

No. **2025-9345**

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

**Date: 6/9/2025**

**Subject Considered:**

James William Butler, M.D.  
9800 Richmond Avenue, Suite 200  
Houston, Texas 77042-4521

Consent Order  
DWC Enforcement File No. 36428

**General remarks and official action taken:**

This is a consent order with James William Butler, M.D. (Respondent). The commissioner of the Texas Department of Insurance, Division of Workers' Compensation (DWC) considers whether DWC should take disciplinary action against Respondent.

**Waiver**

Respondent acknowledges that the Texas Labor Code and other applicable laws provide certain rights. Respondent 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. On April 10, 1999, the Texas Medical Board issued physician license no. K7256 to Respondent.
2. Respondent is a designated doctor (DD) in the Texas workers' compensation system. Respondent was first certified as a DD on July 3, 2012. Respondent was first certified to rate maximum medical improvement (MMI) and assign impairment ratings (IR) on July 3, 2012. Respondent's certification as a DD to rate MMI and assign IR will expire on Aug. 4, 2025.

3. Respondent was classified as "average" tier in the 2023 Performance Based Oversight (PBO) assessments on DWC Form-069, *Report of Medical Evaluation* (DWC-69).

Failure to Timely File a DD Report

4. On [REDACTED], Respondent performed a DD examination on an injured employee to determine the issues of MMI, IR, and extent of injury (EOI).
5. Respondent was required to file a DWC-69, DWC Form-068, *DD Examination Data Report* (DWC-68), and Narrative Report (collectively referred to as "DD Report") with DWC, the injured employee, the injured employee's representative, and the insurance carrier within seven working days of the exam unless additional testing was necessary to resolve the issues in question.
6. Prior to completing the exam, Respondent determined that additional testing was necessary.
7. The DD Report was due within 15 working days of the examination on [REDACTED] unless Respondent received DWC approval for additional time before the expiration of the 15 working days.
8. Respondent did not receive DWC approval for additional time before the expiration of the 15 working days. Therefore, the DD Report was due by [REDACTED].
9. On [REDACTED], Respondent submitted the DD Report to all parties, 69 days late.

**Assessment of Sanction**

1. Failure to timely file required reports related to a DD examination unnecessarily delays the resolution of medical disputes and the injured employee's ability to obtain income benefits in a timely and cost-effective manner. This is harmful to injured employees and the Texas workers' compensation system.
2. The examinations and reports from a DD have significant consequences on workers' compensation claims, the benefits of injured employees, and the Texas workers' compensation system. DWC relies on DDs to comply with the rules to provide a fair and accessible dispute resolution process.

3. 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 (EDI) 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.
4. DWC found the following factors in Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e) to be aggravating:
  - a. The violation is serious because Respondent filed the DD Report 69 days late;
  - b. Respondent has a significant history of prior administrative violations, including four warning letters and two consent orders for substantially similar conduct in the last three years;
  - c. A penalty is necessary to deter future violations; and
  - d. Respondent has a heightened awareness of the legal duty to comply with the Texas Workers' Compensation Act and DWC rules.
5. DWC is aware of no mitigating factors pursuant to Tex. Lab. Code § 415.021(c) and 28 Tex. Admin. Code § 180.26(e).
6. Respondent acknowledges communicating with DWC about the relevant statute and rule violations alleged; that the facts establish that the administrative

violation(s) occurred; and that 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).

7. Respondent 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, 413.044, 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, 402.00128(b)(6)-(7), and 415.034; and 28 Tex. Admin. Code § 180.26(h) and (i).
3. Respondent 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 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 § 415.003(5) and (6), a health care provider commits an administrative violation each time the person fails to comply with a commissioner rule or with a provision of the Texas Workers' Compensation Act.
5. Pursuant to Tex. Lab. Code § 415.0035(b)(1), a health care provider commits an administrative violation if that person fails or refuses to timely file required reports or records.
6. Pursuant to Tex. Lab. Code § 415.021, the commissioner may assess an administrative penalty against a person who commits an administrative violation.
7. Pursuant to 28 Tex. Admin. Code §§ 127.210 and 180.26, the commissioner may revoke or suspend a DD's certification as a DD or sanction a DD for not complying with DWC rules.

8. Pursuant to 28 Tex. Admin. Code § 127.210(a)(18), the commissioner may sanction a DD for violating applicable statutes or rules while serving as a DD.
9. Pursuant to 28 Tex. Admin. Code § 127.10(c), any additional testing or referral examination and the DD's report must be completed within 15 working days of the DD's physical examination of the injured employee unless the DD receives DWC approval for additional time before the expiration of the 15 working days.
10. Pursuant to 28 Tex. Admin. Code § 127.10(e), a DD who determines the injured employee has reached MMI, 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 and 130.3.
11. Pursuant to 28 Tex. Admin. Code § 127.10(g), a DD who resolves questions on issues such as EOI must file a DWC-68 within seven working days of the date the DD examines the injured employee.
12. Pursuant to 28 Tex. Admin. Code §§ 130.1(d)(2)(A) and 130.3, a DD Report shall be filed with DWC, the injured employee, the injured employee's representative, and the insurance carrier no later than the seventh working day after the date of the certifying examination.
13. Respondent violated Tex. Lab. Code §§ 415.003(5) & (6), and 415.0035(b)(1); and 28 Tex. Admin. Code §§ 127.10(c), (e), & (g); 130.1; and 130.3 by failing to timely file a DD report in the form and manner required by DWC.

**Order**

1. This Consent Order shall constitute a public reprimand of James William Butler, M.D. for repeated violations of a division rule. James William Butler, M.D. is expected to comply with the law, as described above.
2. It is ordered that James William Butler, M.D. must pay an administrative penalty of \$1,000 within 30 days from the date the Commissioner signs the order.

After receiving an invoice, James William Butler, M.D. must pay the administrative penalty by electronic transfer using the State Invoice Payment Service, 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, MC AO-9999, PO Box 12030, Austin, Texas, 78711-2030.

  
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Jeff Nelson  
Commissioner  
TDI, Division of Workers' Compensation

Approved Form and Content:

  
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Alberto Garcia  
Staff Attorney, Enforcement  
Compliance and Investigations  
TDI, Division of Workers' Compensation

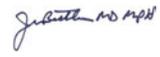
**Unsworn Declaration**

**STATE OF** TEXAS §  
§  
**COUNTY OF** HARRIS §

Pursuant to the Tex. Civ. Prac. and Rem. Code § 132.001(a), (b), and (d), my name is:  
JAMES WILLIAM BUTLER. My license number  
(First) (Middle) (Last)  
is K7256, which was issued by the TEXAS MEDICAL BOARD.  
(Licensing agency/board/entity)

My business address is:  
9800 RICHMOND AVE, SUITE 200, HOUSTON, HARRIS, TEXAS, 77433.  
(Street) (City) (County) (State) (ZIP Code)

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the facts stated in this document are true and correct.

  
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Declarant

Executed on 05/28, 2025.