

No. 2018- 5551

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: JUN 22 2018

Subject Considered:

ATHLETICO PHYSICAL THERAPY
625 Enterprise Drive
Oak Brook, Illinois 60523-8813

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 15067

General remarks and official action taken:

The subject of this order is whether disciplinary action should be taken against Athletico Physical Therapy (Athletico).

WAIVER

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

FINDINGS OF FACT

Background and Licensure

1. Accelerated Rehabilitation Centers (Accelerated) held a continuing education provider registration issued by the Texas Department of Insurance (TDI) from June 11, 2009, through June 16, 2015.
2. On December 2, 2014, Athletico acquired Accelerated.
3. On June 16, 2015, Accelerated informed TDI of its name change from Accelerated to Athletico.

Expired Provider Registration and Expired Course Certification

4. On June 11, 2017, Athletico's continuing education provider registration expired because it failed to renew its registration.
5. The definition of "certified course" requires that the course be offered by a registered provider.

6. When Athletico's registration expired, it could no longer validly offer certified courses.
7. Advertisements that include reference to course certification by TDI must also include the provider's name and TDI provider number. When Athletico's registration expired, its advertisements did not reference a valid provider number.
8. Between June 22, 2017, and August 9, 2017, Athletico gave 21 workers' compensation-related continuing education courses to 291 insurance adjuster licensees when its provider registration was not valid.

Compliance

9. Athletico applied for and received a new continuing education provider registration in September 2017.
10. TDI gave continuing education credit to the 291 licensees who took the expired courses that Athletico offered between June 22, 2017, and August 9, 2017, to avoid unfairly penalizing them.

CONCLUSIONS OF LAW

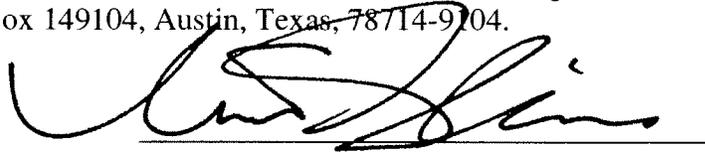
1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 31.002, 82.051-82.056, 84.021-84.022, 4001.001, 4004.001, 4004.101-4004.103, 4101.059; 28 TEX. ADMIN. CODE §§ 19.1001, 19.1002, 19.1005-19.1012, 19.1014-19.1018, and 19.1022; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to informally dispose of this matter pursuant to TEX. GOV'T CODE § 2001.056; TEX. INS. CODE §§ 82.055 and 36.104; and 28 TEX. ADMIN. CODE § 1.47.
3. Athletico 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 intention to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, rehearing by the commissioner, and judicial review.
4. Athletico violated 28 TEX. ADMIN. CODE § 19.1005(e) because it did not timely renew its provider registration.
5. Athletico violated 28 TEX. ADMIN. CODE § 19.1015(b)(1) by failing to comply with the Texas Insurance Code and 28 TEX. ADMIN. CODE Chapter 19, Subchapter K.
6. Athletico violated 28 TEX. ADMIN. CODE § 19.1015(b)(2) because it represented to the public that it was a provider authorized to offer certified courses prior to the approval of the provider's registration.

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7. Athletico advertised a course in a manner not in compliance with 28 TEX. ADMIN. CODE Chapter 19, Subchapter K, as contemplated by 28 TEX. ADMIN. CODE § 19.1015(b)(3).
8. Athletico violated 28 TEX. ADMIN. CODE § 19.1015(b)(7) by issuing a certificate of completion for a course, which did not comply with the registration requirements of 28 TEX. ADMIN. CODE Chapter 19, Subchapter K.
9. Athletico violated 28 TEX. ADMIN. CODE § 19.1015(b)(16) by failing to file any form or other required information.
10. Athletico provided a course to students after the course certification had expired as contemplated by 28 TEX. ADMIN. CODE § 19.1016¹(b)(4).

It is ordered that Athletico Physical Therapy pay an administrative penalty of \$29,100 within 30 days from the date of this order. The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Enforcement Section, Legal and Enforcement Division 60851, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.



Kent C. Sullivan
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Jeannie Ricketts
Staff Attorney, Enforcement Section
Texas Department of Insurance

¹ 28 TEX. ADMIN. CODE § 19.1016 was amended effected May 31, 2018. This order involves the version of § 19.1016 in effect until May 31, 2018.

