

COMMONWEALTH OF KENTUCKY
KENTUCKY STATE BOARD OF PODIATRY
ADMINISTRATIVE ACTION NO. 98-KREAB-0453

IN RE: PODIATRY LICENSE NO. 231
 HELD BY DONALD R. ANSERT, D.P.M.

AGREED ORDER

The Kentucky State Board of Podiatry (hereinafter "the Board") and the Respondent, Donald R. Ansert (hereinafter "Ansert"), in person and by counsel, and both parties, being fully advised and informed, state as follows:

(1) Ansert is a licensed podiatrist in the Commonwealth of Kentucky, having been issued Podiatry License No. 231 on November 21, 1996.

(2) Pursuant to Kentucky Revised Statutes ("KRS") Chapter 311, the Board is authorized to regulate and to control all matters related to podiatrists and podiatry, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.

(3) By the Complaint in this matter, dated July 23, 1999, the Board has alleged that on November 18, 1998, Ansert treated a patient, Mary C. Young at the Acorn & Oaks Senior Citizen Building at 28th & Magazine Streets in Louisville Kentucky. Ms. Young came to Ansert in order to have three (3) corns and/or calluses removed and to have her toenails trimmed. She was not experiencing, nor did she state to Ansert that she had any pain related to a left hallux ingrown nail plate. The Board has alleged that Ansert submitted a claim to Young's insurance company, United HealthCare Insurance Company, and coded the visit under the 1999 Current Procedural Terminology, Fourth edition of the American Medical Association (hereinafter "CPT") as code number 99203. The Board has alleged that proper practice required that Ansert should have coded

the initial visit as a 99202 which reflects the reduced level of care and which correlates to a smaller fee.

Ansert also submitted a claim to Young's insurance company, United HealthCare Insurance Company, and coded his procedures with regard to the nails under the CPT code 11730. That code is used to indicate a procedure involving more invasive and extensive actions than nail trimming, and it does not apply to the trimming of nails alone. The Board has alleged that proper practice under the CPT requires that the procedures performed on Young's nails should have been identified as a 11720 which reflects the reduced level of care and which correlates to a smaller fee.

Ansert also performed a debridement of three hyperkeratotic lesions on Young's dorsal fifth toes bilaterally and between the right fourth and fifth toes. This procedure related to the Young's stated problems regarding bilateral dorsal corns and right soft corns. Ansert submitted a claim to Young's insurance company, United HealthCare Insurance Company, and coded his procedures with regard to the debridement of the hyperkeratotic lesions under the CPT code 11055. That code is used to indicate a debridement of one lesion. Ansert coded the procedure for each foot separately. The Board has alleged that proper practice under the CPT requires that the procedures performed on Young's corns and/or calluses be identified as a 11056 which is used for the debridement of two to four lesions. Ansert used the code 11055 for each foot separately, rather than properly coding the procedure on both feet as one action under 11056.

(4) The Board has alleged that Ansert's submission of the claims to the insurance company with the codes used for a higher level of care than that actually delivered with the separation of the debridement procedure for each foot and representation that he performed a partial

nail avulsion of the left hallux nail plate constitutes conduct likely to deceive the public which is a violation of KRS 311.480 (16).

(5) Ansert neither admits nor denies the allegations of paragraphs 3 and 4 of this agreed order; rather, he acknowledges that there is sufficient evidence for the allegations to be proven by a preponderance of the evidence. In addition, Ansert states that his actions were not intended to defraud the public.

(6) Ansert and the Board agree to address this matter by entering into this agreed order in lieu of a formal hearing before the Board.

(7) Following a review by the Board of the facts and circumstances associated with the case against Ansert, IT IS HEREBY AGREED AND ORDERED:

- (a) Ansert is FINED the sum of \$300, payable by certified check to the Kentucky State Treasurer. The payment of the fine is has been tendered with the Agreed Order;
- (b) Ansert shall complete six classroom of professional training, which training shall cover topics related to his billing procedures and coding under the CPT. This training shall be in addition to the regular continuing education requirement of 201 KAR 25:031; and
- (c) Ansert's podiatry license is PROBATED for six months, from January 1, 2000, through June 30, 2000 upon terms of successful completion of the requirements of this Agreed Order and compliance with the law governing the practice of podiatry in the Commonwealth. Further, as a term of the probation, Ansert agrees to permit random inspections of his records by an authorized representative of the Board for

purposes of ensuring that his coding procedures are the accurate and otherwise meet the applicable standards.

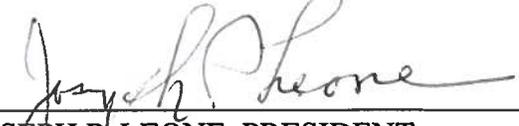
(8) Failure to comply with any term of this agreed order shall constitute a violation of a Board order and shall provide grounds to take disciplinary action against Ansert's license pursuant to KRS 311.480(10).

(9) By entering into this agreed order, Ansert expressly acknowledges that he was fully and completely informed by his counsel of the due process rights afforded to him under KRS Chapters 13B and 311, that he fully understands those rights, and that he knowingly, voluntarily, and willingly agrees to waive those rights and to enter into this agreed order.

(10) This agreed order is subject to disclosure under the Kentucky Open Records Act.

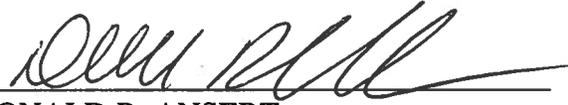
Entered this 12th day of December, 1999.

KENTUCKY STATE BOARD OF PODIATRY



JOSEPH P. LEONE, PRESIDENT

HAVE SEEN AND AGREED:



DONALD R. ANSERT

12/3/99

DATE SIGNED



ALLEN C. PLATT III
COUNSEL FOR ANSERT

12/3/99

DATE SIGNED



JAMES J. GRAWE
COUNSEL FOR THE BOARD

12/11/99

DATE SIGNED

CERTIFICATE OF SERVICE

I hereby certify that a copy of the AGREED ORDER was mailed by regular mail, on this

15th day of December, 1999, to:

Donald R. Ansert
1425 State Street, Suite 210
New Albany, IN 47150

Hon. Allen C. Platt III
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Secretary, Board of Podiatry

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