

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

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

**Plaintiff,** )

**v.** )

**Case No. 11-04-4209**

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

**Defendant.** )

**VOLUNTARY SURRENDER OF LICENSE**  
**IN LIEU OF PROSECUTION**

State of Oklahoma )  
 )  
 \_\_\_\_\_ County )

I, Rachel Lynn Waddell, PTA, being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma physical therapy assistant license no. TA1809.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint filed by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:

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

### CURRENT ARREST/CRIMINAL ACTS

B. 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.

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

D. 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."

E. 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".

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

G. 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.

H. 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.

I. 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.

J. 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.

K. 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”.

L. Defendant is guilty of unprofessional conduct in that she:

i. 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).

ii. 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).

iii. 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).

iv. Participated in fraud, abuse and/or violation of state or federal laws in violation of OAC 435:20-5-8(b)(8).

v. 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).

vi. 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).

vii. 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).

viii. 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).

ix. 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).

x. 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).

xi. 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).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma physical therapy assistant license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma physical therapy assistant license, it will be under terms of probation to be set by the Board at the time of reinstatement.

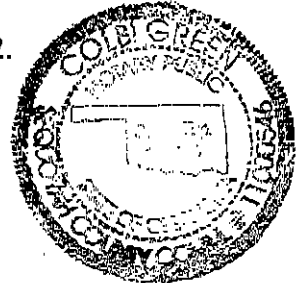
7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 10<sup>th</sup> day of January, 2012.

Rachel Waddell  
Rachel Lynn Waddell, PTA

Subscribed and sworn before me this 10<sup>th</sup> day of January, 2012.

Colb Green  
Notary Public



My commission expires on 11-15.

Gerald C. Zumwalt, M.D.

**ACCEPTED:**

Gerald C. Zumwalt, M.D.  
Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

Date: 1-10-2012