



3. By letter dated August 20, 2014, and sent via certified and regular mail to his address of record, Respondent was requested to provide the Board with "a detailed explanation of this arrest and a certified copy of the police report," in addition to providing the status of the matter and documentation of its outcome.

4. On or about September 9, 2014, the office of the Board received a letter signed by Respondent and dated September 5, 2014. In his letter, Respondent acknowledged his arrest, advised that he was in treatment for substance abuse, and acknowledged and apologized for his relapse.

5. By Private Letter Agreement with the Board dated February 24, 2010, Respondent had agreed that: "should [he] fail to comply with the terms and conditions of the Private Letter Agreement, or if the Board should receive information that [he was] the subject of another arrest or conviction, or [had] lapsed in the use or abuse of alcohol, drugs or other mood altering substances, the Board will conduct an investigation and may pursue disciplinary proceedings against [him] that could result in a suspension or revocation of [his] registration." The Private Letter Agreement specifies in addition that: "For purposes of enforcement, this Private Letter Agreement shall be considered an order of the Board entered into by consent and may be used in any disciplinary proceedings.

6. Based on the foregoing facts, a Provisional Order of Discipline was issued on October 28, 2014, provisionally suspending Respondent's license for a period of five years. 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 Findings of Fact or 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.

7. On or about December 1, 2014, the Board received a response to the Provisional Order from Respondent that again acknowledged his arrest and relapse, and provided documentation of the dismissal of the criminal charges and of his ongoing efforts to obtain treatment and maintain sobriety, including letters from the Executive Medical Director of the Professional Assistance Program of New Jersey ("PAPNJ"). As of November 2014, Respondent had not been cleared by PAPNJ to return to practice.

#### CONCLUSION OF LAW

The above findings of fact provide grounds for the suspension of Respondent's license to practice physical therapy in New Jersey pursuant to N.J.S.A. 45:1-21(l), in that he is presently engaged in drug or alcohol use that is likely to impair his ability to practice physical therapy with reasonable skill and safety. The term "presently" means at this time or any time within the previous 365 days.

**It Now Appearing** that the parties wish to resolve this matter without recourse to formal proceedings; that Respondent hereby waives any right to a further hearing on this application; and that the Board finds the within Order adequately protective of the public's health, safety and welfare; and for good cause shown;

IT IS on this 18<sup>th</sup> day of May, 2015

ORDERED AND AGREED that:

1. Respondent's license to practice physical therapy in New Jersey shall be suspended for a minimum of one (1) year, effective October 1, 2014.
2. During the minimum period of suspension of his license to practice physical therapy, Respondent shall continue active participation in his ongoing monitoring plan with the

PAPNJ, and shall abide by the recommendations of the PAPNJ, which shall report to the Board quarterly. Respondent agrees to the release of said reports to the Board. Respondent waives his right of confidentiality in the reports for that purpose and for use of the reports in any license proceeding. Respondent shall be solely responsible for the payment of all costs associated with the aforesaid monitoring plan performed by PAPNJ. Respondent agrees that the PAPNJ shall report any indication of another "slip" or relapse to the Board immediately.

3. Prior to resuming any practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so; and any practice in this State prior to his appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions and conditions on Respondent's practice should his license be reinstated, including continued participation in a rehabilitation program such as the PAPNJ.

4. Respondent shall complete the required thirty (30) hours of continuing education approved by the Board for any biennial renewal period in which he may seek reinstatement of his license to practice, and shall provide documentation thereof to the Board.

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By: \_\_\_\_\_  
Karen Wilk, P.T., D.P.T.  
Board President

I have read and understand the  
within Consent Order and agree  
to be bound by its terms.  
Consent is hereby given to the  
Board to enter this Order.

  
\_\_\_\_\_  
John F. McGrail, P.T.

PAPNJ, and shall abide by the recommendations of the PAPNJ, which shall report to the Board quarterly. Respondent agrees to the release of said reports to the Board. Respondent waives his right of confidentiality in the reports for that purpose and for use of the reports in any license proceeding. Respondent shall be solely responsible for the payment of all costs associated with the aforesaid monitoring plan performed by PAPNJ. Respondent agrees that the PAPNJ shall report any indication of another "slip" or relapse to the Board immediately.

3. Prior to resuming any practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate his fitness to do so; and any practice in this State prior to his appearance shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions and conditions on Respondent's practice should his license be reinstated, including continued participation in a rehabilitation program such as the PAPNJ.

4. Respondent shall complete the required thirty (30) hours of continuing education approved by the Board for any biennial renewal period in which he may seek reinstatement of his license to practice, and shall provide documentation thereof to the Board.

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By: Beth Sarfaty  
Karen Wilk, P.T., D.P.T. BETH SARFATY, PT MBA  
Board President

I have read and understand the  
within Consent Order and agree  
to be bound by its terms.  
Consent is hereby given to the  
Board to enter this Order.

John F. McGrail, P.T.  
John F. McGrail, P.T.