

2. On the 9th day of December, 2007 the respondent submitted her completed application for renewal of license as a physical therapist in the State of New Jersey.

3. The respondent affirmed on the renewal application for the 2008- 2010 renewal period that she will have completed the required continuing education by the period preceding the established renewal date of February 1, 2008.

4. On the 25th day of April, 2008, the Board of Physical Therapy Examiners initiated a random audit of renewal applications for the 2008-2010 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., thirty (30) credit approved hours. The audit letter was sent by certified mail, return receipt requested to the respondent's address of record and was received by the respondent on May 8, 2008.

5. On June 11, 2008, the Board served a second letter asking the respondent to submit proof with regard to completion of the required credit hours. This letter was also sent by certified mail, return receipt requested to the respondent's address of record and was received on June, 28, 2008.

6. Respondent failed to respond to each letter sent by the Board.

CONCLUSION OF LAW

Respondent has not satisfied the requirements of N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice Physical Therapy in the State of New Jersey was entered on October 9, 2008 and a copy was served on the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Finding of Fact and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

On October 20, 2008 the Board received correspondence from the respondent requesting a reversal of the Board's decision. The respondent stated that she had completed the sufficient number of continuing education requirements but failed to respond to either of the Board's audit letters due to the passing of her grandmother and her inability to locate the proper documentation.

Along with the letter, the respondent provided documentation indicating the completion of forty nine and a half (49.5) credits completed by the respondent within the biennial renewal period. Among these was a course taken from April 30-May 3, 2006 for twenty one (21) continuing education credits entitled "19th Annual Symposium on Advanced Wound Care and Medical Research Forum on Wound Repair" sponsored by the American Academy of Wound Management, and a course taken from April 28-May 1, 2007 for twenty and a half (20.5) continuing education credits entitled "20th Annual Symposium on Advanced Wound Care and Medical Research Forum on Wound Repair" also sponsored by the American Academy of Wound Management. Neither course

was pre-approved by the Board. The respondent submitted course outlines but did not submit a curriculum vitae for the course lecturers. For courses not pre-approved by the Board, a curriculum vitae for each lecturer must also be provided to obtain credit pursuant to N.J.A.C. 13:39 A-9.3 (g) and N.J.A.C. 13:39 A-9.6 (a) upon audit. The Board accepted twenty-one (21) credits for the Wound Care course and two (2) credits for the Poster.

In addition, the respondent indicated that she had presented a poster entitled "Identifying Atypical Ulcers in an Acute Care Environment" at the 19th Symposium on Advanced Wound Care, a lecture entitled "Modalities in Wound Care" in April 2006, a lecture at the Wound Care Symposium for Physical Therapists and Registered Nurses in October 2007, and published an article entitled "Identification and Management of Atypical Wounds" in 2007. In order to receive continuing education credits for these activities, the respondent must submit her curriculum vitae along with the outlines of the presentation, lectures, and a copy of her article for review by the Board, pursuant to N.J.A.C. 13:39 A-9.3 (c) 3 and 4.

Upon review of all the available information, the Board finds that the respondent has provided sufficient records to indicate completion of twenty-three (23) continuing education credits. The Board requires the respondent to provide further documentation in order to obtain an additional seven (7) continuing education credits. The Board does not find that sufficient mitigating circumstances to reverse its decision and affirmed its previous determination.

THEREFORE, IT IS ON THIS 15th **DAY OF** April **, 2009,**

ORDERED:

1. Respondent shall pay a civil penalty of one thousand dollars (\$1,000.00) pursuant to N.J.S.A. 45:1-25 for violation of N.J.S.A. 45:9-37.18 (a) 10, N.J.A.C. 13:39A-9.1 et. seq. and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements.

Payment is to be remitted by means of a certified check or money order, payable to the New Jersey State Board of Physical Therapy Examiners. Such payment is to be sent to the Board of Physical Therapy Examiners, attention Lisa Petrowski, Executive Director at 124 Halsey Street, Sixth Floor, Post Office Box 45014, Newark, New Jersey 07101, no later than ten (10) days from the receipt of the Final Order.

2. Respondent must submit proof of having completed the seven (7) outstanding hours of continuing education credits within thirty (30) days of the date of the receipt of the Final Order. **These continuing education credits are NOT to be used to renew respondent's license for the 2010-2012 renewal period.**

3. In the event that respondent fails to present the proofs as required by paragraph #2, by the date provided, the license of respondent shall be suspended, by operation of the Final Order, and shall remain suspended until respondent submits proof that she has fully complied with all continuing education requirements.

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, and upon review of the record, the Board shall not be limited to the findings of facts and conclusions of law and sanctions herein.

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By:  Karen Wilk, P.T., D.P.T. 400A00560100
Karen Wilk, P.T., D.P.T.
Chair