



1 c. He failed to include required elements in his documentation of reassessments in violation  
2 of OAR 848-040-0040(2) (2002) (2003) and OAR 848-040-0160 (2005).

3 d. He resubmitted a Medicare billing for one patient and increased the amount billed to  
4 Medicare from \$160 to \$330, although he had performed nearly identical treatment to the patient  
5 for the five (5) previous and five (5) subsequent physical therapy sessions, and only charged the  
6 additional amount for that one date of service in violation of OAR 848-010-0050(1)(e) (2002).<sup>2</sup>

7 e. He failed to cooperate with the Board in violation of OAR 848-010-0050(1)(n) (2003) and  
8 OAR 848-045-0020(2)(v) (2005)<sup>3</sup> as follows: 1) By failing to respond fully and truthfully to a  
9 question or request for information from the Board in violation of OAR 848-045-0020(2)(v)(A),<sup>4</sup> and  
10 2) by deceiving or attempting to deceive the Board in violation of OAR 848-045-0020(2)(v)(E)  
11 (2005).<sup>5</sup>

12 2. Licensee stipulates that he committed the following acts which are violations and  
13 subject to disciplinary proceedings:

14 a. He failed to obtain either a written or oral referral prior to initiating physical therapy with  
15 one patient in violation of OAR 848-040-0115(2) (2005), and he therefore practiced without referral  
16 with that patient when he was not certified to do so in violation of ORS 688.130,<sup>6</sup> 688.140(2)(i)<sup>7</sup>  
17 (2003) and OAR 848-030-0000 (2005).

18 b. He provided physical therapy beyond the specifications of the duration of treatment in the  
19 provider referrals for three patients in violation of OAR 848-040-0115(3)(a) and (b) (2005).

20 c. He failed to document in writing the oral referrals for continued physical therapy for four  
21 patients and failed to follow up with a written referral in violation of former OAR 848-040-0120(2) and  
22 (3) (2005).

23 ///

24 <sup>2</sup> renumbered 848-045-0020(2)(n) (2006).

25 <sup>3</sup> renumbered OAR 848-045-0020(2)(u) (2006).

26 <sup>4</sup> renumbered OAR 848-045-0020(2)(u)(A) (2006).

<sup>5</sup> renumbered OAR 848-045-0020(2)(u)(E) (2006).

<sup>6</sup> ORS 688.130 was repealed by OR Laws 2005, ch 627, § 18, eff. January 1, 2006.

<sup>7</sup> ORS 688.140(2)(i) (2003) was amended and renumbered in 2005 to ORS 688.140(2)(a) (2005)

1 d. He failed to perform and document patient reassessments at least every 30 days or any time  
2 there was a significant change in a patient's condition or status that would result in a change in the goals  
3 or plan of care in violation of OAR 848-040-0040(1) (2002), OAR 848-040-0040(1)(a), (c) and (2)  
4 (2003), and OAR 848-040-0155(1)(a), (c) and (2) (2005).

5 e. He failed to maintain a complete record for patients and failed to maintain records in a readily  
6 accessible form with six patients in violation of OAR 848-040-0000(1) and (2) (2002) (2003) and  
7 OAR 848-040-0110 (1), (2), (3), (4) and/or (7) (2005).

8 f. He failed to document that late entries or additions were made to patient records in  
9 violation of OAR 848-040-0000(2)(c) (2003) and OAR 848-040-0110(11) (2005).

10 g. He failed to authenticate each entry in the patient record for one patient in violation  
11 OAR 848-040-0000(2)(d) (2002).<sup>8</sup>

12 h. He failed to perform an initial evaluation or document a plan of care prior to initiating  
13 treatment with one patient in violation of OAR 848-010-0050(3)(b)and (d)(C), (D), OAR 848-040-  
14 0010(1) and OAR 848-040-0020(1) (2003).

15 i. He failed to cooperate with the Board in violation of OAR 848-010-0050(1)(n) (2003) and  
16 OAR 848-045-0020(2)(v) (2005)<sup>9</sup> as follows: 1) He failed to provide information or documents to  
17 the Board within the time specified by the Board in violation of OAR 848-045-0020(2)(v)(B);<sup>10</sup> and  
18 2) he failed to timely produce all portions of the patient records requested in violation of  
19 OAR 848-045-0020(2)(v)(D).<sup>11</sup>

20 3. Licensee stipulates to the Board imposing the following sanction:

21 (a) Licensee is assessed a civil penalty in the amount of \$5,000, which is payable within 30  
22 days of the date this Order is signed by the Board; and

23 (b) Licensee will be placed on probation for two (2) years with the probationary period  
24 beginning the date this Order is signed by the Board. During the first six months of the

25 <sup>8</sup> renumbered OAR 848-040-0110(5) (2006).

26 <sup>9</sup> renumbered OAR 848-045-0020(2)(u) (2006).

<sup>10</sup> renumbered OAR 848-045-0020(2)(u)(B)(2006).

<sup>11</sup> renumbered OAR 848-045-0020(2)(u)(D) (2006).

1 probationary period, Licensee will be required to complete Board-approved courses on billing and  
2 Medicare regulations. In addition, Licensee will be subject to Board review of his patient and  
3 billing records during the probationary period.

4

5 IT IS SO ORDERED this 15<sup>th</sup> day of September 2006.

6

OREGON PHYSICAL THERAPIST  
**SIGNATURE ON FILE**

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8

~~James D. Heider~~  
Executive Director

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**CONSENT**

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I HEREBY CERTIFY that I have read and understand the provisions of this Stipulation  
and Final Order. I understand that I have a right to a hearing with the assistance of legal counsel.  
I freely and voluntarily waive all rights to a hearing, further appeal or judicial review in this  
matter, and I understand that any violation of this Stipulation and Final Order shall be grounds  
for additional discipline.

**SIGNATURE ON FILE**

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By:  
Colin Hoobler, P.A.

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