

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS

JUL 16 2009

**IN RE: CHIROPRACTIC LICENSE # 3975
HELD BY Vincent Perlmutter, D.C.
Administrative Case #08-040**

Vincent Perlmutter, D.C.
891 Willowdale Dr
Villa Hills, KY 41017

Pl. \$3,000 w/cc
7-16-09

Pl. \$3,000 w/cc
9-30-09

Pl. \$4,500 w/cc

AGREED ORDER

Parties

WHEREAS, the parties to the Agreed Order herein are the Kentucky Board of Chiropractic Examiners, hereinafter referred to as the "Board," and Vincent Perlmutter, D.C., hereinafter referred to as the "Respondent."

Jurisdiction

WHEREAS, the Board has jurisdiction over this matter pursuant to KRS Chapter 312 and the related administrative regulations.

History

WHEREAS, on or about October 15, 2008 a complaint was received in the Board office from Drs. Jamie and Aaron Ornburn stating that the Respondent, co-owner of the practices in which they were working, improperly billed insurance companies for services that were rendered by them under other provider identification numbers; and

WHEREAS, on or about October 15, 2008 a complaint was received in the Board office from Dr. Benton Dammel stating that the Respondent, co-owner of a practice in which he was previously employed, had been asked to

cease and desist from using his provider identification number, as he was no longer practicing in that office. Dr. Dammel also stated he had noticed that while employed by the Respondent his services were billed under another provider and when confronted, the billing specialist stated she changed provider names because as an out of network provider the claims were denied; and

WHEREAS, on or about January 22, 2009, the Respondent's attorney filed a reply wherein he admitted to the factual allegations of billing errors contained in Drs. Orburn and Dr. Dammel's complaints, but alleged that they were unintentional errors made during the transition of practices between doctors. The response also stated that the Respondent would promptly remedy any and all billing errors and overpayments; and

WHEREAS, on or about March 16, 2009, the Respondent's attorney's billing expert filed a reply to the Board's inquiries wherein she summarized the billing errors by the Respondent. The total amount of incorrectly billed services paid by insurance carriers was \$17,611.51; and

WHEREAS, the parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing.

Terms of Agreement

THEREFORE, it is hereby agreed between the undersigned parties that this matter shall be settled and resolved upon the following terms:

1) The Respondent shall carefully review the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after

having reviewed the due process rights afforded to him under KRS Chapter 312 and the accompanying regulations;

2) The Respondent, Vincent Perlmutter, D.C., accepts the reprimand of the Board for the violation of KRS 312.150(1)(b), (f), (g), (2)(d), (e), and 201 KAR 21:015(5). The Respondent agrees to act more diligently in the future to insure that he will comply with KRS Chapter 312 and the accompanying administrative regulations;

3) The Respondent, Vincent Perlmutter, D.C., shall pay a fine to the board in the amount of ten thousand five hundred dollars (\$10,500). Said fine shall be paid by either Visa or cashier's check made payable to the "Kentucky Board of Chiropractic Examiners." The terms of payment of said fine shall be as follows: The first three thousand dollar (\$3,000) installment shall be paid on or before June 30, 2009; the second three thousand dollar (\$3,000) installment shall be paid on or before August 30, 2009; and the final four thousand five hundred dollar (\$4,500) installment shall be paid on or before October 30, 2009; and

4) The Respondent, Vincent Perlmutter, D.C., shall provide to the Board proof of repayment of the \$17,611.51 to the insurance carriers; and

5) The Respondent agrees to be placed on **PROBATION** for a period of one (1) year beginning the date of signature of the Agreed Order herein. The Respondent agrees that further violations of any laws, statutes or administrative regulations governing the practice of chiropractic in the Commonwealth of Kentucky shall result in the automatic **SUSPENSION** of his

license No. 3975 for twenty (20) consecutive days pending an administrative hearing on the charges. During said suspension period, the Respondent may hire a Kentucky licensed chiropractor to continue patient care; and

6) Within six (6) months of signature of the Agreed Order herein, Respondent Vincent Perlmutter, D.C. shall successfully complete (pass) the Ethics and Boundaries examination of the National Board of Chiropractic Examiners, with proof submitted to the Board; and

7) On or before March 1, 2010 the Respondent shall complete an additional six (6) hours of continuing education in Billing/Coding; and

8) On or before March 1, 2010, the Respondent, Vincent Perlmutter, D.C. shall complete the two (2) hour Kentucky Jurisprudence course; and

9) The original, executed Agreed Order must be received in the office of the board, *postmarked within ten (10) days of receipt of the certified letter of settlement*;

10) The board shall make no referral of this matter for any criminal proceeding;

11) The Respondent acknowledges that he is ineligible for participation in any chiropractic preceptorship program for two (2) years pursuant to 201 KAR 21:085, Section 2(7); and

12) The Respondent, Vincent Perlmutter, D.C., agrees that his failure to comply with any of the terms and conditions of this Agreed Order may result in the board setting the matter for an administrative hearing in accord with KRS Chapter 13B.

Voluntary Waiver of Rights

The Respondent, Vincent Perlmutter, D.C., has had the opportunity at all times to seek advice from competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.


Publication of Settlement Agreement

The Respondent acknowledges that, once adopted by the Board, this Agreed Order may be considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Agreed Order may at any time be published on the Board's website, www.kbce.ky.gov.


Complete Agreement

This Settlement Agreement consists of six (6) pages and embodies the entire agreement between the Kentucky Board of Chiropractic Examiners and Vincent Perlmutter, D.C. It may not be altered, amended or modified without the express written consent of both parties.

Have Seen, Understood and Approved:

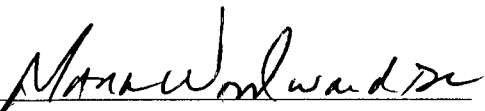

VINCENT PERLMUTTER, D.C.
License No. 3975
Respondent

6/24/09
Date


JOHN R. IRWIN, Esq.
KEVIN R. CONNERS

7/9/09
Date

Counsel for the Respondent



MARK WOODWARD, D.C.
President
Kentucky Board of Chiropractic
Examiners

07-16-09

Date

Certificate of Service

I hereby certify that a true and correct copy of the foregoing **Agreed Order** was mailed via U.S. mail, postage pre-paid to the following this 22 day of July, 2009:


VINCENT PERLMUTTER, D.C.
891 Willowdale Dr.
Villa Hills, KY 41017
Respondent

And a courtesy copy to:

HON. KEVIN R. CONNERS
106 North High Street, No. 205
Columbus, OH 43215
Counsel for the Respondent

HON. MICHAEL WEST
Office of the Attorney General
700 Capitol Ave., Ste. 118
Frankfort KY 40601
Board Counsel

And the original shall be maintained by the Board


Karalee Oldenkamp, D.C.
Executive Director
Kentucky Board of Chiropractic Examiners