



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
Attorney General

KIM GUADAGNO
Lt. Governor

May 12, 2011

THOMAS R. CALCAGNI
Acting Director

By Certified and Regular Mail

Nina Pineda, PT
26 Janci Court
Metuchen, NJ 08840

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

Dear Ms. Pineda:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners ("Board") has had an opportunity to review information concerning the physical therapy treatment you rendered to R.E. at Friedman Spine and Physical Therapy located at 1340 Morris Avenue in Union, NJ from January 14, 2009 to March 18, 2009. Specifically, the information reviewed consisted of E.R.'s patient record and your testimony at the investigative inquiry that you attended, pro se on May 11, 2010.

While working at Friedman Spine and Physical Therapy and providing therapy for E.R., you testified that the patient records were identified only by the patient's name, not by any medical record number or other form of identification. In regards to specific treatment on patient E.R., you testified that you did not document pertinent information in the patient record, such as a complete physical therapy initial evaluation, updates on range of motion and pain, progress notes indicating the patient's changing condition, the types of interventions used and their frequency, proof of home exercise program provided to patient, or a discharge summary .

You further testified that you entered your notes into a Microsoft Word document, where a template was available for you to enter information from the exam, although all therapists shared a password, and that you could re-enter the document at a later day or time and change information. Then the notes were printed and signed by the therapist. You testified that the printed notes were then given to a secretary who was in charge of assigning billing codes and submitting for reimbursement, and that you did not participate in the billing process, nor did you see the explanation of benefits.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.A.C. 13:39A-3.1 (a) and (c)4, 5, 7-13 in that you failed to maintain adequate patient records. Specifically, that you failed to prepare and maintain contemporaneous patient records that reflect patient contact, without a conclusion of the evaluation, including no documentation of conversations with healthcare providers. Furthermore, there was no determination of physical therapy diagnosis and prognosis, no type of intervention or frequency recorded, no proof of home exercise programs, no updates on pain scales, range of motion progress,

or changes to patient condition (including progress notes). Additionally, added changes of care were not documented with rationale of the activity; there are no signatures on all notes, no documentation of therapist's communication with the physician, and no discharge summary.

Additionally, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.A.C. 13:39A-3.2(a) 1, 2, 3, (b) and (c) in that while maintaining patient records solely on the computer you did not use a protected computer which contains internal permanently activated time and date recordation for all entries, automatically prepares a backup copy of the record, and that is designed so that after licensee "signs" by means of a confidential personal code (CPC) the entry cannot be changed in any manner. Furthermore, that you did not include in the patient record at least two forms of identification (such as name and record number), and that the entry shall be finalized or "signed" by means of a CPC for each person.

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. Cease and desist in the future from failure to prepare and maintain contemporaneous patient records that reflect patient contact as required by N.J.A.C. 13:39A-3.1(a) and (c) 4, 5, 7, 8, 9, 10, 11, 12 and 13.
2. Cease and desist in the future from failure to use a protected computer program, with at least two forms of identification for each patient as required by N.J.A.C. 13:39A-3.2(a) 1, 2, 3, (b) and (c).
3. Pay a civil penalty in the amount of \$1000.00. Payment shall be remitted in full by certified check or money order to The Board of Physical Therapy Examiners, attention Lisa Affinito, Executive Director, P.O. Box 45014, 124 Halsey Street, Newark, New Jersey, 07101.
4. Pay the costs incurred by the Board in this matter in the amount of \$423.50. Payment shall be remitted in full by certified check to Lisa Affinito, Executive Director, P.O. Box 45012, 124 Halsey Street, Newark, New Jersey, 07101.
5. Complete a Professional Module through the American Physical Therapy Association Learning Center entitled "Defensive Documentation" within six months of the acceptance of this letter and supply written proof to the Board that you successfully completed this module.

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 formal disciplinary 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 formal disciplinary action.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS



Lisa Affinito, Executive Director

ACKNOWLEDGMENT: I, Nina Pineda, P.T. 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 \$1,000.00 and costs in the amount of \$423.50 for a total of \$1423.50 (to be paid upon signing of this acknowledgment).



Nina Pineda, P.T.

cc: Carmen A. Rodriguez, Deputy Attorney General