



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

August 29, 2001

By Certified and Regular Mail

Ms. Kim Soscia, P.T.
Ascott Park
75 Mulford Road
Building 2, Apt. 2
Lafayette, New Jersey 07848-3604

Mailing Address:

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

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Ms. Soscia:

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 physical therapy services offered to several patients at HealthSouth located at 280 Newton Sparta Road in Newton, NJ. Specifically, the information reviewed included:

1. Patient and billing records of Pierrete Wesley;
2. Patient and billing records of Al Monaco;

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.A.C. 13:39A-2.3(b) and N.J.S.A. 45:1-21(h) in that on various occasions you have been the supervising physical therapist of Terry L. Bronner, Physical Therapist Assistant ("PTA") and Linda Jacobetz. PTA and have failed to contemporaneously cosign their physical therapist assistant notes.

A review of patient records of Al Monaco demonstrate that on March 24, 1999 Terry L. Bronner, PTA, performed physical therapy services on Mr. Monaco. On May 5, 1999 Linda Jacobetz, PTA, also performed physical therapy services on Mr. Monaco. The patient records of Pierette Wesley disclose that on June 25 and 28, 1999 and July 6, 12 and 13, 1999 Terry L. Bronner, PTA provided physical therapy services to Pierette Wesley.

Information provided by Donna Taylor, administrator of the HealthSouth facility indicates that you were the supervising physical therapist of these PTAs on the dates set forth herein. The particular patient records contain entries of the services on the patients made and signed by the PTAs. However, the patient records for the dates indicated herein are lacking your cosignature of the entries of the PTAs. As the supervising physical therapist you are required by N.J.A.C. 13:39A-2.3(b) to contemporaneously sign the PTA's entry in the patient record.

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. contemporaneously cosign entries made by a physical therapist assistant to the patient records when you are the supervising physical therapist;
2. the issuance of a formal reprimand;
3. pay a penalty in the amount of \$1500 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter); This constitutes a penalty of \$1500 for failing to contemporaneously cosign PTA entries in patient records in violation of N.J.S.A. 45: 1-21(h) and N.J.A.C. 13:39A-2.3(b).

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 become a matter of public record.

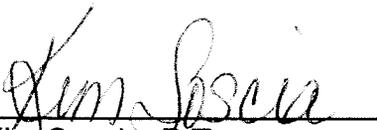
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing 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) 648-3696.

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
PHYSICAL THERAPY

By: 
Susan H. Gartland
Executive Director

ACKNOWLEDGMENT: I, Kim Soscia, 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 \$1500.00 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.


Kim Soscia, P.T.

Dated: SEP 14 2001

cc: Carmen A. Rodriguez, Deputy Attorney General