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FILED
BOARD OF PHYSICAL THERAPY
OCT 26 2007

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

IN THE MATTER OF THE LICENSE OF	:	
	:	
JEFFREY ERICKSON, P.T.	:	<u>Administrative Action</u>
	:	
TO PRACTICE PHYSICAL THERAPY	:	CONSENT ORDER
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") following the Board's review of two consumer complaints regarding Sports Physical Therapy Institute. The first was information received concerning the improper delegation of duties to Physical Therapy aides at Sports Physical Therapy Institute located in five (5) separate locations in New Jersey in Princeton, New Brunswick, Hillsboro, Cherry Hill, and Flemington. The second was filed by E.

M. on behalf of his wife, B.H., regarding the improper billing of a patient.

On or about July 10, 2007, Respondent, Jeffrey Erickson, appeared before a committee of the Board for an investigative inquiry and confirmed that he and Dean Pinciotti, P.T., jointly own Sports Physical Therapy Institute with locations in Princeton, Flemington, New Brunswick, Hillsboro, and Cherry Hill, New Jersey. Respondent is the Vice President of the company and is responsible for the operations of the New Brunswick facility. At the New Brunswick location, five (5) full time physical therapists and one (1) part time physical therapist are employed. Also employed are two physical therapy assistants, four (4) full time physical therapy aides, and three (3) part time physical therapy aides.

During the investigative inquiry, Respondent testified that the aides at the various facilities previously were engaged in instructing patients on their performance of exercises, including instructing patients based on the printed out flow sheet for the session and also instructing patients on their home exercise plans. Aides also corrected patients' form during the performance of their exercises. Additionally, respondent confirmed that aides at the New Brunswick facility were involved in the placement of hot and cold packs on the patients.

Respondent testified that he instituted changes to the New Brunswick location which included cutting down the number of

aides used at the facility from twenty seven (27) to two (2) and the hiring of five (5) physical therapy assistants. Respondent also increased the amount of one on one time spent by a physical therapist with a patient to fifteen (15) minutes to supplement the time lost when the use of aides in the practice was reduced.

Respondent confirmed that aides no longer administer hot and cold packs to patients, nor do they instruct patients on home exercise programs nor review patient information to determine the type of exercises or modalities to administer. Furthermore, he acknowledged that the changes made at the New Brunswick facility would be fully implemented at all of the facilities.

The Board concludes that cause for disciplinary action against Respondent exists as a result of the conduct detailed above. Specifically, the Board finds that Respondent has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration is required by the board, or aided and abetted an unlicensed person or entity in performing such an act, contrary to N.J.S.A. 45:1-21(n), when he allowed unlicensed persons, specifically aides, to administer hot and cold packs, instruct patients regarding exercise programs and review patient information to ~~determine~~ ^{determine (do)} the correct types of exercise or modalities functions authorized only for licensed professionals. The delegation of tasks to unlicensed persons is

governed by N.J.A.C. 13:39A-2.4. These facts establish a basis for disciplinary action.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown:

IT IS, THEREFORE, ON THIS *26th* DAY OF *October* 2007,

ORDERED THAT:

1. The respondent, Jeffrey Erickson, P.T., is hereby formally reprimanded for his conduct as described above, in violation of N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4, for his inappropriate delegation of duties to unlicensed aides.
2. Respondent shall cease and desist from further violations of N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4.
3. Respondent shall pay a civil penalty in the amount of \$10,000.00 for his violation of N.J.S.A. 45:1-21(n). \$5,000.00 of the penalty is stayed based upon Respondent's mitigation testimony confirming that aides are no longer engaged in licensed activities and conditioned on respondent's compliance with the terms of this order. Such penalty shall be paid by certified check or money order made payable to the State of New Jersey and

submitted to the State Board of Physical Therapy Examiners and sent to the attention of the Executive Director, P.O. Box 45014, Newark, New Jersey 07101, immediately upon accepting this Order.

4. Payment of costs in the amount of \$468.00 to be paid by check or money order and forwarded to the Board at the address listed above immediately upon acceptance of this order.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: *N. Kirsch*, P.T., D.P.T., Ph.D. 406A00099100
Nancy Kirsch, P.T., Ph.D.
Chair

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Jeffrey Erickson P.T., M.P.T.
JEFFREY ERICKSON, P.T.

DATED: 10/18/07