FILED
JUL 08 2011
KS State Bd.

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of Rohit C. Patel, M.D. Kansas License No. 08-00254	)))))	KSBHA Docket No. 11-HA00094

JOURNAL ENTRY OF SATISFACTION OF SUMMARY ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and applicable statutes and being otherwise duly advised in the premises, makes the following determinations:

1. Rohit C. Patel, M.D. ("Licensee") has, since approximately October 16, 2009, maintained License No. 08-00254 to engage in the practice of medicine and surgery in the State of Kansas.

2. Licensee's mailing address of record provided to the Board is: confidential Street, Wichita, Kansas 67207.

3. On May 16, 2011, Executive Director Selzler Lippert, in accordance with K.S.A. 2010 Supp. 77-514, and as authorized by K.S.A. 2010 Supp. 65-5510, issued a Summary Order against Licensee for violations of the Kansas Healing Acts Act. The Summary Order ordered Licensee to pay a civil fine in the amount of $500.00. Such costs were due in full to the Board by June 15, 2011.

4. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for hearing was not filed within 15 days following service of the Summary Order, the

Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

5. Pursuant to K.S.A. 2010 Supp. 77-531, the Summary Order was served upon Licensee by mailing a copy of the Summary Order to Licensee at Licensee last known address of record, via United States Mail, first-class postage prepaid.

6. Pursuant to K.S.A. 77-526 and 77-530, the Summary Order became effective as a Final Order on June 6, 2011.

7. On or about June 14, 2011, Licensee remitted payment in full to the Board of the $500.00 civil fine.

8. Licensee has satisfied all requirements of the Summary Order and has no further obligation for compliance.

9. Licensee has not requested a hearing on the Summary Order or petitioned the Board for review of the Final Order.

10. The Board shall maintain jurisdiction over this matter to issue any further Order(s) deemed necessary and appropriate.

IT IS THEREFORE ORDERED that the Summary Order filed in the above-captioned matter on May 16, 2011 became effective as a Final Order on June 6, 2011.

IT IS FURTHER ORDERED that Licensee has satisfied all requirements of the Summary Order and Final Order, and is discharged from all requirements of the Summary Order and Final Order.

IT IS SO ENTERED THIS 8 DAY OF July, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and approved by:

Randy E. Stookey, #21885
Associate General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above and foregoing **Journal Entry of Satisfaction**, by depositing the same in the United States mail, postage prepaid, on this 8th day of July, 2011, addressed to:

Rohit Patel, M.D.
confidential

Wichita, Kansas 67207

and a copy hand delivered to the office of:

Janith A. Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

and the original was filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

Cathy A. Brown

Cathy Brown, Executive Assistant

FILED
MAY 16 2011
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
	)	
ROHIT C. PATEL, M.D.	)	KSBHA Docket No. 11-HA 00094
Kansas License No. 08-00254	)	
	)	

SUMMARY ORDER

NOW ON THIS 16 day of May, 2011, 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.

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:

1. Rohit C. Patel, M.D. ("Licensee") was originally issued license number 08-00254 to practice medicine and surgery in the State of Kansas on October 16, 2009. Licensee's license is currently active, having last renewed on or about July 12, 2010.

2. Licensee's last known mailing address as provided to the Board is confidential confidential Emporia, Kansas 66801.

3. On or about May 18, 2010, legal counsel for the Mental Health Center of East Central Kansas ("MHCECK") sent a voluntary disclosure letter to the Corporate Compliance Officer of Kansas Health Solutions to notify them that MHCECK had conducted an internal audit that revealed overbilling by a provider, the Licensee.

4. Specifically, Licensee was overstating his face-to-face time spent with clients.

5. The internal audit revealed ten dates of service that were improperly billed, as follows:

a. On May 15, 2008, a CPT code of 90807 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was nineteen (19) minutes. The correct CPT code that should have been used for billing was 90862. The total amount billed for this patient encounter was $180.00, when it should have been billed at $90.00.

b. On December 9, 2008, a CPT code of 90807 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was thirty (30) minutes. The correct CPT code that should have been used for billing was 90862. The total amount billed for this patient encounter was $180.00, when it should have been billed at $90.00.

c. On February 4, 2009, a CPT code of 90807 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was twenty six (26) minutes. The correct CPT code that should have been used for billing was 90862. The total amount billed for this patient encounter was $180.00, when it should have been billed at $90.00.

d. On March 17, 2009, a CPT code of 90807 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was twenty three (23) minutes. The correct CPT code that should have been used for billing was 90862. The total

amount billed for this patient encounter was $180.00, when it should have been billed at $90.00.

e. On May 12, 2009, a CPT code of 99205 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was thirty three (33) minutes. The correct CPT code that should have been used for billing was 99203. The total amount billed for this patient encounter was $200.00, when it should have been billed at $100.00.

f. On June 16, 2009, a CPT code of 99205 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was forty (40) minutes. The correct CPT code that should have been used for billing was 99204. The total amount billed for this patient encounter was $200.00, when it should have been billed at $150.00.

g. On July 8, 2009, a CPT code of 99242 was billed for a total of thirty (30) minutes, when the actual time spent with the patient was nineteen (19) minutes. The correct CPT code that should have been used for billing was 99241. The total amount billed for this patient encounter was $100.00, when it should have been billed at $75.00.

h. On November 11, 2009, a CPT code of 99205 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was thirty eight (38) minutes. The correct CPT code that should have been used for billing was 99024. The total amount billed for this patient encounter was $200.00, when it should have been billed at $150.00.

i. On January 14, 2010, a CPT code of 99205 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was twenty nine (29) minutes. The correct CPT code that should have been used for billing was 99203. The total amount billed for this patient encounter was $200.00, when it should have been billed at $100.00.

j. On February 4, 2010, a CPT code of 99205 was billed for a total of sixty (60) minutes, when the actual time spent with the patient was thirty four (34) minutes. The correct CPT code that should have been used for billing was 99203. The total billed for this patient encounter was $200.00, when it should have been billed at $100.00

6. Kansas Health Solutions requested that MHCECK return the overpayment amount of $1,071.42 that was identified as being inappropriately billed and collected.

7. All pending investigation materials were fully reviewed and presented to the Board's Disciplinary Panel No. 25. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specified disciplinary sanctions.

8. The conduct of Licensee is found to constitute unprofessional conduct as defined by the Healing Arts Act in violation of K.S.A. 65-2836(b), and as further defined by K.S.A. 65-2837 (b)(12) conduct likely to deceive, defraud or harm the public; K.S.A. 65-2837 (b)(18) obtaining any fee by fraud, deceit or misrepresentation; and K.S.A. 65-2837 (b)(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.

9. Licensee violated K.S.A. 65-2338(b), as further defined by K.S.A 65-2837(b)(12), K.S.A. 65-2837(b)(18, and K.S.A. 65-2837(b)(19) when he improperly billed for services not rendered and obtained fees for services not rendered.

10. K.S.A. 65-2863a states:

> The state board of healing arts, in addition to any other penalty prescribed under the Kansas healing arts act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the Kansas healing arts acts in an amount not to exceed $5,000 for the first violation, $10,000 for the second violation and $15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

IT IS THEREFORE ORDERED that Licensee shall pay a **CIVIL FINE OF $500.00**, pursuant to K.S.A. 65-2863a, for the above referenced violations of the Healing Arts Act. The full amount of the fine shall be due and payable on or before June 15, 2011.

Licensee shall make his payment payable to the Kansas State Board of Healing Arts and send the payment to the attention of: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 S.W. Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

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

Dated this 16 **day of** May**, 2011.**

Kansas State Board of Healing Arts

Kathleen Selzler Lippert
Executive Director

Prepared by:

Janith A. Lewis, #18115
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612
(785) 368-7257

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **SUMMARY ORDER** on the 16th day of May, 2011, via United States mail, first-class postage prepaid and addressed to the following:

Rohit Patel, M.D.
confidential
Emporia, Kansas 66801

and the original was hand-delivered for filing to:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 S.W. Jackson
Lower Level-Suite A
Topeka, Kansas 66612

and copies were hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
800 S.W. Jackson
Lower Level-Suite A
Topeka, Kansas 66612

Janith A. Lewis
Associate Litigation Counsel
Kansas State Board of Healing Arts
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Cathy A. Brown