

Rex G. Beasley #08777  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING  
LANDON STATE OFFICE BUILDING  
900 S.W. JACKSON, #551-S  
TOPEKA, KANSAS 66612-1230  
(785) 296-8401

IN THE MATTER )  
 )  
OF ) Case No: 98-0084-5  
 )  
CORDELIA CLAIBORNE )  
LICENSE NO. 24-007306-091 )

**INITIAL ORDER**

ON THE 9<sup>th</sup> day of November, 1998 this matter came on for hearing before Terry E. Beck the Board's designated Hearing Officer on the Petition filed by the Kansas State Board of Nursing. The Respondent appeared in person by telephone with her attorney Mark G. Ayesh. The Kansas State Board of Nursing appeared by and through Assistant Attorney General Rex G. Beasley, Disciplinary Counsel for the Board.

**THEREUPON** the Board's oral motions to amend the caption to reflect the correct spelling of Respondent's last name and to amend the petition to allege a violation of K. S. A. 65-1120(a)(1) were granted.

**THEREUPON** the parties presented their evidence and arguments and rested.

**THEREUPON** , after reviewing the file, hearing the evidence and arguments of the parties and being well advised the Hearing Officer made the following findings of fact and conclusions of law:

1. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter.
2. On or about October 16, 1997 Respondent unlawfully, feloniously, knowingly and with intent to defraud, made, altered, or endorsed a Blue Cross Blue Shield Claims submission Agreement to make it appear that it had been made, altered, or endorsed by another person. Respondent forged the name of a doctor on an electronics claims submission agreement. This conduct was a fraud upon the Medicaid program.
3. On May 8, 1997 as a result of the Respondent's criminal conduct described in the preceding paragraph Respondent was convicted in the District Court of Sedgwick County Kansas of Forgery a level 8 nonperson felony in violation of K. S. A. 21-3710.
4. On or about February 20, 1997 Respondent unlawfully, feloniously, knowingly and with intent to defraud, submitted multiple false claims to the Kansas Department of Social and Rehabilitation for health care services that were not performed as claimed and which were false or fraudulent. This conduct was a fraud upon the Medicaid program.
5. On May 8, 1997 as a result of the Respondent's criminal conduct described the preceding paragraph Respondent was convicted in the District Court of Sedgwick County Kansas on eight counts of Presenting False Claims all level 9 nonperson felonies in violation of K. S. A. 21-3409.
6. On or about September 25, 1996, Respondent unlawfully, feloniously, knowingly and with intent to defraud, made, presented, or offered, or submitted multiple false claims to the Kansas Department of Social and Rehabilitation for health care services that were not performed as claimed and which were false or fraudulent. Respondent who is neither a licensed psychologist nor an employee of a licensed psychologist

submitted claims purporting to be for professional services of a licensed psychologist. The "services" rendered were in fact for one or more massages and not the professional services of a licensed psychologist. This conduct was a fraud upon the Medicaid program.

7. On May 8, 1997 as a result of the Respondent's criminal conduct described in the preceding paragraph Respondent was convicted in the District Court of Sedgwick County Kansas of Making a False Claim, a level 9 nonperson felony in violation of K. S. A. 21-3846.

8. Between October 4, 1996 and November 15, 1996 Respondent unlawfully, feloniously, knowingly and with intent to defraud, made, presented, or offered, or submitted multiple false claims to the Kansas Department of Social and Rehabilitation for health care services that were not performed as claimed and which were false or fraudulent. Respondent who is neither a licensed psychologist nor an employee of a licensed psychologist submitted claims purporting to be for professional services of a licensed psychologist. The "services" rendered were in fact for one or more massages and not the professional services of a licensed psychologist. This conduct was a fraud upon the Medicaid program.

9. On May 8, 1997 as a result of the Respondent's criminal conduct described in the preceding paragraph Respondent was convicted in the District Court of Sedgwick County Kansas of Making a False Claim, a level 9 nonperson felony in violation of K. S. A. 21-3846.

10. As a consequence of the above described criminal conduct and convictions Respondent was sentenced to 10 months confinement by the Kansas Department of

Corrections and ordered to pay restitution in the sum of \$62,248.42. Respondent was given probation from her jail time of 24 months.

11. Respondent's actions violate K. S. A. 65-1120(a)(2). Respondent has not demonstrated sufficient rehabilitation to warrant the public trust.

12. Respondent should be disciplined. Pursuant to the disciplinary remedies available in K.S.A. 65-1120, Respondent's license should be **suspended** through the period of her current license, September 30, 1999. The suspension should be stayed, allowing the Respondent to continue to practice under the following terms and conditions:

(a) The suspension and the stay, along with all of terms and conditions imposed herein shall continue into all future licensing periods until Respondent has fully made restitution of the \$62,063.92 she obtained in the billings which resulted in the criminal convictions in the District Court of Sedgwick County Kansas..

(b) Respondent shall comply with all the terms and conditions of her probation in the District Court of Sedgwick County Kansas. Respondent shall continue to pay the restitution on the payment schedule arranged with or through her probation officer. In the event Respondent is released from probation before the \$62,063.92 is paid in full Respondent shall make payments on a schedule arranged with or through the Board's Practice Specialist, Kansas State Board of Nursing, Landon State Office Building, 900 S.W. Jackson, Suite 551-S, Topeka, Kansas 66612-1230.

(c) Respondent shall notify all employers of this Order and shall cause her employer(s) to provide quarterly reports for the period of her licensure. The reports shall be prepared by Respondent's immediate supervisor who evaluates her performance on a regular basis. Such reports shall include information regarding attendance,

performance and documentation. The quarterly reports shall be due, November 20, 1998, January 20, 1999, April 20, 1999, and July 20, 1999. These reports or evaluations shall be sent by the employer or person conducting the evaluation to the attention of the Board's Practice Specialist.

(d) Respondent shall provide written reports to the Board's Practice Specialist on the same schedule as the reports required by the preceding paragraph. Said reports shall describe in detail the Respondent's nursing practice during each reporting period.


(e) Respondent shall sign any release(s) necessary so that the Kansas State Board of Nursing can obtain information about Respondent from any employer.

(f) Respondent shall immediately surrender her license card or apply for a duplicate license. Upon the receipt of Respondent's license card or an application for a duplicate, the Board shall reissue a license card to Respondent with an "S" placed in the status code portion to indicate that action has been taken on Respondent's license.

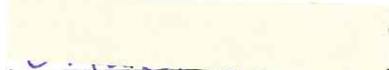
(g) Respondent shall pay costs in the sum of \$35.00. Said payment shall be made to the Board in cash or money order and shall be paid within 30 days of the entry of this Order.


**WHEREFORE**, the provisions stated above are made the Order of the Kansas State Board of Nursing.

**IT IS SO ORDERED.**

  
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TERRY E. BECK  
HEARING OFFICER

Approved:

  
MARK G. AYESH  
Attorney for Respondent

  
REX. G. BEASLEY  
Assistant Attorney General  
Disciplinary Counsel

**NOTICE REGARDING RELIEF FROM THIS ORDER**  
**STATEMENT OF APPEAL RIGHTS**

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.

**CERTIFICATE OF SERVICE**


This is to certify that on the 18th day of November 1998, I deposited a true and correct copy of the Order in the United States Mail, first class mail, postage prepaid to the following:

Cordelia Claiborne  
10615 Hidden Valley  
Wichita, Kansas 67209

Mark G. Ayesh  
Ayesh Law Offices  
8100 East 22nd Street N., Bldg. 2300  
Wichita, Kansas 67226

and by hand delivery to:

Rex G. Beasley  
Assistant Attorney General  
Kansas State Board of Nursing  
900 S.W. Jackson Rm 551-S  
Topeka, Kansas 66612-1230

  
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Diane M. Glynn, J.D., R.N.  
Practice Specialist

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