CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. 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

JOHN J. HOFFMAN
Acting Attorney General

ERIC T. KANEFSKY
Director

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

April 7, 2014

Kristine Pepino, P.T.
C/O Suzanne D'Amico Brodock, Esq.
Law Offices of Joseph Carolan
4 Century Drive, Suite 203
Parsippany, NJ 07054

Re: Uniform Penalty Letter (UPL) In Lieu of Formal Disciplinary Complaint

Dear Ms. Pepino:

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 your practice of physical therapy in 2010 at the Pain Relief Center located at 588 Route 10 in Randolph, New Jersey. It appears from that review that at that time you aided and abetted the unlicensed practice of physical therapy by an aide, Elaina Portillo. In addition, it appears to the Board that while employed at that location, your record keeping for patient P.B. failed to meet the minimum standard required by the regulations of the Board.

The Board has preliminarily concluded that you have violated N.J.A.C. 13:39A-2.4(b) and N.J.A.C. 13:39A-4.2 by permitting a person not licensed in New Jersey to perform acts for which a license is required by the Board; specifically, placing electrodes on patients, administering modalities, and supervising therapeutic exercises; and that your patient record for P.B. violated N.J.A.C. 13:39A-3.1(c) by failing to include minimally required information; specifically, objective measurements of changes in the patient's condition and documentation of communication with other health care professionals relative to the patient's care.

The Board has determined that it will first offer you an opportunity to settle this matter and thereby avoid the initiation of formal disciplinary proceedings. Should you wish to avail yourself of this opportunity, you should sign the acknowledgment below and agree to the following:

1) cease and desist from the aforesaid conduct;
2) take and successfully pass the defensible documentation course offered by the American Physical Therapy Association, or an equivalent documentation course pre-approved by the Board; and
3) pay a penalty in the amount of $3,000.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter by certified check or money order made payable to the State of New Jersey).

Alternatively, you may waive your right to a hearing and submit a written statement or explanation to the Board. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above. Any disposition by way of a settlement will be a public record, and will have the same effect as an order of the Board. Any failure to comply with the terms to which you agree will be deemed a violation.

If you do not wish to settle this matter, you may request a hearing. In that event, this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board. At that hearing, you will have an opportunity, either personally or with the assistance of an attorney, to respond to the charges and submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of unlawful activity. You should be aware that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that offered in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies, directing you to cease and desist from engaging in unlawful acts and/or requiring you to pay costs incurred in the matter, including the costs of the hearing.

Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have your attorney contact Deputy Attorney General John D. Hugelmeyer, who may be reached at (973) 648-4735.

The enclosed certification should be completed and returned 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 **you will be deemed in default**. The allegations against you will be deemed uncontested. The Board will then proceed to schedule the matter for final review and will enter an appropriate order. Once an order has been entered, your failure to pay any penalties or to fully comply with the order may result in further action to suspend or revoke your license.

NEW JERSEY STATE BOARD OF
PHYSICAL THERAPY EXAMINERS

By: Lisa Tadeo
Lisa Tadeo
Executive Director

cc: John D. Hugelmeyer, D.A.G.

CERTIFICATION

I, Kristine Pepino, P.T., hereby acknowledge that I have read and reviewed the Board's letter dated April 7, 2014, regarding allegations of violations of the Board's enabling act and/or regulations.

Please check one:

✓ I acknowledge the conduct which has been charged and **agree** to:

1. cease and desist from permitting a person not licensed in New Jersey to perform an act for which a license is required by the Board; and
2. pay a civil monetary penalty in the amount of $3,000.00 (to be paid immediately upon your signing of this certification by certified check or money order made payable to the State of New Jersey).

I am also aware that the action taken against me by the Board is a matter of public record, and that the Board's letter and this certification are public documents.

_____ I hereby waive any rights I may have to a hearing in this matter in order to defend myself against any charges, but ask the Board to **consider my explanation** before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does so, I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. Failure to comply may subject me to further disciplinary action and any failure to make a required payment will result in the filing of a certificate of debt.

_____ I **request a formal administrative hearing** to contest the charges specified in this UPL. I understand that I will be advised of the time, date and place for that hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if unlawful activity has been proven, assess civil penalties in an amount greater than that herein offered in its letter and may order such other remedies as it may deem appropriate. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents.

Kristine Pepino, P.T.

Dated: 4/22/14

APR 24 2014