

No. 3371

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JUN 27 2014

Subject Considered:

ARTHUR KELVIN CHIN, M.D.
1602 E. Houston Street, Suite C
Beeville, Texas 78102-5335

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 2337

General remarks and official action taken:

The commissioner of workers' compensation considers whether disciplinary action should be taken against Arthur Kelvin Chin, M.D. (Dr. Chin).

WAIVER

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

FINDINGS OF FACT

The commissioner of workers' compensation makes the following findings of fact:

1. Dr. Chin holds Texas Medical License No. E9576, which was issued on December 5, 1977.
2. Dr. Chin was not classified in the 2007, 2009, 2011, or 2013 Performance Based Oversight assessments.

Medical Quality Review #12-91-HCP

3. The division, as authorized by TEX. LAB. CODE ANN. § 414.002, monitors system participants to determine compliance with the Texas Workers' Compensation Act and rules promulgated by the commissioner of workers' compensation.
4. The division's medical advisor (whose duties are defined under TEX. LAB. CODE ANN. § 413.0511) and medical quality review panel (MQRP) (as established pursuant to TEX. LAB. CODE ANN. § 413.0512) conducted a medical quality

review of five cases in which Dr. Chin was the treating doctor for the injured employees. The findings contained in the Medical Quality Review #12-91-HCP, which was previously forwarded to Dr. Chin, form the evidentiary basis for this action.

5. Dr. Chin's documentation of his diagnoses, treatments, and evaluations were substantially different from those that the commissioner finds to be fair and reasonable.
 - a. Dr. Chin did not complete a full medical history in all five cases.
 - b. Dr. Chin's diagnoses were not supported by documentation of objective clinical findings in two cases.
 - c. Dr. Chin failed to properly complete the return to work form, DWC Form-73, in two cases.
6. Dr. Chin's documentation was not reasonable and did not indicate appropriate use of the Medical Disability Advisor Guidelines, (MDA Guides) in five cases.
7. Dr. Chin discontinued his participation in the workers' compensation system in 2013. Dr. Chin agrees not to participate in the workers' compensation system in any capacity from the date of the signing of this order, except in an emergency or for the 90 days from the date of this order to dismiss or refer any remaining Texas workers' compensation patients to other physicians in the Texas workers' compensation system.

CONCLUSIONS OF LAW

The commissioner of workers' compensation makes the following conclusions of law:

1. The commissioner of workers' compensation has jurisdiction over this matter pursuant to TEX. LAB. CODE ANN. §§ 401.011, 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0231, 413.002, 413.0511, 413.0512, 414.002, 415.021, and 415.0215¹; 28 TEX. ADMIN. CODE §§ 137.10 and 180.26; and TEX. GOV'T CODE ANN. §§ 2001.051–2001.178.
2. The commissioner of workers' compensation has authority to informally dispose of this matter as set forth herein under TEX. GOV'T CODE ANN. § 2001.056, TEX.

¹ TEX. LAB. CODE ANN. § 402.072 was repealed effective September 1, 2011. However, this section was in effect at the time of these violations. TEX. LAB. CODE ANN. § 415.0215 was enacted effective September 1, 2011, to replace TEX. LAB. CODE ANN. § 402.072.

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LAB. CODE ANN. §§ 401.021 and 402.00128(b)(7), and 28 TEX. ADMIN. CODE § 180.26(h).

3. Arthur Kelvin Chin, M.D. violated TEX. LAB. CODE ANN. § 408.0231(c)(3) by failing to appropriately document his medical evaluations. Dr. Chin's evaluations were substantially different from those the commissioner found to be fair and reasonable.
4. Arthur Kelvin Chin, M.D. violated 28 TEX. ADMIN. CODE §137.10 by failing to document his use of the MDA Guides to establish return to work (RTW) goals or a RTW plan.
5. This consent order, and the actions required hereby, is entered into in the nature of compromise and settlement and in order to avoid the time, trouble, and expense of resolving this dispute through administrative or judicial proceedings. Dr. Chin neither admits nor denies the allegations contained herein.

ORDER

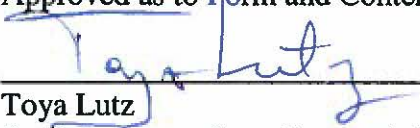
It is ORDERED that from the date of this order, Arthur Kelvin Chin, M.D. will no longer accept any new Texas workers' compensation patients and will no longer participate in the Texas workers' compensation system, network or non-network, as a health care provider. Therefore, he will not participate in treating, examining, and/or consulting with other physicians regarding injured employees who are covered under the Texas workers' compensation system. Additionally, Arthur Kelvin Chin, M.D. will not receive direct or indirect remuneration from the Texas workers' compensation system. This order does not apply to emergency cases, as defined 28 TEX. ADMIN. CODE § 133.2.

Arthur Kelvin Chin, M.D. will have 90 days from the date of this order to dismiss or refer any remaining Texas workers' compensation patients to other physicians in the Texas workers' compensation system.



Rod Bordelon
Commissioner of Workers' Compensation

Approved as to Form and Content:



Toya Lutz
Staff Attorney, Compliance Division

COMMISSIONER'S ORDER
Arthur Kelvin Chin, M.D.
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AFFIDAVIT

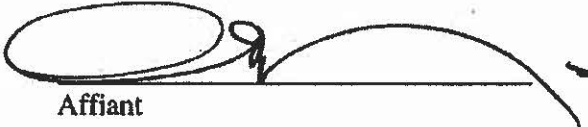
STATE OF TEXAS §
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COUNTY OF BEE §

Before me, the undersigned authority, personally appeared affiant, Arthur Kelvin Chin, M.D., who being by me duly sworn, deposed as follows:

"My name is Arthur Kelvin Chin, M.D. I am of sound mind, capable of making this statement, and have personal knowledge of these facts which are true and correct.

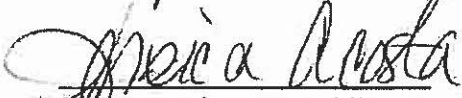
I waive rights provided by the Texas Labor Code and other applicable law and acknowledge the jurisdiction of the Texas commissioner of workers' compensation.

I voluntarily enter into this consent order and consent to the issuance and service of this consent order."


Affiant

SWORN TO AND SUBSCRIBED before me on April 21, 2014.

(NOTARY SEAL)


Signature of Notary Public
JESSICA ACOSTA
Printed Name of Notary Public

