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

KS State Board of Healing Arts

In the Matter of )  
 )  
**Ronald L. Young, D.C.** )  
Kansas License No. 01-03672 )  
\_\_\_\_\_ )

Docket No. 09 -HA- 00179  
Investigation No. 08-00631

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts ("Board"), by and through Stacy R. Bond, Associate Litigation Counsel ("Petitioner") and Ronald L. Young, D.C. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 676-B S. 9<sup>th</sup> Street, Salina, Kansas 67401.
2. Licensee is or has been entitled to engage in the practice of chiropractic medicine, having been issued an original license on June 17, 1983. Licensee holds an active current license, having last renewed her license on January 1, 2009.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2869.
4. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel #23. The Disciplinary Panel authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

5. 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. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. 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.

9. 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.

10. At all relevant times hereto, Licensee has held an active current license to practice chiropractic medicine in Kansas.

11. On or about June 27, 2008, the Board received information from the Kansas Insurance Department that Licensee's medical records were deficient as determined by an audit by Blue Cross Blue Shield ("BCBS").

12. Two separate audits were conducted by BCBS. One was conducted by a consultant who is also a practicing chiropractor and a certified chiropractic internist, this audit reviewed medical records. The other was conducted by BCBS corporate audit on all services rendered by Licensee.

13. The chiropractic consultant made several findings in regards to Licensee's medical records:

- a. Rarely are height, weight, or blood pressure recorded.
- b. The SOAP notes rarely included the significant test results in the Objective section that were used for the interpretation noted in the Assessment.
- c. Aerobic and weight bearing exercise programs, Pritkin diet and BMI were not included in the records reviewed for any patient as they should have been.
- d. Most objective findings are only the spinal listing. This is barely enough to support medical necessity for the CMT and should be expanded for extended care to be justified.
- e. The doctor must expand the history in their SOAP notes, document the physical examination and specifically identify the reason for each diagnostic test ordered. Then correlate the specific test results with the physical data and history to afford a diagnosis and implement an appropriate treatment plan. In the charts reviewed, this did not occur and necessitated denial.

f. The consultations billed were not appropriate for the service provided nor were they documented well.

g. At times, the diagnosis was absent in the records or did not correlate with the diagnosis submitted on the claims.

h. X-ray reports need to be signed and data incorporated into the SOAP note. Check sheets are inadequate. Reason for diagnostic tests, x-rays or lab, need to be documented, data reviewed and documented in the SOAP note and an assessment charted. This was not done with any regularity.

i. Over all, very poor documentation to support medical necessity.

14. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without necessity of proceeding to a formal hearing.

15. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of chiropractic medicine:

### **PROBATION**

- a. Licensee is hereby placed on probation for a term of one year.
- b. Licensee shall within 10 days of the filing of this Order contact Shellie Sulzberger with Coding & Compliance Inc. for a Medical Record Review and follow-up education. Licensee shall provide access to all requested patient medical records to Coding & Compliance for a review of coding and billing practices as well as proper documentation for medical necessity. Coding & Compliance Inc. will conduct a Medical Record Review of Licensee's records so that a proper documentation and billing/coding course can be determined for Licensee. Licensee then shall attend and successfully complete the follow-up education determined appropriate by Coding & Compliance. This shall be at Licensee's own expense. Coding & Compliance will provide a written report to the Board

no later than August 31, 2009 regarding Licensee's Medical Record Review and subsequent follow-up education

16. Licensee's failure to comply with the provisions of the Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the healing Arts 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 Healing Arts Act.

18. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board 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 Board, its employees or agents, arising out of acts leading to the execution of this Stipulation or the content of this Stipulation.

19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the Federation

of State Medical Boards and any reporting entities authorized to receive disclosure of this Consent Order.

20. 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.

21. 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.

22. Licensee by signature to this document, waives any objection to the participation of the Board members and General Counsel in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Board member and General Counsel in any future proceeding 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.

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

24. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attention: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

25. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in the State of 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.

26. 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. 65-2838. 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.

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

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

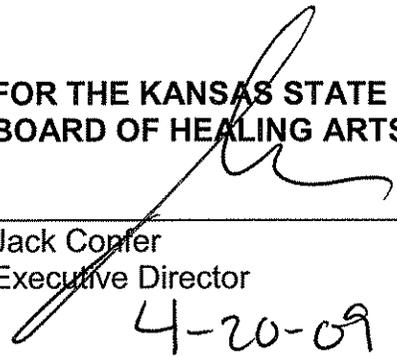
**IT IS FUTHER ORDERED** that

**PROBATION**

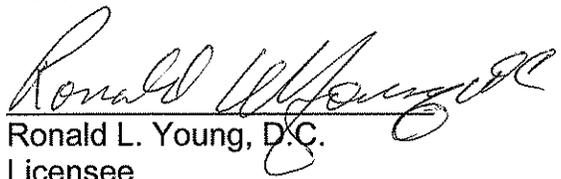
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**IT IS SO ORDERED.**

FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:

  
\_\_\_\_\_  
Jack Confer  
Executive Director

Date

  
\_\_\_\_\_  
Ronald L. Young, D.C.  
Licensee

\_\_\_\_\_  
Date

**PREPARED AND APPROVED BY:**

  
\_\_\_\_\_

Stacy R. Bond #17673  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing  
**CONSENT ORDER** was served this 21<sup>st</sup> day of April, 2009, by  
depositing the same in the United States mail, postage prepaid, and addressed to the  
following:

Ronald L. Young, D.C.

676-B S. 9<sup>th</sup> St.  
Salina, KS 67401

and a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



Cathy Brown  
Executive Assistant