

OCT 13 2021

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

In the Matter of

Travis S. Riffel, P.T.A.  
License No. 14-02664

Docket No. 22-HA 00016

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, ("Board"), by and through Matthew Gaus, Associate Litigation Counsel ("Petitioner"), and Travis S. Riffel, P.T.A. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice as a physical therapy assistant in Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**
- CONFIDENTIAL** AL. Licensee's last email address as known to the Board is **CONFIDENTIAL**
2. Licensee was issued license number 14-02664 to practice as a physical therapy assistant on January 30, 2014. Licensee last renewed his license with an Active designation on or about December 31, 2020.
3. During all times relevant to the facts set forth in this Consent Order Licensee held an Active license to practice as a physical therapy assistant in Kansas.
4. The Board has received information and investigated the same, and has reason to believe there are grounds to take action under the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*
5. Licensee was employed by **CONFIDENTIAL** L, a contract provider to skilled nursing facilities, in June 2020.

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6. On June 20, 2020, Licensee was scheduled to work at CONFIDENTIAL in CONFIDENTIAL, Kansas.

7. On that date, Licensee recorded electronically that he had spent 6 ½ hours at the facility, had treated eight patients, for a total of 360 minutes of treatment.

8. CONFIDENTIAL, witness statements and surveillance videos showed Licensee had in fact come into the building in the morning, left the building approximately 45 minutes later, returned for approximately 20 minutes in the afternoon, and left for the day.

9. The CONFIDENTIAL further showed Licensee submitted inaccurate billing and treatment records for the patients he recorded treating.

10. Licensee was terminated June 23, 2020, three days after the incident. CONFIDENTIAL was forced to remove all charges, as well as forced to delete the inaccurate treatment records Licensee had recorded on that day.

11. CONFIDENTIAL Licensee was not forthcoming either with his employers or with Board CONFIDENTIAL.

12. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

13. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of physical therapy. K.S.A. 65-2901 *et seq.*

14. The Kansas Physical Therapy Practice Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

15. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

16. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

17. The Board has received information and investigated the same, and has reason to believe there may be grounds to take action with respect to Licensee's license under the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

18. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Physical Therapy Practice Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

19. Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by 100-29-12(a)<sup>CO</sup><sub>NFI</sub>, in that Licensee committed unprofessional conduct

**CONFIDENTIAL** for acts or conduct that would constitute unprofessional conduct; specifically, Licensee was terminated from his employment for falsifying billing and treatment records, which constitutes conduct likely to deceive, defraud, or harm the public and conduct likely to deceive, defraud, or harm the public in violation of K.A.R. 100-29-12.

20. Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further modified by 100-29-12(a)(18) in that Licensee committed unprofessional conduct when he engaged in conduct likely to deceive, defraud, or harm the public; specifically, Licensee falsified billing and treatment records, on multiple occasions and with multiple patients, to record that he had performed treatment he had not actually performed, to the detriment of the well-being of those patients. Further, Licensee was initially dishonest with both his employer and with Board **CONFIDENTIAL** in an attempt to conceal the extent of his misconduct.

21. Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further modified by 100-29-12(a)(21) in that he committed unprofessional conduct in obtaining fees by fraud, deceit, or misrepresentation; specifically, Licensee on multiple occasions falsified records to allow billing for services not actually performed.

22. Licensee violated K.S.A. 65-2912(a)(9) of the Kansas Physical Therapy Practice Act by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

23. According to K.S.A. 77-505 and K.S.A. 65-2912 the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

24. All pending ~~CONFIDENTIAL~~ materials in ~~CONFIDENTIAL~~ regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 36 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

25. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice as a physical therapy assistant in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Physical Therapy Practice Act K.S.A. 65-2901 *et seq.*

26. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical Therapy Practice Act or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Physical Therapy Practice Act.

27. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those for alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

28. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

29. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

30. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

31. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

32. Licensee acknowledges he has read this Consent Order and fully understands the contents.

33. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

34. Licensee shall obey all federal, state and local laws and rules governing the practice of physical therapy assistants in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

35. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2912. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

36. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

37. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of

Columbia, or other county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

38. Licensee shall at all times keep Board staff informed of his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

39. This Consent Order constitutes **public disciplinary action**.

40. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

41. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to practice as a physical therapist assistant:

#### **PUBLIC CENSURE**

42. Licensee is hereby **publicly censured** for violating the Kansas Physical Therapy Practice Act.

#### **EDUCATION: ETHICS COURSE**

43. Licensee shall successfully complete the **Ethics and Boundaries Examination** offered by **Ethics and Boundaries Assessment Services, L.L.C.** within **180 calendar days** of the execution of this Consent Order. Information regarding the Ethics and Boundaries Examination, including registration, is available at: [www.ebas.org](http://www.ebas.org).



44. Licensee shall provide **proof of successful completion** of the Ethics and Boundaries Examination to the Board's Compliance Coordinator **within 30 calendar days of successfully completing the examination.**

45. All costs associated with such examination shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the examination, any testing center costs, the cost of travel to and from the examination, and the cost of accommodations while taking the examination.

46. Any hours earned by Licensee toward continuing education as a result of successfully completing the Ethics and Boundaries Examination shall be in addition to those continuing education hours required for renewal of licensure.

47. Licensee shall sign any and all releases necessary to allow Ethics and Boundaries Assessments, L.L.C. to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

#### **EDUCATION: BILLING COURSE**

48. Licensee shall successfully complete Preventing Fraud, Abuse, and Waste: A Primer for Physical Therapists, presented by the American Physical Therapy Association, or other approved course concerning ethical billing, within **180 calendar days** of the execution of this Consent Order. Information regarding Preventing Fraud, Abuse, and Waste: A Primer for Physical Therapists, including registration, is available at: <https://learningcenter.apta.org/free>

49. Any program other than that listed above which Licensee wishes to complete in order to satisfy this requirement must be approved by the Board in advance of Licensee's enrollment in such program.

50. Licensee shall provide **proof of successful completion** of the **Preventing Fraud, Abuse, and Waste: A Primer for Physical Therapists** program or another Board-approved continuing education course covering ethical billing practices, **within 30 days of successfully completing the program.**

51. All costs associated with such program shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

52. Any hours earned by Licensee toward continuing education as a result of successfully completing the Preventing Fraud, Abuse, and Waste: A Primer for Physical Therapists program shall be in addition to those continuing education hours required for renewal of licensure.

53. Licensee shall sign any and all releases necessary to allow American Physical Therapy Association to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

#### **EDUCATION: RECORDKEEPING COURSE**

54. Licensee shall successfully complete the **Documentation Bootcamp for Skilled Therapy Services** program offered by **Summit Professional Education** or another Board-approved continuing education course covering recordkeeping and documentation practices,

within 180 calendar days of the execution of this Consent Order. Information regarding the **Documentation Bootcamp for Skilled Therapy Services** is available at: [summit-education.com](http://summit-education.com)

55. Any program other than that listed above which Licensee wishes to complete in order to satisfy this requirement must be approved by the Board in advance of Licensee's enrollment in such program.

56. Licensee shall provide **proof of successful completion** of the **Documentation Bootcamp for Skilled Therapy Services** program offered by **Summit Professional Education**, or another Board-approved continuing education course covering ethical billing practices, **within 30 days of successfully completing the program.**

57. All costs associated with such program shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

58. Any hours earned by Licensee toward continuing education as a result of successfully completing the Documentation Bootcamp for Skilled Therapy Services program shall be in addition to those continuing education hours required for renewal of licensure.

59. Licensee shall sign any and all releases necessary to allow Summit Professional Education to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this Consent Order.

60. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

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Travis S. Riffel, P.T.A.  
Kansas License No. 14-02664

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

**TIMEFRAME**

61. Licensee must successfully complete all requirements of this Consent Order on or before the dates specified before he may request termination of this Consent Order.

**IT IS ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 8 day of Sept, 2021. *October 8th*

**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

*Susan Hill*

*10/8/2021*

Date

*[Signature]*

Travis S. Riffel, P.T.A.

Licensee

*9/8/21*

Date

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Travis S. Riffel, P.T.A.  
Kansas License No. 14-02664

PREPARED BY:

/s Matthew Gaus

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Matthew Gaus, #22609  
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Kansas License No. 14-02664

### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, as well as via email, on this 13<sup>th</sup> day of October, 2021, to the following:

Travis S. Riffel, P.T.A.

*Licensee*

**CONFIDENTIAL**

And the original was hand-filed with:

Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Matthew Gaus  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

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

  
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Staff Member

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