

IN THE MATTER OF

Lois E. Kondas

Respondent

License Number: 01538

* BEFORE THE STATE BOARD OF
* EXAMINERS FOR AUDIOLOGISTS,
* HEARING AID DISPENSERS AND
* SPEECH-LANGUAGE PATHOLOGISTS
* BOARD Case No: 03-BP-088

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about September 16, 2004, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (the "Board") charged Lois E. Kondas (D.O.B. 04/28/1949, license number 01538), (the "Respondent"), under Md. Health Occ. Code Ann. ("H.O.") § 2-101 et seq. (2000 Repl. Vol. and 2003 Supp.) (the "Act"). The charging document alleged violation of the following provisions of the Act under H.O. § 2-314:

Subject to the hearing provisions of § 2-315 of this subtitle, the Board may deny a license, or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

1. Commits fraud or deceit in the practice of speech-language-pathology. HO § 2-314 (3);
2. Obtains a fee through fraud or misrepresentation. HO § 2-314 (5);
3. Willfully make or files a false report in the practice of speech-language pathology. HO § 2-314 (16);
4. Submits a false statement to collect a fee. HO § 2-314 (18);
5. Violates any lawful order given or regulation adopted by the Board. HO §

2-314(11). Specifically: The licensee may not exploit individuals served professionally by: (c) Charging for services not rendered. Code of Maryland Regulations 10.41.02.02 C (6)(c);

6. Violates any lawful order given or regulation adopted by the Board. HO § 2-314(11). Specifically: The licensee shall maintain adequate records of professional services rendered and products dispensed, and shall allow access to these records when appropriately authorized. COMAR 10.41.02.04 H, and;
7. Violates any lawful order given or regulation adopted by the Board. HO § 2-314(11). Specifically: The licensee may not construe the failure to specify a particular responsibility or practice in this chapter as indicating that the responsibility or practice is not equally as important as those specified. An act that is in violation of the spirit and purpose of the Code of Ethics constitutes unprofessional conduct and may result in disciplinary action against the licensee under Health Occupations Article, §2-314, Annotated Code of Maryland. COMAR 10.41.02.04 L.

BACKGROUND

On October 21, 2004, the Respondent appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations that have occurred between the parties, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice as a speech-language pathologist in the State of Maryland. The Respondent was originally licensed to practice in Maryland in 1986 under License Number 01538.

2. The Respondent is the sole owner of a corporation operating under the name Child and Adult Rehabilitation Services ("CARS") located at 401 Post Office Road, Waldorf,

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Maryland. The business operates as a health care provider. It offers clients rehabilitative services, consisting of: physical therapy, occupational therapy, and speech-language pathology.

3. Respondent resides at 9431 Silver Oak Road, La Plata, Maryland 20646.

4. On or about February 2, 2003, a complaint regarding the Respondent was filed with the Board by Employee 1¹ and Employee 2, both licensed in physical therapy and both former employees of Respondent. The two reported that they had discovered that bills for services they had performed at CARS, which they submitted to Respondent, had been altered to add billable units of service which they had not performed, before those bills were then submitted for payment. The two complainants also indicated that they had already reported the matter to law enforcement officials from Charles County.

5. The Board then forwarded the matter to its investigator, Mr. John R. (Rob) Thomas, for him to initiate further investigation, based upon a concern of possible fraud in the practice of speech-language pathology and obtaining of fees through fraud.

6. Mr. Thomas then subpoenaed records from the Charles County Sheriff's Office related to that agency's investigation of Ms. Kondas. Copies of records of witness interviews and the execution of a search and seizure warrant were returned to Mr. Thomas by the Sheriff.

7. According to the records and to Detective Charles Bean, of the Charles County Sheriff's Office, interviews were conducted with: Employees 1 and 2, Employee 3, a physical therapist employed by Respondent from September 2000-August 2001; Employee 4, an occupational therapist employed by Respondent since 1991; Employee 5, an employee in the billing and financial office at CARS since October 1993; Employee 6, an occupational therapist employed at CARS since 1992; Employee 7, a secretary at CARS from July 2001-April 2002;

and Employee 8, Office Manager at CARS from June 1997-May 1999 and May 2002 until present.

8. Detective Bean also contacted Blue Cross's Fraud Unit, and also obtained and executed a search and seizure warrant for records from Respondent's business.

9. According to several of the employees who are health care providers, including but not limited to Employees 1 and 2, a number of bills for services performed by those employees while at CARS were altered to reflect greater amounts of services than those employees had actually performed.

10. According to Employee 7, the bills were altered by Respondent prior to the bills being submitted to the applicable insurance companies.

11. On June 29, 2004, Respondent submitted to a recorded interview by Mr. Thomas, which was done with her under oath at the office of her attorney, Steven Allen, Esq. During this interview, Respondent denied, and has continued to deny, the allegations made by the persons referred to in paragraphs 4, 7, 9 and 10, above.

12. Respondent, during this interview, admitted that she has, on multiple occasions, altered billing records submitted by her employee/physical therapists to reflect more time units of professional services than the employee/physical therapist had documented with respect to the relevant patient, and that she (Respondent) had these altered bills submitted to the relative patients' insurance carriers for payment, without having the employee/physical therapist who performed the service review or sign off on the altered bill. Respondent stated and maintains that these alterations were done solely for purposes of correction of the bills, and that the correction was necessary because the employee had not properly and accurately recorded her time on the

¹ The names of employees are not disclosed in this charging document. The Respondent may obtain the names by

billing record. Respondent further asserted that all of the services and time for which bills were rendered were for services and time actually provided and performed, and she asserted that no bills were submitted for payment by insurance companies or clients which contained charges for work which was not performed. No additional clinical or other records of the services for which the bills were increased by Respondent were created or maintained.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health-Occ. § 2-314(11). Specifically, Respondent violated a lawful order given or regulation adopted by the Board in that: a licensee may not exploit individuals served professionally by charging for services not rendered, under Code of Maryland Regulations 10.41.02.02 C (6)(c); a licensee shall maintain adequate records of professional services rendered and products dispensed, and shall allow access to these records when appropriately authorized, under COMAR 10.41.02.04 H; and, Respondent committed an act that is in violation of the spirit and purpose of the Code of Ethics, which constitutes unprofessional conduct and may result in disciplinary action against the licensee under Health Occupations Article, §2-314, Annotated Code of Maryland. COMAR 10.41.02.04 L.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of December, 2004, the Board considering this case:

ORDERED that the Respondent shall be placed on PROBATION for a PERIOD OF ONE (1) YEAR, to commence on the date that this Consent Order is signed by the Board; and be it further

contacting the Administrative Prosecutor.

ORDERED that there shall be no early termination of probation; and be it further
ORDERED that Respondent must petition the Board for termination of probation and full reinstatement of her license without restrictions or conditions. If Respondent has satisfactorily complied with all conditions of probation, there are no outstanding complaints or other disciplinary action pending against Respondent, and the record reviews have been, in the opinion of the Board, favorable for Respondent, the Board shall terminate the probation; and be it further

ORDERED that the Board, in its discretion, may have random reviews of Respondent's patient and billing records during the period of probation; and be it further

ORDERED that Respondent demonstrate to the Board's satisfaction that she has successfully completed a course or courses, to be identified by Respondent but, which must be pre-approved by the Board, in ethics, medicare billing, and record keeping before probation is terminated; and be it further

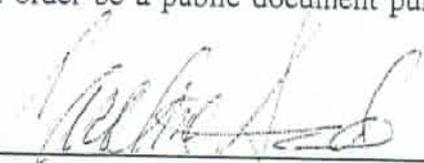
ORDERED that such courses shall be in addition to the 20 CEU's required for license renewal; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that Respondent is to pay a civil fine to the Board of Speech-Language Pathology in the amount of five hundred dollars (\$500) within one year of this Order; this fine is deposited to the General Fund of the State, not to the Board's Fund; and be it further

ORDERED that this consent order be a public document pursuant to Md. State Gov't Code Ann. § 10-611 et seq.

12/16/04
Date



Caroline H. Aland, Au.D., Chair
State Board of Examiners for Audiologists,
Hearing Aid Dispensers and Speech-Language Pathologists

CONSENT OF LOIS E. KONDAS

I, Lois E. Kondas, acknowledge that I am represented by legal counsel, Steven Allen, Esquire, and I have had the opportunity to consult with counsel before entering into and signing this document. By this consent, I hereby admit the Findings of Fact and Conclusions of Law, and submit to the foregoing Consent Order.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

11/3/04
Date

Lois E. Kondas
Lois E. Kondas
Respondent

Reviewed by:
[Signature]
Steven Allen, Esquire
Counsel for Respondent

STATE OF MARYLAND

RECEIVED

DEC 07 2004

BOARD OF
AUD/HAD/SLP

Lois E. Kondas

CITY/COUNTY of Charles

I HEREBY CERTIFY that on this 3 day of November, 2004, before me, a Notary Public of the State and County aforesaid, personally appeared Lois E. Kondas, and made oath in due form of law that the foregoing was his/her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Daniel McClain

DANIEL McCLAIN Notary Public
NOTARY PUBLIC
CHARLES COUNTY
MARYLAND
MY COMMISSION EXPIRES AUG. 25, 2008

My Commission Expires: