

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, Fifth Floor
Post Office Box 45029
Newark, New Jersey 07101
Attorney for the State Board of
Physical Therapy Examiners

FILED
BOARD OF PHYSICAL THERAPY
SEP 10 2008

By: Carmen A. Rodriguez
Deputy Attorney General
(973) 648-3696

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

IN THE MATTER OF	:	
	:	<u>Administrative Action</u>
	:	
	:	
Daniel Shand, P.T.A.	:	
License NO:40QB00184600	:	CONSENT ORDER
	:	
LICENSED TO PRACTICE AS A	:	
PHYSICAL THERAPY ASSISTANT	:	
IN THE STATE OF NEW JERSEY	:	

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon the Board's random audit of licensed physical therapists and physical therapy assistants pursuant to N.J.A.C. 13:39A-9.4(d) who submitted license renewal applications to engage in the practice of physical therapy for the 2008-2010 biennial renewal period. The renewal applications submitted by licensed physical therapists and physical

therapy assistants included an acknowledgment regarding whether or not the licensees had completed thirty (30) continuing education credits during the period from February 1, 2006 through January 31, 2008 as required for the 2008-2010 biennial license renewal period pursuant to N.J.S.A. 45:9-37.18(a)10 and N.J.A.C. 13:39A-9.1 et. seq.

The information supplied by Daniel Shand, P.T.A. (hereinafter referred to as the "Respondent") in correspondence received by the Board on June 11, 2008, in response to the Board's audit is that he had not completed the thirty (30) continuing education credits required upon renewal of the license to practice physical therapy although he indicated on the renewal application form that he had completed all continuing education credits required for renewal. Respondent also stated that he had not practiced in 2006, and was unable to afford the Continuing Education credits at the time of the renewal period.

Based upon all the available information reviewed, the Board has found that the respondent's conduct in failing to obtain thirty (30) continuing education credits in the period from February 1, 2006 through January 31, 2008 establishes a basis for disciplinary action as the Respondent did not meet the requirements for renewal of her license to practice physical therapy as he failed to obtain the requisite thirty (30) continuing education credits within the two years preceding the renewal period as required by N.J.S.A. 45:9-

37.34(d) and N.J.A.C. 13:39A-9.1 et. seq.

It appearing that the respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the respondent acknowledging and not contesting the findings of fact and conclusion of law made by 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:

ACCORDINGLY, IT IS ON THIS 10th DAY OF, ⁷ SEPTEMBER 2008

ORDERED that:

1. The Respondent's license to practice physical therapy, renewed on February 1, 2008 and in active status, will remain active on the condition that the Respondent submits documentation that he has satisfactorily completed thirty (30) continuing education credits as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. within sixty days (60) of the filing date of this order. Respondent may submit satisfactory proof of completion of continuing education courses relating to physical therapy which were not pre-approved by the Board for credit if the continuing education courses met the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6. Failure to comply with this condition within the stated time period will result in the

automatic and immediate suspension of the Respondent's license to practice as physical therapy assistant in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required credits.

2. The thirty (30) continuing education credits taken as part of this action shall not qualify to fulfill the mandatory continuing education requirements for the 2010-2012 renewal period pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent is cautioned in the future to obtain the requisite continuing education courses within the preceding renewal period as required by N.J.S.A. 45:9-37.34(d) and N.J.A.C. 13:39A-9.1 et. seq. and to carefully and truthfully complete all renewal applications

4. Respondent is hereby assessed a civil penalty in the amount of **\$1000.00** for his failure to obtain the thirty (30) continuing education credits within the preceding biennial licensure renewal period.

5. Payment shall be made by certified check or money order immediately upon accepting and signing of this Consent Order and sent to the attention of Lisa Petrowski, to the Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey 07101.

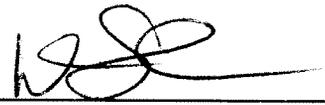
6. Failure on the part of the respondent to pay the civil penalty timely or to comply with any of the terms of this

Consent Order constitutes a violation of the Order, proof of which would constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By:  PT 70QA00099100
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.


Daniel Shand, P.T.A.

DATED: 8/26/01