

EFFECTIVE AS A FINAL ORDER

DATE: 8.24.21

FILED
AUG 05 2021
KS State Board of Healing Arts
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**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of

**Corrissa D. Shaw, P.T.A.
Kansas Certificate No. 14-02891**

Docket No. 22-HA 00008

SUMMARY ORDER

NOW ON THIS 5th day of August 2021, this matter comes before Tucker L. Poling, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. 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. Corrissa D. Shaw, P.T.A. ("Licensee") was issued Certificate No. 14-02891 to practice as a physical therapy assistant in Kansas on or about July 21, 2015. Her current license designation is Cancelled – Failure to Renew, having let her license expire for non-renewal on December 31, 2020.

2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**

CONFIDENTIAL . Licensee's last email address known to the Board is:

CONFIDENTIAL

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3. Licensee held an Active license to practice as a physical therapy assistant at all times pertinent to the facts underlying this Summary Order.

4. The factual basis for this Order is as follows:

a. In April 2020, Licensee was employed as a physical therapy assistant by Encore Rehabilitation, a contract provider for physical therapy.

b. Pursuant to her employment, Licensee was assigned to treat patients as a physical therapy assistant at McPherson Health and Rehab, a skilled nursing facility located in McPherson, Kansas.

c. Encore Rehabilitation initiated an investigation into Licensee's practice upon receiving reports that several of the patients to which Licensee was assigned had not received the therapy Licensee documented in the patient records and for which Licensee had submitted billing claims. (Bd. Ex. 1)

d. The investigation found that on the dates April 7, 2020, April 9, 2020, April 11, 2020, and April 14, 2020, partial and full services were not rendered as billed by Licensee. Specific findings include:

i. A review of the Daily Labor and Activity Reports, User Activity Reports, documentation in patient records, Care Provider Schedule, and the April Service Log Matrix determined Licensee had documented overlapping treatment times for multiple patients on two occasions, meaning the amount of labor minutes documented

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by Licensee would have been insufficient time to deliver the treatments Licensee had documented she performed. (*Id.*)

- ii. Based upon the above, management requested Licensee adjust the treatment and labor records to reflect the actual time and labor Licensee spent with patients. Licensee had originally billed 380 treatment minutes with 409 minutes of labor. After Licensee adjusted her billing, it showed 289 labor minutes, which was an insufficient time to deliver 380 minutes of treatments. (*Id.*)
- iii. When interviewed by her employers, Licensee admitted knowingly submitting incorrect billing for at least five patients on at least six occasions. (*Id.*)

e. As a result of the investigation, Licensee was terminated from her employment on April 15, 2020. (*Id.*)

f. Licensee's employer was required to adjust the bills of at least eight patients Licensee had purported to treat. (*Id.*)

g. During the course of the Board's investigation of this complaint, Licensee was asked for a complete written narrative statement in response to the specific allegations Licensee billed for services that were not rendered to patients at McPherson Health and Rehab on April 7, 2020, April 9, 2020, April 11, 2020, and April 14, 2020. The Board noted that such a written response from the Licensee was mandatory. The request was sent via the United States Postal Service to the

address provided to the Board on May 29, 2020 and July 13, 2020; via email at the address provided to the Board on July 2, 2020 and September 3, 2020; and via certified mail on September 9, 2020. (Bd. Ex. 2)

h. Licensee did not reply to any of the written requests, nor did she provide the mandatory written response.

i. On February 1, 2021, investigators attempted to contact Licensee at the phone number provided to the Board by Licensee, but the line had been disconnected.

Applicable Law

5. Per K.S.A. 65-2912(a)(9) of the Kansas Physical Therapy Practice Act, the Board may suspend, revoke, or limit a license or otherwise discipline a licensee where the licensee “knowingly submit[s] any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.”

6. Per K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, the Board may suspend, revoke, or limit a license or otherwise discipline a licensee where a Licensee has committed “unprofessional conduct as defined by rules and regulations adopted by the board.” Definitions of “unprofessional conduct” applicable to this matter include:

a. K.A.R. 100-29-12(a)(7): “failing to furnish to the board, its investigators, or representatives any information legally requested by the board”;

- b. K.A.R. 100-29-12(a)(8): “being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute unprofessional conduct under this regulation”;
- c. K.A.R. 100-29-12(a)(18): “committing conduct likely to deceive, defraud, or harm the public”;
- d. K.A.R. 100-29-12(a)(21): “obtaining any fee by fraud, deceit, or misrepresentation”;
- e. K.A.R. 100-29-12(a)(22): “failing to maintain adequate written records detailing the course of treatment of the patient or client”;
- f. K.A.R. 100-29-12(a)(26): “violating any regulations adopted by the board relating to the practice of physical therapy”; and
- g. K.A.R. 100-29-12(a)(27): “directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, other than through the legal functioning of a professional partnership, professional corporation, limited liability company, or similar business entity.”

Conclusions of Law

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

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8. The Board finds Licensee violated K.S.A. 65-2912(a)(9) of the Kansas Physical Therapy Practice Act by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

9. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12, by committing an act of unprofessional conduct: specifically, failing to furnish to the Board, its investigators, or representatives information legally requested by the Board;

10. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(8), by committing an act of unprofessional conduct: specifically, being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute unprofessional conduct under this regulation, when Licensee's employment was terminated for submitting inaccurate patient treatment charts and billing claims, a violation of the Kansas Physical Therapist Practice Act.

11. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(18), by committing an act of unprofessional conduct: specifically, committing conduct likely to deceive, defraud, or harm the public in submitting inaccurate patient treatment charts and billing claims.

12. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(21), by committing an act of unprofessional conduct: specifically, obtaining any fee by fraud, deceit, or misrepresentation.

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13. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(22), by committing an act of unprofessional conduct: specifically, failing to maintain adequate written records detailing the course of treatment of the patient or client by maintaining inaccurate or misleading patient records.

14. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(26), by committing an act of unprofessional conduct: specifically, violating any regulations adopted by the board relating to the practice of physical therapy.

15. The Board finds Licensee violated K.S.A. 65-2912(a)(5) of the Kansas Physical Therapy Practice Act, as further defined by K.A.R. 100-29-12(a)(27), by committing an act of unprofessional conduct: specifically, directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually and personally rendered, other than through the legal functioning of a professional partnership, professional corporation, limited liability company, or similar business entity.

16. Based on the facts and circumstances set forth herein, 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 law, and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

IT IS HEREBY ORDERED that Licensee is **PUBLICLY CENSURED** for her violations of the Kansas Physical Therapy Practice Act.

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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 5th day of August 2021.

**KANSAS STATE BOARD
OF HEALING ARTS**



Tucker L. Poling
Executive Director

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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 Tucker L. Poling, 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 August 2021 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Carrissa D. Shaw, P.T.A.
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

Matthew Gaus
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

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.

Ali Diaz _____

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Postage

Shaw, CorriSSa
20-01166
mailed 9/19/20

CorriSSa Shaw, PTA

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for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
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- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

IMPORTANT: Save this receipt for your records.

Baker 20-0186



Laura Kelly, Governor

800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612 105-00

RETURN SERVICE REQUESTED



CERTIFIED MAIL



7018 1130 0001 3203 6156

Corrissa Shaw, PTA

CONFIDENTIAL

Hasler

09/09/2020

US POSTAGE

\$006.90



ZIP 66606
011E12650518

Address
OK now
UAC

FIRST-CLASS MAIL

0009/15/20

672 FE 1

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RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

ANK

BC: 66612124473

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6750181865250186

Corrissa Shaw 20-0186

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1.

Corrissa Shaw, PTA

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9590 9402 5525 9249 5527 42

2. Article Number (Transfer from service label)

7018 1130 0001 3203 6156

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

| | |
|--|---|
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
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Domestic Return Receipt