



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

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September 7, 2010

 **COPY**

Kimberly Guthrie DC
15962 SW Boones Ferry Rd., Ste. 202
Lake Oswego, OR 97035

Re: Case # 2009-1031, 1032, Stipulated Final Order

Dear Dr. Guthrie,

Enclosed is the Stipulated Final Order.

This order provides for a reprimand, three years of file reviews and a \$3,000 civil penalty due within 30 days (from receipt of this letter).

Thank you for your cooperation in resolving this matter.

Original signature on file at OBCE

Dave McTeague
Executive Director

Cc: Lori Lindley AAG
Connie Elkins McKelvey AAL

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**BEFORE THE
BOARD OF CHIROPRACTIC EXAMINERS
STATE OF OREGON**

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In the Matter of)	
Kimberly Guthrie, D.C.)	STIPULATED FINAL
)	ORDER
)	
)	
Licensee.)	Case # 09-1031, 2009-1032

The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Kimberly Guthrie, D.C. (Licensee), is licensed by the Board to practice as a chiropractic physician in the State of Oregon.

Findings of Fact

1.

The Oregon Board of Chiropractic Examiners received two complaints from Patients A and B regarding their billings for treatment received under their Personal Injury Protection (PIP) with Licensee. The complaints were in regards to billing and exhaustion of PIP benefits for Patients A and B.

2.

Patient A and B were in a motor vehicle accident and sought treatment from Licensee. In review of Patient A and Patient B's charts, it was noted that for each PIP claim, Licensee billed a code 99205 for the intake examinations. A corrected billing for a code 99213 was rebilled for a 99215 for Patient A on November 4, 2008, attesting to a higher level of service. In none of these cases do the chart notes and history supplied support this level of service. The maximum supported charge according to the AMA/CPT code definitions, are a code 99203 and 99213 respectively.

3.

In the original charts provided, the Board noted that these chart notes did not meet minimal standards.

After the Proposed Notice of discipline was issued on January 27, 2010, Licensee provided additional chart notes on Patients A and B that were not provided prior. Although some of the additional charts clarified some issues, it did not justify the coding used in these cases.

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4.

In 2003, Licensee was interviewed by the Peer Review Committee in regards to billing and charting issues and the issue of upcoding was discussed in some detail. At that time, Licensee received a letter of concern and agreed to attend a New Doctor Orientation to familiarize Licensee with the appropriate coding for the services that Licensee renders to her patients. The Board was lenient with Licensee in regards to this particular issue and expected Licensee to take their concerns seriously.

Conclusions of Law

5.

Licensee has upcoded the treatment provided on the billings. This conduct constitutes a violation of ORS 684.100(f)(A), OAR 811-015-0005(1)(a)(b); and OAR 811-015-0010(3). Failure of Licensee to timely disclose to the OBCE the requested patient files is a violation of OAR 811-015-0006 (3).

Stipulations

6.

Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:

1. The parties have agreed to enter this stipulated final order. This settlement is in regards to the allegations in the notice issued on January 27, 2010. Licensee agrees to the entering of this final order. Licensee agrees that she is aware of her right to a hearing with her attorney present to contest the charges and hereby waives that right and agrees to entry of this order. The signature of this order also waives any right to appeal. The parties wish to settle and resolve the above matter without further proceedings.
2. Licensee agrees to be reprimanded.
3. Licensee agrees to pay a civil penalty in the sum of \$3,000 payable to the Board within 30 days of this final order.
4. Licensee agrees to have file reviews by the Board for a period of three years from the date of this order. Licensee agrees to allow the Board, or their representative to request files from her and to provide those complete files to the Board when requested in a timely manner. The files will be chosen by the Board or their representative and will be reviewed by the Board and Licensee agrees to cooperate in providing files.

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5. Failure to complete this final stipulated order with the terms so stated, may result in further discipline, up to and including, revocation.

IT IS SO STIPULATED AND AGREED TO:

DATED August 10, 2010

BOARD OF CHIROPRACTIC EXAMINERS

State of Oregon

Original signature on file at OBCE

By:

Dave McTeague, Executive Director

DATED August 19, 2010

Original signature on file at OBCE

By:

B

Kimberly Guthrie, DC