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DEC 16 2010

KS State Board of Healing Arts

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

In the Matter of)
Christopher D. Schroeder, D.C.)
License No. 01-04953)
_____)

Docket No. 07-HA00002

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Christopher D. Schroeder, D.C. (“Licensee”) (confidential) Hutchinson, KS, 67502, is licensed to engage in the practice of chiropractic in the State of Kansas, License No. 01-04953, and has been so licensed since February 12, 2005.
2. On or about October 1, 2007, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee’s documentation and billing practices violated the Kansas Healing Arts Act.

3. Pursuant to the terms of the Consent Order, Licensee agreed to the following disciplinary actions and monitoring provisions with respect to his license to engage in the practice of chiropractic:
 - I. Licensee was publicly censured for violating the Healing Arts Act.
 - II. Licensee was required to have his documentation and billing practices monitored by a Board-approved documentation and coding specialist. Coding and Compliance Initiatives, Inc. (“CCI”) was approved to serve in this capacity. Following an initial review of all of Licensee’s documentation and billing practices, Licensee’s documentation and billing practices were to be monitored on a bi-monthly basis for at least ten (10) consecutive months. Such monitoring was to include randomly selected chart reviews of 5% of all patients seen by Licensee in each two-month period. After five (5) consecutive monitoring reports were received by the Board, Licensee could request termination of the documentation and billing review requirement.
 - III. Licensee was required to complete the Palmer College of Chiropractic online course entitled, “Ethical Issues in Chiropractic Practice,” at his own expense, and submit proof of completion to the Board on or before December 15, 2007.
 - IV. Licensee was required to pay the costs incurred to date by the Board in the amount of \$169.33 on or before September 30, 2007.

4. On or about June 26, 2009, Licensee submitted a request for termination of the documentation and billing review requirement. Licensee had previously submitted payment in full of the costs owed and proof of completion of the required continuing education course.
5. On or about September 9, 2009, the Board issued a Final Order denying Licensee's request for termination of the documentation and billing review requirement. The Board's decision was based on the following factors: (1) The monitoring was not performed on charts randomly selected by CCI, but on charts selected by Licensee, (2) CCI's monitoring reports continued to show areas of concern, and (3) Licensee had not followed all of CCI's recommendations. The Board ordered Licensee to have three (3) sets of cases monitored by CCI over the next six (6) month period, and required Licensee to show complete compliance with the recommendations of CCI before the documentation and review requirement will be terminated.
6. On or about October 11, 2010, Licensee submitted a request for termination of the documentation and billing review requirement.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836 – Revocation, Suspension, Limitation or Denial of Licenses; Censure of Licensee
- d. K.S.A. 65-2837 – Professional Incompetency, Unprofessional Conduct; Definitions
- e. K.S.A. 65-2838 – Stipulations

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

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Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #6, the Applicable Law and the Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

7. On or about October 1, 2007, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee's documentation and billing practices violated the Kansas Healing Arts Act.
8. Pursuant to the terms of the Consent Order, Licensee agreed to the following disciplinary actions and monitoring provisions with respect to his license to engage in the practice of chiropractic:
 - I. Licensee was publicly censured for violating the Healing Arts Act.
 - II. Licensee was required to have his documentation and billing practices monitored by a Board-approved documentation and coding specialist. Coding and Compliance Initiatives, Inc. ("CCI") was approved to serve in this capacity. Following an initial review of all of Licensee's documentation and billing practices,

Licensee's documentation and billing practices were to be monitored on a bi-monthly basis for at least ten (10) consecutive months. Such monitoring was to include randomly selected chart reviews of 5% of all patients seen by Licensee in each two-month period. After five (5) consecutive monitoring reports were received by the Board, Licensee could request termination of the documentation and billing review requirement.

III. Licensee was required to complete the Palmer College of Chiropractic online course entitled, "Ethical Issues in Chiropractic Practice," at his own expense, and submit proof of completion to the Board on or before December 15, 2007.

IV. Licensee was required to pay the costs incurred to date by the Board in the amount of \$169.33 on or before September 30, 2007.

9. On or about June 26, 2009, Licensee submitted a request for termination of the documentation and billing review requirement. Licensee had previously submitted payment in full of the costs owed and proof of completion of the required continuing education course.

10. On or about September 9, 2009, the Board issued a Final Order denying Licensee's request for termination of the documentation and billing review requirement. The Board's decision was based on the following factors: (1) The monitoring was not performed on charts randomly selected by CCI, but on charts selected by Licensee, (2) CCI's monitoring reports continued to show areas of concern, and (3) Licensee had not followed all of CCI's

recommendations. The Board ordered Licensee to have three (3) sets of cases monitored by CCI over the next six (6) month period, and required Licensee to show complete compliance with the recommendations of CCI before the documentation and review requirement will be terminated.


11. On or about October 11, 2010, Licensee submitted a request for termination of the documentation and billing review requirement.
12. The monitoring reports submitted by CCI to the Board indicate that although Licensee appears to have significantly improved his CPT coding accuracy, CCI still notes concerns with the quality of the documentation for each patient encounter.
13. Licensee requested that the Board approve a documentation and coding specialist other than CCI to conduct the monitoring of his charts should the Board choose to deny his request to terminate the documentation and billing review requirement.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF
HEALING ARTS:**

14. Licensee's request to terminate the documentation and billing review requirement is hereby **DENIED**.
15. Over the next six (6) month period, Licensee is to continue to have his patient charts monitored by a practice mentor approved by the Board. Dr. Terry L. Webb, D.C. is hereby approved to serve in this capacity.

16. The monitoring requirement is not self-terminating. After expiration of the six (6) month period specified above, Licensee may request that the Board terminate the documentation and billing review requirement.
17. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 16th day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Christopher D. Schroeder, D.C.
(confidential)
Hutchinson, KS, 67502

Cynthia J. Sheppard
Weathers, Riley & Sheppard, LLP
4848 SW 21st Street, Suite 202
Topeka, KS 66604
Attorney for Licensee

And a copy was hand delivered to the office of:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
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Melissa Massey, Compliance Coordinator
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The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
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Cathy Brown
Executive Assistant