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FILED
BOARD OF PHYSICAL THERAPY
OCT 25 2016

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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	:	<u>Administrative Action</u>
	:	
	:	
ELIZABETH OJUGO, P.T.	:	CONSENT ORDER
License NO:40QA01043300	:	
	:	
LICENSED TO PRACTICE	:	
PHYSICAL THERAPY IN	:	
THE STATE OF NEW JERSEY	:	

This matter came before the New Jersey State Board of Physical Therapy Examiners (hereinafter referred to as the "Board") upon receipt of information alleging that respondent billed for services that she did not provide and that she permitted an unlicensed person to perform physical therapy services.

Ms. Ojugo ("the respondent") appeared at an investigative

inquiry of the Board represented by Gordon Golum, Esquire. The respondent confirmed that she was a sole practitioner and owned and operated two offices where she provided physical therapy services. One office was located in Clifton, N.J. and the second office was in Franklin Lakes, New Jersey. She claimed that only she performed physical therapy services and procedures and that she did not permit unlicensed individuals or employees to administer physical therapy to her patients.

Respondent testified that she provided physical therapy to patients D.F. and D.T. The patients received treatments on overlapping dates for two separate injuries and she maintained two separate charts. D.F. received treatment from April 3, 2013 - May 1, 2013 for injuries to the knee and neck. D.T. received physical therapy services from April 17, 2013 to May 1, 2013 for her right shoulder and right knee.

Respondent confirmed that she performed initial evaluations on both D.F. and D.T. The evaluations lacked assessments by the Respondent of the specific issues encountered by the patients. A review of both patient records demonstrated that functional goals were not established. Home exercise programs were not included in the patient records. While Respondent claimed that manual muscle testing was administered to D.F. the record did not reflect which muscle was tested. Respondent explained that she palpated tenderness but she did not specify in the record the specific

muscle she examined. A review of the patient record demonstrated that the notes were incomplete and lacked specificity as required by N.J.A.C. 13:39-3.1. Respondent testified that she gave the patients home exercise programs. However, this documentation was not included in the patient record.

The Respondent testified that she permitted her billing service to establish the fees to be charged for physical therapy services and procedures and that she was not familiar with the fees charged in violation of N.J.A.C. 13:39A-3.4.

After reviewing the patient records and testimony of the respondent, it appears to the Board that respondent's patient documentation was inadequate. The records contained insufficient assessments, lacked functional goals or detailed plans of care, which are required by N.J.A.C. 13:39A-3.1(c)3,4 and 7. Although respondent's testimony explained deficiencies suffered by the patients, the record did not support her explanation for providing treatment. Respondent's failure to take and maintain accurate notes made it impossible to determine the specific treatment received by the patient and whether the patient was progressing.

It appearing that the Respondent desires to resolve this matter without further proceedings and waiving any right to a hearing, and the Respondent acknowledging and not contesting the findings of fact and conclusion of law made by 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:

ACCORDINGLY, IT IS ON THIS 25th DAY OF OCTOBER, 2016

ORDERED that:

1. Respondent is warned for her failure to comply with the patient record regulations and shall maintain and prepare complete patient records that accurately support the interventions and treatments performed on future patients.

2. The respondent shall complete a defensible documentation course offered by the American Physical Therapy Association or an equivalent course pre-approved by the Board within six months of the filing date of this order. The credits received from this course shall not be used toward any continuing education required for the biennial renewal pursuant to N.J.A.C. 13:39A-9.2(d).

3. Respondent shall complete option an assessment tool offered by the Federation of State Boards of Physical Therapy (the "FSBPT") within six months of the filing of this order or an equivalent tool to be pre-approved by the Board. The Respondent is required to obtain level two designation upon

completion of the tool. Respondent agrees to provide the Board with a copy of the completion certificate issued by the FSBPT or other pre-approved course provider. If Respondent obtains a designation lower than level two Respondent shall provide the Board with the candidate feedback report and any other documentation provided to her by the FSBPT. Failure to achieve a level two performance will result in Respondent's further agreement to participate and complete additional courses in the areas identified as deficient. The details of any additionally required courses shall be outlined in a separate correspondence to be agreed upon by the Respondent which shall be considered an addendum to this order. The credits received from the oPTION assessment tool shall not be used toward the continuing education required for biennial renewal pursuant to N.J.A.C. 13:39A-9.2(d).

4. Respondent's practice shall be supervised for a minimum of one year from the filing date of this order by a Board pre-approved New Jersey licensed physical therapist. This supervisor who shall review patient records including billing records, shall confirm that Respondent is following standards of practice and producing documentation that accurately assesses each patient's condition and sets forth a specific physical therapy plan of care that provides physical therapy services that address the patient's particular symptoms and demonstrates the patient

progress. Respondent shall submit the names and curriculum vitae of three New Jersey licensed physical therapists within 15 days of signing this order for Board approval. Any fees associated with the services of the supervisor are to be paid by the Respondent. The supervisor shall be provided with and acknowledge receipt of a copy of this Consent Order by signing the last page of the order. The supervisor shall review the Respondent's patient records on a weekly basis for the first year of supervision and thereafter shall establish a monthly review schedule. The supervisor shall report to the Board on a monthly basis for the first three months and quarterly thereafter documenting the status of patient records and Respondent's compliance with the Board's record keeping regulation and the standards of practice for maintaining physical therapy patient records. The supervisor shall not be substituted without the Board's pre-approval.

5. Respondent shall pay costs incurred by the Board in the amount of \$511.00 to be paid contemporaneously with the signing of this Consent Order, payable to the State of New Jersey via a certified check or by wire transfer, direct deposit, or credit card payment delivered or mailed to the attention of Lisa Tadeo, Executive Director, Board of Physical Therapy Examiners, P.O. Box 42014, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making

the payment.

6. Upon completion of one year of supervision the Respondent may request in writing that the Board reconsider whether or not the supervision provision shall continue or may be lifted. Respondent shall appear before the Board or a committee of the Board to discuss issues regarding her efforts to comply with standards of practice regarding preparation of patient records. The supervisor shall submit a written report with a recommendation concerning the Respondent's ability to prepare patient records that comport with the Board's record-keeping requirements and the standards of practice of physical therapy.

7. Failure on the part of the Respondent to pay the costs timely or failure to comply with any of the terms of this Consent Order constitutes a violation of the Order, proof of which would constitute grounds for further disciplinary action by the Board

NEW JERSEY STATE BOARD
OF PHYSICAL THERAPY EXAMINERS

By: Beth Sarfaty
Beth Sarfaty, R.T.
President

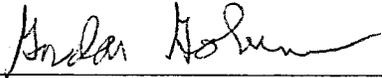
I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Elizabeth Ojugo, P.T.

DATED: 10/12/16

This order is agreed to as to form and entry



Gordon Golum, Esquire
Attorney for Elizabeth Ojugo, P.T,

DATED: October 13, 2016

As supervisor I acknowledge receipt and review of this Consent Order and agree to comply with the supervision and reporting requirement in the Order.

Name of Supervisor

Signature of Supervisor

DATED: _____