

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
PUBLIC SESSION MINUTES  
January 27, 2009**

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 27, 2009. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Nancy Kirsch, Vice 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. Excused  
DENNISE KRENCICKI, P.T. Present  
NANCY KIRSCH, P.T. Present  
CINDY MOORE, P.T. Present  
SUSAN M. QUICK Present  
KAREN WILK, P.T. Excused

Also present were: Carmen Rodriguez, Deputy Attorney General and Lisa Petrowski, Executive Director; Members of the public: Kenneth Mailly, PT, Spiridoula Riley, PT, Anubha Goel and Ashish Goel

**I. APPROVAL OF THE MINUTES OF NOVEMBER 25, 2008 BOARD MEETING**

Upon a motion made by Barbara J. Behrens and seconded by Cindy Moore, the Board voted to accept the minutes of the November 25, 2008 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

**II. NEW BUSINESS**

A. Letter from Marlton Rehabilitation Hospital  
RE: Continuing Education

Marlton Rehabilitation Hospital inquired whether the Board would refund the continuing professional provider fee of \$100.00 for each of their courses that were approved by the Board, but were never held.

The Board will advise Marlton Rehabilitation Hospital that it only has a record of them submitting one course and one continuing professional provider fee of \$100.00. The Board will also advise Marlton Rehabilitation Hospital that the Board will not refund the \$100.00 continuing professional provider fee as the course they submitted was reviewed and approved.

B. Letter from Educata  
RE: Continuing Education

Educata received approval for eight different courses. Educata advised the Board that they would like to combine some of the approved courses and alter the amount of continuing education credits that were approved by the Board. Educata also advised the Board that some courses have two lectures and would like to award continuing education credit per lecture within the course in the event an individual attends only one lecture within the course. Educata provided the Board with a copy of their new certificate of attendance with their new logo and asked the Board for its approval of their new certificate.

The Board will advise Educata that it approves of their new certificate of attendance. The Board will also advise Educata that they would need to apply for approval of the combined courses or any course if the amount of continuing education credits would be changed from what was previously approved by the Board

as the courses would need to be issued new approval numbers due to the change in credits.

C. Letter from Donna Roesch, PT  
RE: Continuing Education

Ms. Roesch provided the Board with information concerning a course she attended that was not pre-approved by the Board and asked whether the Board would accept these credits and allow her to count them towards her required 30 continuing education credits necessary for renewal.

The Board will advise Ms. Roesch that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. and may be granted credit.

D. Letter from David Lovett, PT  
RE: Continuing Education

Mr. Lovett provided the Board with information concerning a course he attended that was not pre-approved by the Board and asked whether the Board would accept these credits and allow him to count them towards his required 30 continuing education credits necessary for renewal.

The Board will advise Mr. Lovett that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. and may be granted credit.

E. Letter from Bridgett McCaffery-O'Brien, PT  
RE: Direct Access

Ms. O'Brien inquired whether a physical therapist is required to have a prescription "for school physical therapy".

The Board will advise Ms. O'Brien that a New Jersey licensed physical therapist must adhere to the referral requirements in accordance with N.J.A.C. 13:39A-2.5. The Board will further advise Ms. O'Brien that while patients have direct access to physical therapy services is permitted in New Jersey, there may be other laws and regulations in the State of New Jersey that may require a prescription/referral for physical therapy treatment and the physical therapist will need to also adhere to those laws and regulations.

F. Letter from Rajvee Shah  
RE: Licensure Requirements

Mr. Shah advised the Board that he holds a bachelors degree in physical therapy from a college in India and a master's degree of science in kinesiology and nutrition from the University of Illinois. Mr. Shah inquired whether his master's degree can be considered as an alternative to the required master's degree in physical therapy for licensure.

The Board will advise Mr. Shah that a master's degree in science in kinesiology and nutrition does not meet the requirement of N.J.S.A. 45:9-37.22( c), which requires an applicant to possess at least a master's degree in physical therapy from an accredited college or university in order to be eligible for licensure as a physical therapist in New Jersey. The Board will further advise Mr. Shah that a foreign educated applicant would need to have their credentials evaluated by a credentialing agency prior to applying for licensure in the State of New Jersey pursuant to N.J.A.C. 13:39A-5.1( c), "Proof of eligibility for licensure in the foreign country where the requisite education was obtained shall be submitted to the Board by the credentialing agency on behalf of all foreign educated applicants seeking licensure in this State".

G. Letter from Chang Yoon  
RE: Licensure Requirements

The Board tabled this matter.

H. Letter from Josephina Damen-Petit, PT  
RE: Duplicate License

Ms. Petit advised the Board that she is working in a school district where children are sent from other school districts. The sending school districts are requesting a copy of her physical therapy license for their files and she is hesitant to provide them with a photocopy of her license.

The Board will advise Ms. Petit that she must post her license at the location where she practices and the sending school districts can call the Division of Consumer Affairs verification telephone number, 973-273-8090, to have a verification of her license faxed to them.

I. Senate No. 2344

(Synopsis - Upgrades penalties for assaulting certain health care professionals and workers) Introduced November 13, 2008

The Board advised the Division of Consumer Affairs' legislative liaison that it supports this bill as it is beneficial to both the licensed health care professionals and the consumers of the services they provide. The protections this bill provides to health care workers, particularly in environments of mental health and the penal system, may help to make positions in these environments more desirable to licensed health care workers. This allows for better access to services across the continuum of care for the citizens of the State.

J. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

The Board reviewed the recommendations of the course reviewers at the University of Medicine and Dentistry of New Jersey (UMDNJ) for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Carolanne Aaron to accept the course reviewers' recommendations as presented. The 44 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course, "Headaches" sponsored by Care 2 Learn was denied as it did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

K. Board Discussion with Charles Manning, Regulatory Analyst  
RE: Regulations  
- Continuing Education

Charles Manning, Regulatory Analyst, met with the Board regarding language for N.J.A.C. 13:39A-9.2 Credit hour requirements. A motion was made by Jean Bickal and seconded by Barbara J. Behrens to not change the language in N.J.A.C. 13:39A-9.2(a). A vote was taken and the motion carried by a unanimous vote.

L. Letter from Quynhmai Vu  
RE: Evaluations

Ms. Vu inquired whether an unlicensed individual can document a patient's subjective history of present illness, past medical history, and past surgical history. Ms. Vu also inquired whether an unlicensed individual can document the dictation of a physical therapist while the physical therapist is performing evaluation tests and measures on a patient. Ms. Vu further inquired whether direct access applies to all

licensed physical therapists or does the therapist have to be practicing for a certain amount of time.

The Board will advise Ms. Vu that an unlicensed individual cannot make notations in a patient's record. The Board will also advise Ms. Vu that direct access to physical therapy services applies to all New Jersey licensed physical therapists.

M. E-mail from the Federation of State Boards of Physical Therapy  
RE: Continuing Education

The Federation of State Boards of Physical Therapy inquired whether New Jersey accepts proof of continuing education in wound care for those foreign educated applicants whose credential evaluations list a deficiency in that area.

The Board will advise the Federation of State Boards of Physical Therapy that it does not accept continuing education in lieu of academic credits.

N. Test of English as a Foreign Language

N.J.A.C. 13:39A-5.7 requires an applicant for licensure as a physical therapist or a physical therapist assistant who has received his or her physical therapy training in a country other than the United States of America, the United Kingdom, the Republic of Ireland, Canada except Quebec Province, Australia, or New Zealand to submit to the Board evidence of attainment of a passing score on the Test of English as a Foreign Language (TOEFL) examination or Test of English as a Foreign Language Internet Based Test (TOEFL IBT) examination taken within the two years immediately preceding the filing of the application for licensure.

N.J.A.C. 13:39A-5.7(b) requires a passing score on the TOEFL examination to be a score of at least 220. A passing score on the TOEFL IBT examination shall be a score of at least 24 on the writing portion, at least 26 on the speaking portion, at least 18 on the listening portion and at least 21 on the reading portion.

A motion was made by Susan Quick and seconded by Barbara J. Behrens that the Board accept a passing score from each section of the TOEFL examination, writing, speaking, listening and reading provided all sections of the TOEFL examination are successfully completed within two years immediately preceding the filing of the application for licensure in New Jersey. For example, if an individual passes the TOEFL writing portion and speaking portion but fails the listening and reading portion of the TOEFL examination, the individual will need to pass the listening and reading portion the next time the individual takes the TOEFL examination. All sections of the TOEFL examination must be passed within two years immediately preceding the filing of the application for licensure in New Jersey. A vote was taken and the motion carried by a unanimous vote.

O. Applicant - Anubha Goel

Ms. Goel appeared before the Board to discuss the contents of her application of licensure in the State of New Jersey.

Ms. Goel was advised that the Board will review her application in Executive Session and she will be notified in writing of the Board's decision.

P. Senate No. 2164 (Synopsis - "Fitness Professionals Licensing Act")

A motion was made by Cindy Moore and seconded by Jean Bickal to advise the Division of Consumer Affairs' legislative liaison that it strongly opposes this bill and will provide the following comment: In principle the Board recognizes the need to regulate the fitness industry, as currently there are no consistent standards and consumers are constantly at

risk of being injured by a person representing themselves as a fitness professional with little or no training. However, S-2164 does not remedy this situation and in fact by licensing fitness professionals using the standards set forth in this bill it provides credibility for fitness professionals without any substantive qualifications.

The bill establishes licensure, the highest standard, when the trade itself does not require either registration or certification. With licensure the consumer has the right to expect that there is a consistent body of knowledge associated with the profession that is regulated through some type of accreditation process. This bill does not require anything other than a minimum of 300 in person classroom hours (7 weeks), with no specific curriculum associated with that classroom training. This is followed by a minimum of 50 hours (slightly more than 1 week) of direct supervision by a licensed fitness professional before the individual can practice autonomously. Recognition of potential danger to the client cannot possibly be achieved in such a short time period of clinical practice. In addition other than board members only a high school diploma is necessary for anybody considering themselves to be a fitness professional and wishing to be grandfathered at the time this bill goes into effect.

Consumers have the right to expect that there are standards associated with licensure to insure a minimum level of competence. This bill does not provide that assurance. We support the continuing education requirement in this bill however there are no requirements for the type or rigor of the continuing education requirement.

The Board of Physical Therapy Examiners is very concerned about the number of patients that come to physical therapy as a result of injuries sustained while training under the supervision of a fitness instructor, however this bill will not remedy that situation and may place consumers at greater risk as they will rely on the integrity of licensure to ensure their safety. A vote was taken and the motion carried by a unanimous vote.

### III. OLD BUSINESS

#### A. Letter from Cross Country Education

RE: Course, "Strength Training and Exercise for the Aging Spine"

The Board tabled this matter.

#### B. Letter from Norie Gutierrez

RE: TOEFL

Ms. Gutierrez advised the Board that she passed the TOEFL and received a certificate when she completed her Visa Screen for the International Commission on Healthcare Professions which is a division of the Commission on Graduates of Foreign Nursing Schools (CGFNS). Ms. Gutierrez provided the Board with her original copy of her TOEFL examination scores from 2005.

The Board will advise Ms. Gutierrez that the Board cannot accept her original copy of her TOEFL examination scores. The Board will advise Ms. Gutierrez that she must take and pass the TOEFL examination in order to meet the requirements of N.J.A.C. 13:39A-5.7.

### IV. FOR YOUR INFORMATION

#### A. Consent Order filed January 2, 2009

In the matter of Michael Dussman, PTA

The Board is in receipt of a copy of the Consent Order filed January 2, 2009 in the matter of Michael Dussman, PTA for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist assistant was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

B. Consent Order filed January 2, 2009  
In the matter of Daegyun Kim, PT

The Board is in receipt of a copy of the Consent Order filed January 2, 2009 in the matter of Daegyun Kim, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

C. Consent Order filed December 18, 2008  
In the matter of Karen Lafferty, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Karen Lafferty, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

D. Consent Order filed December 18, 2008  
In the matter of Dina Schino, PTA

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Dina Schino, PTA for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist assistant was issued a \$500.00 civil penalty. The Board considers this matter to be concluded.

E. Consent Order filed December 18, 2008  
In the matter of Taylor Lee, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Taylor Lee, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$500.00 civil penalty. The Board considers this matter to be concluded.

F. Consent Order filed December 18, 2008  
In the matter of Elena Kalika, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Elena Kalika, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

G. Consent Order filed December 18, 2008  
In the matter of Kim Jasaitis, PTA

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Kim Jasaitis, PTA for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist assistant was issued a \$500.00 civil penalty. The Board considers this matter to be concluded.

H. Consent Order filed December 18, 2008  
In the matter of Hyung Kim, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Hyung Kim, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$500.00 civil penalty. The Board considers this matter to be concluded.

I. Consent Order filed December 18, 2008  
In the matter of Minerva Fernandez, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Minerva Fernandez, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

J. Consent Order filed December 18, 2008  
In the matter of Richard Jaeger, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Richard Jaeger, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

K. Consent Order filed December 18, 2008  
In the matter of Wendy Lockhart, PT

The Board is in receipt of a copy of the Consent Order filed December 18, 2008 in the matter of Wendy Lockhart, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

L. Federation of State Boards of Physical Therapy  
2009 National Physical Therapy Examination Policies

The Board reviewed the Federation of State Boards of Physical Therapy 2009 National Physical Therapy Examination Policies and considered them informational.

M. Federation of State Boards of Physical Therapy 4th Quarter 2008 Newsletter

The Board reviewed the Federation of State Boards of Physical Therapy 4th Quarter 2008 Newsletter and considered it informational.

N. Federation of State Boards of Physical Therapy December 2008 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy December 2008 News Brief and considered it informational.

O. Federation of State Boards of Physical Therapy November 2008 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy November 2008 News Brief and considered it informational.

P. Federation of State Boards of Physical Therapy  
RE: FSBPT Fee Increases Effective January 5, 2009

The Board reviewed the Federation of State Boards of Physical Therapy fee increase notice and considered it informational.

Q. Foreign Credentialing Commission on Physical Therapy  
RE: PTA Tool 2007

The Board reviewed the Foreign Credentialing Commission on Physical Therapy notice concerning their

adoption of the PTA Tool 2007 and considered it informational.

R. New Jersey Board of Chiropractic Examiners'  
October 23, 2008 Public Session Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners' October 23, 2008 Public Session Minutes and considered them informational.

S. New Jersey Board of Chiropractic Examiners'  
December 20, 2008 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' December 20, 2008 Public Session Agenda and considered it informational.

T. New Jersey Board of Medical Examiners'  
December 3, 2008 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' December 3, 2008 Open Board Agenda and considered it informational.

U. New Jersey Board of Medical Examiners'  
December 3, 2008 Open Agenda of Disciplinary  
Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' December 3, 2008 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

V. New Jersey Board of Medical Examiners'  
October 15, 2008 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' October 15, 2008 Open Board Minutes and considered them informational.

W. New Jersey Board of Medical Examiners'  
October 15, 2008 Open Minutes of Disciplinary  
Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' October 15, 2008 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

X. New Jersey Board of Medical Examiners'  
January 14, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' January 14, 2009 Open Board Agenda and considered it informational.

Y. New Jersey Board of Medical Examiners'  
January 14, 2009 Open Agenda of Disciplinary

Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' January 14, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

Z. New Jersey Board of Medical Examiners'  
November 12, 2008 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' November 12, 2008 Open Board Minutes and considered them informational.

AA. New Jersey Board of Medical Examiners'  
November 12, 2008 Open Minutes of Disciplinary  
Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' November 12, 2008 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

BB. Notice from the New Jersey Occupational Therapy Advisory Council  
RE: February 5, 2009 Open Public Meeting

The Board reviewed New Jersey Occupational Therapy Advisory Council's notice concerning its February 5, 2009 Open Public Meeting and considered it informational.

#### APPLICATIONS APPROVED BY THE BOARD

1. Tim Roquim
2. Editha Victoria
3. Brenda Santiago
4. Monica Piwnicka
5. Neil Padilla
6. Ritchie Zarate Villena
7. Carol C. Tan

#### APPLICATIONS NOT APPROVED BY THE BOARD

1. Jenet Sobremisana
2. Preeti Anil
3. Gladys Tusing
4. Anubha Goel
5. Ju Seok Park
6. Aravinda Gachumale

Upon a motion made by Jean Bickal and seconded by Carolanne Aaron, 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. Three matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Thirty two matters where additional information has been submitted to the Board concerning pending investigations.

#### ADJOURNMENT

The Board returned to Public Session and a motion was made by Jean Bickal and seconded by Susan Quick to adjourn the meeting at 4:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Petrowski  
Executive Director

