



## 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*

**November 16, 2001**

*Mailing Address:*

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

### By Certified and Regular Mail

Mr. Michael A. Palmer, P.T.  
107 Valley View Trail  
Sparta, New Jersey 07871-1354

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

Dear Mr. Palmer

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. 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-7.2(c) and N.J.S.A. 45:1-21(h) in that on various occasions you have supervised physical therapist assistants and have failed to contemporaneously cosign their entries in the patient record.

A review of patient records of Al Monaco and Pierette Wesley demonstrate that on April 9, 1999 and July 13, 1999 respectively, Terry L. Bronner, Physical Therapist Assistant ("PTA") and Linda Jacobetz, PTA, provided physical therapist services to these patients. Information provided by Donna Taylor, P.T., administrator of the facility, indicates that you were the supervising physical therapist of these physical therapist assistants on the dates set forth herein. The particular patient records contain entries of the services performed on the patients and the signature of the physical therapist assistants. However,

the patient record for these two dates are lacking your cosignature of the PTA entries as the supervising physical therapist in violation of N.J.A.C. 13:39A-7.2(c) 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. contemporaneously cosign entries of a physical therapist assistant in the patient record 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 a patient records.

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  
Susan H. Gartland  
Executive Director

ACKNOWLEDGMENT: I, Michael A. Palmer, 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 (to be paid upon signing of this acknowledgment), and to comply with all other requirements set forth in the settlement letter.

Michael A. Palmer, P.T. 11/27/01  
Michael A. Palmer, P.T.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General

11/22/01  
\* Please note that I have already paid this fine as of last week and signed the previous settlement letter I received. For the record, please apply the penalty I paid to the regulation cited in this letter (13:39 A-7.2(c)) and not the regulation in the previous letter (13:39 A-2.3(b)) which I was not guilty of violating as it was written at the time of the issue cited in 1999.

Thank you,

Michael A. Palmer, P.T. NJ LIC# DA15219