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CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

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



PAULA T. DOW
Acting Attorney General

KIM GUADAGNO
Lt. Governor

February 23, 2010

SHARON M. JOYCE
Acting Director

By Certified and U.S. Mail

William Flynn, P.T.A.
50 Easy Street
Hurley, New York 12443

Mailing Address:
P.O. Box 45014
Newark, NJ 07101
(973) 504-6455

Re: Continuing education credits
Modified Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Flynn:

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 continuing education credits that you were required to obtain in satisfaction of the renewal application for a license to practice as a physical therapist assistant for the 2008 to 2010 biennial renewal period in New Jersey as required by N.J.S.A. 45:9-37.18(a)(10) and N.J.A.C. 13:39A-9.1 et. seq.

On or about May 4, 2008 the Board initiated a random audit of renewal applications for the 2008 to 2010 period, asking licensees to submit proofs with regard to the satisfaction of the thirty (30) continuing education credits. The Board considered the correspondence received on or about June 30, 2008 informing the Board that you have not practiced in New Jersey since approximately 1991, although you have maintained an active license in New Jersey and requesting that your license be placed on hold. The Board further considered the correspondence received on or about November 3, 2008 informing the Board that you had successfully completed twenty-nine (29) continuing education credits pre-approved by the Board during the 2006-2008 period preceding the biennial renewal of your license.

Pursuant to statutory changes set forth in N.J.S.A. 45:9-37.18(a)(10) all licensed physical therapists and physical therapist assistants must complete thirty (30) continuing education credits for renewal of the license to be obtained in the period preceding the biennial renewal of the license. Therefore, you should have obtained thirty (30) continuing education credits between February 1, 2006 and January 31, 2008 as required for the renewal of the 2008-2010 biennial license renewal period.

If you are not actively engaged to practice as a physical therapist assistant in New Jersey you may seek inactive status of your license on the condition that you shall not engage in active practice as a physical therapist assistant until you apply for reinstatement of your license to active status. At the time that you apply for reinstatement of your license to active status you shall demonstrate that you have completed at least 30 credits of continuing education per biennial renewal period that you have been on inactive status up

to a maximum of sixty (60) credits and thirty (30) of the continuing education credits obtained must be within two years immediately preceding reactivation pursuant to N.J.A.C. 13:39A-5.2(b). A copy of the Board's statutes and regulations can be obtained at <http://www.state.nj.us/lps/ca/medical/pt.htm>.

Upon review of your correspondence, the Board voted to permit you to put your license on inactive status and to issue a civil penalty of \$100.00 for seeking renewal of the license to engage in the practice as a physical therapist assistant without obtaining the requisite continuing education credits.

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. 45:9.-37.34 and N.J.A.C. 13:39A-9.1 et. seq. in that you did not obtain the thirty (30) continuing education credits prior to or by January 31, 2008.

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. Your license to engage in the practice as a physical therapist assistant shall be placed on inactive status. The license may be re-activated at any time but you must comply with the requirements for change of licensure status from inactive to active pursuant to N.J.A.C. 13:39A-5A.2(a) and (b).

2. Cease and desist from failing to obtain the required amount of continuing education credits for the renewal and or reinstatement of a license to practice as a physical therapist assistant within the specified time frame for future biennial licensure renewals.

3. Pay a penalty in the amount of \$100.00 for renewing the license and failing to obtain the thirty (30) continuing education credits required for renewal of an active license on or before January 31, 2008. Payment shall be made at the time that you file an application to reinstate your license to active status. Payment shall be remitted in full and shall be made payable to the Board of Physical Therapy Examiners by certified check or money order and forwarded to the attention of Lisa Affinito, Assistant to the Executive Director, P.O. Box 45014, 124 Halsey Street, Newark, New Jersey 07101. You may request installment payments from the Board. All such requests shall be made in writing to the attention of Lisa Affinito at the address listed above.

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 appropriate enforcement 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 appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: Karen E. Wilk P.T., D.P.T. 4009A005260100
Karen Wilk, P.T., D.P.T.
Chair

ACKNOWLEDGMENT: I, William Flynn, P.T.A., 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 \$100.00 (to be paid upon application for reinstatement of license to active status). I acknowledge that my license to actively practice as a physical therapist assistant shall be placed on inactive status and that I must satisfy all reinstatement requirements including continuing education requirements as set forth in N.J.A.C. 13: 39A-5A-2 (a) and (b) should I seek reinstatement of the license to practice as a physical therapist assistant from inactive to active status.

William Flynn, P.T.A.
William Flynn, P.T.A.

Dated:

cc: Carmen A. Rodriguez, Deputy Attorney General

Please note change in
address
New address
347 Circle Dr
Hudon, N.Y. 12443