

OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF WORKERS' COMPENSATION

Date: JAN 20 2015

Subject Considered:

TIMOTHY E. ODOM, D.C.
5583 Davis Boulevard, Ste. 200
North Richland Hills, Texas 76180-6493

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 7599

General remarks and official action taken:

The commissioner of workers' compensation considers whether disciplinary action should be taken against Timothy E. Odom, D.C. (Dr. Odom).

WAIVER

Dr. Odom acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Dr. Odom 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. Odom holds Texas Board of Chiropractic Examiners License No. 5994 , issued on September 14, 1992.
2. Dr. Odom is a health care provider, and was certified to perform designated doctor (DD) examinations in the Texas workers' compensation system. Dr. Odom's DD certification expired on October 11, 2014.
3. Dr. Odom was certified to determine maximum medical improvement (MMI), and issue impairment ratings (IRs). Dr. Odom's MMI/IR certification expired on October 11, 2014.
4. Dr. Odom was not classified in the 2007, 2009, 2011, or the 2013 Performance Based Oversight assessments.

5. A DD who examines an injured employee to determine whether the injured employee has reached MMI and to assign an IR, if applicable, must file a Report of Medical Evaluation (DWC Form-69) and a narrative report with the division, and send the report to the proper parties no later than the seventh working day after the examination. A DD who examines an injured employee pursuant to any question relating to return to work is required to file a Work Status Report (DWC Form-73) that meets the required elements and a narrative report within seven working days of the date of the examination of the injured employee. If the DD refers the injured employee for additional testing, the DD must file the DWC Form-69, DWC Form-73, and send copies of the report to the proper parties, no later than the 15th day after the date of the examination, unless the DD requests additional time to submit the report.
6. Dr. Odom failed to timely file the DWC Form-69 and narrative reports with the division in four instances, and DWC Form-73 in one instance from April 2014 through May 2014. The DWC Form-69, DWC Form-73, and narrative reports were 10 to 21 days late.

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, 408.0041, 415.021, and 415.0215; 28 TEX. ADMIN. CODE §§ 127.10, 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 28 TEX. ADMIN. CODE § 180.26(a) and (b)(4) and (5), the division may impose sanctions on any system participant if that system participant has committed an administrative violation. The sanctions the division may impose include deletion or suspension from the designated doctor list and restrictions on appointments or reviews.
4. Pursuant to 28 TEX. ADMIN. CODE § 127.10(d), a DD who determines the injured employee has reached MMI or who assigns an IR, or who determines the injured employee has not reached MMI, shall complete and file a report as required by 28 TEX. ADMIN. CODE § 130.1.
5. Pursuant to 28 TEX. ADMIN. CODE § 127.10(c), any additional testing or referral examination and the designated doctor's report must be completed within 15 working days of the designated doctor's physical examination of the injured employee.
6. Pursuant to 28 TEX. ADMIN. CODE § 130.1(d)(2), a Report of Medical Evaluation under this rule shall be filed with the division, injured employee, injured employee's

representative, and the insurance carrier no later than the seventh working day after the date of the certifying examination.

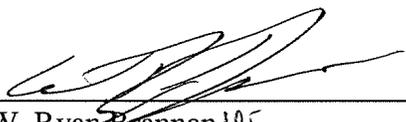
7. Pursuant to 28 TEX. ADMIN. CODE § 127.10(e), a designated doctor who examines an injured employee pursuant to any question relating to return to work is required to file a Work Status Report (DWC Form-73) that meets the required elements and a narrative report within seven working days of the date of the examination of the injured employee.
8. Dr. Odom violated 28 TEX. ADMIN. CODE §§ 127.10(d), 127.10(e), and 130.1(d)(2) each time he failed to timely file the DWC Form-69, DWC Form-73, and narrative report.

ORDER

Timothy E. Odom, D.C. is ORDERED to pay an administrative penalty of \$1,200 within 30 days from the date of this consent order.

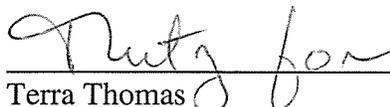
The administrative penalty must be paid by company check, cashier's check, or money order made payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: Compliance Division-DWC, MC 9999, P.O. Box 149104, Austin, Texas, 78714-9104.

It is FURTHER ORDERED that Timothy E. Odom, D.C. is prohibited from applying for admission to the division's designated doctor list or for MMI/IR certification for a period of three years from the date of this consent order.



W. Ryan Brannan
Commissioner of Workers' Compensation

Approved as to Form and Content:



Terra Thomas
Staff Attorney, Compliance Division
Texas Department of Insurance

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF Tarrant §

Before me, the undersigned authority, personally appeared the affiant, Timothy E. Odom, D.C., who being by me duly sworn, deposed as follows:

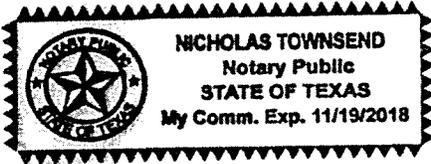
"My name is Timothy E. Odom, D.C. I am of sound mind, capable of making this statement, and have personal knowledge of these facts, which are true and correct.

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."

Timothy E. Odom, D.C.
Affiant

SWORN TO AND SUBSCRIBED before me on Jan - 6, ~~2014~~ ²⁰¹⁵ (2)

(NOTARY SEAL)



Nicholas Townsend
Signature of Notary Public

Nicholas Townsend
Printed Name of Notary Public