

No. 4073

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: AUG 04 2015

Subject Considered:

IJEOMA ANANABA EKERUO, M.D.
6431 Fannin St., MSB 1.246
Houston, TX 77030-1501

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 9382

General remarks and official action taken:

The commissioner of workers' compensation considers whether disciplinary action should be taken against Ijeoma Ananaba Ekeruo, M.D. (Dr. Ekeruo).

Dr. Ekeruo acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Ekeruo 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. Ekeruo holds a Texas Medical Board License No. M9800, issued on June 27, 2008. Dr. Ekeruo is a health care provider who performed designated doctor (DD) examinations in the Texas workers' compensation system. Dr. Ekeruo's DD certification and Maximum Medical Improvement/Impairment Rating (MMI/IR) certification expired on December 12, 2014.
2. Dr. Ekeruo was not classified in the 2007, 2009, 2011, or the 2013 Performance Based Oversight assessments.
3. Dr. Ekeruo had previously received seven warning letters on separate occasions pertaining to her failure to timely file DWC Form-69s and her narrative reports.

Failure to Timely File the Report of Medical Evaluation and Narrative Report

4. In six separate cases, Dr. Ekeruo failed to timely file the Report of Medical Evaluation (DWC Form -69s) and narrative reports.
5. On June 18, 2014, Dr. Ekeruo performed a designated doctor examination. The DWC Form-69 and narrative report were due on June 27, 2014. Dr. Ekeruo filed the DWC Form-69 and narrative report on July 3, 2014, which was six days late.
6. On June 18, 2014, Dr. Ekeruo performed designated doctor examination. The DWC Form-69 and narrative report were due on June 27, 2014. Dr. Ekeruo filed the DWC Form-69 and narrative report on July 1, 2014, which was four days late.
7. On June 21 2014, Dr. Ekeruo completed a designated doctor examination. The DWC Form-69 and narrative report were due on July 1, 2014. Dr. Ekerou filed the DWC Form-69 and narrative report on July 10, 2014, which was nine days late.
8. On June 21, 2014, Dr. Ekeruo performed designated doctor examination. The DWC Form-69 and narrative report were due on July 1, 2014. Dr. Ekeruo filed the DWC Form-69 and narrative report on July 10, 2014, which was nine days late.
9. On June 30, 2014, Dr. Ekeruo performed a designated doctor examination. The DWC Form-69 and narrative report were due on July 10, 2014. Dr. Ekeruo filed the DWC Form-69 and narrative report on July 14, 2014, which was four days late.
10. On August 16, 2014, Dr. Ekeruo performed a designated doctor examination. The DWC Form-69 and narrative report were due on August 26, 2014. Dr. Ekeruo filed the DWC Form-69 and narrative report on September 22, 2014, which was 27 days late.
11. Dr. Ekeruo agrees with this consent order, its findings of facts above, and voluntary elects not to reapply for DD, MMI/IR certification for five years.

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. §§ 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0231, 413.0511, 414.002, 415.003, and 415.021; 28 TEX. ADMIN. CODE §§ 130.1 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. LAB. CODE ANN. §§ 401.021 and 402.00128(b)(7), and 28 TEX. ADMIN. CODE § 180.26(h).

3. Pursuant to TEX. LAB. CODE ANN. § 415.021, a person commits an administrative violation if the person violates, fails to comply with, or refuses to comply with this subtitle or a rule, order, or decision of the commissioner. The commissioner of workers' compensation may assess an administrative penalty against a person who commits an administrative violation.
4. Pursuant to TEX. LAB. CODE ANN. § 415.003 (5), a health care provider commits an administrative violation if the person violates a commissioner rule.
5. Pursuant to 28 TEX. ADMIN. CODE § 130.1(d)(2), a designated doctor must file a Report of Medical Evaluation and a narrative report no later than the seventh working day after the later of: the date of the examination or the receipt of the medical records.
6. Dr. Ekeruo committed an administrative violation pursuant to TEX. LAB. CODE ANN. § 415.003(5) and violated 28 TEX. ADMIN. CODE § 130.1(d)(2) each time she failed to file the DWC Form-69 and her narrative report within seven working days of the date of examination.

ORDER

It is therefore ORDERED, that as of the date of this consent order, Ijeoma Ananaba Ekeruo, M.D., will not re-apply for DD certification or re-apply for MMI/IR certification in the Texas workers' compensation system for five years.

It is FURTHER ORDERED that, if Ijeoma Ananaba Ekeruo, M.D. should re-apply for the DD certification or MMI/IR certification within five years, the division will not grant the DD or the MMI/IR certification, and her re-application will constitute a violation of this consent order.



W. Ryan Brannan
Commissioner of Workers' Compensation

Approved as to Form and Content:



Alan E. Ryman
Staff Attorney, Compliance Division
Texas Department of Insurance

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AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF Harris §

Before me, the undersigned authority, personally appeared the affiant, Ijeoma Ananaba Ekeruo, M.D. who being by me duly sworn, deposed as follows:

“My name is Ijeoma Ananaba Ekeruo, M.D. I am of sound mind, capable of making this statement, and have personal knowledge of these facts, which are true and correct.

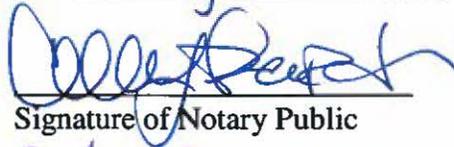
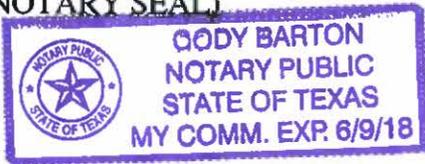
I have knowingly and voluntarily entered into the foregoing consent order and agree with and consent to the issuance and service of the same by the commissioner of workers' compensation of the State of Texas.”



Affiant

SWORN TO AND SUBSCRIBED before me on July 20th, 2015.

(NOTARY SEAL)



Signature of Notary Public

Cody Barton
Printed Name of Notary Public