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**FILED**  
**BOARD OF PHYSICAL THERAPY**  
**MAY 8 0 2013**

By: Carmen A. Rodriguez  
Deputy Attorney General  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF PHYSICAL THERAPY  
EXAMINERS

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	MODIFIED CONSENT ORDER
MATTHEW CIFELLI, PT	:	
License No.40QA01387600	:	
	:	
	:	
LICENSED PHYSICAL THERAPIST	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") following the Board's review of a complaint regarding Proactive Sports Therapy, in Montclair, New Jersey. The complaint was filed by G.M. regarding improper delegation of duties to Physical Therapy Aides, which resulted in a burn to G.M.'s shoulder.

On February 3, 2012 G.M., respondent's patient, went to Proactive Sports Therapy for his regularly scheduled therapy session to assist with healing from surgery to his shoulder. G.M. received permission from the respondent to arrive early and warm up on the stationary bike. When

G.M. arrived an aide named Mario Cala placed a hot pack on G.M.'s shoulder which was part of G.M.'s regular treatment. Lisa Ciardi, PT was on duty at the time. When respondent arrived G.M. complained of pain, and when the hot pack was removed G.M.'s shoulder was burned.

Respondent represented by Matthew Streger, Esquire appeared before the Board on July 10, 2012 to answer questions under oath about this incident. The investigative inquiry revealed that Proactive Sports Therapy (hereinafter Proactive) currently has three licensed physical therapists on staff, one of whom is the respondent. The owner of Proactive, Steven Frohlick, is not a physical therapist. Respondent is the director of physical Therapy at this facility. During the investigative inquiry, respondent testified that in the past, the placing of hot and cold packs was sometimes delegated to aides. Respondent also testified that aides documented therapeutic exercises in patient records. Respondent also asserted that he was not aware that although G.M. was promised a rate of sixty dollars (\$60) per visit, the rate that G.M. was actually charged varied. Respondent also conceded that proper documentation was not always kept for patient treatments, communications, and/or interactions. Lastly respondent acknowledged that there wasn't a reassessment of goals or a re-evaluation after the initial visit despite treatment for approximately 16 visits.

The Board concludes that cause for disciplinary action against respondent exists as a result of the aforementioned conduct, pursuant to N.J.S.A. 45: 1-21(e), in that respondent's conduct constitutes professional misconduct. Specifically, the Board finds that respondent violated N.J.S.A. 45:1-21(n) and N.J.A.C. 13:39A-2.4(a)3 and (b)5, when he permitted an unlicensed person, specifically an aide, to perform an act, such as administering hot and cold packs, for which a license or certificate of registration is required by the Board, or aided and abetted an unlicensed person or entity in performing such an act. Additionally, the Board finds that the respondent violated N.J.A.C. 13:39A-3.4(b) when he failed to adequately disclose to G.M. the fee arrangements for the service

and insure appropriate amounts were billed. The Board finds that the respondent violated N.J.A.C. 13:39A-3.1(a), when he failed to properly document treatments and interactions with patients. The respondent violated N.J.A.C. 13:39A-3.1(c)9 and 11, when he failed to document re-evaluations and updates to goals as treatment progressed. Lastly, the Board finds that respondent violated N.J.A.C. 13:39A-3.1(c)12, when he failed to document G.M.'s visit to his primary care physician for treatment of the burn.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the respondent acknowledging and not contesting the findings of 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;

IT IS, THEREFORE, ON THIS 30<sup>th</sup> DAY OF *May*, 2013,

HEREBY ORDERED AND AGREED THAT:

1. The respondent, Matthew Cifelli, PT, is hereby formally reprimanded for permitting an unlicensed person to administer a modality on a patient and for permitting an unlicensed person to document therapeutic exercises in patient records in violation of N.J.A.C. 13:39A-2.4 (b) 3 and (5).

2. The respondent shall cease and desist from further record keeping violations.

3. Respondent shall engage a supervisor pre-approved by the Board to review and discuss patient records, treatment protocols and licensed and non-licensed staff interaction between the Respondent, physical therapists, physical therapist assistants and patients for a minimum of one year. The approved supervisor shall be a New Jersey licensed physical therapist and he shall remain in place for a minimum of one year. Respondent shall submit within thirty days of the filing date of the Order, the names and curriculum vitae of at least three New Jersey licensed physical therapists

who may serve as a supervisor. The approved supervisor shall provide the Board with detailed reports, once per month for the first three months, and detailed reports every two months for the remainder of monitoring regarding respondent's progress in preparation of patient records, billing issues, supervision of all staff, delegation of duties to unlicensed staff members, especially reviewing the prohibitions applicable to non-licensed employees and applying the standards of the practice of physical therapy. The supervisor shall conduct random patient record reviews and discuss treatment protocols as well as confirm the roles of all licensed staff and non-licensed staff members on-site. The cost of the supervisor is the sole responsibility of the Respondent. Respondent may apply for modification or termination of the monitoring at the end of one year. Upon any such application, Respondent shall appear before the Board or a Committee thereof to discuss the lifting or modification on the condition of supervision.

4. Respondent shall fully attend, complete and successfully pass the ProBe Ethics course or another similar course pre-approved by the Board, within one year of the filing date of this order. He shall submit written proof of his successful satisfaction of this course within ten days of completion. This course cannot be used as credit for required continuing education for any biennial registration period.

5. Respondent shall successfully complete the American Physical Therapy Association's Defensible Documentation Course or another similar course pre-approved by the Board within two months of the filing date of this order. He shall submit written proof to the Board that this course was satisfactorily completed within ten days of completion. This course cannot be used as credit for required continuing education for any biennial registration period.

6. The respondent shall pay a civil penalty in the amount of \$5,000.00 for the aforementioned violations. Such penalty shall be paid by certified check or money order made

payable to the State of New Jersey and submitted to the State Board of Physical Therapy Examiners and sent to the attention of Lisa Tadeo, the Executive Director, P.O. Box 45014, Newark, New Jersey 07101 in 18 monthly installment payments. Installment payments shall begin on June 15, 2013 in the amount of \$314.61 over 17 months and a final and 18<sup>th</sup> payment of \$317.63 due on November 15, 2014. These payments are calculated on a total of \$5666.00 consisting of a civil penalty in the amount of \$5000 and costs in the amount of \$666.00. Payments shall be due on the 15<sup>th</sup> of each month and should Respondent default on any payment, the remaining outstanding balance shall be due and owing.

7. Respondent agrees to pay the costs of the investigation in the amount of \$666.00 which shall be payable to the State of New Jersey by certified check or money and order and sent to the attention of Lisa Tadeo, Executive Director of the State Board of Physical Therapy Examiners to the address listed in paragraph #6. This amount may also be combined with the civil penalty and paid over 18 installment payments as specified in paragraph #6 above.

8. Failure to remit a payment as required by this Order will result in the filing of a Certificate of Debt, including interest and such other proceedings as permitted by law.

9. Any deviation from the terms of this Consent Order without prior written consent of the Board shall be grounds for such disciplinary action as the Board may determine.

BOARD OF PHYSICAL THERAPIST EXAMINERS

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

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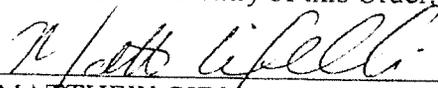
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BOARD OF PHYSICAL THERAPIST EXAMINERS

By: \_\_\_\_\_  
Karen Wilk, P.T., D.P.T.  
Chair

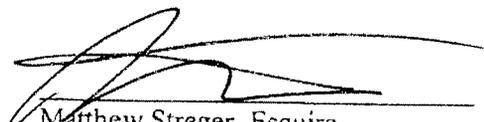
I have read and I understand the terms of this order and agree to be bound by it.

I consent to the entry of this Order.

  
\_\_\_\_\_  
MATTHEW CIFELLI, P.T.

DATED: 5/26/13

This Order is agreed to as to form and entry.

  
\_\_\_\_\_  
Matthew Streger, Esquire  
Attorney for Matthew Cifelli, P.T.