

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

FILED

JAN 19 2023

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 CHELSEA LORUS MCKINNEY, OA,)
 LICENSE NO. OA 1797,)
)
 Defendant.)

Case No. 22-08-6149

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, ex rel. Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through Alex A. Pedraza, Assistant Attorney General, for the State of Oklahoma (“State”) and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Chelsea Lorus McKinney, O.A. (“Defendant”), Oklahoma Occupational Therapy Assistant License no. 1797, who appears in person, (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Occupational Therapy Practice Act (“Act”). 59 O.S. § 888.1, *et seq.*

Defendant, Chelsea Lorus McKinney, O.A., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with her by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against her in a subsequent disciplinary hearing. Defendant will be free to defend herself and no inferences will be made from her willingness to have this Order accepted by the Board. The Parties stipulate

that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

1. Defendant was employed as an occupational therapy assistant by a company providing occupational therapy services in both Oklahoma and Arkansas. On July 20, 2021 it was determined by Defendant's employer that Defendant had falsified billing, having billed for treatments on patients who had cancelled appointments or billed for treatments on patients who were not scheduled for appointments on certain dates. These incidents occurred at the "Arkansas Outpatient Clinic," and Defendant was subsequently educated on what constitutes billable hours, placed on probation and subjected to schedule monitoring as a result.
2. On November 2, 2021 Defendant's employer determined that Defendant had again falsified her billing for the date of October 29, 2021 for six (6) patients who were supposedly rendered services at the "Oklahoma Public School" site. As a result, Defendant's employment was terminated November 3, 2021 and her fraudulent behavior and misconduct was reported to both the Arkansas State Medical Board ("ASMB") and the Board.
3. The ASMB initially issued an Emergency Order of Suspension and subsequently issued a Consent Order on October 20, 2022, wherein Defendant admitted to the allegations of inappropriate and fraudulent billing practices alleged in the Emergency Order.

Conclusions of Law

4. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of Occupational Therapists and Occupational Therapy Assistants in the State of Oklahoma. 59 O.S. 2011, § 887.1 *et seq.* Okla. Admin. Code §§ 435:1-1-1 *et seq.*
5. Notice was given as required by law and the rules of the Board. 59 O.S. 2011, § 504 and Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
6. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any Occupational Therapist and Occupational Therapy Assistant holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. 888.1 *et seq.* Okla. Admin. Code § 435:30-1-1 *et seq.* 59 O.S. Supp. 2014, § 503. This authority is quasi-judicial 59 O.S. 2011, § 513(A)(1). These actions are authorized by 59 O.S. 2015, § 887.13(10); 435:20-5-9(2), (3), (5).
7. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:

- a. Dishonorable conduct that is likely to deceive, defraud, or harm the public, in violation of Okla. Admin. Code § 435:30-1-10(2).
- b. Participation in fraud, abuse and/or violation of state laws, in violation of Okla. Admin. Code § 435:30-1-10(5).
- c. Fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices, in violation of Okla. Admin. Code § 435:30-1-10(6).
- d. Improper management of medical records, inaccurate recording, falsifying or altering of patient records, in violation of Okla. Admin. Code § 435:30-1-10(7).
- e. Violation of any provision(s) of the Occupational Therapy Practice Act or the rules and regulations of the board or of an action, stipulation, agreement or order of the Board, in violation of Okla. Admin. Code § 435:30-1-10(28).
- f. Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section, in violation of Okla. Admin. Code § 435:30-1-10(29).

Orders

IT IS THEREFORE ORDERED by Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in the Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. **Chelsea McKinney, OTA** shall comply with all the following terms and conditions:

Specific Terms:

- a. Defendant's Supervisor will meet with Defendant on a weekly basis to review a minimum of five (5) patients' charts, and to specifically review records for documentation of interaction with patient, and verifying time spent with the patient is reconciled with the billing. The Supervisor shall be approved of in advance by the Board Secretary.
- b. Defendant will ensure that monthly reports are provided to the Board's Compliance Coordinator.
- c. If the Parties are unable to agree to a Supervisor within ten (10) days from the effective date of the Order, then either party may make application with the Board for the approval of a Preceptor for the purposes stated herein.

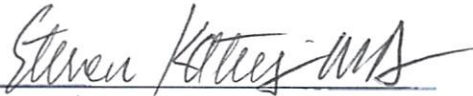
- d. In the event the original Supervisor becomes unavailable, for any reason, a replacement shall be named by the Board Secretary who is acceptable to the Defendant. If the Parties are unable to agree to practice Supervisor within thirty (30) days, then either party may make application before the Board for the approval of a replacement Supervisor for the purposes stated herein.
- e. The Defendant shall be responsible for any costs of the Supervisor.
- f. The relationship between the Supervisor, including her recommendations for the Defendant, shall be reviewed by the Board Secretary at one (1) year from the effective date of the order for consideration of modifications to the terms of the Order.
- g. All of Defendant's prospective employment related to the medical field and any workplace setting shall be approved of in advance by the Board Secretary during any period that she is working in Oklahoma, which includes locum tenens and telemedicine. If Defendant desires to change her employment, the proposed working environment must be approved of in advance by the Board Secretary.


Standard Terms:

- h. Defendant shall conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or the Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, *et seq.*
- i. Defendant shall furnish a file-stamped copy of the Order stipulating terms imposed by the Board, to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
- j. Defendant will keep the Board informed of her current address.
- k. Upon request, Defendant shall make herself available for one or more personal appearances before the Board or its authorized designee.
- l. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or his designee.
- m. If Defendant moves her residence or practice location out of the State of Oklahoma during the Order, the Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and/or Compliance Coordinator prior to moving out-of-state.


- n. Failure to meet any of the terms of the Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of the action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
4. A copy of the Order shall be provided to Defendant as soon as it is processed.

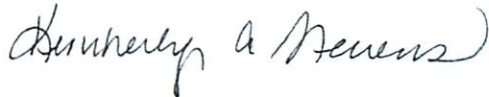
Dated the 19th day of January, 2023.


Steven Katsis, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION


Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Chelsea Lorus McKinney, O.A.
License No. 1797
Defendant



Alex A. Pedraza, OBA No. 33584
Assistant Attorney General
OKLAHOMA STATE BOARD OF MEDICAL
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313 N.E. 21st Street
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Counsel for Plaintiff


Kimberly A. Stevens, OBA No. 21048
PIERCE COUCH HENDRICKSON
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1109 N. Francis
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Counsel for Defendant

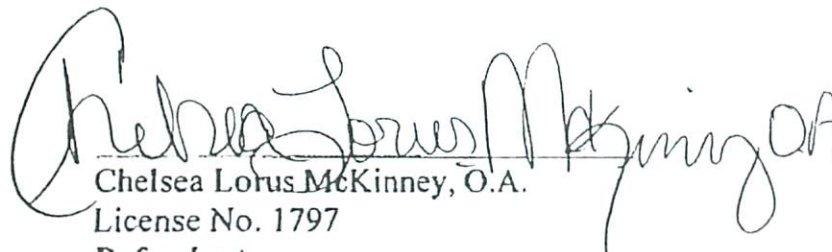
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Dated the 19th day of January, 2023.

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LICENSURE AND SUPERVISION



Billy H. Stout, M.D., Board Secretary
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Chelsea Lorus McKinney, O.A.
License No. 1797
Defendant

Alex A. Pedraza, OBA No. 33584
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313 N.E. 21st Street
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Counsel for Plaintiff

Kimberly A. Stevens, OBA No. 21048
PIERCE COUCH HENDRICKSON
BAYSINGER & GREEN LLP
1109 N. Francis
Oklahoma City, OK 73106
Counsel for Defendant

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of January 2023, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S Certified Mail

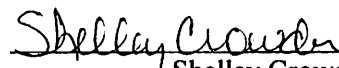
Chelsea Lorus McKinney, O.A.
457092 E. 1109 Rd.
Sallisaw, Oklahoma 74955
Defendant

US Certified Mail

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Shelley Crowder