

[REDACTED]. Dr. Jackson diagnosed the injured employee with a [REDACTED]. The injured employee [REDACTED]. Dr. Jackson took the injured employee off work from [REDACTED], through [REDACTED]. According to the review by Office of Medical Advisor, Dr. Jackson did not adequately explain why he took the injured employee off work.

6. The injured employee underwent three designated doctor (DD) exams; on December [REDACTED]. The first two DD reports indicated the injured employee [REDACTED] unable to return to work. The [REDACTED] exam indicated that the injured employee [REDACTED], with a [REDACTED] impairment for a whole person impairment for [REDACTED].
7. The injured employee was referred to a [REDACTED]. [REDACTED] was examined by a [REDACTED]. The neurologist diagnosed the injured employee with a [REDACTED].
8. The injured employee underwent [REDACTED] [REDACTED] was evaluated on [REDACTED]. The injured employee's work required functioning at a [REDACTED] and all [REDACTED] evaluations indicated she was functioning at a [REDACTED]. The evaluation also noted [REDACTED] on the injured employee's [REDACTED].
9. Dr. Jackson referred the injured employee to two work hardening programs. [REDACTED] began one program on [REDACTED]. The injured employee was unable to complete the work hardening programs.

ASSESSMENT OF SANCTION

10. Ordering an injured employee to work hardening programs without consideration of Official Disability Guidelines (ODG) guidelines may impose unnecessary testing and extraneous medical costs on the Texas workers' compensation system.
11. The Texas Department of Insurance, Division of Workers' Compensation (DWC) relies on medical records and information submitted by the healthcare provider for a variety of purposes, including, but not limited to, determining whether indemnity benefits are due or not and the amount of, if any, indemnity benefits are due.
12. In assessing the sanction for this case, DWC appropriately and fully considered the following factors set forth 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 demonstrated good faith of the violator, including actions taken to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation has negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with EDI requirements;
 - other matters that justice may require, including but not limited to:
 - PBO assessments;
 - the promptness and earnestness of 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; and
 - to the extent reasonable, the economic benefit resulting from the prohibited act.
13. In assessing the sanction for this case, DWC found the following factors set forth in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e) to be aggravating: the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act; the penalty necessary to deter future violations; and the administrative violation had a negative impact on the delivery of benefits to an injured employee.
14. In assessing the penalty for this case, DWC found the following factors set forth in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e) to be mitigating: as there is no history of previous administrative violations, Dr. Jackson has not previously been charged with any prior administrative violation; in addition, Dr. Jackson did make a timely referral of the injured employee to the appropriate health care provider with the appropriate licensure and training to manage the injured employee's condition when it was determined that the injured employee suffered from a condition: (i) that required a diagnosis outside the chiropractic scope of practice; and (ii) that required treatment outside the chiropractic scope of practice; Finally, Dr. Jackson has demonstrated good faith as evidence by the fact that the billing records were timely mailed and sent by fax and notarized by Dr. Jackson's Billing Manager pursuant to her understanding of her communications with the DWC.
15. Dr. Jackson acknowledges that DWC and Dr. Jackson have communicated regarding the relevant statutes and rules violated; the facts establishing that the administrative violation occurred; and the appropriateness of the proposed sanction, including how DWC considered the factors under TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e).

COMMISSIONER'S ORDER
Cameron Lee Jackson, D.C.
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16. Dr. Jackson acknowledges that, in assessing the sanction, DWC considered the factors set forth in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e).

CONCLUSIONS OF LAW

The commissioner makes the following conclusions of law:

1. The commissioner has jurisdiction over this matter pursuant to TEX. LAB. CODE §§ 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0041, 408.1225, 413.002, 413.044, 413.0511, 413.0512, and 414.002.
2. The commissioner has authority to informally dispose of this matter as set forth under TEX. GOV'T CODE § 2001.056, TEX. LAB. CODE §§ 401.021, 402.00128(b)(7), and 415.034; and 28 TEX. ADMIN. CODE § 180.26(h).
3. Pursuant to TEX. LAB. CODE § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
4. Pursuant to TEX. LAB. CODE § 415.003(5), a health care provider commits an administrative violation if he violates a commissioner rule.
5. Pursuant to TEX. LAB. CODE §§ 408.023(l) and 408.025(c) and 28 TEX. ADMIN. CODE § 180.22(c)(2), the treating doctor is responsible for the efficient utilization and management of health care.
6. Pursuant to 28 TEX. ADMIN. CODE § 180.22(c)(2) and TEX. LAB. CODE §§ 408.023(l) and 408.023(c)(5), the treating doctor is the doctor primarily responsible for the efficient management of health care as required by Section 408.025(c) and DWC rules, for coordinating the health care for an injured employee's compensable injury and for maintaining the efficient utilization of health care, in an acceptable manner consistent with the public health, safety, and welfare.
7. Dr. Jackson violated 28 TEX. ADMIN. CODE § 180.22(c)(2) and TEX. LAB. CODE §§ 415.021, 415.003(5), and 408.023(l) and 408.023(c)(5), when he failed to maintain the efficient utilization of health care in an acceptable manner consistent with the public, health, safety, and welfare.
8. Dr. Jackson violated TEX. LAB. CODE §§ 408.023(l), 408.025(c), 415.003(5), 415.003(6) and 28 TEX. ADMIN. CODE § 180.22(c)(2) each time he referred the injured employee to a test or program that was not reasonable or necessary, without documenting the rationale or justification for doing so.

ORDER

Cameron Lee Jackson, D.C. is ORDERED:

1. To pay an administrative penalty of \$3,500 within 30 days from the date of this Order;
2. To take the Chiropractic Essay Examination provided by Ethics and Boundaries Assessment Services, LLC (EBAS) within 180 days from the date of this Order. Test results must be provided to DWC within 14 days of his receipt thereof from EBAS; and
3. To attend and complete a KSTAR Medical Record Keeping course within 180 days from the date of this Order. Confirmation of the attendance and completion of the workshop must be provided to DWC within 14 days of completion.

The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Dr. Jackson must mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.

Dr. Jackson must mail certificates of completion to the Texas Department of Insurance, Attn: Neal Bertling, DWC Enforcement, 7551 Metro Center Drive, Suite #100, MS-11, Austin, Texas 78744.

Cassie Brown
 Commissioner of Workers' Compensation

Approved as to Form and Content:

Amy Norman
 Staff Attorney, Enforcement
 Compliance & Investigations
 Texas Department of Insurance
 Division of Workers' Compensation
 7551 Metro Center Drive, Suite 100, MS-11
 Austin, Texas 78744-1645
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STATE OF Texas §
 §
COUNTY OF Harris §

Before me, the undersigned authority, personally appeared the affiant, Cameron Lee Jackson, D.C., who being by me duly sworn, deposed as follows:

“My name is Cameron Lee Jackson, D.C. I am of sound mind, capable of making this statement, and have personal knowledge of these facts, which are true and correct.

I waive rights provided by the Texas Labor Code and other applicable law and acknowledge the jurisdiction of the Texas commissioner of workers' compensation.


I knowingly and voluntarily enter into this consent order and agree with and consent to the issuance and service of this consent order.”



Affiant

SWORN TO AND SUBSCRIBED before me on April 15, 2020.

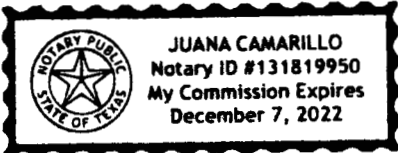
(NOTARY SEAL)



Signature of Notary Public
Juana Camarillo

Printed Name of Notary Public
12/07/2022

Commission Expiration Date



Confidential Information Redacted
Texas Labor Code §§402.083 & 402.092