

2
3
4
5
6
7
8
9
10
11
12
13
14

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

6 In the Matter of)
7) FINAL STIPULATED
8 Karen Kelsall D.C.) ORDER
9)
10)
11)
12 Licensee.) Case # 2006-2000
13
14

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for
16 licensing, regulating and disciplining chiropractic physicians in the State of Oregon. Karen
17 Kelsall, D.C. (Licensee) is licensed by the Board to practice as a chiropractic physician in the
18 State of Oregon. The Board proposes to discipline Licensee pursuant to ORS 684.100(9) for the
19 following reasons.

20 **FINDINGS OF FACT**

21 1.

22 The Oregon Board of Chiropractic Examiners received a complaint as to the chart notes,
23 bills for examination and treatment of Patient 1 submitted by an insurance company. The bills
24 were for "review and payment determination under the workers' compensation fee schedule."
25 The complaint was that documentation did not indicate clinical rationale for treatment for
26 neuromuscular reeducation for soft tissue diagnosis.
27

28 2.

29 Licensee first submitted her bills for treatment of Patient 1 using the CPT code 97112
30 stating it was for neuromuscular re-education for soft tissue diagnosis. When the insurance
31 company disallowed the CPT code based on lack of clinical rationale for the treatment, Licensee
32 resubmitted the bills, changing the code to code 97140. Again it was disallowed for the same
33 reason by the insurance company. The insurance carrier then wrote to Licensee telling her the
34 document did not support the use of either code. Subsequently, the insurance company received
35 a third set of bills with chart notes. Those chart notes had been altered to support the changed
36 CPT codes.
37

38 3.

39 When confronted with the complaint, Licensee told the Board in a letter dated July 11,
40 2006, that she "inadvertently pressed the incorrect button" in her computerized soap note system
41 which resulted in the billing for neuromuscular reeducation in code 97112. She stated when the
42 insurer denied payment she reviewed it and a more accurate explanation of the procedure
43 performed was documented and billed as code 97140.

1
2 4.

3 Three sets of chart notes were received and reviewed by the Peer Review Committee.
4 In an interview with the Committee, Licensee admitted that she altered chart notes after the
5 original set was denied payment. She further admitted that in her response to the board about the
6 "wrong button" she followed bad advice when she responded with that untrue story. Licensee
7 admitted that she altered the chart notes from set 1 to set 2 to alter the codes to assure payment.
8

9 5.

10 Comparison of the three sets of chart notes clearly demonstrates that neuromuscular
11 reeducation was changed to myofascial release on at least 13 entries. In the interview, Licensee
12 admitted that she altered the notes in order to make documentation consistent with the modified
13 CPT codes on the resubmitted bills. Massage and/or myofascial release was either not
14 documented or improperly documented on the same 13 chart entries. The therapists' who
15 worked with Licensee provided statements that this procedure was performed on the dates in
16 question. The original notes of Licensee document neuromuscular reeducation performed to
17 specific muscles. However, massage and/or myofascial release are not typically a part of
18 neuromuscular reeducation. If neuromuscular reeducation had been performed on any of these
19 occasions, the specific NMR activity was not described so the notes cannot be considered to have
20 documented this procedure.
21

22 CONCLUSIONS OF LAW

23 6.

24 The Board finds that the above is in violation of ORS 684.100 (1)(g)(A) and OAR 811-
25 015-0005(1), and OAR 811-035-0015(7), (12) and (20). Licensee failed to maintain a complete
26 and accurate record of the care rendered to this patient, her billing and chart note procedures in
27 this case were deceptive and she directly engaged in misleading if not dishonest fee collection
28 techniques and her intent to collect payment for services previously denied by altering the chart
29 notes is dishonest. The chart notes do not meet minimum standards of practice.
30

31 STIPULATIONS

32
33 Therefore, pursuant to ORS 183.415(5) and ORS 684.100(9)(e) the OBCE orders:
34

- 35 1. The parties have agreed to enter this stipulated final order. Licensee agrees to the
36 entering of this final order. Licensee agrees that she is aware of his right to a hearing with
37 her attorney present to contest the charges and hereby waives that right and agrees to
38 entry of this order. The signature of this order also waives any right to appeal. The
39 parties wish to settle and resolve the above matter without further proceedings.
40
- 41 2. Licensee will agree to be reprimanded and have a Letter of Reprimand issued by the
42 Board.
43

1 I have fully read and fully understand all of the above facts and agree to the above terms:

2
3 IT IS SO ORDERED effective later date signed below.

4
5 BOARD OF CHIROPRACTIC EXAMINERS
6 State of Oregon
7

8 Original signature on file
9 at the OBCE office.

10 By:

11 Dave McTeague, Executive Director

12 Date: 4-16-2007

13
14
15 Original signature on file
16 at the OBCE office.

17 By:

18 Karen Kelsall D.C.

19 Date: 4/11/07



Oregon

Theodore R. Kulongoski, Governor

Oregon Board of Chiropractic Examiners

3218 Pringle Road SE, Suite 150

Salem, OR 97302-6311

(503) 378-5816

FAX: (503) 362-1260

E-mail: oregon.obce@state.or.us

www.oregon.gov/OBCE

April 16, 2007

Karen Kelsall, DC
Kelsall Chiropractic Clinic
1615 NW 23rd Avenue, Suite 2
Portland, Oregon 97210

COPY

**Re: OBCE Complaint No: 2006-2000, Final Stipulated Order
Letter of Reprimand**

Dear Dr. Kelsall,

This is your Letter of Reprimand for conduct as identified in the enclosed Final Stipulated Order.

This order is a public document and is a permanent part of your record.

Thank you for your cooperation in resolving this matter.

Signature: _____

Original signature on file
at the OBCE office.

Dave McTeague
Executive Director

Cc: Don Jacobs, Attorney at Law



1
2
3
4
5
6
7
8
9
10
11
12
13
14

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

6 In the Matter of)
7)
8 Karen Kelsall, D.C.) NOTICE OF PROPOSED
9) LETTER OF REPRIMAND
10)
11)
12 Licensee.) Case # 2006-2000
13
14

15 The Board of Chiropractic Examiners (Board) is the state agency responsible for licensing,
16 regulating and disciplining chiropractic physicians in the State of Oregon. Karen Kelsall, D.C.
17 (Licensee) is licensed by the Board to practice as a chiropractic physician in the State of Oregon.
18 The Board proposes to discipline Licensee pursuant to ORS 684.100(9) for the following reasons.
19

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

1.

The Oregon Board of Chiropractic Examiners received a complaint as to the chart notes,
bills for examination and treatment of Patient 1 submitted by an insurance company. The bills
were for "review and payment determination under the workers' compensation fee schedule."
The complaint was that documentation did not indicate clinical rationale for treatment for
neuromuscular reeducation for soft tissue diagnosis.

2.

Licensee first submitted her bills for treatment of Patient 1 using the CPT code 97112
stating it was for neuromuscular re-education for soft tissue diagnosis. When the insurance
company disallowed the CPT code based on lack of clinical rationale for the treatment, Licensee
resubmitted the bills, changing the code to code 97140. Again it was disallowed for the same
reason by the insurance company. The insurance carrier then wrote to Licensee telling her the
document did not support the use of either code. Subsequently, the insurance company received a
third set of bills with chart notes. Those chart notes had been altered to support the changed CPT
codes.

3.

When confronted with the complaint, Licensee told the Board in a letter dated July 11,
2006, that she "inadvertently pressed the incorrect button" in her computerized soap note system
which resulted in the billing for neuromuscular reeducation in code 97112. She stated when the
insurer denied payment she reviewed it and a more accurate explanation of the procedure
performed was documented and billed as code 97140.

1
2 4.

3 Three sets of chart notes were received and reviewed by the Peer Review Committee. In
4 an interview with the Committee, Licensee admitted that she altered chart notes after the original
5 set was denied payment. She further admitted that in her response to the board about the "wrong
6 button" she followed bad advice when she responded with that untrue story. Licensee admitted
7 that she altered the chart notes from set 1 to set 2 to alter the codes to assure payment.
8

9 5.

10 Comparison of the three sets of chart notes clearly demonstrates that neuromuscular
11 reeducation was changed to myofascial release on at least 12 entries (1/11, 1/12, 1/18, 1/19, 1/25,
12 2/1, 2/8, 2/16, 2/23, and 2/27 3/7 and 3/13). In the interview, Licensee admitted that she altered
13 the notes in order to make documentation consistent with the modified CPT codes on the
14 resubmitted bills. Massage and/or myofascial release was either not documented or improperly
15 documented on the same 13 chart entries. The therapists' who worked with Licensee provided
16 statements that this procedure was performed on the dates in question. The original notes of
17 Licensee document neuromuscular reeducation performed to specific muscles. However, massage
18 and/or myofascial release are not typically a part of neuromuscular reeducation. If neuromuscular
19 reeducation had been performed on any of these occasions, the specific NMR activity was not
20 described so the notes cannot be considered to have documented this procedure.
21

22 6.

23 The above is in violation of ORS 684.100 (1)(g)(A) and OAR 811-015-0005(1), and OAR
24 811-035-0015(7), (12) and (20). The conduct above is in violation in that the Licensee failed to
25 maintain a complete and accurate record of the care rendered to this patient, her billing and chart
26 note procedures in this case were deceptive and she directly engaged in misleading if not
27 dishonest fee collection techniques and her intent to collect payment for services previously
28 denied by altering the chart notes is dishonest. The chart notes do not meet minimum standards
29 of practice. In addition, Licensee told a "story" to the Board initially about a computer error
30 causing the issue, and later admitted that she had altered the notes.
31

32 7.

33 Due to the aforementioned violations, the OBCE proposes to issue a Letter of Reprimand.
34

35 8.

36 Licensee has the right, if Licensee requests, to have a formal contested case hearing before
37 the OBCE or its hearings officer to contest the matter set out above. At the hearing, Licensee
38 may be represented by an attorney and subpoena and cross examine witnesses. That request for
39 hearing must be made in writing to the OBCE, must be received by the OBCE within 30 days
40 from the mailing of this notice (or if not mailed, the date of personal service), and must be
41 accompanied by a written answer to the charges contained in this notice.
42

43 9.

1
2 The answer shall be made in writing to the OBCE and shall include an admission or denial
3 of each factual matter alleged in this notice, and a short plain statement of each relevant
4 affirmative defense Licensee may have. Except for good cause, factual matters alleged in this
5 notice and not denied in the answer will be considered a waiver of such defense; new matters
6 alleged in this answer (affirmative defenses) shall be presumed to be denied by the agency and
7 evidence shall not be taken on any issue not raised in the notice and answer.
8

9 10.

10
11 If Licensee requests a hearing, before commencement of that hearing, Licensee will be
12 given information on the procedures, rights of representation and other rights of the parties
13 relating to the conduct of the hearing as required under ORS 183.413-415.
14

15 11.

16
17 If Licensee fails to request a hearing within 30 days, or fails to appear as scheduled at the
18 hearing, the OBCE may issue a final order by default and impose the above sanctions against
19 Licensee. Upon default order of the Board or failure to appear, the contents of the Board's file
20 regarding the subject of this automatically become part of the evidentiary record of this
21 disciplinary action upon default for the purpose of proving a prima facie case.
22

23 12.

24 Licensee shall pay costs of this disciplinary proceeding, including investigative costs and
25 attorney fees pursuant to ORS 684.100(9)(g).
26

27 DATED this 26th day of March, 2007.

28
29 BOARD OF CHIROPRACTIC EXAMINERS
30 State of Oregon

31 Original signature on file
32 By: at the OBCE office.
33 Dave McTeague, Executive Director
34
35
36
37
38
39
40
41
42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

State of Oregon) Case # 2006-2000
County of Marion) Karen Kelsall D.C.

I, Dave McTeague, being first duly sworn, state that I am the Executive Director of the Oregon Board of Chiropractic Examiners, and as such, am authorized to verify pleadings in this case: and that the foregoing Notice of Proposed Letter of Reprimand is true to the best of my knowledge as I verily believe.

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners

SUBSCRIBED AND SWORN to before me

this 26 day of March, 2007

Original signature on file
at the OBCE office.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-5-08



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

Certificate of Service

I, Dave McTeague, certify that on March 26, 2007, I served the foregoing Notice of Proposed Letter of Reprimand upon the party hereto by mailing, certified mail, postage prepaid, a true, exact and full copy thereof to:

Karen Kelsall, DC
Kelsall Chiropractic Clinic
1615 NW 23rd Avenue, Suite 2
Portland, Oregon 97210

By regular mail to:

Donald L. Jacobs AAL
1405 Esther Street
Vancouver, WA 98660

Original signature on file
at the OBCE office.

Dave McTeague, Executive Director
Oregon Board of Chiropractic Examiners