

No. **2021-7108**

Confidential Information Redacted
Texas Labor Code §§402.083 and 402.092

**Official Order
of the
Texas Commissioner of Workers' Compensation**

Date: 11/30/2021

Subject Considered:

Angelo Dushi Parameswaran, M.D.
1200 Binz Street, Suite 100
Houston, Texas 77004-6944

Consent Order
DWC Enforcement File No. 17965

General remarks and official action taken:

This is a consent order with Angelo Dushi Parameswaran, M.D. (Dr. Parameswaran). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Dr. Parameswaran.

Waiver

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

Findings of Fact

1. Dr. Parameswaran holds License No. N5932, which was issued by the Texas Medical Board on April 9, 2010.
2. Dr. Parameswaran is a health care provider in the Texas workers' compensation system.

3. Dr. Parameswaran was not selected to be tiered in the 2007, 2009, 2011, 2013, 2015, 2017, or 2019 Performance Based Oversight (PBO) assessments.

Billing for Services Not Supervised

4. On [REDACTED] Dr. Parameswaran was interviewed by DWC Investigators at his office located at 1200 Binz Street, Suite 100, Houston, Texas 77004, in relation to an investigation into Trailblazer Diagnostic. During this interview, Dr. Parameswaran stated that he began working with Trailblazer Diagnostic as a medical director in 2015 and was tasked with reviewing reports and tests, supervising technicians, and overseeing manual muscle testing (MMT). Dr. Parameswaran also signed, certified, and submitted numerous MMT examinations under his license number but admitted he was not in the room and did not supervise the technicians performing these exams. DWC concludes that Dr. Parameswaran knowingly submitted the CPT codes under his license number to Centers for Medicare and Medicaid Services 1500 Health Insurance Claim Forms (CMS-1500 form) for MMT and were not proper because the physician is required to perform the examination or be in the room during the examination.
5. Based on a review of data submitted to DWC between [REDACTED] and [REDACTED] [REDACTED] records show that 1,117 unique bill IDs were submitted under Dr. Parameswaran's license number for MMTs performed.
6. When a health care provider submits a bill for professional services on paper, the paper medical bill is required to be filed on the applicable version of the CMS-1500 form. All information submitted on the required paper billing forms must be legible and completed in accordance with DWC rules.
7. Dr. Parameswaran entered his National Provider Identifier Number as the rendering provider in box 24 J of the CMS-1500 form. However, the medical records do not indicate that Dr. Parameswaran was the rendering provider in any of the bills reviewed.
8. Dr. Parameswaran added the (GP) modifier to American Medical Association Current Procedural Terminology (CPT) codes 95831 and 95832, manual muscle testing, in box 24 D of the CMS-1500 form. Adding the GP modifier to a CPT code indicates that the service was provided by a physical therapist, or it was provided by another qualified person under an outpatient physical therapy plan of care.

There is no evidence in the medical records to support that CPT codes 95831 and 95832 were performed by a physical therapist or any other qualified person under an outpatient physical therapy plan of care.

Assessment of Sanction

1. Failure to provide appropriate medical benefits in a timely and cost-effective manner by submitting unnecessary referrals to other health care providers and ordering unnecessary tests of an injured employee as part of a medical examination is harmful to injured employees and the Texas workers' compensation system.
2. In assessing the sanction for this case, DWC fully considered the following factors in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e):
 - the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act;
 - the history and extent of previous administrative violations;
 - the violator's demonstration of good faith, including actions it took to rectify the consequences of the prohibited act;
 - the penalty necessary to deter future violations;
 - whether the administrative violation had a negative impact on the delivery of benefits to an injured employee;
 - the history of compliance with electronic data interchange requirements;
 - to the extent reasonable, the economic benefit resulting from the prohibited act; and
 - other matters that justice may require, including, but not limited to:
 - PBO assessments;
 - prompt and earnest actions to prevent future violations;
 - self-report of the violation;
 - the size of the company or practice;
 - the effect of a sanction on the availability of health care; and
 - evidence of heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
3. DWC found the following factors in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e) to be aggravating: the seriousness of the violation, including the nature, circumstances, consequences, extent, and gravity of the prohibited act; the penalty necessary to deter future violations.

4. DWC found the following factors in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e) to be mitigating: to the extent reasonable, the economic benefit resulting from the prohibited act and whether the administrative violation had a negative impact on the delivery of benefits to an injured employee. Dr. Parameswaran does not own the testing facilities but uses the testing to indicate the effectiveness of treatments and the results indicate future treatments. Additionally, Dr. Parameswaran believed he met the criteria for medical supervision under Chapter 28 of the Medicare Reference Manual, section 28.5. because Dr. Parameswaran relied on outside legal advice stating that according to Section 28.2 of the Medicare Reference Manual, physician supervision, as alleged to be required, did not apply to codes 95831 and 95832.
5. Dr. Parameswaran acknowledges he communicated with DWC about the relevant statutes and rules he violated; the facts establish that the administrative violation occurred; and the proposed sanction is appropriate, including the factors DWC considered under TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e).
6. Dr. Parameswaran acknowledges that, in assessing the sanction, DWC considered the factors in TEX. LAB. CODE § 415.021(c) and 28 TEX. ADMIN. CODE § 180.26(e).

Conclusions of Law

1. The commissioner has jurisdiction over this matter pursuant to TEX. LAB. CODE §§ 401.021, 402.001, 402.00111, 402.00114, 402.00116, 402.00128, 408.0041, 408.1225, 413.002, 413.0511, 413.0512, 414.002, 415.021, and 415.0215; 28 TEX. ADMIN. CODE § 180.26; and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has the authority to dispose of this case informally pursuant to TEX. GOV'T CODE § 2001.056, TEX. LAB. CODE §§ 401.021 and 402.00128(b)(6)-(7), and 28 TEX. ADMIN. CODE § 180.26(h) and (i).
3. Dr. Parameswaran has knowingly and voluntarily waived all procedural rights to which he may have been entitled regarding the entry of this order, including, but not limited to, issuance and service of notice of intent to institute disciplinary action, notice of hearing, a public hearing, a proposal for decision, a rehearing by the commissioner, and judicial review.

4. Pursuant to TEX. LAB. CODE § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
5. Pursuant to TEX. LAB. CODE § 408.0231(f)(7), the commissioner may impose sanctions against a doctor who commits an administrative violation, including mandatory participation in training classes.
6. Pursuant to TEX. LAB. CODE § 415.003(1), a health care provider commits an administrative violation if they submit a charge for health care that was not furnished.
7. Pursuant to TEX. LAB. CODE § 415.003(5), a health care provider commits an administrative violation if they violate a DWC rule.
8. Pursuant to TEX. LAB. CODE § 415.003(6), a health care provider commits an administrative violation if they fail to comply with a provision of the Texas Workers' Compensation Act.
9. Pursuant to TEX. LAB. CODE § 408.0231(c)(3), one of the criteria for imposing sanctions on a doctor may include evidence from the medical records that the doctor's evaluations are, to a large extent, different from those the commissioner finds to be fair and reasonable.
10. Pursuant to 28 TEX. ADMIN. CODE § 134.203(a)(7), specific provisions contained in the Texas Labor Code or DWC rules, including this chapter, will take precedence over any conflicting provision adopted or used by CMS in administering the Medicare program.
11. Pursuant to 28 TEX. ADMIN. CODE § 134.203(b)(1), for coding, billing, reporting, and reimbursement of professional medical services, Texas workers' compensation system participants must apply Medicare payment policies, including its coding, billing, correct coding initiatives edits, modifiers, bonus payments for health professional shortage areas and physician scarcity areas, and other payment policies in effect on the date a service is provided with any additions or exceptions in the rules.

12. Pursuant to 28 TEX. ADMIN. CODE § 134.204(b), health care providers must bill their usual and customary charges using the most current Level 1 (CPT codes) and Level 2 (Healthcare Common Procedure Coding System) codes. Health care providers must submit medical bills in accordance with the Labor Code and DWC rules, including any required DWC-specific modifiers.
13. Pursuant to the American Medical Association's CPT Professional Edition code book, CPT Codes 95831 and 95832 require one-on-one patient contact.
14. Dr. Parameswaran violated TEX. LAB. CODE §§ 415.003(1), (5), and (6) each time he billed for medical services he did not supervise.

Order

It is ordered that Angelo Dushi Parameswaran, M.D., must:

1. Pay an administrative penalty of \$3,000 within 60 days from the date of this order. Angelo Dushi Parameswaran, M.D., must pay the administrative penalty by company check, cashier's check, or money order and make it payable to the "State of Texas." Mail the administrative penalty to the Texas Department of Insurance, Attn: DWC Enforcement Section, MC AO-9999, P.O. Box 12030, Austin, Texas 78711-2030.
2. Attend and complete a KSTAR medical recordkeeping course within 180 days from the date of this order. Angelo Dushi Parameswaran, M.D., must provide to DWC confirmation that he attended and completed the workshop within 14 days of completion. Mail confirmation to the Texas Department of Insurance, Attn: Neal Bertling, DWC Enforcement Section, 7551 Metro Center Drive, Suite 100, MS-11, Austin, Texas 78744.
3. Attend and complete an Ethics and Boundaries Assessment Services, LLC course within 180 days from the date of this order. Angelo Dushi Parameswaran, M.D., must provide to DWC confirmation that he attended and completed the workshop within 14 days of completion. Mail confirmation to the Texas Department of Insurance, Attn: Neal Bertling, DWC Enforcement Section, 7551 Metro Center Drive, Suite 100, MS-11, Austin, Texas 78744.



Dan Paschal, J.D.
Deputy Commissioner
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TDI, Division of Workers' Compensation

Approved Form and Content:



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