

No. **DWC - 12 - 0136**

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

Date: **JUL 31 2012**

**Subject Considered:**

**ZAHIDA SIDDIQI, M.D.**  
8191 Southwest Freeway, Suite #109  
Houston, Texas 77074

**CONSENT ORDER**  
TDI ENFORCEMENT FILE NO. 166

**General remarks and official action taken:**

The commissioner of workers' compensation considers whether disciplinary action should be taken against Zahida Siddiqi, M.D.

**WAIVER**

Dr. Siddiqi acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Siddiqi 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. Siddiqi holds Texas Medical License No. L3828, which was issued on April 5, 2002.
2. Dr. Siddiqi is a designated doctor (DD) in the Texas workers' compensation system. Dr. Siddiqi was last certified to be a DD on October 31, 2011.
3. Dr. Siddiqi was not tiered in 2007, 2009, or 2011 Performance Based Oversight.
4. Pursuant to TEX. LAB. CODE ANN. § 408.0041(a) and 28 TEX. ADMIN. CODE § 127.1(a), a DD is appointed to recommend a resolution of a dispute as to the medical condition of an injured employee and may be called upon to perform medical examinations to resolve any question about the impairment caused by the compensable injury, the attainment of maximum medical improvement (MMI), the extent of the employee's compensable injury, whether the injured employee's disability is a direct result of the work-related injury, the ability of the employee to return to work, and other similar issues.

5. In accordance with TEX. LAB. CODE ANN. § 408.0041(b) and 28 TEX. ADMIN. CODE § 127.5(c), the DD exam shall be performed by the next available doctor on the division's list of DDs whose credentials are appropriate for the issue in question and the injured employee's medical condition.
6. In accordance with 28 TEX. ADMIN. CODE § 127.5(e), if the designated doctor is unable to perform the exam as scheduled, the designated doctor may reschedule the examination within 21 days of the original examination. If the examination cannot be rescheduled within 21 days, the designated doctor shall notify the Division and the Division shall select a new designated doctor.
7. Pursuant to TEX. LAB. CODE ANN. § 415.003(1), a health care provider commits an administrative violation if the person submits a charge for health care that was not furnished.
8. In accordance with 28 TEX. ADMIN. CODE § 133.20(e)(2), a medical bill must be submitted in the name of the licensed health care provider that provided the health care.
9. Dr. Siddiqi was ordered by the division to perform four designated doctor exams on September 12, 2011, and one on January 17, 2012.
10. Dr. Siddiqi failed to perform the examinations, and failed to notify the division that she was not available to perform the examinations.
11. Another physician performed the examinations scheduled for September 12, 2011, in Dr. Siddiqi's place.
12. Dr. Siddiqi submitted bills for at least two of the September 12, 2011, DD examinations that she failed to perform.

### **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. §§ 401.011, 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0041, 415.003, 415.021, and 415.0215; 28 TEX. ADMIN. CODE §§ 127.1, 127.5, 133.20, and 180.26<sup>1</sup>; and TEX. GOV'T CODE ANN. §§ 2001.051–2001.178.

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<sup>1</sup> Unless otherwise noted, all rules cited refer to those in effect at the time the violations occurred.

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).<sup>2</sup>
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. In accordance with TEX. LAB. CODE ANN. § 415.0215, the commissioner of workers' compensation may impose sanctions against any person regulated by the division.
5. Pursuant to TEX. LAB. CODE ANN. § 415.003(5) & (6), a health care provider, like a DD, commits an administrative violation each time she fails to comply with a provision of this subtitle or each time she violates a commissioner's rule.
6. Dr. Siddiqi violated 28 TEX. ADMIN. CODE § 127.5(e) because when she was unable to perform scheduled DD exams she failed to reschedule the DD exams or to notify the division of her unavailability to perform the DD exams, which would have allowed the division to select a new DD.
7. Dr. Siddiqi violated TEX. LAB. CODE ANN. § 415.003(1) and 28 TEX. ADMIN. CODE § 133.20(e)(2) because she submitted charges for health care that she did not furnish.

### **ORDER**

It is ORDERED that as of the execution date of this order, Zahida Siddiqi, M.D. is permanently removed from the division's designated doctor list. Zahida Siddiqi, M.D. must not apply for reinstatement to the division's designated doctor list. Should Zahida Siddiqi, M.D. attempt to apply for reinstatement to the division's designated doctor list, her application will be summarily denied.

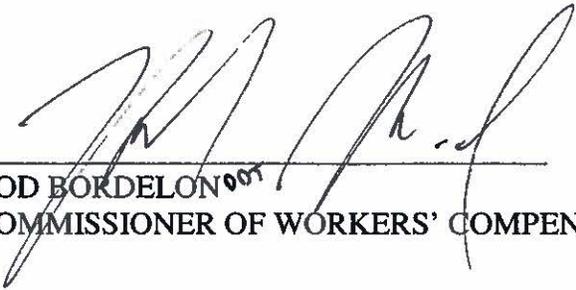
It is ORDERED that as of the execution date of this order, Zahida Siddiqi, M.D. is deprived of the right to certify maximum medical improvement and/or assign impairment ratings in the workers' compensation system.

It is ORDERED that Zahida Siddiqi, M.D. must accept appointments and timely conduct re-examinations of injured employees for which she was previously assigned to as a designated doctor and must timely respond to all Division requests for Letters of Clarification.

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<sup>2</sup> This citation refers to the version of 28 TEX. ADMIN. CODE § 180.26 presently in effect.

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ROD BORDELON  
COMMISSIONER OF WORKERS' COMPENSATION

FOR THE STAFF:



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Emily Sitton  
Staff Attorney, Compliance Division  
Texas Department of Insurance

