



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY
124 HALSEY STREET, 6TH FLOOR, NEWARK NJ

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General
MARK S. HERR
Director

June 9, 2000

By Certified and Regular Mail

Christian Cecere, P.T.
Healthsouth, Inc.
80 Oak Hill Road
Red Bank, New Jersey 07701

Mailing Address:

P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Re: Christopher J. Marulli, Jr.
Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Cecere:

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information concerning the treatment of Christopher J. Marulli, Jr. Specifically, the information reviewed included:

1. Healthsouth Universal Charge ticket and daily notes for Christopher J. Marulli, Jr. for August 24 and 26, 1999, September 2 and 8, 1999.
2. Physician direction prepared by Dr. Scott, dated August 18, 1999
3. Initial Evaluation of Christopher J. Marulli, Jr., dated August 24, 1999
4. Physical Therapy Progress Report dated September 8, 1999
5. Transcript of Christian Cecere, P.T. dated April 11, 2000

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45: 1-21(b). 45:1-21(e). N.J.A.C. 13: 39A-2.2(a) 3 and 13:39A-3.8(b)7. More specifically, the Board's review of your testimony on April 11, 2000 confirms that you never had any contact with the patient, Christopher Marulli on September 2, 1999. You also testified that you had two other patients scheduled for therapy at the same time as Mr. Marulli, one of the two patients was receiving an initial evaluation which took approximately 60 minutes to complete and which required your full attention. Mr. Marulli was attended to by an aide who administered heat to the patient. This action constitutes aiding and abetting the unlicensed practice of physical therapy in violation of N.J.A.C. 13: 39A-3.8(b)7 and also constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e).

Additionally, your testimony confirmed that you were made aware that Mr. Marulli was disgruntled when he left the facility on September 2, 1999 and that Mr. Marulli canceled his therapy appointment on September 8, 1999. The physical therapy daily note that you prepared for September 2, 1999 indicated that the patient had "no new complaints" and that

"the patient received heat and therapeutic activities for 15 minutes and that the patient tolerated treatment." The information on the daily note is inconsistent with the facts, since you admitted that you never had any contact with Christopher Marulli you had no knowledge that the patient was tolerating the treatment nor that he had no new complaints. Thus, the board finds that this is a misrepresentation in violation of N.J.S.A. 45:1-21(b).

The physician direction indicated that the doctor prescribed massage for this patient. You testified that you did not provide this patient massage because you determined that the patient did not warrant massage but felt it was more advantageous to begin Mr. Marulli on exercise. While you discussed this change with the patient, you admitted that you failed to communicate the change in treatment with the patient's physician. This constitutes a violation of N.J.A.C. 13:39A-2.2(a)3.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of formal disciplinary proceedings, should you consent to:

1. cease and desist from changing treatment as prescribed by a physician without communicating directly with the patient's doctor, cease from preparing notes reflecting a patient's condition or plan if no evaluation or contact was made with the patient, cease and desist from aiding and abetting the unlicensed practice of physical therapy.
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$ \$10,000 (consisting of \$2500 for violation of N.J.S.A. 45:1-21(b), \$2500 for the violation of N.J.S.A. 45:1-21(e), \$2500 for the violation of N.J.A.C. 13:39A-2.2 (a) 3 and \$2500 for violation of N.J.A.C. 13:39A-3.8(b)7 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter);

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than those herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay the additional costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez, who may be reached at (973) 693-5056.

If you elect to settle this matter now you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY

By: *Susan Garland*
Susan Garland
Executive Director

ACKNOWLEDGMENT: I, Christian Cecere, P.T., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$10,000 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

Christian P. Cecere P.T. QP03826
Christian Cecere, P.T.

Dated:

cc: Stuart Reiser, Esquire
Carmen A. Rodriguez, Deputy Attorney General