

**LOUISIANA BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**

IN THE MATTER OF

PAMELA ROSS

LICENSE NO. 986

FINDINGS OF FACT, CONCLUSIONS

OF LAW AND SANCTIONS

NUMBER 2013-05

This matter came before the Louisiana Board of Examiners for Speech-Language Pathology and Audiology (“Board”) on May 10, 2014 at or about 10:00 a.m. for a hearing on a complaint filed with the Board on January 7, 2013, by Carlton Jones, III, Attorney for the Louisiana Patient’s Compensation Fund (hereinafter referred to as “PCF”). Board members, Glenn Waguespack, L-AUD, Kerrilyn Phillips, L-SLP, Dawn Richard, L-SLP, Stephen Harris, L-AUD/SLP, and Brooke Normand, L-SLP, served on the hearing panel. Laura Gresham, the Board’s public member, recused herself from this matter. Notice was sent to Governor Bobby Jindal’s office on May 2, 2014; however no pro tem appointment was made. The hearing was held in the absence of a pro tem appointment, as the Board had a quorum present, none of the parties present objected to the recusal or to the hearing panel.

Complaint History

The complaint in this case originated with correspondence submitted to the Board advising that Pamela Ross, Licensed Speech-Language Pathologist #986, invoiced the PCF for speech therapy services for a two year period after J.B.’s parents claim that services were terminated. The complaint also indicated that Mrs. Ross used a previously signed blank claim form, made copies and submitted same without obtaining parental signature for each subsequent claim. Based on the information, it appeared that Mrs. Ross billed the PCF for over \$50,000 of services that were not provided.

STIPULATION OF FACTS

1. That Ms. Pamela Ross is, at all times pertinent to the facts and matters alleged herein, a Licensed Speech-Language Pathologist, as evidenced by license number 986, and subject to the jurisdiction of Louisiana Revised Statutes, Title 37, Chapter 34, and the *Rules, Regulations and Procedures* of the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.
2. At all times relevant to the matters alleged herein, Mrs. Ross was employed with the Louisiana School for the Deaf as a Transition Coordinator.
3. At all times relevant to the matters alleged herein, Mrs. Ross was assigned by the PCF to provide speech therapy services for J.B., a minor with cerebral palsy, services that commenced in March 2010.
4. In order to be paid by the PCF, Mrs. Ross was to complete the claim form, obtain J.B.'s parent's signature, complete therapy notes, and fax all to the PCF for processing and payment on a weekly basis.
5. During the time period Mrs. Ross actually provided services to J.B., she obtained J.B.'s mother's signature on a blank claim form and for approximately two years after speech therapy services ended with J.B., Mrs. Ross continued to submit claim forms, which had been copied with J.B.'s mother's signature, to the PCF, along with therapy notes indicating direct face-to-face speech therapy with J.B., seeking payment for services which were not provided as referenced in testimony by both Derek Bond and Wander Bond, parents of J.B.
6. PCF issued payments in the amount of \$69,657.56 for services which were not provided by Mrs. Ross to J.B.

7. Mrs. Ross neither advised J.B. nor his parents that she was terminating services but continued to submit both billing forms and therapy notes. The therapy notes referenced direct speech therapy provided in a home environment; however, these services as well as the place of the therapy were disputed in testimony by both Mr. and Mrs. Bond.

STIPULATION OF EVIDENCE

1. Joint Exhibit 1, consisting of 340 pages of 1) payment forms from the PCF to the United States Treasury; 2) payment forms from the PCF to Pamela B. Ross; and Health Insurance Claim forms submitted by Pamela B. Ross to the PCF.
2. Joint Exhibit 2, consisting of 1,147 pages of treatment therapy notes submitted by Pamela B. Ross to the PCF between August 2010 and May 2012. All therapy notes referenced therapy provided in the home environment and did not reference any “consultative services” or “indirect therapy” indicated in testimony by Pamela Ross.
3. State Exhibit 4, the Complaint Form filed by Carlton Jones, III on behalf of the PCF, to which no objection was made.
4. State Exhibits 5 and 5-1, Mrs. Ross’ Response to Request for Discovery and the State’s set of interrogatories with request for admissions, to which no objection was made.
5. State Exhibit 6, Email of J.B.’s family Disney World Travel Itinerary noting arrival date of March 3 and departure date of March 8, 2011, dates referenced as dates of speech therapy services in both billing records and therapy notes furnished by Pamela Ross, to which no objection was made.

THE HEARING

The Assistant Attorney General, Steven "Beau" Jones, called Derrick Bond, J.B.'s father to the stand. Mr. Bond testified that in a telephone call with Sarita of the PCF, Sarita mentioned that she was working on getting Mrs. Ross' payment processed. The complaint to the Board arose as part of the investigation by PCF that followed this conversation, as Mrs. Ross had not recently provided services to J.B. Mr. Bond testified that the first time Pamela Ross provided speech therapy services to J.B., was estimated in March 2010. All services were provided in the Bond's home with a parent always being present. Mr. Bond estimates that speech therapy services ended approximately August 15, 2010. According to Mr. Bond, no speech therapy services were provided by Mrs. Ross to J.B. in 2011 or 2012. Mr. Bond estimated that Mrs. Ross may have provided speech therapy to J.B. approximately 40 times, and noted that he was being generous in his estimation. Mr. Bond testified that no notice was given by Mrs. Bond of the termination of services.

Mr. Bond testified that in reviewing the therapy notes and billing by Pamela Ross, he noted several dates that he knows therapy was not provided, such as: March 3-6, 2011 when the family was in Disney World in Orlando, Florida (Travel Itinerary is exhibit 6 entered into evidence); March 24, 2011 when J.B. had deep muscle injections out of town in Covington, Louisiana; June 3, 2011 when J.B. had his Baclofen pump removed; June 28, 2011 when J.B. had scoliosis surgery; and October 21, 2011 when J.B. was sedated and had a lump removed from his chest. Mr. Bond also testified that Mrs. Ross billed for New Year's Eve and Christmas Eve and Sundays and she never came on any of those days.

Attorney for Pamela Ross, Ronald Johnson, cross-examined Mr. Derrick Bond. Mr. Bond testified that Mrs. Ross' therapy visits were after school during the week and Mr. Bond indicated that he was present about 90% of the time; however, Mrs. Wander Bond was present if

Mr. Bond was not. Mr. Bond testified that Mrs. Ross gave no instructions for carryover to the parents outside of the therapy sessions with J.B. nor did she provide internet resources to assist with carryover of her therapy services.

The Assistant Attorney General, Steven "Beau" Jones, called Wander Bond, J.B.'s mother, to the stand. Mrs. Bond testified that she did not sign a form each time therapy services were provided. The last time she signed the form, it was a blank claim form and she was not aware that it would be re-used in the future. Mrs. Bond also testified that the last time speech therapy treatment was provided by Pamela Ross to J.B. was in August 2010. Mrs. Bond indicated that J.B. did go on a field trip with Pamela Ross and other children to the Arts and Science Museum, Planetarium and Ryan's Restaurant, but speech therapy services were not provided at that time.

Attorney for Pamela Ross, Ronald Johnson, cross-examined Mrs. Wander Bond while. Mrs. Bond did not dispute her signature, but indicated that she did not sign every form and specified that she signed the form a maximum of ten times. Mrs. Bond indicated that J.B. went on a field trip with Mrs. Pamela Ross to the Arts and Sciences Museum, Planetarium and Ryan's Restaurant; however she indicated that therapy was not provided at that time, although Mrs. Ross billed the PCF for therapy services to J.B. on that date.

Mr. Ronald Johnson, Attorney for Pamela Ross, called Pamela Ross, licensed Speech-Language Pathologist, to the stand. Mrs. Ross testified that she provided services to J.B. prior to his completion of the ninth grade in May 2010 and in August of 2010, was still providing services. Mrs. Ross testified that during the dates in March of 2010 that the family was going to Disney World, she spoke to Derrick Bond before they left, and told them things they could do to stimulate J.B. while there. Mrs. Ross testified that she did invite J.B. on a field trip to the Arts and Sciences Museum, Planetarium and Ryan's Restaurant in March or April of 2011, and that

she did bill for therapy because she pointed out different things to J.B. and felt like this was “indirect speech therapy”.

Mrs. Ross testified that she did ask Mrs. Bond to sign a blank claim form for efficiency. She did not call Mrs. Bond each time she used the form.

While on the stand, Mrs. Ross was asked by Assistant Attorney General, Steven “Beau” Jones, to review page 698 of Exhibit 1 which was her therapy notes from March 4, 2011, whereby she indicated that her therapy notes were not an adequate representation of what happened. Mrs. Ross indicated that some of the forms may have been unintentionally incorrect but that she had not intentionally misrepresented her billing forms or her therapy notes. She did state, however, that all of the therapy notes referred to services provided in a home environment, and that not all of those services were provided in that venue.

Mrs. Ross testified that she invited J.B. to a summer camp and in the conversation she had with Mr. Bond, he indicated that J.B. did not want to attend and ended the conversation “like good luck”. Mrs. Ross testified that she tried to reach the Bonds via telephone and email but did not receive a call back. Mrs. Ross never did paperwork to terminate services to J.B. and never informed the PCF that services ended. Mrs. Ross indicated that therapy was decreased to two days a week starting around December 2011 but she still billed for three times per week because she was having telephone conversations with Mr. Bond. Mrs. Ross also indicated that services from January through May 2012 were “consultative therapy” because she was preparing to do another camp.

When Mrs. Ross was asked by Mr. Ronald Johnson if she felt that based on the inaccuracies presented, if she owed the PCF money, she indicated that she might owe them approximately \$10,000, an amount that would account for any billing discrepancies.

Mrs. Ross testified that each therapy session lasted approximately 1 hour or 1 hour and 20 minutes, although she usually billed for three hours because she would stay and talk with Mr. and Mrs. Bond for two hours. Mrs. Ross testified that after J.B.'s surgeries and trip to Disney World, she called Mr. Bond to follow up and see how J.B. was doing, and she billed for her time. When Mrs. Ross helped J.B. with homework, though she was there to provide speech therapy services, she testified that she billed and that counted for therapy.

FINDINGS OF FACT

1. Prior to August 2010, Pamela Ross provided services to a minor patient, J.B., including but not limited to speech therapy and sign therapy.
2. The Board finds that on or about August 2010, Pamela Ross terminated her professional services to J.B., without notice to J.B., his parents, or the PCF, and without referrals to other resources or providers.
3. The Board finds that Pamela Ross copied and submitted a previously signed blank claim form, without obtaining patient or parental consent, to the PCF for payment of speech therapy services that were not rendered to J.B., particularly those services billed after the termination of therapy in August 2010.
4. The Board finds that Pamela Ross billed for over \$50,000 of services that were not rendered to J.B. These “services” are reflected in the billings submitted to the PCF after August 2010, and although Pamela Ross testified that some of the services were consultative in nature, all notes reflect direct therapy to J.B. with goals, objectives, and findings stated for each therapy session. Additionally, there are billings submitted to the PCF for every week between August 2010 and May 2012 with three encounters per billing noted on the forms.
5. Therapy notes presented do not substantiate the consultative aspect since all of them reference direct services in the home with J.B.

CONCLUSIONS OF LAW

The Findings of Fact led the Board to conclude that Pamela Ross' conduct rises to the level of violations of the Speech Language Pathology and Audiology Practice Act and the *Rules, Regulations and Procedures*.

Based on the Findings of Fact, the Board concludes that:

1. Pamela Ross, by creating and submitting fraudulent claim forms and therapy notes to the PCF, has violated her ethical and professional duty as set forth in:
 - a. La. R.S. 37:2662(3) by engaging in abusive or fraudulent billing in connection with services provided.
 - b. La. R.S. 37:2662 (5) by engaging in unprofessional conduct as defined by the rules established by the board, or has violated the code of ethics adopted and published by the board.
 - c. La. R.S. 37:2662 (6) by violating any lawful order, rule or regulation rendered or adopted by the board.
 - d. La. R.S. 37:2662 (8) by violating any provisions of this Chapter (R.S. 37:2650 et seq.).
 - e. And as defined by the rules established by the Board, is a violation of the code of ethics adopted and published by the board as identified in:
 - i. 701 E(1)(i) which states that individuals shall not charge for services not rendered, nor shall they misrepresent, in any fashion, services rendered or products dispensed;
 - ii. 701(E)(3)(d) which provides that individuals shall not misrepresent diagnostic information, services rendered, or products dispensed, or

engage in any scheme or maneuver to defraud in connection with obtaining payment or reimbursement for such services or product;

- iii. 701(E)(4)(b) which states that individuals shall not engage in dishonesty, fraud, deceit, or misrepresentation;
- iv. 701(E)(4)(j) which provides that individuals shall not violate these principles and rules, nor attempt to circumvent them.

2. Pamela Ross, by failing to professionally terminate services to J.B. has violated her ethical and professional duty as set forth in:

- a. La. R.S. 37:2662(4) by engaging in conduct likely to deceive, defraud or harm the public, or demonstrated a willful or careless disregard for the welfare or safety of a consumer.
- b. La. R.S. 37:2662 (6) by violating any lawful order, rule or regulation rendered or adopted by the board.
- c. La. R.S. 37:2662 (8) by violating any provisions of this Chapter (R. S. 37:2650 et seq.).
- d. And as defined by the rules established by the Board, is a violation of the code of ethics adopted and published by the board as identified in 701(E)(1)(1) which states that individuals shall not discontinue service to those they are serving without providing reasonable notice and other resources.

SANCTIONS

It is ordered that:

1. Pamela Ross' license #986 is suspended for five (5) years from the date of this decision.
2. Pamela Ross shall terminate all speech therapy services with any clients/patients and cease practice of speech-language pathology, effective from the date of this decision.
3. Within ninety (90) days of the date of this decision, Pamela Ross, shall successfully complete an open book examination on the Louisiana Speech-Language Pathology and Audiology Practice Act, the *Rules, Regulations and Procedures*, and Ethical Questions and Situations, Parts I and II.
4. Within ninety (90) days of the date of this decision, Pamela Ross, shall pay the costs of investigation in the amount of \$757.12.
5. For the five (5) year period of suspension, annually by June 30th, Pamela Ross shall submit documentation of at least ten (10) hours of continuing education in ethics, coding, and/or record keeping. Continuing education courses shall be submitted to the board for pre-approval.
6. Within one (1) year of the date of this decision, Pamela Ross, shall reimburse the Board for attorney's fees in the amount of \$6,343.75, court reporter fees in the amount of \$1,200.00, and board mileage and hotel expenses in the amount of \$1,337.08.
7. Within three (3) years of the date of this decision, Pamela Ross, shall pay a fine in the amount of \$10,000; quarterly payments shall begin within one year of the date of this decision. The \$10,000 reflects a fine of \$1,000 for each of the ten violations of the Practice Act and the *Rules, Regulations, and Procedures*.
8. Pamela Ross shall provide restitution to the PCF in an amount and within a time frame to be determined between Mrs. Ross and the PCF.

9. This decision is a matter of public record and Licensee is hereby publicly reprimanded for the above violations of La. R.S. 37:2650 et seq. and the *Rules, Regulations and Procedures* of the Board; such public reprimand shall include publication of such by the Board in its newsletter and on its web site, notification to the Louisiana Speech-Language Hearing Association (LSHA), Speech Pathologists and Audiologists in Louisiana Schools (SPALS), Department of Education, the National Practitioner Data Bank, Louisiana School for the Deaf, and the PCF.
10. Failure to comply with the terms of this decision in a timely manner shall result in REVOCATION of Pamela Ross' license without further notice.



Glenn M. Waguespack, L-AUD
Chairperson



Date