

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
January 27, 2004**

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 Room, 6th Floor, on Tuesday, January 27, 2004. 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 9:34 a.m. and a roll call was taken and the following attendance was recorded:

BARRY INGLETT, P.T. Present
MARY B. BROWNE, P.T. Present
NANCY R. KIRSCH, P.T. Present
DENNISE KRENCICKI, P.T. Present
GARY SAVANDER, P.T. Excused
JOHN WARD, P.T. Present
KAREN E. WILK, P.T. Present

Also present were: Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Lora Sellmeyer, Assistant to the Executive Director Members of the public: Kathy Mairella, President-APTA-NJ; Kenneth Mailly, APTA-NJ; Devon Graf, Regulatory Analyst; William Charschar, D.C.; Bob Haley, D.C.; David Sibin.

The Board would like to thank Barry Inglett for a job well done as Chairperson for the last few years. Nancy Kirsch will be looking to him for assistance within the coming year as her term as Chairperson of the Board of Physical Therapy Examiners.

I. APPROVAL OF THE MINUTES OF THE DECEMBER 23, 2003 BOARD MEETING

Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to accept the minutes of the December 23, 2003 Board meeting as amended. The motion carried by a unanimous vote.

II OLD BUSINESS:

A. NEW JERSEY REGISTER REVIEW-Chairperson KIRSCH

January 5, 2004

Review of deletion of New Jersey State Board of Optometry regulation. Permissible Business Structures; Referral Fees. Independent Doctor of Optometry:
N.J.A.C. 13:38-1.3 and 2.13

January 20, 2004

Petition for Rulemaking; New Jersey State Board of Medical Examiners; Medical Malpractice Coverage:
N.J.A.C. 13:35-6.18

Petition for Rulemaking, New Jersey State Board of Chiropractic Examiners:
N.J.A.C. 13:44E-1.1 Scope of Practice
N.J.A.C. 13:44E-3.2 Recognized Diagnostic Tests; Permissible Billing

B. REFERRAL AND CONSULTATION GUIDELINES

Nancy Kirsch and Barry Inglett attended a meeting with a committee of the Board of Medical Examiners to discuss the referral and consultation guidelines for physical therapists. The Board needs to determine a definition of referral and consultation and discuss the matter further with the Board of Medical Examiners. Nancy Kirsch

will put together a draft of the guidelines including definitions and forward to Devon Graf, Regulatory Analyst and the Board members will bring their comments to the next meeting.

C. CORPORATE PRACTICE

This matter will be discussed at the February 24, 2004 Board meeting.

D. REVIEW OF AMENDMENTS AND REGULATIONS - DEVON GRAF, REGULATORY ANALYST

The Board, along with the Regulatory Analyst, Devon Graf, reviewed the proposed regulations and determined that Devon can proceed with the prefatory language. The Board voted to accept the language of the proposed regulations presented by Devon with a few changes discussed at this meeting.

Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to accept the amended language of the regulations presented by Devon Graf, Regulatory Analyst for proposal in the New Jersey register after all reviews and sign -offs have been completed. The motion carried by a unanimous vote.

E. DRAFT POLICY FROM MARY BROWNE ON AIDS/IV POSITIVE PATIENTS FOR PHYSICAL THERAPY

Mary Browne drafted the Board policy on AIDS/HIV positive patients for physical therapy. The Board voted to adopt the policy as written with a title change on January 27, 2004 to read as: BOARD POLICY ON TREATING PATIENTS WITH TRANSMISSIBLE DISEASES FOR PHYSICAL THERAPY

Upon a motion made by Mary Browne and seconded by Barry Inglett the Board voted to adopt the Board policy on treating patients with transmissible diseases for physical therapy. The motion carried by a unanimous vote.

F. INQUIRY FROM MARKLEY S. RODERICK OF FLASTER GREENEBERG

The Board reviewed an inquiry from Markley S. Roderick of Flaster Greenberg in reference to employment of physical therapists by chiropractors. The Board will advise Mr. Roderick that they are currently in the process of drafting language for a corporate practice regulation and permissible business structures and are unable to respond to his inquiry at this time since the laws are silent on the corporate practice of physical therapists.

G. INQUIRY FROM VINCE DEMARINIS

The Board reviewed a letter from Mr. DeMarinis inquiring as to whether there is any law that states who can own a physical therapy practice. The Board will advise Mr. DeMarinis that there are no statues or regulations at this time, however, only a licensed physical therapist or other authorized health professional may provide or bill for physical therapy services.

III INFORMATIONAL:

A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES NOVEMBER 12, 2003

This matter was considered informational.

B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA JANUARY 14, 2004

This matter was considered informational..

C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION NOVEMBER 12, 2003

This matter was considered informational.

D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION JANUARY 14, 2004

This matter was considered informational.

E. NEW JERSEY REGISTER REVIEW - CRIMINAL HISTORY BACKGROUND CHECKS FEES; ADOPTED AMENDMENT N.J.A.C. 13:59-1.3

This matter was considered informational.

F. NEW JERSEY REGISTER REVIEW- PETITION FOR RULEMAKING; STATE BOARD OF CHIROPRACTIC EXAMINERS; N.J.A.C. 13:44E-2.12 REFERRAL OF PATIENTS TO PHYSICAL THERAPISTS

This matter was considered informational.

G. NJ BOARD OF CHIROPRACTIC EXAMINERS-PUBLIC SESSION AGENDA- JANUARY 29, 2004

This matter was considered informational.

H. REGISTER REVIEW - NOTICE OF RECEIPT OF PETITION FOR RULEMAKING; STATE BOARD OF CHIROPRACTIC EXAMINERS N.J.A.C. 13:44E-1.1 SCOPE OF PRACTICE N.J.A.C. 13:44E-3.2 RECOGNIZED DIAGNOSTIC TESTS; PERMISSIBLE BILLING

This matter was considered informational.

IV APPEARANCES: T.O.E.F.L. WAIVERS:

1. Brian Bautista

Brian Bautista appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Mr. Bautista is applying for licensure as a physical therapist by examination in the State of New Jersey. He was educated in the Phillipines and received his professional as well as undergraduate education in the English language.

Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to grant Mr. Bautista a waiver of the TOEFL requirement based upon the fact that his professional as well as his undergraduate education was conducted in the English language and he demonstrated a proficiency. At this time he is not eligible for licensure in the State of New Jersey since his educational requirements are not sufficient he does not qualify under the new statute. =The motion carried by a unanimous vote.

2. Florentino Ferrer

Florentino Ferrer appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Ferrer is applying for licensure by examination in the State of New Jersey. She was educated in the Phillipines and received her professional as well as undergraduate education in the English language. She was employed as a physical therapist in the Phillipines for five years. Ms. Ferrer has plans to work in New Jersey. Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to grant Ms. Ferrer a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated a proficiency. The motion carried by a unanimous vote.

3. Josephine Pottinger

Josephine Pottinger appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Pottinger is applying for licensure as a physical therapist by endorsement in the State of New Jersey. She was educated in the Phillipines and received her professional as well as undergraduate education in the English language. She is licensed in Vermont, New York and Maryland. Ms. Pottinger has plans to work in New Jersey.

Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to grant Ms. Pottinger a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated a proficiency. The motion carried by a unanimous vote

IV. NEW BUSINESS:

A. BOARD OF PHYSICAL THERAPY ASSIGNMENTS FOR 2004

The Board reviewed the assignments for 2004. Changes will be made and the updated list will be distributed at the February 24, 2004 Board meeting.

B. ACT A-1913 REGARDING THE REGULATION OF HEALTH CARE PROFESSIONALS AND THE STATE BOARD OF MEDICAL EXAMINERS REVISING PARTS OF STATUTORY LAW

The Board reviewed A1913 and determined that they would put together a detailed comment that would be forwarded to the legislative liaison for the Division of Consumer Affairs

APPLICATIONS APPROVED BY THE BOARD:

1. Robbie R. Ibaretta
2. Charisse Jolo
3. Rickie Kinser
4. Judy Quizon
5. Rita Ermilla Rodriguez
6. Ma Rochelle Ovejas
7. Novalyn Ramos
8. Severo Siasoyco
9. Edmundo Sanglay
10. Josephine Pottinger
11. Mike Rivera
12. Mary Portillo

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Oliver Alana Laureta
2. Marcy Lynn Heschuk

ADJOURNMENT:

Upon a motion made by John Ward and seconded by Karen Wilk, the Board voted to adjourn Public Session and to go into Executive Session to discuss the following matters involving investigations or violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Ten complaints or matter filed with the Board which require review and additional recommendations with regard to investigations and/or actions.
2. Three matters where additional information has been submitted to the Board concerning pending investigations.

Respectfully submitted,

Susan H. Gartland, Executive Director
SHG/ls 01/04

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