OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE

Date: NOV 21 2016

Subject Considered:

REVIEWTEX, INC.
1818 MountJoy, Street
San Antonio, TX 78232-2414

DEFAULT ORDER
SOAH DOCKET NO. 454-17-0295.C
TDI ENFORCEMENT CASE NO. 11320

General remarks and official action taken:

The commissioner of insurance considers disciplinary action against Reviewtex, Inc.

Findings of Fact

1. TDI issued Reviewtex, Inc. independent review organization (IRO) license no. 1728674 effective January 6, 2012.

2. The last known address Reviewtex, Inc. filed with TDI was Mr. Thomas Brawner, Reviewtex, Inc., 1818 MountJoy Street, San Antonio, Texas 78232-2414.

3. On September 26, 2016, TDI sent a notice of hearing to Mr. Thomas Brawner, Reviewtex, Inc., 1818 Mount Joy Street, San Antonio, TX 78232-2414, and by email to: REVIEWTEX@HOTMAIL.COM

4. On October 20, 2016, TDI sent a first amended notice of hearing to Reviewtex, Inc.’s correct last known address, 1818 MountJoy Street, San Antonio, TX 78232-2414, and by email to: REVIEWTEX@HOTMAIL.COM.

5. Reviewtex, Inc. failed to file a written response to the notice of hearing, as well as the first amended notice of hearing, within 20 days of the date TDI mailed the notice of hearing.

6. TDI’s Managed Care and Quality Assurance (MCQA) Office sent letters to Reviewtex, Inc. informing it that it missed IRO deadlines for issuing decisions on the following dates in the following cases:
The letters requested that Reviewtex, Inc.: (1) contact the MCQA Office immediately and provide an explanation for failing to meet the deadline, and (2) provide the date on which the IRO would send the decision to all of the involved parties. Reviewtex, Inc. did not respond to any of the letters.

7. On May 24, 2016, TDI emailed Reviewtex, Inc. and informed it of two IRO decisions that TDI had not received: (1) IRO case no. 129325 – due May 9, 2016, and (2) IRO case no. 130371 – due May 17, 2016. Reviewtex, Inc. did not respond.

8. Between December 17, 2015, and May 25, 2016, TDI assigned Reviewtex, Inc. 29 cases. Of those cases, Reviewtex, Inc. issued 18, or 62% percent, of its decisions late:

| No. | IRO No. | Case Date Assigned | Review Due Date | Decision Date | No. late | days
|-----|---------|--------------------|-----------------|--------------|---------|------
| 1   | 125375  | 1-4-2016           | 1-25-2016       | 1-29-2016    | 4       | 4
| 2   | 119238  | 1-6-2016           | 1-26-2016       | 2-5-2016     | 10      | 10
| 3   | 124208  | 1-11-2016          | 2-1-2016        | 2-5-2016     | 4       | 4
| 4   | 117015  | 1-19-2016          | 2-8-2016        | 4-18-2016    | 70      | 70
| 5   | 126984  | 1-21-2016          | 2-10-2016       | 2-11-2016    | 1       | 1
| 6   | 122373  | 2-8-2016           | 2-29-2016       | 3-6-2016     | 6       | 6
| 7   | 120790  | 2-16-2016          | 3-7-2016        | 3-14-2016    | 7       | 7
| 8   | 125973  | 2-23-2016          | 3-14-2016       | 3-18-2016    | 4       | 4
| 9   | 119638  | 3-21-2016          | 4-11-2016       | 4-19-2016    | 8       | 8
| 10  | 121624  | 3-25-2016          | 4-14-2016       | 4-21-2016    | 7       | 7
| 11  | 117825  | 3-31-2016          | 4-20-2016       | 5-6-2016     | 16      | 16
| 12  | 118235  | 4-7-2016           | 4-27-2016       | 5-12-2016    | 15      | 15
| 13  | 118678  | 4-13-2016          | 5-3-2016        | 5-15-2016    | 12      | 12
| 14  | 117506  | 4-18-2016          | 5-9-2016        | 5-31-2016    | 22      | 22
| 15  | 123343  | 4-21-2016          | 5-11-2016       | 5-16-2016    | 5       | 5
| 16  | 120216  | 4-27-2016          | 5-17-2016       | 5-25-2016    | 8       | 8
| 17  | 126315  | 5-10-2016          | 5-31-2016       | 6-2-2016     | 2       | 2
| 18  | 124746  | 5-16-2016          | 6-6-2016        | 6-10-2016    | 4       | 4

9. On May 26, 2016, MCQA staff left Reviewtex, Inc. a voicemail asking for a return call.

10. On May 31, 2016, TDI took Reviewtex, Inc. out of the IRO rotation for receiving assignments.
11. On June 16, 2016, MCQA staff informed Reviewtex, Inc. that the MCQA Office had not received the decision in IRO case no. 133749. Reviewtex, Inc. stated that it would send the IRO decision immediately.

12. On June 20, 2016, TDI emailed Reviewtex, Inc. and informed it that MCQA had still not received the decision for IRO case no. 133749.

13. On August 31, 2016, TDI issued a notice of intention to institute disciplinary action against Reviewtex, Inc. Reviewtex, Inc. did not respond.

**Conclusions of Law**


2. TEX. GOV'T CODE § 2001.056; TEX. INS. CODE § 82.055; and 28 TEX. ADMIN. CODE §§ 1.47, 1.88, and 1.89 give the commissioner authority to informally dispose of this case.

3. Based on 28 TEX. ADMIN. CODE § 19.906, Reviewtex's last known address is presumed to be Mr. Thomas Brawner, Reviewtex, Inc., 1818 MountJoy St., San Antonio, Texas 78232-2414.

4. TDI sent a notice of hearing to Reviewtex's last known address as required by 28 TEX. ADMIN. CODE §§ 1.28(c) and 1.88(c), 1 TEX. ADMIN. CODE § 155.401, and TEX. GOV'T CODE Ch. 2001.

5. The allegations in the notice of hearing, set out as findings of fact nos. 6-13, are deemed admitted as true pursuant to 28 TEX. ADMIN. CODE § 1.89.

6. Reviewtex, Inc. violated TEX. INS. CODE § 4202.003(2) and 28 TEX. ADMIN. CODE § 12.206(b) when it failed to make its determinations for a condition other than a life-threatening condition, not later than the earlier of:

   a. The 15th day after the date the organization receives the information necessary to make the determination; or

   b. The 20th day after the date the organization receives the request that the determination be made.
The commissioner revokes Reviewtex, Inc.'s independent review organization license.

David C. Mattax
Commissioner of Insurance
Affidavit

State of Texas

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County of Travis

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Before me, the undersigned authority, personally appeared the affiant, who, being by me duly sworn, deposed as follows:

“My name is Judy Lopez and I am employed by the Texas Department of Insurance. I am of sound mind, capable of making this affidavit, and have personal knowledge of these facts which are true and correct.

I have reviewed TDI’s records concerning Reviewtex, Inc. I have confirmed that:

a. Mr. Thomas Brawner, Reviewtex, Inc., 1818 MountJoy St., San Antonio, Texas 78232-2414 is the last mailing address Reviewtex, Inc. provided to TDI in writing.

b. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated September 26, 2016, filed with the State Office of Administrative Hearings.

c. The file maintained by the Enforcement Section of the Compliance Division contains a notice of hearing dated October 20, 2016, filed with the State Office of Administrative Hearings.

d. A certified letter, return receipt requested, and a first class letter, containing a notice of hearing addressed to Reviewtex, Inc.’s last known address was deposited in the United States mails.

Copies of the first class and certified mail logs maintained by the Enforcement Section are attached as Exhibits A, B, C, and D.”

Affiant

SWORN TO AND SUBSCRIBED before me on \textit{Nov. 9}, 2016.

\begin{center}
\textbf{GINGER G. YOCOM} \\
Notary Public
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\textbf{Commission Exp. MARCH 11, 2017} \\
Notary without Bond
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\textbf{Signature of Notary Public}
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<th>Texas Dept of Insurance</th>
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<tr>
<td>Mail Code 110-1A</td>
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<tr>
<td>333 Guadalupe St</td>
<td>Austin TX 78701</td>
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<td>September 26, 2016</td>
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<td>Judy Lopez</td>
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<th>Handling Charge</th>
<th>Actual Value &amp; Registered</th>
<th>Insured Value</th>
<th>Due Sender &amp; COD</th>
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If issued as an international certificate of mailing or for additional copies of this receipt, postmark with Date of Receipt:

Exhibit A
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<th>USPS Tracking/Article Number</th>
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<th>Handling Charge</th>
<th>Actual Value if Registered</th>
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<th>Due Sender if COD</th>
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- **Handling Charge:** Registered and over $50,000 in value
- **Return Receipt:** Restricted Delivery
- **Signature Confirmation:** Restricted Delivery

**Firm Mailing Book For Accountable Mail**

**Date of Receipt:** October 20, 2016

**Postmark With:**

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</tbody>
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**Exhibit:**

**C**