



Protecting, maintaining and improving the health of all Minnesotans

November 7, 2017

Effective 12/07/2017

Katherine Marie Coffee

RE: MDH File Number: OTC17010

Dear Ms. Coffee:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you performed services of an occupational therapy assistant (OTA) in an incompetent manner or in a manner that falls below the community standard of care in violation of Minnesota statutes, section 148.6448, subdivision 1(3); that you violated sections 148.6401 to 148.6450 in violation of Minnesota Statutes, section 148.6448, subdivision 1(5); that you engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public in violation of Minnesota statutes, section 148.6448, subdivision 1(12); and engaged in fraudulent billing practices in violation of Minnesota statutes, section 148.6448, subdivision 1(17). Therefore, MDH is issuing you a conditional license and requiring that you successfully complete continuing education in occupational therapy ethics and billing. Further, MDH is assessing you a civil penalty in the amount of \$613.00. The conditions on your license, including the assessment of a civil penalty, are authorized by Minnesota Statutes, sections 214.131, subdivision 2 and 148.6448, subdivision 2.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter, to:

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Catherine Lloyd
Manager, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Winkelmann". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

Enclosure

cc: Catherine Lloyd, Manager of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination in the Matter of
Katherine Marie Coffee
Occupational Therapy Assistant, License No. 202111**

AUTHORITY

1. The Minnesota Department of Health (MDH) has the statutory authority to discipline occupational therapy assistants under Minnesota Statutes, section 214.131, subdivision 2, and section 148.6448, subdivision 3. The types of disciplinary action MDH may impose include a civil penalty that deprives the licensee of any economic advantage gained by the violation, or that reimburses the Department for the costs of the investigation and proceedings or both; and any reasonable lesser action against an individual upon proof that the individual has violated sections 148.6401 to 148.6450. Pursuant to Minnesota Statutes, Section 13.41, disciplinary actions are public data.
2. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(3), MDH may take disciplinary action against an occupational therapy assistant for performing the services of an occupational therapy assistant in an incompetent manner or in a manner that falls below the community standard of care.
3. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(5), MDH may take disciplinary action against an occupational therapy assistant for violating sections 148.6401 to 148.6450.
4. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(12), MDH may take disciplinary action against an occupational therapy assistant for engaging in dishonest, unethical, or unprofessional conduct in connection with the practice of occupational therapy that is likely to deceive, defraud, or harm the public, is a ground for disciplinary action.
5. Pursuant to Minnesota Statutes, section 148.6448, subdivision 1(17), MDH may take disciplinary action against an occupational therapy assistant for engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws.

FINDINGS OF FACT

1. On March 22, 2016, Katherine Marie Coffee (hereinafter “Practitioner”) was licensed as an occupational therapy assistant in the State of Minnesota by the Department of Health, under license number 202111. Practitioner has renewed her license biennially and has a current license to practice occupational therapy.
2. On February 3, 2017, MDH received information alleging her employer terminated her for billing for services not rendered. According to the information:
 - A. From December 13, 2016 through January 17, 2017 Practitioner was employed in a skilled nursing facility providing services as an occupational assistant.
 - B. In December of 2016, Practitioner attended training on the use of the mobile device for documentation as a transition from paper documentation to her employer’s electronic medical records system. The training included group classroom instruction, hands on instruction, as well as collateral material as a reference.
 - C. On January 4, 2017, Practitioner was placed on unpaid leave due to an investigation being opened regarding billing for services not rendered.
 - D. On January 17, 2017, Practitioner was terminated from her position following an internal investigation that revealed Practitioner billed for 299 minutes of services not rendered.
 - E. Practitioner billed for services when she was not actually physically in the building or with a patient at the time she documented occupational therapy services.
3. MDH sent a Notice of Investigation to Practitioner on February 6, 2017. On March 7, 2017, Practitioner responded to the Department’s request for information and provided the following explanation of why she was terminated.
 - A. Practitioner provided occupational therapy for patients in a skilled nursing facility.
 - B. Practitioner was issued an electronic device to document patient services. Practitioner stated she was not provided training because a separate employer at a different facility trained her on the same system.
 - C. On January 4, 2017, Practitioner was placed on unpaid leave regarding the treatment times she entered.
 - D. Practitioner stated she cooperated with internal investigation.
 - E. Practitioner stated she feels she was terminated due to training inconsistencies. Practitioner said she requested feedback related to her performance, “In an attempt to

establish whether or not I in fact did something wrong and if so how I could do better in the future...”

CONCLUSION

Practitioner violated Minnesota Statutes, section 148.6448, subdivision 1(3), 1(5), 1(12), and 1(17) when she failed to accurately document the amount of time she actually spent in patient care. Although Practitioner stated she received poor training regarding electronic records management from her employer, the evidence indicates this is not true. On numerous occasions Practitioner was not with clients at times she documented she had. Practitioner failed to accurately document and bill for occupational therapy services in December 2016 and January 2017, resulting in providing occupational therapy in a manner that falls below the community standard of care.

DETERMINATION

Practitioner’s occupational therapy license is conditioned as follows:

1. Practitioner must pay a civil penalty of \$613 to reimburse MDH for costs of investigation and the economic advantage received by the practitioner.
 - a. Practitioner may pay the \$613 civil penalty in monthly installments of up to four months after the effective date of this action. If Practitioner chooses to make installments, she must notify MDH in writing about her intentions, including how many installments she intends to make, in what amount, and over which time period. Practitioner must send this information to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882.
 - b. Each payment must be made by check or money order payable to “State of Minnesota Treasurer” and mailed to: Investigation and Enforcement Unit, Health Occupations Program, MDH, PO Box 64882, Saint Paul, MN 55164-0882. Each payment is due by the last day of each month; however, Practitioner may prepay at any time.
 - c. Before a debt becomes 121 days past due, MDH may refer the debt to the commissioner for collection at any time after a debt becomes delinquent and uncontested and the debtor has no further administrative appeal of the amount of the debt. When a debt owed to MDH becomes 121 days past due, MDH must refer the debt to the commissioner for collection. MDH may file and enforce the penalty as a judgment without further notice or additional proceedings under Minnesota Statutes, section 16D.17.
2. Within 12 months of the effective date of this Determination, Practitioner shall successfully complete the following continuing education (CE) courses, sponsored by the American Occupational Therapy Association, and available online or in CD-ROM format:
 - a. Managing the Madness: Reimbursable Documentation and Ethical Concerns (.5 CEU) available through HomeCEU at

<https://www.homeceuconnection.com/course/managing-the-madness-reimbursable-documentation-and-ethical-concerns/>.

- b. Medicare Billing: 8371 and Form CMS-1450 available through Medicare Learning Network at <https://learner.mnlms.com/Default.aspx>.
 - c. Practitioner is responsible for any costs associated with taking the continuing education course and Practitioner must provide MDH with a copy of the certificate demonstrating successful completion.
 - d. Practitioner must complete the continuing education credits in addition to the continuing education requirements in Minnesota Statutes, section 148.6443.
3. Upon completion of the conditions in paragraph one (1) and two (2) of this Determination, Practitioner may petition MDH, in writing, for an unconditional license. Practitioner must send her request to:

Health Occupations Program, Investigation and Enforcement Unit
PO Box 64882
Saint Paul, MN 55164-0882.