

No. 2025-9120

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

Date: 1/31/2025

Subject Considered:

Michael Martin Leonard, M.D.
404 Lindberg Avenue
McAllen, Texas 78501

Consent Order
DWC Enforcement File No. 34219

General remarks and official action taken:

This is a consent order with Michael Martin Leonard, M.D. (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

Waiver

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent waives all of these rights and any other applicable procedural rights in consideration of the entry of this consent order.

Findings of Fact

1. Respondent is a health care provider in the Texas workers' compensation system.
2. On Aug. 23, 1981, Respondent was licensed as a physician by the Texas Medical Board under License No. F9728. He is board-certified in physical medicine and rehabilitation and has a secondary specialty in family medicine.
3. During the conduct at issue, Respondent was a designated doctor (DD) in the Texas workers' compensation system. Respondent's certification as a DD expired on Oct. 27, 2023.
4. Respondent's certification to rate maximum medical improvement (MMI) and to assign IRs (IR) expired on Oct. 27, 2023.

5. Respondent was classified as "poor" tier in the 2021_69 Performance Based Oversight (PBO) assessment. Respondent was not selected to be classified in the 2019_73 or 2021_73 PBO assessments.

Failure to Timely Submit a Designated Doctor Report

6. On [REDACTED], DWC ordered Respondent to conduct a DD examination of an injured employee to determine MMI and IR and submit a Form DWC-69, *Report of Medical Evaluation* and a Narrative Report (collectively, the "DD Report").
7. On [REDACTED], Respondent conducted the DD examination.
8. On [REDACTED], Respondent filed a request for an extension of time to conduct additional testing.
9. On [REDACTED], DWC approved the request for an extension of time, requiring Respondent to submit the DD Report within 15 days of receipt of the test results.
10. On [REDACTED], Respondent received the results from the additional testing. Respondent was required to submit the DD Report to the injured employee, DWC, the treating doctor, and the insurance carrier by [REDACTED].
11. On [REDACTED], Respondent submitted the DD Report to DWC, which was eight days late.
12. On [REDACTED], Respondent submitted the DD Report to the insurance carrier, which was nine days late.
13. On [REDACTED], Respondent submitted the DD Report to the injured employee, which was 10 days late.

Assessment of Sanction

1. Failure to timely provide assessments and reports consistent with the division's reporting and treatment guidelines hinders injured employees' access to benefits, high-quality medical care and the employee's ability to return to work as soon as it is considered safe and appropriate.
2. The examinations and reports from a DD have significant consequences on workers' compensation claims, the benefits of injured employees, and the Texas

workers' compensation system. DWC relies on DDs to comply with the rules and treatment guidelines to provide a fair and accessible dispute resolution process.

3. 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
 - 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.
4. 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, including the nature, circumstances, consequences, extent, and gravity of the prohibited act; the history and extent of previous administrative violations; the penalty necessary to deter future violations; and other matters that justice may require, including PBO assessments and evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules. Specifically, Respondent has a significant history of previous administrative violations since 2019. Most recently, DWC issued order 2023-8317, which involved substantially similar violations and resolved enforcement file nos. 27941, 27942, 30861, 31358, and 31508. Respondent has also received six prior warning letters.
5. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).

6. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the stated facts establish that the administrative violation(s) occurred; and that 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).
7. Respondent 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 §§ 401.021; 402.001, 402.00114, 402.00116, 402.00128, 408.0041, 408.0231, 408.1225, 413.002, 413.044, 413.0511, 413.0512, 414.002, 414.003, 415.021, and 415.0215.
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, 402.00128(b)(6)-(7), and 415.034; and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent 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 §§ 408.0231(c)(1) and (3), the commissioner may impose sanctions including mandatory participation in training classes, against a health care provider who commits a violation of Chapters 413 or 415 of the Texas Labor Code.
6. Pursuant to Tex. Lab. Code § 408.0231(f)(7), the commissioner may also impose sanctions that include the reduction of allowable reimbursement, mandatory preauthorization of certain health care services, required peer review monitoring, reporting, and audit requirements, deletion of suspension from the approved doctor list, and restrictions on appointments.
7. Pursuant to Tex. Lab. Code § 408.123(b), a certifying doctor shall issue a written report certifying that maximum medical improvement has been reached, stating the

employee's impairment rating, and providing any other information required by the commissioner to: (1) the division; (2) the employee; and the insurance carrier.

8. Pursuant to Tex. Lab. Code § 415.003(5), a health care provider commits an administrative violation if the person violates a DWC rule.
9. Pursuant to Tex. Lab. Code § 415.003(6), a health care provider commits an administrative violation if the person violates a provision of the Texas Workers' Compensation Act.
10. Pursuant to 28 Tex. Admin. Code § 127.210(a)(15), the commissioner may sanction a DD for violating the Act or DWC rules while serving as a DD.
11. Pursuant to 28 Tex. Admin. Code § 127.10(c)(5), DWC may approve an extension of time for filing reports if additional testing is required to resolve the issue in question.
12. Pursuant to 28 Tex. Admin. Code § 127.10(d) and (e), a DD who determines MMI and IR to an injured employee must complete and file a DD report, as required by 28 Tex. Admin. Code §§ 130.1 and 130.3.
13. Pursuant to 28 Tex. Admin. Code §§ 130.1(d)(2)(A), and 130.3, a DD Report shall be filed with DWC, the injured employee, the injured employee's representative, and the insurance carrier no later than the seventh working day after the date of the certifying examination.
14. Respondent violated Tex. Lab. Code §§ 408.123(b) and 415.003(5) and (6) and 28 Tex. Admin. Code §§ 127.10(d) and (e), 130.1, and 130.3 by failing to timely file a DD Report.

ORDER

It is ordered that:

1. This Consent Order shall constitute a public reprimand of Michael Martin Leonard, M.D. for repeated violations of a division rule. Michael Martin Leonard, M.D. is expected to comply with the law, as described above; and
2. Michael Martin Leonard, M.D. must pay an administrative penalty of \$1,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, Michael Martin Leonard, M.D. 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, PO Box 12030, Austin, Texas 78711-2030.



Jeff Nelson
Commissioner
TDI, Division of Workers' Compensation

Approved Form and Content:



Tyrus Housh
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Compliance and Investigations
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