

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

Plaintiff )

v. )

RACHEL LYNN WADDELL, PTA, )  
LICENSE NO. TA1809, )

Defendant. )

NOV 18 2011

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 11-04-4209

**COMPLAINT**

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Rachel Lynn Waddell, PTA, Oklahoma license no. TA1809, alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physical therapy assistants in the State of Oklahoma pursuant to 59 O.S. 887.1 *et seq.* and 59 Okla. Stat. §480 *et seq.*

2. Defendant, Rachel Lynn Waddell, PTA, holds Oklahoma physical therapy assistant license no. TA1809.

**CURRENT ARREST/CRIMINAL ACTS**

3. On or about December 19, 2008, Defendant was arrested and charged in the Circuit Court of Pulaski County, State of Arkansas, with **FELONY MEDICAID FRAUD** and **FELONY FAILURE TO MAINTAIN AND SUPPLY RECORDS** based upon certain incidents where Defendant submitted claims to Medicaid for physical therapy services which were false.

4. On or about February 10, 2009, Defendant appeared with her counsel at a hearing on the pending criminal charges at the Pulaski County Courthouse.

5. On or about May 5, 2009, Defendant applied for her Oklahoma Physical Therapy Assistant license and was asked the following question: "Have you ever been arrested, charged with, or convicted of a felony or misdemeanor, other than traffic violations?" In response to this question, Defendant answered "NO."

6. On or about January 8, 2010, Defendant submitted her Application for Renewal of Oklahoma Physical Therapist Assistant License and was asked the following question: "Have you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO".

7. On or about March 1, 2010, Defendant allowed her Arkansas PTA license to expire.

8. On or about March 5, 2010, Defendant plead guilty to **MISDEMEANOR MEDICAID FRAUD** and **FAILURE TO MAINTAIN AND SUPPLY RECORDS**. She received a one (1) year probation, was fined \$1,000.00 and was also required to pay restitution of \$10,000.00.

9. On or about September 30, 2010, the United States Department of Health and Human Services excluded Defendant from participating in all Federal health programs as a result of her criminal conviction for Medicaid Fraud. At this time, DHHS notified the Arkansas State Board of Physical Therapy so that it could take any necessary action on Defendant's physical therapist assistant license.

10. By letter dated January 12, 2011, Defendant advised the Arkansas State Board of Physical Therapy that she would be unable to attend the Board meeting scheduled for January 13, 2011 due to her pregnancy. She did, however, give a written explanation for her criminal actions and criminal conviction.

11. On or about January 24, 2011, the Arkansas State Board of Physical Therapy elected to take no further action since Defendant's Arkansas PTA license had expired March 1, 2010. The Arkansas State Board of Physical Therapy advised the Oklahoma Board of its action.

12. On or about January 27, 2011, Defendant submitted her Application for Renewal of Oklahoma Physical Therapist Assistant License and was asked the following questions

C. Have you been investigated by or requested to appear before a licensing Or disciplinary agency other than the Oklahoma State Board of Medical Licensure and Supervision"

D. Have you been arrested for, charged with, or convicted of a felony or Misdemeanor other than a traffic violation?

I. Have you been denied provider participation, terminated, sanctioned

Or penalized by any third party payer to include TRICARE, MEDICARE,  
Or MEDICAID?

In response to each of these questions, Defendant answered "NO".

12. Defendant is guilty of unprofessional conduct in that she:
  - A. Is guilty of conduct unbecoming a person licensed as a physical therapist or physical therapy assistant or guilty of conduct detrimental to the best interests of the public or his profession in violation of 59 O.S. §887.13(9).
  - B. Is guilty of any act in conflict with the ethics of the profession of physical therapy in violation of 59 O.S. §887.13(10).
  - C. Engaged in dishonorable or immoral conduct that is likely to deceive, defraud, or harm the public in violation of OAC 435:20-5-8(b)(5).
  - D. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(b)(8).
  - E. Engaged in fraudulent billing practices and/or violation of Medicare and Medicaid laws or abusive billing practices in violation of OAC 435:20-5-8(b)(15).
  - F. Engaged in the improper management of medical records,, inaccurate recording, falsifying or altering or failing to complete documentation of patient records in violation of OAC 435:20-5-8(b)(16).
  - G. Violated any provision of the Physical Therapy Practice Act or the rules and regulations of the board ... in violation of OAC 435:20-5-8(b)(31).
  - H. Falsified documents submitted to the Physical Therapy Committee or the Oklahoma State Board of Medical Licensure and Supervision in violation of OAC 435:20-5-8(b)(21).
  - I. Obtained or attempted to obtain a license, certificate or documents of any form as a physical therapist or physical therapist assistant by fraud or deception in violation of OAC 435:20-5-8(b)(22).

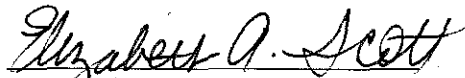
- J. Was convicted of, or confessed to or plead no contest to a felony or misdemeanor in violation of OAC 435:20-5-8(b)(26).
- K. Failed to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:20-5-8(b)(32).

*Conclusion*

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physical therapist assistant in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physical therapist assistant in the State of Oklahoma.

Dated this 18<sup>th</sup> day of November, 2011 at 4:00 p.m.

Respectfully submitted,



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Oklahoma State Board of Medical  
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