

No. **DWC - 10 - 0061**

OFFICIAL ORDER
of the
COMMISSIONER OF WORKERS' COMPENSATION
of the
STATE OF TEXAS
AUSTIN, TEXAS

Date: **AUG 12 2010**

Subject Considered:

ALEJANDRO LOPEZ, M.D.
201 Mariposa Drive
Alice, Texas 78332

CONSENT ORDER

RESTORATION OF PRIVILEGES

General remarks and official action taken:

On this date came on for consideration by the Commissioner of Workers' Compensation, the application submitted by Alejandro Lopez, M.D. (Dr. Lopez) requesting restoration of his privilege to provide health care services under the Texas Workers' Compensation Act (Act) and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder.

Staff of the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC) and Dr. Lopez announce that they have compromised and settled this matter and agree to the entry of this Consent Order. The parties request that the Commissioner of Workers' Compensation dispose of this matter pursuant to TEX. LAB. CODE ANN. §402.00128(b)(7) and § 408.0231, and 28 TEX. ADMIN. CODE Chapter 180.

JURISDICTION

The Commissioner of Workers' Compensation has jurisdiction over this matter pursuant to TEX. LAB. CODE ANN. §§ 402.001, 402.00111, 402.00116, 402.00128, 408.023, and 408.0231, and 28 TEX. ADMIN. CODE Chapter 180.

WAIVER

Dr. Lopez acknowledges the existence of certain rights provided by the Texas Labor Code and other applicable laws and rules to which he may be entitled, including the right to a hearing and a public meeting under 28 TEX. ADMIN. CODE § 180.27. Dr. Lopez

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waives all of these rights, as well as any other procedural rights that might otherwise apply, 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. Lopez is a medical doctor licensed in the State of Texas.
2. In Commissioner of Workers' Compensation Order No. DWC-10-0004 dated February 16, 2010, the Commissioner of Workers' Compensation ordered Dr. Lopez to withdraw from the Texas Workers' Compensation system and to cease and desist from performing or billing for services in the Texas Workers' Compensation system.
3. On July 12, 2010, the TDI-DWC received Dr. Lopez's written application for restoration of his privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder.
4. After applying for restoration of his privileges, Dr. Lopez and his staff voluntarily submitted to and successfully completed training by TDI-DWC staff on requirements under the Act and rules adopted thereunder that included requirements governing Reports of Medical Examinations (DWC-69) and Work Status Reports (DWC-73).
5. Dr. Lopez understands that he is subject to a TDI-DWC audit on his compliance after the entry of this order with requirements under the Act and rules adopted thereunder governing Reports of Medical Examinations (DWC-69) and Work Status Reports (DWC-73).
6. The Medical Advisor has reviewed Dr. Lopez's application and is of the opinion that he has all appropriate unrestricted licenses/certifications, has overcome the conditions that resulted in sanction, and should be restored of the privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder.
7. The Medical Advisor recommends that the Commissioner of Workers' Compensation restore Dr. Lopez's privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder.

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CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commissioner of Workers' Compensation makes the following conclusions of law:

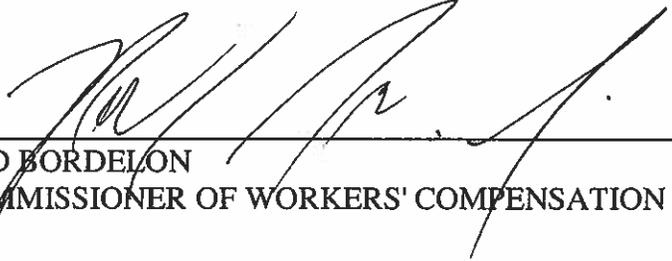
1. The Commissioner of Workers' Compensation has jurisdiction over this matter pursuant to TEX. LAB. CODE ANN. §§ 402.001, 402.00111, 402.00116, 402.00128, 408.023, and 408.0231, and 28 TEX. ADMIN. CODE Chapter 180.
2. The Commissioner of Workers' Compensation has authority to dispose of this matter as set forth herein under TEX. LAB. CODE ANN. §402.00128(b)(7) and § 408.0231, and 28 TEX. ADMIN. CODE Chapter 180.
3. Dr. Lopez has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this Order, including, but not limited to, the right to a hearing and a public meeting under 28 TEX. ADMIN. CODE § 180.27.
4. After evaluating Dr. Lopez's application, the Medical Advisor has determined that Dr. Lopez has all appropriate unrestricted licenses/certifications and has overcome the conditions that resulted in sanction. The Medical Advisor is of the opinion that Dr. Lopez should be restored of the privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder and recommends that the Commissioner of Workers' Compensation restore Dr. Lopez of such privileges.
5. The Commissioner of Workers' Compensation finds that Dr. Lopez has met all requirements under the Act and rules adopted thereunder for restoration of his privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder and should be restored of such privileges.

Based on the Findings of Fact and Conclusions of Law above, the Commissioner of Workers' Compensation has determined that the appropriate disposition is the issuance of the following order:

IT IS THEREFORE ORDERED that Dr. Lopez is restored of the privilege to provide health care services under the Act and rules adopted thereunder and to receive remuneration under the Act and rules adopted thereunder.

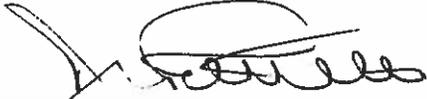
IT IS FURTHER ORDERED that Dr. Lopez shall submit to a TDI-DWC audit on his compliance after the entry of this order with requirements under the Act and rules adopted thereunder governing Reports of Medical Examinations (DWC-69) and Work Status Reports (DWC-73).

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ROD BORDELON
COMMISSIONER OF WORKERS' COMPENSATION

FOR THE STAFF:



Donald Patrick, M.D., J.D.
Medical Advisor
Texas Department of Insurance,
Division of Workers' Compensation

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AGREED, ACCEPTED, and EXECUTED on this 11th day of August 2010 by:

Alejandro Lopez
Signature of Alejandro Lopez, M.D.

STATE OF TEXAS §
COUNTY OF Jim Wells §

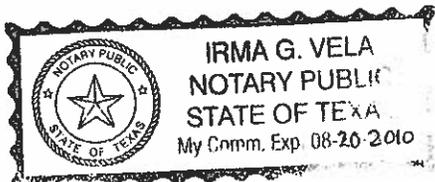
BEFORE ME, Irma G. Vela, a notary public in and for the State of Texas, on this day personally appeared Alejandro Lopez JR., known to me or proven to me through personal knowledge to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, who being by me duly sworn, deposed as follows:

1. "My name is Alejandro Lopez, M.D. I am of sound mind, capable of making this statement, and personally acquainted with the facts stated in this Consent Order.
2. I have read the terms and conditions contained within this Consent Order, and I have knowingly and voluntarily entered into it.
3. I consent to the issuance and service of this Consent Order, and I am executing the same for the purposes and consideration described herein."

Alejandro Lopez JR.
Signature
Alejandro Lopez JR., M.D.
Typed/Printed Name

Given under my hand and seal of office this 11th day of August, 2010.

(NOTARY SEAL)



Irma G. Vela
Notary Public, State of Texas
My commission expires: 8-20-2010