

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS**  
**PUBLIC SESSION MINUTES**  
**January 22, 2008**

A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday January 22, 2008. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Nancy Kirsch, Chairperson of the Board, called the meeting to order at 9:30 A.M. and a roll call was taken and the following attendance was recorded:

CAROLANNE AARON, P.T Present  
BARBARA J. BEHRENS, P.T.A. Present  
JEAN BICKAL, ESQ Present  
MARY B. BROWNE, P.T. Present  
DENNISE KRENCICKI, P.T. Present  
NANCY KIRSCH, P.T. Present  
CINDY MOORE, P.T. Present  
SUSAN M. QUICK Present  
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director; Susan Gartland, representative of the Division of Consumer Affairs; Members of the public: Patricia Brick, PT, representative of the APTA-NJ.

**I. APPROVAL OF THE MINUTES OF DECEMBER 18, 2007 BOARD MEETING**

Upon a motion made by Barbara J. Behrens and seconded by Mary Browne, the Board voted to accept the minutes of December 18, 2007 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

**II. NEW BUSINESS**

A. Letter from Joe Daly, PT  
RE: Scope of Practice of Physical Therapist

Mr. Daly inquired whether a physical therapist could record, classify, determine interactions and educate home health clients on any or all of the client's medications without any involvement of a registered nurse.

The Board will advise Mr. Daly that a physical therapist can document the medications a patient is taking and may educate a patient concerning their medication as long as it relates to the practice of physical therapy. For instance, a physical therapist may explain how the patient's medication may affect with a patient's physical therapy. The Board will also advise that the global education on medications is beyond the scope of practice of physical therapy. The Board will further advise that any questions that are beyond the reaction of a medication in relation to physical therapy should be referred to a physician or another appropriate health care provider.

B. Letter from Deborah D. Searle, PT  
RE: Continuing Education

Ms. Searle wrote the Board and advised them that she was unable to meet the continuing education requirement for this renewal due to her specific medical condition. Ms. Searle advised the Board that she obtained 21 continuing education credits towards the continuing education requirement. Ms. Searle also provided the Board with a letter from her treating physician concerning her medical condition.

A motion was made by Carolanne Aaron and seconded by Jean Bickal to grant Ms. Searle an extension to June 1, 2008 to complete the remaining 9 continuing education credits. The Board will permit Ms. Searle to obtain the remaining 9 continuing education credits by internet or home study courses due to her specific medical condition. The Board will remind Ms. Searle that the continuing education credits she obtains from February 1, 2006 through June 1, 2008 cannot be used to renew her physical therapy license in 2010. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Linda Gilles of Select Medical

RE: Denial of course approval for continuing education credit

Ms. Gilles wrote the Board concerning its denial of a course they submitted titled, "Knee Update 2007" as the registration was not in compliance with N.J.A.C. 13:39A-9.3(h). Ms. Gilles provided the Board with a copy of their website and its registration information for its consideration.

A motion was made by Barbara J. Behrens and seconded by Mary Browne to reaffirm its denial of the course, "Knee Update 2007" as preferential registration or levels of access for registration is not permitted pursuant to N.J.A.C. 13:39A-9.3(h), "Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing education courses, programs and seminars for dues-paying members". A vote was taken and the motion carried by a unanimous vote.

D. Letter from Robert Mangine of Nova Care / MBM Consultants

RE: Denial of course approval for continuing education credit

Mr. Mangine wrote the Board concerning its denial of a course they submitted titled, "Basic Science of Modalities and Their Clinical Application".

The Board noted that Mr. Mangine provided the Continuing Education Committee with additional information concerning this course and the course was subsequently approved prior to this Board meeting as it met the requirements set forth in N.J.A.C. 13:39A-9 et seq.

E. Board Discussion

RE: N.J.A.C. 13:39A-9.3(h)

The Board discussed N.J.A.C. 13:39A-9.3(h), "Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing education courses, programs and seminars for dues-paying members".

The Board noted that a sponsor of a course must make the registration of the course available and accessible to all professionals from the beginning of the registration or notification of course.

The Board also noted that website notification or registration is sufficient as long as adequate notice of the course is given on the website and the information on the website is easily accessible to everyone.

F. Letter from Barry S. Sloam, DO

RE: Office Cleanliness

Dr. Sloam wrote the Board concerning the outer towel that covers a hot pack that is used for hydrocollator therapy. Dr. Sloam advised the Board that he is planning to inquire whether the New Jersey Department of Health would require the outer towel to be changed between each patient or can the same outer towel be used for multiple patients and be washed at a later time as the towel only touches a patient's clothing. Dr. Sloam inquired whether New Jersey licensed physical therapists are obligated to follow the rules of the New Jersey Department of Health.

The Board will advise Dr. Sloam that New Jersey licensed physical therapists are obligated to follow the rules of

the New Jersey Department of Health.

G. Letter from Courtney Subocz

RE: Permissible Forms of Physical Therapy Practice

Ms. Subocz wrote the Board concerning permissible forms of physical therapy practice, specifically whether a chiropractor could employ a physical therapist.

A motion was made by Mary Browne and seconded by Karen Wilk to advise Ms. Subocz that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not address the type of business practices a physical therapist or physical therapist assistant may engage in while practicing the profession of physical therapy at this time. The Board is working towards promulgating regulations that would address this issue. The Board will also advise Ms. Subocz that if a physical therapist is employed by a general business corporation, the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of their fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing their practice as a physical therapist in the State of New Jersey.

The Board will further advise Ms. Subocz that although the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not prohibit this type of relationship, there may be other laws and regulations in the State of New Jersey that are applicable. A vote was taken and the motion carried by a unanimous vote.

H. Letter from Jeannie Evenson of Cross Country Education

RE: Denial of course approval of continuing education credits

Ms. Evenson wrote the Board concerning the Board's denial of a course they submitted titled "Effective Examination and Treatment Techniques for the Foot and Ankle" as the goals did not reflect the synthesis and integration of material that was provided.

A motion was made by Cindy Moore and seconded by Dennise Krencicki to advise Ms. Evenson that the Board will reconsider the denial of this course upon receipt of new goals that reflect the synthesis and integration of material that you described to the Board in your appeal. A vote was taken and the motion carried by a unanimous vote.

I. Letter from Ethan Hood, PT

Re: Continuing Education

Mr. Hood asked whether continuing education credits could be awarded for a presentation performed at a seminar if the presentation was given by a representative for a product that was being sold by a co-sponsoring company.

The Board will advise Mr. Hood that the sponsor would need to include the information concerning the presentation and the credentials of the representative as part of the course they submit for approval.

J. Letter from Mary E. Ko, PT

RE: Physical Therapy Referrals

Ms. Ko inquired whether there were any established guidelines for physical therapy referrals.

The Board will send Ms. Ko a copy of the New Jersey State Board of Physical Therapy Examiners' statutes and regulations and will advise her that she could also review the American Physical Therapy Association's Guide to Physical Therapists Practice.

K. Letter from Andrew Hawthorne, PTA

RE: Continuing Education

Mr. Hawthorne wrote the Board and asked for an extension to complete the continuing education requirement for this renewal due to his medical condition.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to request that Mr. Hawthorne provide the Board with the number of continuing education credits he obtained from February 1, 2006 through the present. The Board will also request that Mr. Hawthorne provide it with a letter from his treating physician regarding the background of his medical condition. The Board will also request that Mr. Hawthorne provide it with the name and location of where he practices and/or practiced during the time frame of February 1, 2006 through the present. The Board will further request that Mr. Hawthorne provide it with a statement concerning the amount of time he practices and/or practiced during the time frame of February 1, 2006 through the present including how many hours he practices and/or practiced in a day and how many days a week he practices and/or practiced.

The Board will advise Mr. Hawthorne that it will grant him an extension to June 1, 2008 to complete the required 30 continuing education credits provided he supplies them with the requested information above. The Board will also advise Mr. Hawthorne that the Board will permit him to obtain the remaining continuing education credits by internet or home study courses. The Board will remind Mr. Hawthorne that the continuing education credits he obtains from February 1, 2006 through June 1, 2008 cannot be used to renew his physical therapist assistant license in 2010. A vote was taken and the motion carried by a unanimous vote.

L. Letter from Carol L. Frankenfield, PT  
RE: Continuing Education

Ms. Frankenfield wrote the Board and asked for an extension to complete the continuing education requirement for this renewal due to her health.

A motion was made by Barbara J. Behrens and seconded by Carolanne Aaron to request that Ms. Frankenfield provide the Board with the number of continuing education credits she obtained from February 1, 2006 through the present. The Board will request that Ms. Frankenfield provide it with a letter from her treating physician of the background and status of her health related issue. The Board will also request that Ms. Frankenfield provide it with the name and location of where she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present. The Board will further request that Ms. Frankenfield provide it with a statement concerning the amount of time she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present including how many hours she practices and/or practiced in a day and how many days a week she practices and/or practiced. A vote was taken and the motion carried by a unanimous vote.

### **III. OLD BUSINESS**

A. Letter from Patricia Cortina, PT  
RE: Continuing Education

The Board granted Ms. Cortina an extension to complete the required 30 continuing education credits due to her medical condition.

Ms. Cortina provided the Board with a copy of 30 continuing education credits taken before January 31, 2008 and advised the Board that she was able to take a course at the end of January meeting the continuing education requirement for this renewal.

B. Response from New Jersey State Board of Veterinary Medical Examiners  
RE: Letter from John P. Murdoch II, Esq.  
Coursework in Canine Rehabilitation

Mr. Murdoch inquired whether a New Jersey licensed physical therapist who has completed coursework in the Canine Rehabilitation program at the University of Tennessee Veterinary School could treat dogs who would benefit from physical therapy rehabilitation services under the supervision of a licensed veterinarian.

The Board contacted the New Jersey Board of Veterinary Examiners and inquired whether a joint committee meeting of the Boards could be scheduled to discuss this matter.

The New Jersey Board of Veterinary Examiner's Board office advised the New Jersey State Board of Physical Therapy Examiners that in accordance with N.J.A.C. 13:44-3.1 a New Jersey licensed veterinarian can only perform the practice of veterinary medicine but did not address scheduling a joint committee meeting. A motion was made by Barbara J. Behrens and seconded by Dennise Krencicki to contact the New Jersey Board of Veterinary Examiners again and inquire whether a joint committee meeting of the Boards could be scheduled to discuss this matter. A vote was taken and the motion carried by a unanimous vote.

#### C. Continuing Education Credits License Reinstatement and Reactivation

A licensee reinstating or activating their physical therapist or physical therapist assistant license must provide 30 continuing education credits taken within two years immediately preceding reinstatement or activation.

Licenses that are reinstated or activated during the timeframe of November 1, 2007 through January 31, 2008 will be renewed until January 31, 2010.

The Board noted that inactive and expired licenses were not notified of the new regulations concerning continuing education and it will not audit the continuing education credits of licenses who have been reinstated or activated during the timeframe of November 1, 2007 through January 31, 2008.

#### D. Response from Shelley Wittenberg, PT RE: Physical Therapy Practice Act

Ms. Wittenberg previously wrote the Board and inquired whether a physical therapist could take a verbal order from a physician concerning a patient's medication. The Board advised Ms. Wittenberg that a physical therapist can relay the physician's direction to the patient and document the physician's direction in the patient's record.

Ms. Wittenberg wrote the Board again and inquired whether a physical therapist could take a verbal order for medication and sign their name to it as taking the verbal order and then send it to the physician for his or her signature.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to advise Ms. Wittenberg that there is nothing that precludes a physical therapist in a home care setting from taking a verbal order for medicine and signing their name to it as taking the verbal order and then sending the verbal order to the physician for his or her signature. A vote was taken and the motion carried by a unanimous vote.

#### E. Jurisprudence Course

Beginning February 1, 2008, New Jersey licensed physical therapists and physical therapist assistants must complete 4 credits of jurisprudence and professional ethics as part of the required thirty credit hours of continuing education.

A Committee of the Board will present a draft jurisprudence course to the Division of Consumer Affairs and inquire whether a jurisprudence course can be available on the New Jersey State Board of Physical Therapy Examiners' website for its licensees to take and use towards their continuing education requirement. The Committee consists of the following Board members: Dennise Krencicki, Nancy Kirsch, Barbara J. Behrens and Mary Browne.

### **IV. FOR YOUR INFORMATION**

#### A. Memorandum from the Federation of State Boards of Physical Therapy

RE: FSBPT 2008 Budget

The Board reviewed a memorandum from the Federation of State Boards of Physical Therapy concerning their 2008 budget and considered it informational.

B. New Jersey State Board of Medical Examiners

January 9, 2008 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' January 9, 2008 Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

C. New Jersey State Board of Medical Examiners

November 14, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' November 14, 2007 Open Board Minutes and considered them informational.

D. New Jersey State Board of Medical Examiners

November 14, 2007 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' November 14, 2007 Open Minutes of Disciplinary Matters Pending Conclusion and considered it informational.

E. A-3259 Revised "Athletic Training Licensure Act"

The Board reviewed the revised Athletic Training Licensure Act and considered it informational.

F. Board of Chiropractic Examiners

January 24, 2008 Public Session Agenda

The Board reviewed the Board of Chiropractic Examiners' January 24, 2008 Public Session Agenda and considered it informational.

G. Board of Chiropractic Examiners

November 29, 2008 Public Session Minutes

The Board reviewed the Board of Chiropractic Examiners' November 29, 2008 Public Session Minutes and considered it informational.

#### **APPLICATIONS APPROVED BY THE BOARD**

1. James O Chan
2. Tommy Wong

#### **APPLICATIONS NOT APPROVED BY THE BOARD**

1. Sharmilee Dixit

Upon a motion made by Cindy Moore and seconded by Susan Quick, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Seven matters filed with the Board, which require review and additional recommendation with regard to investigations and/or actions.

2. Four matters where additional information has been submitted to the Board concerning pending investigations.

## **ADJOURNMENT**

The Board returned to the Public Session and a motion was made by Karen Wilk and seconded by Dennise Krencicki to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Nancy Kirsch, PT  
Board President