

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

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

Plaintiff)

v.)

KAREN LYNN RILEY, P.T.,)
LICENSE NO. PT570,)

Defendant.)

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

Case No. 06-08-3158

VOLUNTARY SUBMITTAL TO JURISDICTION

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 for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Karen Lynn Riley, P.T., Oklahoma license no. PT570, who appears in person and through her attorney, Daniel Gamino, offer this Agreement for acceptance by the Board en banc pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on October 2, 2006 and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Physical Therapy Practice Act.

Defendant, Karen Lynn Riley, P.T., 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 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 has been reviewed and discussed with her by her legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

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

2. Defendant, Karen Lynn Riley, PT, holds physical therapist license no. PT570 in the State of Oklahoma.

3. In or around July 2006, Defendant was practicing as a physical therapist at Valir Clinic in Oklahoma City, Oklahoma. During this time, Defendant submitted false and fraudulent billing records to her employer for submission to the federal Medicare program. The fraudulent billing submissions include the following:

- a. On July 11, 2006, Defendant represented that she had conducted physical therapy on Patient CWD for 3 billable units (45 minutes) when in fact she spent less than 1 billable unit (5-10 minutes) with him.
- b. On July 13, 2006, Defendant represented that she had conducted physical therapy on Patient CWD for 4 billable units (60 minutes) when in fact she spent just over 1 billable unit (17 minutes) with him.

Valir learned of the false billing prior to submitted the bills to Medicare.

4. Defendant admits that on at least two (2) occasions, she left Patient CWD, a seventy (70) year old patient, in a swimming pool by himself for approximately fifteen (15) minutes during therapy sessions. Defendant admits that the pool at issue is between 3 ½ and 7 feet deep. During the times Defendant left Patient CWD unattended in the pool, she was treating other patients in the gym area of the physical therapy facility.

5. 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 any conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
- F. 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).
- G. Engaged in the improper management of medical records, inaccurate recording, falsifying or altering of patient records in violation of OAC 435:20-5-8(b)(16).
- H. Violated any provision of the Physical 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 OAC 435:20-5-8(b)(31).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Physical Therapy Practice Act and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Karen Lynn Riley, Oklahoma license PT570, is guilty of the unprofessional conduct set forth below:

- 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 any conduct which potentially or actually jeopardizes a patient's life, health or safety in violation of OAC 435:20-5-8(b)(9).
- F. 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).
- G. Engaged in the improper management of medical records, inaccurate recording, falsifying or altering of patient records in violation of OAC 435:20-5-8(b)(16).
- H. Violated any provision of the Physical 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 OAC 435:20-5-8(b)(31).

Order

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


1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. The Defendant, Karen Lynn Riley, PT, Oklahoma license no. PT570, should be and is hereby **PUBLICLY REPRIMANDED** for the conduct set forth above.
3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.


Dated this 2 day of November, 2006.



 Billy Stout, M.D., President
 Oklahoma State Board of
 Medical Licensure and Supervision

AGREED AND APPROVED:


Karen Lynn Riley, P.T.
License No. PT570


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


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Attorney for Defendant,
Karen Lynn Riley, P.T.
License No. PT2570

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 6th day of November, 2006, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to Daniel Gamino, Attorney 3315 NW 63rd, Oklahoma City, OK 73116 and Karen Riley, PT, 5212 Eden Drive Oklahoma City, OK 73135


Janet Swindle, Secretary