not cease billing the injured employee.
17. There is no finding determining that the injured employee violated TEX. LAB. CODE § 408.022 in selecting a treating doctor and no final adjudication that the claim was not compensable.

### **Assessment of Sanction**

1. Improperly billing an injured employee for health care services imposes an undue financial burden on the injured employee and circumvents the Texas workers' compensation system and the roles of its system participants.
2. 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 requirements;
  - to the extent reasonable, the economic benefit resulting from the prohibited act; and

Confidential Information Redacted  
Texas Labor Code §§402.083 and 402.092

- other matters that justice may require, including, but not limited to:
    - PBO assessments;
    - prompt and earnest actions to prevent future violations;
    - self-report of the violation;
    - the size of the company or practice;
    - the effect of a sanction on the availability of health care; and
    - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
3. 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; the penalty necessary to deter future violations; and other matters that justice may require, including evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
  4. DWC found the following factors in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e) to be mitigating: the history and extent of previous administrative violations, and CHRISTUS does not have a history of administrative violations; the workers' compensation insurance carrier initially informed CHRISTUS that the claim had been fully adjudicated and was unrelated to the injury, which resulted in CHRISTUS' misinterpretation of the proper responsible party; and this is CHRISTUS' first violation regarding pursuing a private claim and it believed there was no other recourse to appeal the insurance carrier's information.
  5. CHRISTUS acknowledges it communicated with DWC about the relevant statutes and rules it violated; the facts establish that the administrative violation occurred; and 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).
  6. CHRISTUS acknowledges that, in assessing the sanction, DWC considered the factors in 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 §§ 402.001, 402.00114, 402.00116, 402.00128, 414.002, 414.003, 415.002, and 415.021.

Confidential Information Redacted  
Texas Labor Code §§402.083 and 402.092

2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T. CODE § 2001.056, TEX. LAB. CODE §§ 401.021 and 402.00128(b)(6)-(7), and 28 TEX. ADMIN. CODE § 180.26(h) and (i).
3. CHRISTUS 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 § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to TEX. LAB. CODE § 415.003(6), a health care provider commits an administrative violation if it fails to comply with a provision of the Texas Workers' Compensation Act.
6. Pursuant to TEX. LAB. CODE § 413.042, a health care provider commits an administrative violation if it pursues a private claim against a workers' compensation claimant for all or part of the cost of a health care service it provides to the injured employee unless the injury is finally adjudicated as not compensable, or the injured employee violates TEX. LAB. CODE § 408.022 relating to the selection of a doctor.
7. CHRISTUS violated TEX. LAB. CODE §§ 413.042 and 415.003(6) when it improperly billed an injured employee for workers' compensation health care services it provided.

**Order**

It is ordered that CHRISTUS Good Shepherd Medical Center must pay an administrative penalty of \$5,000 within 30 days from the date of this order. CHRISTUS 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 Section, MC AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.



---

Dan Paschal, J.D.  
Deputy Commissioner  
Policy & Customer Services  
TDI, Division of Workers' Compensation

Approved Form and Content:



---

Amy Norman  
Staff Attorney, Enforcement  
Compliance and Investigations  
TDI, Division of Workers' Compensation

2021-7070

**Unsworn Declaration**

**STATE OF TEXAS** §  
§  
**COUNTY OF GREGG** §

Pursuant to the TEX. CIV. PRAC. & REM. CODE § 132.001(a), (b), and (d), my name is Michael Cheek. I hold the position of Chief Financial Officer and am the authorized representative of CHRISTUS Good Shepherd Medical Center. My business address is:

700 East Marshall Avenue Longview, Texas 75601-5580

(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

  
\_\_\_\_\_

Declarant

Executed on 11, October 2021.

Confidential Information Redacted  
Texas Labor Code §§402.083 and 402.092

  


October 11, 2021