

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

In the Matter of)
Christopher D. Schroeder, D.C.)
)
Kansas License No. 01-03803)
_____)

KSBHA Docket No.07-HA00002

FINAL ORDER TERMINATING MONITORING REQUIREMENTS

NOW, on this 24th day of February 2012, comes before the Kansas State Board of Healing Arts ("Board") the request of Christopher D. Schroeder, D.C. ("Licensee") for termination of the practice monitoring provisions agreed to by the parties in a Consent Order entered in Docket No. 10-HA00002. Licensee appears in person, and by and through his counsel, Cynthia Sheppard of Weathers, Riley & Sheppard. L.L.P. Reese H. Hays, Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 following a conference hearing in the above-captioned matter. After reviewing the file, hearing the statements of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Christopher D. Schroeder, D.C. ("Licensee"), is presently licensed to engage in the practice of chiropractic in the State of Kansas, License No. 01-04953 and has been so licensed since approximately February 12, 2005.
2. On July 13, 2006, a Petition was filed against Licensee's license, setting forth specific allegations involving five of Licensee's patients regarding billing for patient visits that

was not supported by the documentation in patient charts and the submission of inappropriate claims to insurance companies.

3. On or about October 1, 2007, Licensee entered into a Consent Order with the Board to resolve allegations that Licensee's documentation and billing practices violated the Kansas Healing Arts Act.

4. The Consent Order provided that Licensee be publicly censured for violating the Healing Arts Act, successfully complete a Palmer College of Chiropractic online course, pay the costs incurred by the Board in this matter, and have an initial review of his patient chart documentation and billing practices by a Board-approved documentation and coding specialist, Coding and Compliance Initiatives, Inc. (CCI) followed by bi-monthly monthly monitoring of randomly selected charts from five percent (5%) of all of Licensee's patients for at least ten (10) consecutive months. Bi-monthly monitoring reports were to be submitted by CCI to the Board.

5. The monitoring requirement was not self-terminating, and after five (5) consecutive monitoring reports were received by the Board, Licensee could request that the Board terminate the documentation and billing review requirements.

6. On or about June 25, 2009, Licensee submitted a letter to the Board requesting that the Board release him from the Consent Order and that he not be required to submit any additional monitoring reports. The Board considered Licensee's request at the August 2009 Board meeting and issued a Final Order in the matter on September 9, 2009.

7. Per the 2009 Final Order, Licensee's request for termination was denied based on the following: the monitoring was performed on charts selected by Licensee, not on charts randomly selected by CCI, CCI's monitoring reports continued to show areas of concern, and

Licensee had not followed all of CCI's recommendations regarding his billing and coding practices.

8. The Board ordered that over the next six (6) months, Licensee was to have three (3) sets of cases monitored by CCI and that CCI randomly select the charts to be reviewed. In addition, the Board ordered that Licensee must show complete compliance with the recommendations of CCI before monitoring could be terminated.

9. From December 2009 to September 2010, CCI performed their monitoring duties. The monitoring reports submitted by CCI to the Board indicated that Licensee had significantly improved his CPT coding accuracy, however, there were still concerns regarding the quality of Licensee's documentation of each patient encounter.

10. On or about October 6, 2010, Licensee requested termination of the requirement for documentation and billing reviews.

11. The matter was heard at the December 2010 Board meeting.

12. On December 16, 2010, the Board issued a Final Order (2010 Final Order) denying Licensee's request for termination of monitoring requirements based upon CCI's concerns with the quality of Licensee's documentation for each patient encounter. The Board ordered Licensee to have six (6) months of patient charts monitored by a practice mentor. The Board appointed Dr. Terry Webb, D.C., as Licensee's mentor to conduct the six (6) months of chart reviews.

13. The monitoring requirement was not self-terminating. After expiration of the six (6) month period specified, Licensee could request that the Board terminate the documentation and billing review requirement.

14. Dr. Webb provided chart reviews for the Licensee for the months of May 2011 through October 2011. On November 28, 2011, Dr. Webb advised that he had completed the review of Licensee's October charts and that Licensee's documentation consistently fulfilled the requirements of K.A.R. 100-24-1. In addition, Dr. Webb stated that Licensee had been open to and compliant with his suggestions and it was Dr. Webb's recommendation that no further review of Licensee's documentation be required.


15. On or about January 11, 2012, Licensee filed a request to the Board seeking termination of the requirements imposed by the 2010 Final Order.

16. On or about January 24, 2012, the Respondent Board filed a Response to Licensee's Request.

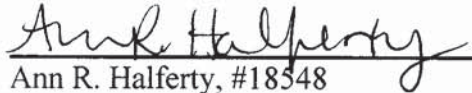
17. The Board finds that Licensee has satisfactorily met all requirements of the 2010 Final Order and that termination is appropriate under the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Licensee has satisfied all terms and conditions of the 2010 Final Order and that Licensee's request to terminate the requirements of the 2010 Final Order is hereby granted.

IT IS SO ORDERED THIS 9th DAY OF MARCH, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared by:


Ann R. Halferty, #18548
General Counsel

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 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 18th day of March, 2012, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Christopher D. Schroeder, D.C.
2420 N. Main Street
Hutchinson, Kansas 67502

Cynthia Sheppard
Weathers, Riley & Sheppard, LLP
4848 SW 21st Street, Suite 202
Topeka, Kansas 66604
Licensee's Attorney


And a copy was hand-delivered to:

Reese H. Hays, 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

The original was filed with the office of:

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