FILED
DEC 23 2014
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket No. 15-HA 00052
Debra S. Hill, P.T.A.	)	
Kansas Certificate No. 14-00639	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Susan R. Gering, Associate Litigation Counsel ("Petitioner"), and Debra S. Hill P.T.A. ("Certificate Holder"), *pro se*, and move the Board for approval of a Consent Order affecting Certificate Holder's certificate to practice as a Physical Therapist Assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Certificate Holder's last known mailing address to the Board is: Confidential Cedar Vale, Kansas 67024.
2. 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. 14-00639 on approximately October 31, 1992. Certificate Holder's certificate is currently active.
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 Physical Therapy. K.S.A. 65-2901 *et seq*. and K.S.A. 65-2919.
4. 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.

5. The Kansas Physical Therapy Practice Act is constitutional on its face and as applied in this case. Certificate Holder agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Certificate Holder voluntarily and knowingly waives her right to a hearing. Certificate Holder voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Certificate Holder voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. 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 a Final 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. Certificate Holder specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information, and investigated the same, and has reason to believe that these allegations of unprofessional conduct occurred.
9. A complaint from the Centers for Medicare and Medicaid Services (CMS) was filed with the Board on or about October 5, 2012 alleging that Certificate Holder was documenting time worked at two different nursing facilities on the same dates, and often at the same times.
10. While CMS investigated and found that no loss had occurred to the Medicare Trust Fund it identified thirteen (13) separate dates where Certificate Holder documented time that she

worked at two different nursing facilities at the same time or when working at the two facilities on the same day would not be possible. The dates included the following: April 29, 2011; May 3, 2011; May 5, 2011; May 10, 2011; May 11, 2011; May 23, 2011; May 25, 2011; June 2, 2011; June 4, 2011; June 13, 2011; June 21, 2011; June 22, 2011; and June 23, 2011.

11. All the materials reference this matter were presented to Disciplinary Panel No. 29 for their consideration. The Panel opined that Certificate Holder's medical records for the aforementioned dates were severely lacking in their content and documentation.
12. Certificate Holder waives her right to contest the allegations contained in this Consent Order and consents to a finding that there are grounds for the Board to pursue disciplinary action against her certificate.
13. Certificate Holder's acts, if proven, constitute violations of the Kansas Physical Therapy Practice Act, as set forth in K.S.A. 65-2912. Specifically, grounds to discipline include:
    a. 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.
    b. 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.
    c. K.A.R. 100-29-12(a)(22), in that Certificate Holder committed an act of unprofessional conduct by failing to maintain adequate written records detailing the course of treatment of the patient or client.

14. Pursuant to K.S.A. 65-2912(a), the Board may censure, suspend, revoke or limit Certificate Holder's license or certificate for violations of the Kansas Physical Therapy Practice Act.
15. Certificate Holder acknowledges that if formal hearing proceedings were conducted and Certificate Holder presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Certificate Holder has violated the Kansas Physical Therapy Practice Act with respect to the above allegations. Certificate Holder further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
16. Pursuant to K.S.A. 65-2912 and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
17. All pending investigation materials in KSBHA Investigation number 13-00174 regarding Certificate Holder, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 29. Disciplinary Panel No. 29 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
18. Certificate Holder further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Certificate Holder has failed to comply with any of the terms of this Consent Order, the Board may take further disciplinary action, as the Board deems appropriate, including, but not limited to, suspension or revocation of Certificate Holder's certificate to practice as a Physical Therapist Assistant in the State of Kansas. Certificate Holder hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Certificate Holder 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, Certificate Holder retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, as set forth in the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, and the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical Therapy Practice Act, to investigate complaints received 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.

20. Certificate Holder 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 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 Certificate Holder has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Certificate Holder shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

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

22. 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.
23. Certificate Holder 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 Certificate Holder is not present. Certificate Holder 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.
24. Certificate Holder, 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.
25. Certificate Holder acknowledges that she has read this Consent Order and fully understands the contents.
26. Certificate Holder acknowledges that this Consent Order has been entered into freely and voluntarily.
27. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the following:

    Kansas State Board of Healing Arts
    Attn: Compliance Coordinator
    800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612

28. Certificate Holder shall obey all federal, state and local laws and rules governing the practice of physical therapy 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.
29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-505. This Consent Order shall constitute the Board's Final Order when filed with the office of the Executive Director for the Board and no further Order is required.
30. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against her or of any conviction for any traffic or criminal offense.
31. 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 country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.
32. Licensee shall at all times keep Board staff informed of all her current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.
33. This Consent Order constitutes public non-disciplinary action.
34. The Board may consider all aspects of this Consent Order in any future matters regarding Certificate Holder.

35. In lieu of conducting a formal proceeding, Certificate Holder, by signature affixed to this Consent Order, hereby voluntarily agrees to the following regarding her certificate to engage in the practice of physical therapy:

EDUCATION

36. 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 January 15, 2015, at her own expense. Licensee shall provide proof of successful completion by February 15, 2015.

37. If Certificate Holder does not wish to attend the billing and coding continuing education course provided by Coding and Compliance Initiatives, Inc., then Certificate Holder shall propose an alternative billing and coding course to the Board and provide the Board with documentation regarding the course's curriculum. This information shall be presented to the Board at least fourteen (14) days prior to the hearing before the Board in which this Consent Order is to be considered by the Board for approval or non-approval. If Certificate Holder identifies a course after the Board meeting, then the Board appoints a member of Disciplinary Panel No. 29 to review and approve or disapprove of the proposed course. Any alternative course must be pre-approved by either the Board or by the appointed Disciplinary Panel member, and it shall be completed at Certificate Holder's own expense. Certificate Holder shall complete the approved alternative course by January 15, 2015, and he shall provide proof of completion to the Board by February 15, 2015.

38. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.

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

40. Upon receiving proof of attendance and successful completion of the aforementioned course, this Consent Order shall be terminated.

IT IS THEREFORE 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 22 day of Dec, 2014.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

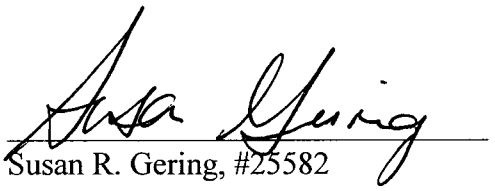
Kathleen Selzer Lippert
Executive Director

10-29-2014
Date

Debra Hill CPTA/L
Debra S. Hill, P.T.A.
Licensee

10-29-2014
Date

PREPARED AND APPROVED BY:



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Fax: 785-368-8210
Email: sgering@ksbha.ks.gov

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, on this 23rd day of December, 2014, to the following:

Debra S. Hill, P.T.A
Certificate Holder
Confidential

Cedar Vale, Kansas 67024

And the original was hand-filed with:

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

And a copy was delivered to:

Susan R. Gering
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
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Katy Lenahan
Licensing Administrator
Kansas Board of Healing Arts
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Cathy A. Brown