

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

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APR 06 2009

KS State Board of Healing Arts

In the Matter of)
)
MAXIME COLES, M.D.)
Kansas License No. 04-31291)
_____)

Docket No. 09-HA00084

**JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

NOW on this 6TH day of April, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), concerning Licensee's satisfaction of all requirements contained in the Final Order which was filed on December 29, 2008. Wherefore, the Board finds as follows:

1. On or about December 29, 2008, the Board issued a Final Order regarding the license of Maxime Coles, M.D. ("Licensee") to practice medicine and surgery in the state of Kansas. The Final Order contained a provision for Licensee to attend and successfully complete a Board approved course on proper medical billing/coding within six months of the effective date of the Summary Order and to provide proof of completion to the Board. The Summary Order became effective as a Final Order on December 22, 2008.

2. On February 3, 2009, Licensee sought and obtained approval from the Board to utilize Suzanne Quinton, CPC, CCS-P, CPC-Ortho of Quinton Coding Consultants, Inc., 7300 S. 234th E. Ave., Broken Arrow, OK, to prepare and present training on Orthopedic Coding and Documentation Guidelines.

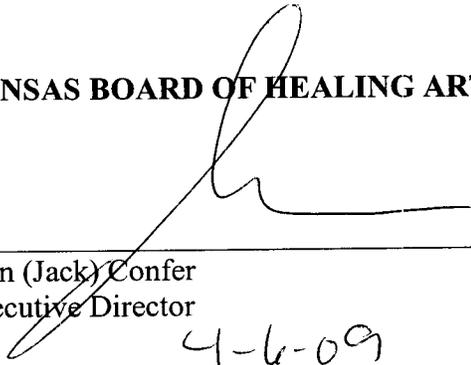
3. On March 27, 2009, Licensee provided a certificate of completion of the prior approved course. The certificate reflected that Licensee completed 6 hours of specialized orthopedic coding and documentation training on March 21, 2009.

4. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order filed on December 29, 2008.

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS



John (Jack) Confer
Executive Director

4-6-09

Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 6th day of April, 2009 by United States mail, first-class postage pre-paid and addressed to:

Maxime Coles, M.D.
1501 W. 4th Street
Coffeyville, KS 67337

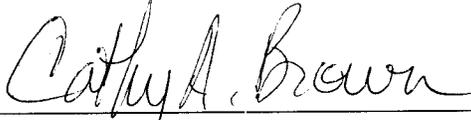
and a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy Brown
Executive Assistant

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KS State Board of Healing Arts

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)
MAXIME COLES, M.D.)
)
Kansas License No. 04-31291)
_____)

Docket No. 09-HA 00084

SUMMARY ORDER

NOW ON THIS 20 day of December, 2008, this matter comes before John (Jack) Confer, Acting Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Maxime Coles, M.D. ("Licensee") was originally issued license number 04-31291 to practice medicine and surgery in the state of Kansas June 11, 2005. Licensee's license is active, having last been renewed on or about July 1, 2008.
2. Licensee's last known mailing address as provided to the Board at the time of his renewal is 1501 W. 4th Street, Coffeyville, Kansas 67337.
3. On or about January 14, 2008, the Board received a complaint from Patient #1 regarding the standard of care provided to Patient #1 and Licensee's billing practices. Patient #1

stated that she saw Licensee three times in 2006.

4. Patient #1 stated that she saw Licensee in his office on June 20, 2006 as a new patient for heel pain. Patient #1 stated that she made the appointment on her own and was not referred by another physician to Licensee. Patient #1 stated that on that visit, Licensee diagnosed her with Plantar Fasciitis and gave her a prescription for Naproxen.

5. Patient #1 stated that she next saw Licensee on July 18, 2006 at his office. Patient #1 states that this office visit was due to have Licensee look at her heel again. At this visit, Licensee's assessment states resolved plantar fasciitis. Patient #1 states Licensee does not conduct a full exam, no ROS, and his plan simply consists of telling her to take the Naproxen as needed.

6. Patient #1 saw Licensee again on October 5, 2006 for pain on top of the same foot. Patient #1 state that Licensee did conduct an exam of her foot, but did not take any x-rays. Patient #1 stated that Licensee told her it "could" be a fracture of her foot but to just wear a wooden boot. Patient #1 stated Licensee did not provide fracture care.

7. Patient #1's medical records were received from Licensee on February 22, 2008.

8. Patient #1's medical records show that on June 20, 2006, Licensee billed Patient #1's insurance CPT code 99224; on July 18, 2006, Licensee billed Patient #1's insurance CPT code 99213 and on October 5, 2006, Licensee billed Patient #1's insurance CPT code 28470.

9. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

10. K.S.A. 65-2836 states, in pertinent part: A licensee's license may be revoked, suspended, or limited or the licensee may be publicly or privately censured, or an application for license or for reinstatement of a license may be denied upon finding of the existence of any of the following grounds:
 - (b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.
 - (aa) The Licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.
11. K.S.A. 65-2837 states, in pertinent part: As used in K.S.A. 65-2836, and amendments thereto, and in this section:
 - (b) Unprofessional conduct means:
 - (18) Obtaining any fee by fraud, deceit or misrepresentation;
 - (19) Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, other than through the legal functioning of lawful professional partnerships, corporations or associations;
 - (22) Charging an excessive fee for services rendered.

Conclusions of Law

12. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
13. The Board finds that Dr. Coles violated K.S.A. 65-2836 and K.S.A. 65-2837 by charging Patient #1 and her insurance company for fracture care when he placed Patient #1 in a boot and for charging a consultation code when he did not do a consult.
14. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in

K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Maxime Coles, M.D.

IT IS, THEREFORE, ORDERED that:

- A. Licensee shall attend and successfully complete a course on proper medical billing/coding within six (6) months after the filing of this Order.
- B. The course must be approved by the Board or its designee and will be at Licensee's own expense.
- C. Licensee must provide Board staff with proof of completion of the course.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 3rd day of December 2008.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 4th day of December, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Maxime Coles, M.D.
1501 W. 4th Street
Coffeyville, Kansas 67337

and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with the office of the Executive Director:

Jack Confer
Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

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KS State Board of Healing Arts

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MAXIME COLES, M.D.)
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Kansas License No. 04-31291)
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Docket No. 09-HA00084

FINAL ORDER

NOW ON THIS 29TH day of December, 2008, the above-entitled matter comes on before

John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On December 3, 2008, the Acting Executive Director issued a Summary Order regarding the license of Maxime Coles, M.D. (Licensee) to practice as a medical doctor in the state of Kansas. The Summary Order contained a provision requiring Licensee to attend and successfully complete a Board approved course on proper medical billing/coding within six months of the effective date of the Summary Order. Licensee is required to provide proof of completion of the course to the Board.

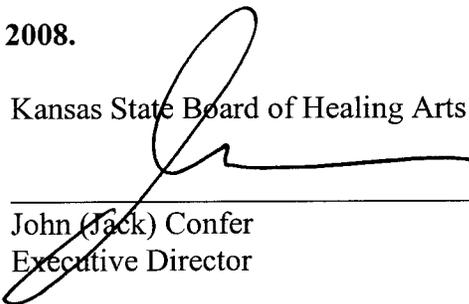
2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on December 22, 2008.

IT IS SO ORDERED.

Dated this 29th day of December 2008.

Kansas State Board of Healing Arts



John (Jack) Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 29th day of December, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Maxime Coles, M.D.
1501 W. 4th Street
Coffeyville, KS 67337

and a copy was hand-delivered to:

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John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant