



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



ANNE MILGRAM  
Attorney General

STEPHEN B. NOLAN  
Acting Director

July 31, 2007

### By Certified and Regular Mail

Charles Hendricks, P.T.  
10 Jessica Place  
Monmouth Beach, New Jersey 07750

**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 Mr. Hendricks:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners (the "Board") has had an opportunity to review information concerning the physical therapy services you provided to Sam Louly at Hudson Physical Therapy, located in Freehold, New Jersey between July 15, 2004 and August 17, 2004. Specifically, the information reviewed included the following: 1) a complaint filed with the Board by Sam Louly, on or about September 28, 2005; 2) the patient records of Sam Louly; and 3) the testimony that you provided at the investigative inquiry held on September 12, 2006, which you attended without legal representation.

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(e), in that you engaged in professional misconduct for improperly delegating to a physical therapy assistant an assessment of the patient. The Board has also preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(h), in that you violated or failed to comply with the provisions of any act or regulation administered by the Board, specifically N.J.A.C. 13:39A-3.6, in that you charged excessive fees for your services. Additionally, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:1-21(h), in that you violated or failed to comply with the provisions of any act or regulation administered by the board, specifically N.J.A.C. 13:39A-3.1, in that the patient records you maintained did not accurately reflect the patient contact with the physical therapist because the records lacked appropriate goals and did not record the progress made by the patient.

The Board's review appears to indicate that the patient was referred to you for physical therapy by Matthew Garfinkel, M.D. following surgery on his left knee, due to patellar instability and internal derangement of the left knee. Upon questioning, you confirmed that you completed the initial evaluation, where you determined that Sam Louly's complaints were pain with stairs and ambulation, not at rest. You stated that you determined that he had some atrophy of the quadriceps muscle, some pain over the medial joint line of his knee, flexation that was 10 degrees lacking from normal, some weak quadriceps and hamstrings, and some positive signs of possible meniscal involvement.

You concluded, according to your testimony, that he would benefit from improvements in quadriceps contractions and increased strength, in order to improve his gait and ambulation with stairs.

You confirmed that at the August 11, 2004 visit, you permitted Michael Huszcza, a Physical Therapy Assistant, to re-evaluate the patient and to make an assessment based on his evaluation. You stated that you allowed him to take the objective findings and measurements and come up with an assessment, based on strength, range of motion, and the patient's complaints. This was done without you ever repeating the meniscal tests. This conduct constitutes improper delegation to a physical therapist assistant as it is beyond the scope of practice of the physical therapy assistant to perform an assessment. Your failure to properly re-evaluate the patient and to properly delegate duties to the physical therapy assistant is considered professional misconduct, in violation of N.J.S.A. 45:1-21(e).

A review of Sam Louly's patient records do not reflect recordings of progress or goals that appropriately progressed, based on the initial assessment you made as detailed above. Upon questioning, you confirmed that seven visits into his treatment, on August 11, 2004, Sam Louly's impairments were resolved, except for some persistent pain. Since you were unsure of the generator of the pain over the medial meniscus joint line, that goal could not effectively be achieved to resolve his squatting issue. However, the patient records for Sam Louly indicate that the patient should continue the plan of care established at his initial evaluation. Also, the interventions used were inappropriate for the strength and function of the patient. At the re-evaluation performed on August 11, 2004, Sam Louly's range of motion and manual muscle testing results were either equal to or exceeded the non-operative side. However, it was your recommendation to continue increasing his range of motion and muscle strength. Your failure to properly document appropriate goals and progress for the patient is considered a patient records violation, in violation of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.1(c)7 and 9.

Sam Louly's billing records indicate that for his visits on July 29, August 3, August 11, August 12, and August 17, 2004, he was billed for three (3) units of therapeutic exercise. However, his patient records indicate that only one (1) unit of billable therapeutic exercise was actually provided to him. Your failure to properly bill for services that were actually rendered to the patient is considered charging excessive fees, in violation of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.6.

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. A formal reprimand for improperly delegating an assessment of a patient to a physical therapist assistant which constitutes professional misconduct in violation of N.J.S.A. 45:1-21(e).
2. Cease and desist from failing to properly re-evaluate the patient and stop delegating assessment of patients to the physical therapy assistant, in violation of N.J.S.A. 45:1-21(e).

3. Cease and desist from maintaining patient records that fail to properly document appropriate goals and the progress of the patient, in violation of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.1(c) 7 and 9.

4. Cease and desist from charging excessive fees for services that were not actually rendered to the patient, in violation of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.6.

5. Pay a penalty in the amount of \$7,500 consisting of \$2,500 for the violations of N.J.S.A. 45:1-21(e), \$2,500 for the violations of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.1(c)7 and 9, and \$2,500 for violations of N.J.S.A. 45:1-21(h), specifically N.J.A.C. 13:39A-3.6, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter. Payment is to be made by certified check or money order and made payable to the Board of Physical Therapy Examiners and sent to the attention of the Executive Director, P.O. Box 45014, Newark, New Jersey 07101.

6. Pay costs incurred by the Board in the amount of \$274.50 which represents investigative costs.

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 formal disciplinary 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 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 formal disciplinary action.

AUG 23 2007

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By:   
Lawrence DeMarzo  
Division of Consumer Affairs

ACKNOWLEDGMENT: I, Charles Hendricks, 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 \$7,500 and costs in the amount of \$274.50 for a total of \$7774.50 to be paid upon signing of this acknowledgment.



Charles Hendricks, P.T.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General