



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

Donna Taylor, P.T.
115 Summit Road
Sparta, NJ 07871-1432

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

Re: Aiding and Abetting of the Unlicensed Practice of Physical Therapy Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Ms. Taylor:

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 various patients at HealthSouth located at 280 Newton Sparta Road in Newton, NJ. Specifically, the information reviewed included:

1. A complaint filed by Michelle Emerson;
2. Pre-inquiry background questionnaire of Donna Taylor, P.T.;
3. HealthSouth Employee Roster dated January 4, 2001;
4. Patient and billing records of W. R.;
5. Patient and billing records of P. W.;
6. Patient and billing records of A. M.;
7. A handwritten note dated July 15, 1999 signed by Donna Taylor, P.T. to Nancy Morris memorializing a verbal warning;
8. A handwritten warning signed by Nancy Morris and Donna Taylor, P.T., dated March 13, 2000, instructing Nancy Morris not to apply electrodes to any patient at the facility.
9. A May 3, 2000 handwritten note signed by Nancy Morris explaining her belief that she could apply electrodes under the direct supervision of a physical therapist.
10. Transcript of your testimony before the Preliminary Investigative Committee of the Board dated May 8, 2001.

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(n) and N.J.A.C. 13:39A-4.1(b), 13:39A-2.3(b) and 13:39A-2.4 (b)4 in that Nancy Morris, an aide at your facility was permitted to attach electrodes to a patient in violation of N.J.A.C.

13:39A-2.4 (b)4 . The documentation and testimony reviewed by the Board demonstrates that both a verbal and written warning was given to Ms. Morris on at least 3 different occasions regarding the attachment of electrodes of an kind on the skin by an unlicensed person. These verbal and written warnings were signed by you as the administrator of the HealthSouth facility. Continuing to permit an aide at the facility to place electrodes on the patients constitutes the aiding and abetting of an unlicensed person in violation of N.J.S.A. 45:1-21(n) and a violation of N.J.A.C. 13:39A-2.4 which prohibits delegation of the placement of electrodes on any kind on the skin by an unlicensed person.

Additionally, a review of patient records of A. M. demonstrate that on April 26, 1999 and May 3, 1999 respectively, Terry L. Bronner, Physical Therapist Assistant ("PTA") and Linda Jacobetz, PTA, provided services to Mr. M. Both physical therapist assistants have documented the services performed on the patient on the respective dates and signed the patient notes. The information that you provided indicated that you were the supervising physical therapist on these two dates. However, the patient record for these two dates are lacking your cosignature of the PTA's entries as the supervising physical therapist in violation of N.J.A.C. 13:39A-2.3(b) which requires the physical therapist to contemporaneously cosign 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. cease and desist from delegating to unlicensed persons such as aides the placing of electrodes of any kind on patients;
2. contemporaneously cosign entries of a physical therapist assistant in the patient record when you are acting as supervising physical therapist.
3. the issuance of a formal reprimand;
4. pay a penalty in the amount of \$3000 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter); This constitutes a penalty of \$1500 for the aiding and abetting of the practice of physical therapy by an unlicensed person and \$1500 for failing to contemporaneously cosign entries made by a physical therapist assistant in a patient records.
5. pay costs incurred by the Board in the amount of \$490.00

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) 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, Donna Taylor, 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 \$3,000.00, **plus costs** (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

Donna Taylor P.T. 09/08/97
Donna Taylor, P.T.

Dated:

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