

**BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of
Kevin S. Conners, D.C.
License No. 2372

STIPULATION AND ORDER

WHEREAS, on or about December 5, 2005, the Minnesota Board of Chiropractic Examiners ("Board") commenced the above-captioned matter by serving upon Kevin S. Conners, D.C. ("Respondent"), a "Notice of Conference With Complaint Panel" ("Notice"); and

WHEREAS, pursuant to the Notice, Respondent and representatives of the Board met on January 5, 2006, to discuss the allegations set forth in the Notice; and

WHEREAS, based upon the conference, the parties wish to resolve this matter without the necessity and expense of a contested case hearing or other procedures by entering in this Stipulation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Respondent and the Board as follows:

A. During all times material herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice chiropractic in Minnesota.

B. If the Board in its discretion does not approve this Stipulation, it shall be deemed withdrawn and of no evidentiary value and shall not be introduced or relied upon by either party; except that Respondent agrees that, should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

C. Respondent expressly waives formal hearing on all facts and legal conclusions referenced herein and any and all procedures before the Board relative to said facts and conclusions to which he might otherwise be entitled by law.

D. Respondent does not contest the facts and conclusions below and agrees that the Board may, for purposes of its proceedings relating to this Stipulation, consider the following as true:

1. Respondent's date of birth is April 20, 1963. Respondent graduated Northwestern Health Sciences University, fka Northwestern Chiropractic College, in Bloomington, Minnesota, and was licensed by the Board on January 24, 1987. Respondent now practices in Stillwater, Woodbury, and Vadnais Heights, Minnesota.

2. It is the Board's finding that:

a. Respondent utilized improper billing codes:

(i) by using the Evaluation and Management code to bill for an examination at every visit, even when no examination was performed;

(ii) by combining the Evaluation and Management codes and office visit codes to bill more than double the fee for what should have been billed as adjustments to multiple spinal regions;

(iii) by using the billing code for attended one-on-one Neuromuscular Reeducation when services provided did not meet the requirements for one-on-one supervision.

b. Respondent charged excessive fees for the services rendered:

(i) by changing to inappropriate billing codes five weeks into care to increase the daily office charges with no change in services rendered, no documented exacerbation of patient condition, and no increased level of symptoms or pain;

(ii) by charging at every visit for "supervised stretching of the lumbar muscles" for a patient whose job it is to supervise other patients in this procedure and who had the equipment at her home to perform these stretches on her own.

c. Respondent provided excessive and unnecessary services:

(i) by increasing the patient visit frequency on multiple occasions with no exacerbation, no increased level of symptoms or pain, and no explanation for the increase in care;

(ii) by increasing the patient frequency to three times per week, eight months into care for a total of \$800 per week with no explanation for this increase, despite a patient-completed Rand health study resulting in mild symptoms not justifying the increased level of care;

(iii) by documenting that Respondent will continue care without change, while at the same time adding a new charge for mechanical traction at every visit with no explanation and no documentation that this added service was actually provided.

d. Respondent charged for services not rendered or not documented as having been rendered when he:

(i) billed \$240, \$260, and \$113 respectively, for three dates of service for which there are no corresponding treatment notes;

(ii) billed \$162.50 for a "light beam" procedure for which there are no supporting treatment notes;

(iii) billed \$45 on a regular basis for "therapeutic exercise" for which there are no corresponding treatment notes; and

(iv) billed \$56 on 19 occasions for a "therapeutic activity, one-on-one 15-minutes" for which there are no corresponding treatment notes.

3. Respondent admitted the documentation of the care rendered to patients did not justify the charges or all of the care and services provided. It is the Board's finding that Respondent's records did not accurately reflect the care rendered, did not justify the care rendered, did not justify the charges billed, and did not meet current professional standards.

4. The facts set forth in paragraph D.2 constitute violations of state law and rules pertaining to the practice of chiropractic, and authorize the Board to take disciplinary action against Respondent's license and to assess Respondent the cost of the proceedings. Minn. Stat. §§ 148.10, subd. 1(a)(10), (11), (14), and (18) and (e)(3), (4), (5), and (6), and Minn. R. 2500.5000.

E. NOW, THEREFORE, IT IS FURTHER STIPULATED AND AGREED that upon this Stipulation the Board may forthwith adopt and implement the following Order:

1. Respondent's license to practice chiropractic in Minnesota is hereby **SUSPENDED** for six (6) months, effective on the date of this Order; provided that the suspension shall be **STAYED** in its entirety, in accordance with the procedures set forth below.

2. Respondent is on **PROBATION** with the Board for not less than two (2) years from the effective date of this Order, subject to the provisions set forth in paragraph F. During the period of probation, the following terms and conditions shall apply:

a. Respondent shall within 30 days engage the services of an independent practice supervisor, pre-approved by the Board, to review all treatment procedures, protocols, documentation, coding, treatment plans, and facilitate the implementation of appropriate

procedures and practices. The practice supervisor shall submit quarterly reports to the board regarding the above matters unless more frequent reports are indicated in the opinion of the practice supervisor and/or the board. The practice supervisor shall be required to report any observed violations or issues of concern. Respondent shall bear any costs associated with the services of the independent practice supervisor.

b. Respondent shall attend not less than four units of continuing education in healthcare documentation by an approved sponsor within 60 days of the effective date of this order. Respondent shall bear any costs associated with this provision. Units obtained from a Board-approved sponsor shall apply to Respondent's annual CE requirement in the year obtained.

c. Respondent shall prepare within 90 days a full accounting of the services billed out under the names of patients SL and the DO family. Respondent shall make a full restitution to Blue Cross & Blue Shield of North Dakota and to HealthPartners, respectively, for all funds received on these accounts.

3. Respondent shall provide a copy of this Stipulation and Order to all associates, employees, and staff within 30 days of its effective date. Thereafter, Respondent shall provide a copy of this Stipulation and Order to all new associates, employees and staff within 30-days of bringing them into his practice. All Associates, employees, and staff will sign an affidavit attesting that they have received and read the Stipulation and Order.

4. Respondent shall remit to the Board a \$5000 civil penalty within 60 days of the effective date of this order. In the alternative, Respondent may submit equal monthly installments to the board amortized over the period of probation at 6.5% interest.

F. If during the period of probation Respondent fails to comply with any term, condition, or requirement of this Order or engages in any act or omission substantially similar to any of those set forth at paragraph D., the same shall authorize and empower the Board to remove the stay imposed under paragraph F1 and suspend Respondent's license for six (6) months. During the

period of suspension, Respondent shall not provide or assist in the provision of chiropractic care to any person or engage in any other procedure or practice which may be undertaken in this state only by licensed health personnel or by the lawful delegates, assistants, technicians, or aids of such personnel. Any period of suspension shall run consecutively and not concurrently with the probation. In its discretion, the Board may in addition to the aforementioned, extend the period of probation and its associated requirements, or take other appropriate action.

1. The existence of any violation or cause referenced above shall be determined by the Board at a regular or special meeting thereof. Respondent shall be given at least thirty-(30) days' notice of the meeting. The notice shall specify all allegations and shall be accompanied by copies of all supporting documents and any written statements to be submitted to the Board. Respondent may likewise submit documents and written statements and shall have the opportunity to address the Board at the meeting. The Board's decision shall be based upon its judgment as to the preponderance of the evidence.

2. Upon written petition and verification of his compliance with all terms, conditions, and requirements of paragraph F.2., and upon written notification from Board staff, the period of probation shall terminate two (2) years from the effective date of this Order; except that the Board may, in its discretion, initiate action in accordance with paragraph F.1. at any time up to forty-five (45) days from the end of the probationary period.

3. This Order and the Stipulation of which it is part, shall be deemed to be public documents.

G. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate contested case proceedings against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after

the date of this Stipulation which is not related to the facts, circumstances or requirements referenced herein.

H. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's counsel.

I. Respondent was advised of his right to legal counsel prior to executing this Stipulation. Respondent read the Stipulation in its entirety prior to its execution; he understands all of its provisions; and he affirms that it was entered into freely and voluntarily by him.

J. Respondent hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Respondent under the Americans With Disabilities Act relative to the action taken or authorized against Respondent's chiropractic license under this stipulation.

K. This Stipulation contains the entire agreement between the parties, there being no other kind, verbal or otherwise, which varies this Stipulation.

Dated: _____

2/8/06

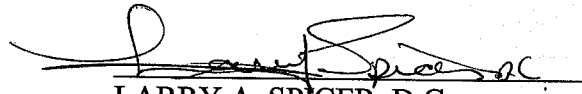


KEVIN S CONNORS, D.C.
Respondent

ORDER

Upon consideration of this Stipulation and all of the files, records and proceedings herein,
IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and
implemented by the Board on, February 9, 2006.

MINNESOTA BOARD
OF CHIROPRACTIC EXAMINERS

A handwritten signature in black ink, appearing to read "Larry A. Spicer, D.C.", is written over a horizontal line.

LARRY A. SPICER, D.C.
Executive Director