

No. 2016-4802

**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:

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Date of MCQA Letter to Reviewtex, Inc.	IRO Case No.	Patient Initials	IRO Decision Due Date
2-9-2016	119238	TP	2-8-2016
5-12-2016	129325	AM	5-9-2016
5-19-2016	130371	MS	5-17-2016

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

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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

1. The commissioner has jurisdiction pursuant to TEX. INS. CODE §§ 82.051-82.055, 4202.002, 4202.003, and 4202.007; 28 TEX. ADMIN. CODE §§ 12.206, 12.301, 12.302, and 12.303; and TEX. GOV'T CODE §§ 2001.051-2001.178.
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 15<sup>th</sup> day after the date the organization receives the information necessary to make the determination; or
  - b. The 20<sup>th</sup> day after the date the organization receives the request that the determination be made.

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The commissioner revokes Reviewtex, Inc.'s independent review organization license.



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David C. Mattax  
Commissioner of Insurance



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Name and Address of Sender  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 September 26, 2016  
 Judy Lopez

Check type of mail or service

Adult Signature Required     Priority Mail Express  
 Adult Signature Restricted Delivery     Registered Mail  
 Certified Mail     Return Receipt for Merchandise  
 Certified Mail Restricted     Signature Confirmation  
 Collect on Delivery (COD)     Signature Confirmation Restricted Delivery  
 Insured Mail  
 Priority Mail

Affix Stamp Here  
 (if issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
Ricketta 7011 0470 0002 1551 7188	Mr. Thomas Brawner Reviewtex, Inc. 1818 Mount Joy St. San Antonio, TX 78232-2414	6.75	3.30								7.70			
				Handling Charge-if Registered and over \$50,000 in value										
								Adult Signature Required						
								Adult Signature Restricted Delivery						
								Restricted Delivery						
								Return Receipt						
								Signature Confirmation						
								Signature Confirmation Restricted Delivery						
								Special Handling						

EXHIBIT  
 A

2016-09-26

SEP 26 2016





Name and Address of Sender  
 Texas Dept of Insurance  
 Mail Code 110-1A  
 333 Guadalupe St  
 Austin TX 78701  
 October 20, 2016  
 Judy Lopez

Check type of mail or service

Adult Signature Required  Priority Mail Express

Adult Signature Restricted Delivery  Registered Mail

Certified Mail  Return Receipt for Merchandise

Certified Mail Restricted  Signature Confirmation

Collect on Delivery (COD)  Signature Confirmation Restricted Delivery

Insured Mail

Priority Mail

Affix Stamp Here  
 (If issued as an international certificate of mailing or for additional copies of this receipt). Postmark with Date of Receipt

USPS Tracking/Article Number	Address (Name, Street, City, State, & Zip Code)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	Special Handling Fee
Ricketts	Mr. Thomas Brawner Reviewtex, inc. 1818 Mountjoy Street San Antonio, TX 78232-2414	1465												

\$50,000 in value

Postpost. #  
10/20/2016

**US POSTAGE \$001.30<sup>00</sup>**

ZIP 78701  
04112203074

OFFICIAL BUSINESS  
 STATE OF TEXAS  
 PENALTY FOR PRIVATE USE

Handling Charge

Adult Signature Required

Adult Signature Restricted Delivery

Restricted Delivery

Return Receipt

Signature Confirmation

Signature Confirmation Restricted Delivery

Special Handling

tabbles  
**EXHIBIT**  
**D**

GMP STATION  
 OCT 20 2016  
 AUSTIN, TX 78701

AUSTIN, TX 78701  
 RETURN RECEIPT  
 SIGNATURE CONFIRMATION  
 RESTRICTED DELIVERY

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