

**EFFECTIVE AS A
FINAL ORDER**

DATE: 6-24-15

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

FILED *CAF*
JUN 02 2015

KS State Board of Healing Arts

In the Matter of)
Derek A. Spriggs, P.T.A.)
) **KSBHA Docket No. 15-HA00114**
Kansas License No. 14-02288)
_____)

SUMMARY ORDER

NOW ON THIS 1st day of June, 2015, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Certificate Holder is, or has been entitled to, be engaged in practice as a Physical Therapist Assistant in the State of Kansas, having been issued Certificate No. 14-02288 on approximately October 2, 2011. Certificate Holder most recently renewed his license on December 30, 2014. Certificate Holder's certificate is currently active.

2. Certificate Holder's last known mailing address to the Board is: **Confidential**
North Miami, Oklahoma 74358.

3. The Board received a complaint on September 26, 2013, alleging Certificate Holder had billed for services on three (3) patients not actually rendered.

4. On or about September 7, 2013, Certificate Holder billed for treatments for two (2)

Patients at Quaker Hill Manor and he did not treat those patients on that day.

5. Both Quaker Hill Manor patient were at lunch and Licensee walked them back to their rooms advising them that he would return to exercise and treat them.

6. Licensee never returned to treat either resident that day, but still billed for treatment sessions of 45 minutes and 54 minutes.

7. On or about September 12, 2013, Certificate Holder billed that he treated a patient at Galena Nursing Center when in fact that patient had been sleeping when he arrived and Certificate Holder did not see the patient at that time.

Applicable Law

8. K.S.A. 65-2912(a)(5), in that Certificate Holder has committed an act of unprofessional conduct as defined by rules and regulations and adopted by the board.
9. K.A.R. 100-29-12(a)(18), in that Certificate Holder committed an act of unprofessional conduct by committing conduct likely to deceive, defraud, and harm the public.
10. K.A.R. 100-29-12(a)(21), in that Certificate Holder committed an act of unprofessional conduct by obtaining a fee by fraud, deceit, or misrepresentation.

Conclusions of Law

11. The Board has jurisdiction over Certificate Holder as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

12. The Board finds that Certificate Holder billed for three (3) patients he did not treat.

13. By billing for services on patients he did not treat, Certificate Holder committed acts of unprofessional conduct as defined by the rules and regulations of the Board in violation of K.S.A. 65-2912(a)(5) as defined by K.A.R. 100-29-12(a)(18), as

conduct likely to defraud or harm the public.

14. By billing for services on patient's he did not treat, Certificate Holder committed acts of unprofessional conduct as defined by the rules and regulations of the Board in violation of K.S.A. 65-2912(a)(5) as defined by K.A.R. 100-29-12(a)(21), by obtaining a fee by fraud, deceit, or misrepresentation.

17. Based on the facts and circumstances set forth herein, it appears that 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Certificate Holder Derek Spriggs, P.T.A.

IT IS, THEREFORE, ORDERED that Certificate Holder is hereby **PUBLICLY CENSURED** for violations of the Kansas Physical Therapy Act, as set forth in K.S.A. 65-2912, specifically:

K.S.A. 65-2912(a)(5), in that Certificate Holder has committed an act of unprofessional conduct as defined by rules and regulations and adopted by the board.

K.A.R. 100-29-12(a)(18), in that Certificate Holder committed an act of unprofessional conduct by committing conduct likely to deceive, defraud, and harm the public.

K.A.R. 100-29-12(a)(21), in that Certificate Holder committed an act of unprofessional conduct by obtaining a fee by fraud, deceit, or misrepresentation.

IT IS, THEREFORE, ORDERED that Certificate Holder is hereby required to obtain the following education:

Certificate Holder shall attend and successfully complete a continuing education course for billing and coding provided by Coding and Compliance Initiatives, Inc., 11409 S. Gander Street, Olathe, Kansas 66061, by August 15, 2015, at his own expense.

Certificate Holder shall provide proof of successful completion to the compliance coordinator by September 15, 2015.

These hours shall be in addition to those hours required for renewal of licensure.

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 1st day of June, 2015.

Kansas State Board of Healing Arts

Confidential

Kathleen Seizler Lippert 10
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 24th day of June, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Derek A. Spriggs, PTA
Confidential
North Miami, OK 74358

And a copy was hand-delivered to:

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

Katy Lenahan, 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