

FILED
BOARD OF PHYSICAL THERAPY
APR 15 2009

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

IN THE MATTER OF THE	:	
SUSPENSION OR REVOCATION OF	:	
THE LICENSE OF	:	
	:	Administrative Action
JODY LYNN MCCARTNEY, P.T.	:	
LICENSE NO. 40QA01118700	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE PHYSICAL THERAPY	:	
IN THE STATE OF NEW JERSEY	:	

This matter came before the New Jersey State Board of Physical Therapy Examiners upon information that the respondent has failed to complete a total of thirty (30) credits of continuing education in approved physical therapy courses during the period of February 1, 2006 through January 31, 2008, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

FINDINGS OF FACT

1. Respondent is a physical therapist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On the 1st of January, 2008 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.

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. The audit letter was sent by certified mail, return receipt requested to the respondent's address of record and was received by the respondent.

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 16, 2008, the Board received correspondence from the respondent requesting to change her license to inactive status. The respondent did not provide evidence to indicate that she has completed any of the thirty (30) continuing education requirements. The Board acknowledges the respondent's request to change the status of her license to inactive.

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 her failure to satisfy the continuing education requirements. Such payment is due and owing to the Board of Physical Therapy Examiners, upon application of reinstatement of license from inactive to active status. Future payment shall be remitted by means

of a certified check or money order, payable to the New Jersey State Board of Physical Therapy Examiners to the attention of Lisa Petrowski at 124 Halsey Street, Sixth Floor, P.O. Box 45014, Newark, New Jersey 07101.

2. The respondent's license shall be placed on inactive status. The license may be re-activated at any time but the respondent must comply with the requirements for change of license status from inactive to active pursuant to N.J.A.C. 13:39A-5A.2(a) and (b).

3. 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 E Wilk PT, DPT 400A00560100
Karen Wilk, P.T., D.P.T.
Chair