BEFORE THE STATE OF ARIZONA BOARD OF CHIROPRACTIC EXAMINERS

In the Matter of:

Bruce D. Homsey, D.C.

Holder of License No. 4708 For the Practice of Chiropractic In the State of Arizona Case No.: 2017-036

FINDINGS OF FACT, CONCLUSIONS OF LAW AND NON-DISCIPLINARY ORDER FOR CONTINUING EDUCATION

Respondent

INTRODUCTION

Pursuant to A.R.S. § 32-924(E), the State of Arizona Board of Chiropractic Examiners ("Board") held an Initial Appearance for Bruce D. Homsey, D.C. on January 10, 2018. Respondent knowingly and voluntarily appeared before the Board, and was represented by legal counsel. Respondent was properly notified of the Initial Appearance and the allegations against him. After due consideration and deliberation of the facts and law applicable to this matter, the Board voted to issue a Non-Disciplinary Order for Continuing Education.

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of chiropractic in the State of Arizona.

2. Respondent is the holder of License No. 4708 to practice chiropractic in the State of Arizona.

3. Board staff's investigation revealed that the dates of treatment that Respondent documented in his patients' notes did not always match the dates indicated in those patients' billing records.

4. Board staff's investigation revealed a misuse of modifier 25 in conjunction with CPT code 99202 without corresponding documentation in the patient's records.

5. Board staff's investigation revealed a misuse of modifier 59 in conjunction with CPT code 97140 without corresponding documentation in the patient's records.

6. Board staff's investigation revealed that on some dates of service, the patient billing and electronic records do not note the time of specified modalities.

7. Board staff's investigation revealed that on some dates of service, the patient billing and electronic records do not note that a modality was performed.

8. Board staff's investigation revealed that the patient was billed for services on or about September 16, 2017, when treatment did not occur.

CONCLUSIONS OF LAW

1. The conduct and circumstances described above in the Findings of Fact constitute a violation of A.R.S. § 32-924(A)(5) (unprofessional conduct), as that term is defined in A.A.C. R4-7-902(5) (failing to create an adequate patient record) and A.A.C. R4-7-902(13) (improper billing).

<u>ORDER</u>

Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. Chiropractic License No. 5437, issued to Respondent to practice chiropractic in the State of Arizona is shall be issued a **NON-DISCIPLINARY ORDER FOR CONTINUING EDUCATION** for the unprofessional conduct described above.

2. Continuing Education (Billing / Record Keeping): Within ninety (90) days from the effective date of this Order, Respondent shall take and complete three (3) hours of CE in billing and coding and three (3) hours of CE in record keeping for a total of six (6) hours of CE that have been pre-approved by Board Staff. Respondent must make a written request for pre-approval. Within fifteen (15) days after completing the CE, Respondent shall provide the Board with satisfactory proof of attendance. The Board shall not accept distance-learning courses such as on-line courses or webinars. The four hours of CE in billing and coding and record keeping are in addition to the mandatory hours of CE required of Respondent for license renewal. 3. Respondent shall bear all costs required to insure his compliance with this order.

4. The Board retains jurisdiction over Respondent and may take additional remedial or disciplinary action against him if it determines that he has committed subsequent violations of this Order or of the chiropractic practice act. Respondent shall appear in person before the Board to respond to questions or concerns regarding his compliance with this Order when requested.

Notice of Right to Request Rehearing or Review

Either party has the right to request rehearing or review of this Order. Pursuant to A.R.S. § 41-1092.09, the request must be filed with the Board within thirty (30) days of the service of this Order. A.A.C. R4-7-305. Service of this Order is effective upon personal delivery or five (5) days from the date of mailing. A.A.C. R4-7-302. The request must set forth legally sufficient reasons for granting the rehearing or review. The filing of a request for rehearing or review is required to preserve any rights of appeal to the Superior Court that the party may wish to pursue.

This Order shall be effective and in force upon the expiration of the above time period for filing a motion for rehearing or review with the Board.

Dated this 2nd of February, 2018

STATE OF ARIZONA BOARD OF CHIROPRACTIC EXAMINERS



James Badge, D.C., Chair State of Arizona Board of Chiropractic Examiners

CHERCE CONTROL OF CONT

Original of the foregoing filed this 2nd day of February, 2018, with:

State of Arizona Board of Chiropractic Examiners 1740 West Adams Street, Suite 2430 Phoenix, Arizona 85007

Executed Copy of the foregoing mailed by U.S. Certified mail (Return receipt requested) this 2nd day of February, 2018, to:

Bruce D. Homsey, D.C. Glendale Chiropractic Life Center 5654 W. Bell Rd. Ste. A Glendale, Arizona 85308 **Respondent**

Certificate No. 7017 2400 0000 9931 1697

Copy of the foregoing mailed this 2nd day of February, 2018, to:

Cody Hall Attorney for the Respondent

Copy of the foregoing e-mailed this 2nd of February, 2018, to:

Michael Raine, Assistant Attorney General Michael.Raine@azag.gov

Justin Bohall, Executive Director - Board Operations

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