

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY
IN THE MATTER OF KRISTI ROTA CHILDRRESS – LICENSE NO. 1202

ORDER

On July 11, 2011, the West Virginia Board of Occupational Therapy (hereinafter “Board”), entered into an Order of Reinstatement with Kristi Rota Childress, License No. 1202, placing her on probation for a period of three years, during which time her practice of occupational therapy in West Virginia would be subject to various conditions, in addition to all of the requirements and duties regularly required of licensees of the Board.

On March 26, 2015, the Board met and voted to release licensee from the previously entered Consent Agreement and Order and to restore licensee to a full and unrestricted license, effective April 2, 2015 at the completion of the probationary period.

ENTERED this 26th day of March, 2015.

WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

by: Kathy Quesenberry, MSM, OTR/L
Kathy Quesenberry, MSM, OTR/L
President / Chairperson

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY,
Complainant,

v.

KRISTI CHILDRESS,
Respondent.

MODIFIED REINSTATEMENT ORDER

Upon written request of KRISTI CHILDRESS, Respondent, the West Virginia Board of Occupational Therapy (Board), at its regularly scheduled meeting on May 17, 2013, reviewed the conditions as set forth in the Reinstatement Order between the parties herein as entered on July 15, 2011.

Having reviewed the conditions, the Board hereby ADOPTS and RENEWS the original terms of reinstatement as outlined in the Reinstatement Order entered on July 15, 2011. FURTHER, the Board hereby ORDERS the following modifications to sections 2.a. and 2.b. of the Reinstatement Order as indicated below:

ORDER

On the basis of the foregoing, the Board does hereby MODIFY the following sections and ORDERS and DECREES that:

1. The Respondent, Kristi Rota Childress, shall be released from the conditions as outlined in the Reinstatement Order entered into on July 15, 2011, in sections 2.a. and 2.b. only during the remainder of the three year probationary period.

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY

By:

Kathy F. Quisenberry, MSM, OTR/L *WV*

KATHY QUESENBERRY, CHAIRPERSON

Entered:

5-29-13

DATE

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY,

Complainant,

v.

KRISTI ROTA CHILDRESS,

Respondent.

ORDER OF REINSTATEMENT

This matter comes on a petition to the West Virginia Board of Occupational Therapy (hereinafter referenced as the "Board") for reinstatement of a license pursuant to the provisions of W. Va. Code § 30-28-14(d). Upon request, the Respondent, Kristi Rota Childress, appeared in person at the November 5, 2010 regular meeting of the Board to request reinstatement. The Board has considered the Respondent's statements as well as the facts and circumstances of the underlying action against her. In consideration of these factors, it is the determination of the Board that the Respondent is eligible for reinstatement of her license to practice occupational therapy and, if the Respondent is willing to abide by certain conditions in her practice, then the health, welfare and safety of the public may properly be protected through entry of an agreed order setting forth those terms and conditions.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That the Board is a State entity created by W. Va. Code § 30-28-1 *et seq.* and is empowered to regulate the practice of occupational therapy.

2. The Respondent, Kristi Rota Childress, was previously licensed by the Board as an Occupational Therapist.

3. On May 20, 2003, the Board revoked the license of the Respondent for unprofessional conduct, to wit: falsification of documentation and billing for occupational therapy services that were, in fact, not provided.

4. On September 14, 2004, the Board reinstated the Respondent's license to practice occupational therapy in the State of West Virginia on a probationary basis for a period of two years, subject to conditions as stated in the Order of Reinstatement.

5. On April 14, 2007, the Board revoked the license of the Respondent a second time for unprofessional conduct, to wit: falsification of documentation and billing for occupational therapy services that were, in fact, not provided.

6. On November 5, 2010, the Respondent appeared before the Board to request consideration of reinstatement of license to practice Occupational Therapy in West Virginia.

7. That the Board may consider the reinstatement of a license which has been revoked upon a showing that the applicant can resume practicing with reasonable skill and safety under the provisions of W. Va. Code §30-28-14(d).

8. On March 21, 2011, the Respondent submitted an application for licensure to the Board.

9. When the Board finds that a licensee has been guilty of unprofessional conduct in the practice of occupational therapy, the Board has the authority to impose probationary conditions upon the license and may enter into consent decrees and probationary orders under the provisions of W. Va. Code §30-28-16(g) and §30-1-8(a).

10. The respondent has been employed since February 2007 as the Clinical Director of Psychological Assessment & Intervention Services, has completed twelve hours of continuing education in Ethics courses, twenty six hours of continuing education in courses related to the practice of occupational therapy, and has obtained personal counseling. The

Respondent is otherwise qualified to practice occupational therapy in the State of West Virginia and has shown that she may competently practice if she is provided with appropriate supervision, assistance, and monitoring. Such supervision, assistance, and monitoring can be established through carefully delineated requirements imposed as probationary conditions on the reinstatement of her license.

CONCLUSIONS OF LAW

Under W. Va. Code §30-28-14, the Board may reinstate Respondent's license to practice occupational therapy, subject to probationary terms intended to promote supervision and assistance of the Respondent and the health, welfare and safety of the public.

TERMS OF ORDER

1. The West Virginia Board of Occupational Therapy hereby REINSTATES the license of Kristi Rota Childress to practice occupational therapy in the state of West Virginia, effective upon entry date of this order, on a probationary basis. The probationary period will be for a period of three (3) years effective upon obtaining employment as an occupational therapist in West Virginia.

2. In addition to all of the requirements and duties regularly required of licensees of the Board, the Respondent, Kristi Rota Childress, shall be subject to the following conditions during her three year probationary period:

a. At all times in which she is providing occupational therapy services to clients, the Respondent will be under the *direct close* supervision of a licensed occupational therapist. For the purposes of this requirement, "*direct close supervision*" has the same meaning as this term is defined in W. Va. Code §30-28-3, with the express provision that the Respondent shall be supervised in the same manner and to the same degree as a *limited permit holder or occupational therapy student*. The supervising therapist(s) must be approved by the Board and

sign a supervisory statement to be filed with the Board. The supervising therapist(s) shall review all of the therapy records and documentation completed by the Respondent and, as evidence of the review and collaboration, shall co-sign all of the Respondent's clinical documentation.

b. The Respondent herself may not supervise any other person in the provision of occupational therapy services. This includes, but is not limited to, students, aides, assistants, limited permit holders, or other therapists.

c. The Respondent shall not work in settings where other occupational therapists are not present. This includes, but is not limited to, home care services and early intervention.

d. The Respondent shall provide the Board with the name and address of her employer as well as the name of her immediate supervisor and the Respondent has the duty to update this information in the event of any change.

3. The Board will periodically review her compliance with these conditions. Members of the Board, or an investigator appointed by the Board, may periodically inquire with

her employer and may investigate any and all aspects of her professional practice to evaluate her compliance with this Order and the Rules of the Board.

4. The Board retains the authority and discretion to review this decision and order at any time and, upon a determination of probable cause to believe that the Respondent has not complied with one or more of the terms stated herein, or that the Respondent has demonstrated other unprofessional conduct as defined by the Rules of the Board, the Board may immediately suspend the Respondent's license without a hearing, in order to protect the health, safety and welfare of the public.

CONSENT OF LICENSEE

I, Kristi Rota Childress, by affixing my signature hereto, acknowledge the following:

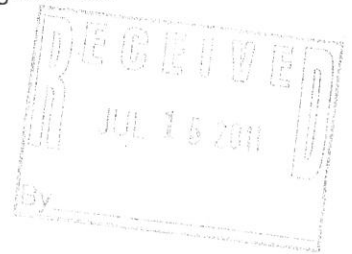
1. That I have had the opportunity to consult with counsel and execute this Order of Reinstatement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

In recognition of this Order and these terms, we hereby affix our signatures.



WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY

By: Kathy Quisenberry
KATHY QUESENBERRY, CHAIRPERSON

Entered: 7/11/11
DATE

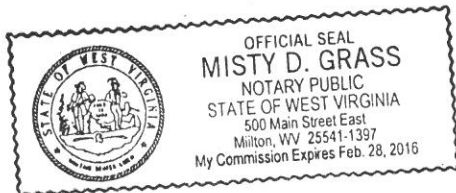


Reviewed and agreed to by:

Kristi Rota Childress
Kristi Rota Childress, Respondent

Sworn to and subscribed before me this 5 day of July, 2011.

My Commission expires: Feb. 28, 2016



Misty D. Grass
Notary Public

BEFORE THE WEST VIRGINIA BOARD OF OCCUPATIONAL THERAPY

**WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY,
Complainant,**

v.

**KRISTI ROTA,
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of two written complaints, the West Virginia Board of Occupational Therapy (hereinafter "Board") determined that there was probable cause to believe that Kristi Rota (hereinafter "Respondent") has exhibited unprofessional and unethical conduct in the practice of occupational therapy, in violation of the provisions of W. Va. Code § 30-28-1 *et seq.* and the Rules of the Board, 13 C.S.R. § 1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of a hearing, the parties have reached an agreement for the resolution of this case matter and the parties agree to entry of the following Order in disposition of this case matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That the Board is a State entity created by W. Va. Code § 30-28-1 *et seq.* and is empowered to regulate the practice of occupational therapy.

2. That the Respondent, Kristi Rota, is a licensee of the Board, possessing License No. 1202, and is therefore subject to the license requirements of said Board.

3. That the Board is empowered to investigate allegations of unprofessional or unethical conduct and to suspend, restrict, revoke or refuse to issue a license to practice occupational therapy under the authority granted to it by W. Va. Code § 30-28-1 *et seq.*

4. That Respondent was, at all times material hereto, employed as an occupational therapist with Milestones Physical Therapy, Inc.

5. That in January 2007 the Board received a complaint against the Respondent, alleging that the Respondent had fraudulently billed for services not rendered to patients enrolled in the West Virginia Birth to Three program, forged signatures of the patient's guardians, and falsified treatment notes for those fraudulently billed service dates.

7. That in February 2007 the Board received a second complaint against Respondent, again alleging fraudulent billing practices, falsifying treatments notes and forging patient's guardians signatures on the notes. Moreover, the complaint stated that the Respondent had admitted to such actions and had been disenrolled from the West Virginia Birth to Three Program, and that the Respondent would not be permitted to reenroll as a practitioner at a later time.

8. That the Respondent had violated conditions numbered two (a) and two (e) of her *Order of Reinstatement* dated September 14, 2004, by failing to obtain the proper supervision while working as an occupational therapist during her probationary period and failing to notify the Board of her employment as an occupational therapist.

9. That the Respondent falsified her renewal applications for 2006 and 2007 by failing to state she was currently employed as an occupational therapist.

10. That between January of 2007 and February of 2007, the Board conducted an investigation, during which time the complainants, the Respondent and other relevant parties were interviewed and various documents relevant to the complaints were obtained.

11. That the Board's assigned complaint investigator did review all the information obtained during the investigation and based upon that review, did make a recommendation to the Board for a finding of probable cause.

12. That the Respondent's actions constitute multiple violations of W. Va. Code § 30-28-1 *et seq.* and 13 C.S.R. § 1 *et seq.* and may be grounds for disciplinary action by the Board.

13. That the Board, by vote at its March 2, 2007 meeting, made a finding of probable cause for multiple violations of W. Va. Code § 30-28-1 *et seq.* and 13 C.S.R. 1-1 *et seq.* Moreover, the Board entered an immediate *Order* of suspension effective March 2, 2007, suspending the Respondent from practicing occupational therapy pursuant to paragraph numbered two of the Respondent's Acknowledgment of the previous *Order of Reinstatement*.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice occupational therapy, pursuant to W. Va. Code § 30-28-13(a)(1), (3), and (4).

3. That in March of 2007 the Board issued Complaint to the Respondent.

CONSENT OF LICENSEE

I, Kristi Rota, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.

3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.

4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were illegal, unprofessional and unethical and a violation of the statutory Act and Rules of the Board.

The Respondent, Kristi Rota, by affixing her signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent's license is hereby REVOKED, effective upon the signature date of this agreement hereto.

2. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the Healthcare Integrity and Protection Data Bank.

3. That this document is a public record as defined in W. Va. Code § 29-1-2(4).

4. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this Agreement and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
OCCUPATIONAL THERAPY

By: Kathy F. Quesenberry, MSM, OTR/L
KATHY QUESENBERY, CHAIRPERSON

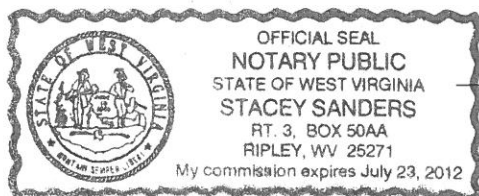
Entered: 4/14/07
DATE

Reviewed and agreed to by:

Kristi Rota
Kristi Rota, Respondent

April, 2007. Sworn to and subscribed before me this 10 day of

My Commission expires: July 23 2012



Stacey Sanders
Notary Public

