FILED

JUN 22 2016

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
SCOTT J. SUPPES, P.T.A.	)	
	)	
	)	**KSBHA Docket No. 16-HA00097**
Kansas License No. 14-02233	)	
	)	

FINAL ORDER FOR PUBLIC CENSURE

NOW on this 10th day of June, 2016, comes before the Kansas State Board of Healing Arts ("Board") the Petition for Discipline filed against the license of Scott J. Suppes, P.T.A. ("Licensee") by the Petitioner Board. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Petitioner Board.

Pursuant to the authority granted to Board by K.S.A. 65-2901 *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. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is presently licensed to practice as a physical therapist assistant in the State of Kansas, having been issued Certificate No. 14-02233 on or about June 2, 2011.

2. Between January 16, 2015 and February 16, 2015, Licensee on three separate occasions billed for physical therapy treatment that was not performed.

3. Licensee stated that it was his practice to prepare his physical therapy documentation prior to treating his patients. Licensee stated this was done for efficiency and to assure that his paycheck would not be docked.

4. On February 18, 2015, Licensee was terminated from his employment due to his billing practices.

5. On or about April 25, 2016, Petitioner filed a Petition for disciplinary action against Licensee's license alleging that, Licensee violated K.S.A. 65-2912(a)(5), as further defined in K.A.R. 100-29-12(a)(2)(B), in that Licensee practiced as a physical therapy assistant without reasonable skill and safety because of the use of drugs, controlled substances, chemicals, or any other type of material. The Petition also alleged that Licensee violated K.S.A. 65-2912(a)(5), as further defined in K.A.R. 100-29-12(a)(8), by having been sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute unprofessional conduct under the regulation; that Licensee violated K.S.A. 65-2912(a)(5), as further defined in K.A.R. 100-29-12(a)(18), in that Licensee committed conduct likely to deceive, defraud or harm the public; that Licensee violated K.S.A. 65-2912(a)(5), as further defined in K.A.R. 100-29-12(a)(22), in that Licensee failed to maintain adequate written records detailing the course of treatment of the patient; that Licensee violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(21), in that Licensee obtained any fee by fraud, deceit, or misrepresentation; and that Licensee violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(27), in that Licensee directly or indirectly given or received any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, other than through a professional liability company or similar business entity. Lastly, the Petition alleged Licensee violated K.S.A. 65-2912(a)(9), in that Licensee knowingly submitted any misleading, deceptive, untrue, or fraudulent misrepresentation on a claim form, bill or statement.

6. At the conference hearing before the full Board, Licensee admitted that the factual allegations contained in the Petition were true and that he was in fact terminated from his employment at Key Rehabilitation for falsifying patient treatment records.

7. The Petitioner Board moved to admit exhibits 1 through 4 which were attached to the Petition. The Board admitted the Petitioner Board's exhibits 1 through 4.

8. The Board concludes that Licensee's acts and conduct constitute a violation of the physical therapy practice act, specifically:

I. K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(8), in that Licensee was terminated from his position at Key Rehabilitation for submitted false claim bills and patient records.

II. K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(21), in that Licensee obtained any fee by fraud, deceit or misrepresentation when he submitted his time sheet and claim bills for physical therapy services that were not performed.

III. K.S.A. 65-2912(a)(9), in that Licensee knowingly submitted any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

9. The Board concludes that the evidence presented did not demonstrate that Licensee violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(2)(B); K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(18), K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(22), or K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(27).

10. The Board concludes that Licensee's violations warrants a public censure of his license to practice as a physical therapy assistant in the State of Kansas.

11. The Board further concludes that Licensee shall be required to take remedial classes in both ethics and medical record keeping as set forth in this order.

12. The Board concludes that Licensee shall successfully complete a Board approved continuing education course for ethics, by December 31, 2016, at his own expense. Licensee shall provide proof of completion of such Board approved course no later than January 30, 2017. These continuing education hours shall be in addition to those hours necessary for licensure renewal.

13. The Board hereby approves the course Navigating the Regulatory Environment: Ensuring Compliance While Promoting Professional Integrity offered by the American Physical Therapy Association. This is an online course and may be accessed in the APTA Learning Center.

14. The Board further concludes that Licensee shall attend and successfully complete a Board approved continuing education course for medical record keeping, by December 31, 2016, at his own expense. Licensee shall provide proof of completion of such Board approved course no later than January 30, 2017. These continuing education hours shall be in addition to those hours necessary for licensure renewal.

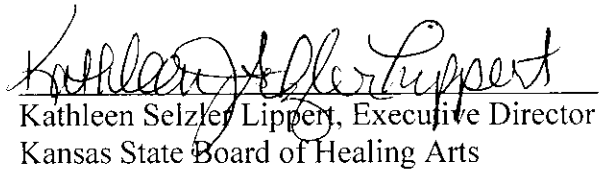
15. The Board hereby approves the Medical Record Keeping Seminar offered by the Center for Personalized Education for Physicians ("CPEP"). The Medical Record Keeping Seminar is offered by CPEP on September 24, 2016 in Louisville, Kentucky or on December 2, 2016 in Denver, Colorado. Within ten (10) days of receipt of this order, Licensee shall inform the Board of which course he intends to take. Licensee shall contact CPEP at 14001 E. Lliff

Ave., Suite 206, Aurora, Colorado 80014, (303) 750-7150 or at www.cpepdoc.org to schedule his Medical Record Keeping Seminar course.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice as a physical therapy assistant is hereby **PUBLICLY CENSURED**.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue further order(s) deemed necessary and appropriate in the circumstances.

IT IS SO ORDERED THIS 22 DAY OF JUNE, 2016, 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, 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, Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **Final Order for Public Censure** was served this 22 day of June, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Scott J. Suppes, PTA
Confidential

Great Bend, KS 67530

And a copy was hand-delivered to:

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

Compliance Coordinator
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 by DLA
Cathy Brown
Executive Assistant