

EFFECTIVE AS A FINAL ORDER

DATE: 3/27/17

FILED *CAD*

MAR 06 2017

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

KS State Board of Healing Arts

In the Matter of)
)
Amber M. Laube, O.T.A.)
A/K/A Amber M. Schwind, O.T.A.,)
Amber M. Laube-Schwind O.T.A.)
Kansas License No. 18-00568)
_____)

KSBHA Docket No. 17-HA 00047

SUMMARY ORDER

NOW ON THIS 3 day of March, 2017, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

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. Amber Michelle Laube ("Licensee") was originally issued license number 18-00568 to practice as an occupational therapist assistant in the State of Kansas on October 4, 2002. Licensee's current license designation is Active, and such license was last renewed on or about March 27, 2016.

2. Licensee's last known mailing address to the Board is: [REDACTED]
Goddard, Kansas 67052.

3. On or about January 14, 2016, the Board received a complaint on behalf of Family Health and Rehab Center located in Wichita, Kansas stating that Licensee was terminated from employment [REDACTED]

4. Licensee billed patient services beginning at or around 8:56 a.m., but did not arrive at the facility until approximately 10:00 a.m.

5. Licensee's Daily Interaction form for services provided at Family Health and Rehabilitation Center indicates Licensee billed for providing patient care to three (3) separate patients before 10:08 a.m. that included the following treatments:

- (a) From approximately 8:56 a.m. to approximately 9:26 a.m. Licensee documented providing care and treatment to Patient 1 for thirty (30) minutes with a documented CPT code of 97535.
- (b) From approximately 9:27 a.m. to approximately 9:37 a.m. Licensee documented providing care and treatment to Patient 2 for ten (10) minutes with a documented CPT code of 97530.
- (c) From approximately 9:38 a.m. to approximately 10:08 a.m. Licensee documented providing care and treatment to Patient 3 for thirty (30) minutes with a documented CPT code of 10705.

6. All Licensee's patient notes are electronically signed by Licensee as "Amber Schwind, COTA."

7. In Licensee's response to the Board dated on or about March 5, 2016, Licensee signed her name as "Amber Laube-Schwind, OTA-L."

8. Licensee's last application submitted on or about March 27, 2016, had the name "Amber Michelle Laube" listed. At no point in time prior to this application or after this application, has Licensee changed her name to include the names "Amber M. Schwind" and/or "Amber M. Laube-Schwind."

9. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 32. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

10. K.S.A. 65-5410(a) of the Occupational Therapy Act states in pertinent part:

The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee . . . has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public.

Unprofessional conduct includes:

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

(4) violating any lawful order or rule and regulation of the board;

(5) violating any provision of this act.

11. K.A.R. 100-54-5 states: 'Unprofessional conduct' means any of the following:

(h) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5410

(o) committing conduct likely to deceive, defraud, or harm the public.

(r) obtaining any fee by fraud, deceit, or misrepresentation.

(t) failing to keep written records justifying the course of treatment of the patient.

Conclusions of Law

12. The Board finds that Licensee violated K.S.A. 65-5410(a)(2) as further defined in K.A.R. 100-54-5(h) in that Licensee was disciplined by a peer review committee or medical care facility when she was terminated from employment with Family Health & Rehab Center.

13. The Board finds that Licensee violated K.S.A. 65-5410(a)(2) as further defined in K.A.R. 100-54-5(o) in that Licensee's conduct is likely to deceive, defraud or harm the public.

14. The Board finds that Licensee violated K.S.A. 65-5410(a)(2) as further defined in K.A.R. 100-54-5(r) in that Licensee obtained a fee by fraud, deceit, or misrepresentation when she attempted to bill for care and treatment that was not rendered.

15. The Board finds that Licensee violated K.S.A. 65-5410(a)(2) as further defined in K.A.R. 100-54-5(t) in that Licensee failed to keep written records justifying the course of treatment of the patient when she attempted to bill for care and treatment that was not rendered, and document care and treatment that was not rendered.

16. The Board finds that Licensee violated K.S.A. 65-5410(a)(4) in that Licensee violated a lawful rule and regulation of the Board when she committed unprofessional conduct.

17. The Board finds that Licensee violated K.S.A. 65-5410(a)(5) in that Licensee violated provisions of the Occupational Therapy Act.

18. Based on the facts and circumstances set forth herein, 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 law and the

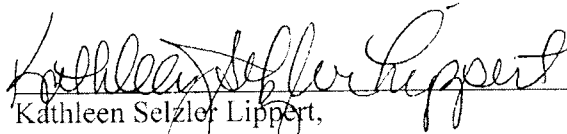
protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee's Kansas license is **PUBLICLY CENSURED** for violating K.S.A. 65-2836.

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 3 day of March, 2017.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 27th day of March, 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Amber M. Laube, OTA
[REDACTED]
Overland Park, KS 66212

Amber M. Laube, OTA
[REDACTED]
Goddard, KS 67052

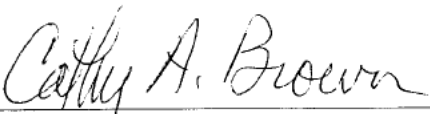
And a copy was hand-delivered to:

Susan Gering, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant