



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

DONALD T. DiFRANCESCO
Acting Governor

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

May 1, 2001

By Certified and Regular Mail

Mailing Address:

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

Damon Daura, P.T.
04 Alpine Trail
Sparta, New Jersey 07871-1620

Re: Damon Daura, P.T.
Modified Offer of Settlement In Lieu of Filing a Formal
Disciplinary Complaint

Dear Mr. Daura:

At the April 24, 2001 meeting of the New Jersey State Board of Physical Therapy the Board reviewed and considered a letter dated September 20, 1999 submitted by Joseph J. D'Onofrio, Esquire requesting that the Board reconsider the terms of the settlement order that it issued against you in the matter of Lisa Britz.

Please be advised that the Board has decided to modify its original position as to the penalty that was imposed. The Board has agreed to impose a penalty of \$2500 but to stay \$2000. Thus, you are responsible to pay \$500. The information provided to the Board supports that you were the director at the clinic where Ms. Britz was hired. As the director you were responsible to make sure that Ms. Britz was licensed before she was employed as a physical therapist assistant. Below is the modified offer of settlement for your consideration.

This letter is to advise you that the New Jersey State Board of Physical Therapy (the "Board") has had an opportunity to review information supplied by you on the verification of supervision form relating to Lisa Britz, P.T.A. Specifically, the information reviewed included your testimony at a March 19, 1998 investigative inquiry before the Board.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you aided and abetted the rendering of physical therapy by a person not authorized to practice physical therapy. Specifically, you have acknowledged that, prior to the receipt of her temporary license, you allowed Lisa Britz to render services at MARC. You have indicated that you were under the erroneous impression that others had taken care of the responsibility of assuring that the temporary license was valid. Your conduct, in allowing Lisa Britz to practice before she had received her temporary license, constitutes the unlawful aiding and abetting of unlicensed practice in violation of N.J.A.C. 13:39A-4.2.

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 disciplinary proceedings, should you consent to:

1. The issuance of a reprimand.
2. Pay a penalty in the amount of \$2500. \$2000 is stayed and payment of \$500 is due and payable upon your signing the bottom of this letter. Payment should be made to the New Jersey State Board of Physical Therapy and sent to the attention of Susan Gartland, Executive Director at 124 Halsey Street, P.O. Box 45014, Newark, New Jersey 07101.

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 that 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 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)648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following receipt of this letter. In the event 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 Gartland
Susan Gartland, Executive Director

ACKNOWLEDGMENT: I, Damon Daura, 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 \$500 (to be paid upon signing of this acknowledgment).

Damon Daura

Damon Daura, P.T.

Dated: 5/10/01

cc: Joseph J. D'Onofrio, Esq.
Carmen A. Rodriguez, D.A.G.

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