

**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.

**WENDY MECHELLE COBB, PTA
LICENSE NO. TA588**

Defendant.

NOV 22 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 02-08-2538

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 21, 2002, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared not.

The Board *en banc* after hearing arguments of counsel, reviewing the sworn testimony of the investigator for the Board, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities physical therapy assistants in the State of Oklahoma pursuant to 59 O.S. §§ 480 *et seq.* and 887.1 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Wendy Mechelle Cobb, PTA, holds physical therapy assistant license no. TA588 in the State of Oklahoma.

4. Beginning as early as January 1, 2002 and continuing through June 30, 2002, Defendant worked for various facilities, including, but not limited to, Parks Edge Nursing Home (Tulsa), Evergreen Nursing Home (Owasso), Baptist Home Health (including private residences in and around the Tulsa area), Ambassador Manor Nursing Home (Tulsa), Heather Ridge Nursing Home (Tulsa), Leisure Village Nursing Home (Tulsa), Southern Hills Nursing Home (Tulsa), and Claremore Nursing Home (Claremore). During this period of time, Defendant resided in Pryor, Oklahoma, which is 45 miles from Tulsa.

5. During this period of time, Defendant submitted false and fraudulent timesheets to her employer, as well as false and fraudulent billing records to her employer for submission to the federal Medicare program. The fraudulent billing submissions during this 6 month (181 days) period of time include, but are not limited to the following instances, as set forth in Defendant's billing records and patient records:

- a. On 42 days, Defendant claimed to have worked in excess of 24 hours per day.
- b. On 55 days, Defendant claimed to have worked between 20 and 24 hours per day.
- c. On 25 days, Defendant claimed to have worked between 16 and 20 hours per day.
- d. Out of the 181 day period at issue, on 137 days, Defendant "double billed" her employers, in that she billed time at one or more facilities that overlapped with time billed at one or more other facilities.
- e. During the 5 day period of March 11-15, 2002, out of a possible 120 hours available, Defendant billed 134.75 hours to various employers.
- f. During the 5 day period of April 1-5, 2002, out of a possible 120 hours available, Defendant billed 126 hours to various employers.
- g. During the 5 day period of April 8-12, 2002, out of a possible 120 hours available, Defendant billed 128.75 hours to various employers.
- h. During the 5 day period of June 10-14, 2002, out of a possible 120 hours available, Defendant billed 118 hours to various employers.
- i. During the 5 day period of June 17-21, 2002, which included one day in which Defendant called in sick, out of a possible 120 hours available, Defendant billed 114.25 hours to various employers.
- j. During the week of March 11-17, 2002, Defendant billed 163.25 hours, out of a possible 168 hours in a week.
- k. During the week of March 18-24, 2002, Defendant billed 157.5 hours, out of a possible 168 hours in a week.
- l. On March 14, 2002, Defendant billed 29.75 hours to various employers.
- m. On March 15, 2002, Defendant billed 32.25 hours to various employers.
- n. On March 20, 2002, Defendant billed 30 hours to various employers.
- o. On March 22, 2002, Defendant billed 29.75 hours to various employers.
- p. On April 11, 2002, Defendant billed 30.75 hours to various employers.
- q. On April 15, 2002, Defendant billed 28 hours to various employers.
- r. On May 28, 2002, Defendant billed 27.25 hours to various employers

- s. On May 29, 2002, Defendant billed 26.25 hours to various employers
- t. On May 30, 2002, Defendant billed 29.25 hours to various employers.

6. Defendant has admitted to Board investigators that she “double billed” her employers on numerous occasions. Defendant’s co-workers admitted to Board investigators that Defendant often asked them to clock in and out for her in an attempt to show that she had worked at a facility when in fact she had not. Defendant additionally submitted billing records reflecting that she had treated patients on specific days when in fact she had not.

7. Defendant has admitted to Board investigators that she left the State of Oklahoma the morning of May 31, 2002. However, Defendant submitted billing records reflecting that she treated and billed patients after the time she claims to have left Oklahoma. Additionally, her records reflect that on this date, she billed 4 separate facilities, claiming to have treated patients at each of these facilities during the same period of time (5:00 a.m. until 7:30 a.m.) during the morning of May 31, 2002.

8. 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. Has been grossly negligent in the practice of physical therapy or in acting as a physical therapy assistant in violation of 59 O.S. §887.13(7).

Conclusions of Law

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

2. Defendant is guilty of unprofessional conduct as follows:

- 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. Has been grossly negligent in the practice of physical therapy or in acting as a physical therapy assistant in violation of 59 O.S. §887.13(7).

3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §887.13(7), (9) or (10).

Order

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

1. The license of Defendant, Wendy Mechelle Cobb, PTA, Oklahoma license no. TA588, is hereby **REVOKED** as of the date of this hearing, November 21, 2002.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 22 day of November, 2002.

I do hereby certify that the above and foregoing is a true copy of the original Final Order

now on file in my office.


Witness my hand and Official Seal of the Oklahoma State Board of Medical Licensure and Supervision this 25th Day Nov 2002

Janet Swindle

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

CERTIFICATE OF SERVICE

I certify that on the 25 day of November, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order of Revocation to Randy Bunn, 5110 South Yale, #415, Tulsa, OK 74135.


Janet Swindle