

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-04-00627-CV**

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**Stephen L. Wilson, M.D., Appellant**

**v.**

**Texas Workers' Compensation Commission and Rod Bordelon, Appellees<sup>1</sup>**

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**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 250TH JUDICIAL DISTRICT  
NO. GN400475, HONORABLE DARLENE BYRNE, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Stephen L. Wilson, M.D., sought declaratory and injunctive relief in response to an order of the Texas Workers' Compensation Commission<sup>2</sup> denying him admission to the Commission's approved doctor list ("ADL"), which prevents him from treating patients under the workers' compensation system. Wilson asserted that the Commission acted without authority in promulgating rules that allowed the Commission to effectively terminate the ADL that existed until September 1, 2003, and to develop a new ADL from which Wilson was excluded. On

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<sup>1</sup> The current commissioner has been substituted for his predecessor. *See* Tex. R. App. P. 7.2(a) (automatic substitution when public officer is party in official capacity).

<sup>2</sup> Effective September 1, 2005, the Texas Workers' Compensation Commission was abolished and reorganized under the Texas Department of Insurance, Workers Compensation Division. *See* Act of May 29, 2005, 79th Leg., R.S., ch. 265, § 8.001, 2005 Tex. Gen. Laws 469, 607-08. Since the order at issue was entered prior to the reorganization, all references in this opinion are to the Commission and the law existing prior to September 1, 2005.

cross-motions for summary judgment, the district court granted the Commission's motion and denied Wilson's, and Wilson now appeals.

The underlying suit was brought by Wilson, a board-certified orthopedic surgeon, who treated injured employees under the workers' compensation system as an approved doctor between 1993 and 2004. In 2001, the legislature began amending the labor code to end the practice of automatically admitting to the ADL all doctors licensed in Texas and to require doctors to register with the Commission and comply with the Commission's requirements for admission. Wilson applied under the new statutory scheme, and his application was denied. Wilson asserts that the rules adopted by the Commission for reviewing ADL applications are invalid and contrary to the governing provisions of the labor code. He also argues that he was denied due process and due course of law under the federal and state constitutions when he was denied an administrative hearing.

Because the issues raised in this appeal are identical to those in *Joon S. Lee, M.D. v. Texas Workers' Compensation Commission, et al.*, cause number 03-04-00628-CV, dated this day, and for the reasons stated in that opinion, we overrule Wilson's issues and affirm the district court's order granting summary judgment in favor of the Commission.

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W. Kenneth Law, Chief Justice

Before Chief Justice Law, Justices Patterson and Puryear

Affirmed

Filed: December 17, 2008