

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHYSICAL THERAPY EXAMINERS

IN THE MATTER OF THE REINSTATEMENT
OF THE LICENSE OF

ALEXANDER IVASHENKO, P.T.
License No. QA02797

Administrative Action

ORDER TO REINSTATE
LICENSE

TO PRACTICE PHYSICAL THERAPY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Physical Therapy Examiners (hereinafter "the Board") upon receipt of a request for reinstatement of licensure as a physical therapist made on behalf of Alexander Ivashenko by his attorney, Theodosia A. Tamborlane. Mr. Ivashenko's license to practice physical therapy was revoked by final order of the Board entered on May 17, 1999 as a result of Respondent Ivashenko's conviction in United States District Court, District Court of New Jersey, of a violation of 42 U.S.C. 1320 (a)-7b(a), for filing a false claim with the Medicare Program. Respondent was placed on probation for three years. The final order acknowledged that Mr. Ivashenko retired his license on May 29, 1997. The final order also provided that the respondent was eligible to apply for a license to practice physical therapy no sooner than five years from the entry of the Order and further required that the respondent "demonstrate to the satisfaction of the Board that he was fit and competent to re-enter the practice

of physical therapy” and that prior to re-entering the practice respondent must appear before the Board.

Respondent appeared with his attorney before the Board on June 8, 2004 on his application for reinstatement of license to practice physical therapy . Mr. Ivashenko testified that in addition to the above-mentioned conviction, he also plead guilty to one count of Theft of Property, Lost, Mislaid or Delivered by Mistake in the 2nd degree in violation of N.J.S.A. 2C:2-6 in New Jersey Superior Court, Law Division on February 14, 2000. The Judgment of Conviction indicated that he was ordered to serve five years probation to run concurrently with the federal sentence, maintain regular employment, complete 200 hours of community service, pay restitution in the amount of \$74,999, and all remaining counts were dismissed.

Respondent further testified that the state conviction arose from the same activities as the federal conviction. He supplied the Board with proof that he paid the court ordered restitution in full and completed the court ordered probation. He offered six (6) individuals who appeared to testify as to his character. Additionally, respondent produced an affidavit detailing the circumstances underlying the federal and state criminal convictions and explaining the employment experiences he had after his incarceration, and a current curriculum vitae which showed his education and employment experiences as well as continuing education courses he attained during the period of revocation. Respondent also supplied the Board with documentation that he obtained his license to practice physical therapy in New York.

Having reviewed the documents submitted including the testimony of respondent and the character witnesses, it appears to the Board that the Respondent has attempted to remain fit and competent to practice physical therapy by taking various educational courses in physical therapy subject matter. However, the Board finds that the respondent has not taken sufficient courses in the area of ethics and professional issues to assist him in addressing the issues that arise in the daily practice of physical therapy. This deficiency coupled with the nature of the activities

underlying the federal and state convictions which adversely and directly relate to the practice of physical therapy cause the Board to require the respondent to obtain remedial education on professional issues to demonstrate that he is fit and competent. Therefore, the Board finds that the license of Respondent is to be reinstated only upon the condition that respondent shall obtain remedial training to deal with professional issues. Thus, the Board conditions the reinstatement of license to practice physical therapy upon respondent's enrollment in and successful completion of a professional issues and ethics course as specifically outlined below.

IT IS ON THIS 20th DAY OF AUGUST, 2004

HEREBY ORDERED AND AGREED THAT:

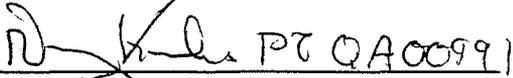
1. Respondent's license to practice physical therapy shall be reinstated as of the entry date of this order on the condition that Respondent shall enroll in and within one year of entry of this order, satisfactorily complete the Professional Issues Course and an Ethics course offered at the University of Medicine and Dentistry located in New Jersey, both courses are to be three credit post doctoral level physical therapy courses. The term "satisfactorily complete" as used in this Order means that the respondent shall receive a grade of B or better in order to complete the course and satisfy the condition in this Order.

2. In the event that respondent fails to satisfactorily complete the course required in paragraph #1 above, his license shall be automatically suspended until respondent produces proof that he has satisfactorily completed the required course.

3. The course required in paragraph #1 above, is in addition to any statutorily required continuing education courses and cannot be used to satisfy continuing education credits required

for renewal of license.

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

By:  PT QA00991
Nancy Kirsch, P.T.
Chairperson