

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
March 24, 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 March 24, 2009. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Karen Wilk, 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 Excused
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General and Lisa Petrowski, Executive Director; Members of the public: Kenneth Mailly, PT, Susan Pitzel, PT, representative of the APTA-NJ, Patricia Brick, PT, representative of the APTA-NJ.

I. APPROVAL OF THE MINUTES OF FEBRUARY 24, 2009 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Jean Bickal, the Board voted to accept the minutes of the February 24, 2009 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Letter from Cheryl Carmen, PTA
RE: Scope of Practice

Ms. Carmen inquired whether it is the responsibility of the physical therapist assistant to choose the patient's "activities" after the plan of care is developed by the physical therapist.

The Board will advise Ms. Carmen that it is not the physical therapist assistant's responsibility to choose the patient's activities, but the physical therapist assistant works in collaboration with the physical therapist to determine which activities the patient should perform to reach the goals established within the plan of care.

B. Assembly, No. 3765 (Synopsis - Establishes 18-month moratorium on promulgations of new administrative rules and issuance of new policy circular letters by State agencies.) - Introduced February 9, 2009

A motion was made by Barbara J. Behrens and seconded by Nancy Kirsch to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiners opposes this bill. The Board understands the desire to assist the citizens of the State during these difficult economic times, it has concerns with the all encompassing nature of the bill. As a Board that by its design is charged with protecting the public, being unable to promulgate any new rules for eighteen months has the potential to limit the Board in its duties and obligations to the public. The eighteen month moratorium will result in delays in bringing new rules forward to protect the public and create a backlog and further delays at the end

of the moratorium. The duty and responsibility of the Board cannot be arbitrarily put on hold. While there are exceptions that can be made by the Governor, many of the new rules that enhance public protection will not fall into these categories. A vote was taken and the motion carried by a unanimous vote.

C. Letter from David Barmak, Esq.
RE: Continuing Education

Mr. Barmak advised the Board that he has a company that specializes in providing education for physical therapists. Mr. Barmak inquired if his company would be deemed an approved sponsor of continuing education in New Jersey by the New Jersey State Board of Physical Therapy Examiners if his company were to become an IACET (International Association for Continuing Education and Training) approved provider.

The Board will advise Mr. Barmak that it currently accepts credits awarded from sponsors approved by IACET.

D. 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 Barbara J. Behrens to accept the course reviewers' recommendations as presented. The 47 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course, Ethics and Jurisprudence, sponsored by New Jersey Center of Physical Therapy 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.

E. Letter from James Dunleavy, PT
RE: Wound Care Services

Mr. Dunleavy inquired about wound care services by physical therapists and physical therapist assistants.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Mr. Dunleavy that wound care is within the scope of physical therapy. Sharp debridement of wounds is also within the scope of practice of the physical therapist as long as the physical therapist is trained and competent in this type of procedure as it requires on going evaluation. A vote was taken and the motion carried by a unanimous vote.

F. Letter from Sundance
RE: Course, "Adult Seating and Positioning"

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

Kathy Waddell advised the Board that the approved course, "Adult Seating and Positioning" will be given on June 13, 2009 with a new course lecturer, Sarah Cwiak, PT. Ms. Waddell provided the Board with a copy of Ms. Cwiak's Curriculum Vitae for their review and approval.

A motion was made by Mary Browne and seconded by Cindy Moore to acknowledge that the qualifications of Sarah Cwiak, PT as the lecturer for the course, "Adult Seating and Positioning" for the June 13, 2009 date was supported by her Curriculum Vitae. The Board approved the submitted course. A vote was taken and the motion carried by a unanimous vote.

G. State of Indiana's License Verification

The State of Indiana now sends license verifications electronically. The Board considered this informational.

H. Letter from Professional Boundaries, Inc.
RE: Continuing Education

The Board reviewed a letter from Professional Boundaries, Inc. concerning courses that they provide for physicians disciplined for boundary and ethics violations and considered their letter to be informational.

I. Letter from Deirdre Regan, PT
RE: Continuing Education

Ms. Regan inquired whether physical therapists and physical therapist assistants licensed within the first year of a biennial renewal period who are required to complete 15 continuing education credits also need to complete four credits of jurisprudence and professional ethics.

The Board will advise Ms. Regan that physical therapists and physical therapist assistants licensed within the first year of a biennial renewal are required to complete 15 continuing education credits, including four credits of jurisprudence and professional ethics.

J. Board Discussion
RE: Continuing Education

Pursuant to N.J.A.C. 13:39A-5A.2 (b), a person who seeks to reactivate his or her license shall complete 30 credits of continuing professional education per biennial renewal period that the licensee has been on inactive status up to a maximum of 60 credits. Of the continuing professional education required under this subsection, 30 credits must be taken within two years immediately preceding reactivation and the remainder must be taken within four years immediately preceding reactivation.

Physical therapists and physical therapist assistants who are on inactive status for one biennial renewal period and who seek to reactivate their license, must complete 30 continuing education credits, including four credits of jurisprudence and professional ethics.

Physical therapists and physical therapist assistants who are on inactive status for more than one biennial renewal period and seek to reactivate their license, must complete 60 continuing education credits, including four credits of jurisprudence and professional ethics.

K. Letter from Roberta Geisenheimer, PT
RE: Nasal Swabs

Ms. Geisenheimer inquired whether a physical therapist could perform nasal swabs on home care patients as part of an MRSA screening program.

The Board will advise Ms. Geisenheimer that there is nothing in the New Jersey State Board of Physical Therapy Examiners' statutes and regulations that prohibits a physical therapist from performing a nasal swab.

L. Continuing Education Credits

The Division of Consumer Affairs inquired from each professional board that requires licensees to complete continuing education credits whether the requirement was mandated by statute or by regulation. The Division of Consumer Affairs also inquired whether the number of continuing education credits required is a sufficient amount.

The Board will advise the Division of Consumer Affairs that the Board of Physical Therapy requires 30

credits of continuing education biennially of each New Jersey physical therapist and physical therapist assistant holding an active license. The continuing education requirement is mandated by regulation and the Board opined that 30 credits is a sufficient amount of continuing education credits for a licensee to complete during a biennial period.

M. Board Discussion

RE: Credentials

Pursuant to N.J.A.C. 13:39A-5.1(b)1, an applicant for licensure who is a graduate of a foreign school of physical therapy must furnish evidence to the Board that the applicant has completed a course of study in physical therapy which is substantially equivalent to that provided in a physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the Council on Post Secondary Accreditation and the United States Department of Education.

To ensure that the requirements for foreign educated physical therapists seeking licensure in New Jersey are substantially equivalent to the education of students pursuing a physical therapy degree in our state programs, the Board will write to several colleges in New Jersey that offer a physical therapy program and inquire what prerequisites the colleges require prior to a student's admission. The Board will also request from the colleges that have an undergraduate component to its program to provide a breakdown of the general education requirements necessary for graduation.

N. Applicant - Chitra Chitale Salgame

RE: Credential Evaluation and TOFEL

Ms. Salgame graduated from M.S. University in India in 1985. Ms. Salgame asked the Board to waive the requirement that she have her education evaluated and also waive the TOFEL (Test of English as Foreign Language) requirement as she took and passed the TOFEL examination in 1987, completed a transitional master's degree and has been practicing in New York since 1987.

The Board will advise Ms. Salgame that she must have her education evaluated pursuant to N.J.A.C. 13:39A-5.1(b) and must take and pass the TOEFL examination pursuant to N.J.A.C. 13:39A-5.7.

III. OLD BUSINESS

A. Board Discussion

RE: Peer Review

The Board tabled this matter.

IV. FOR YOUR INFORMATION

A. New Jersey Board of Medical Examiners

March 11, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' March 11, 2009 Open Board Agenda and considered it informational.

B. New Jersey Board of Medical Examiners

March 11, 2009 Open Agenda of Disciplinary

Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' March 11, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

C. New Jersey Board of Medical Examiners

January 14, 2009 Open Minutes of Disciplinary
Matters Pending Conclusion

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

D. Federation of State Boards of Physical Therapy
February 2009 News Briefs

The Board reviewed the Federation of State Boards of Physical Therapy's February 2009 News Briefs and considered it informational.

E. Division of Consumer Affairs
State Board of Physical Therapy Examiners
Proposed Amendments: N.J.A.C. 13:39A-8.1 and 8.5
- From the March 16, 2009 New Jersey Register

The Board reviewed their Proposed Amendments: N.J.A.C. 13:39A-8.1 and 8.5 and considered it informational.

APPLICATIONS APPROVED BY THE BOARD

1. Christian Santos
2. Carmela Hernandez

APPLICATIONS NOT APPROVED BY THE BOARD

1. Krupali Shah
2. Helena Cohen

Upon a motion made by Nancy Kirsch and seconded by Jean Bickal, 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. Five matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five 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 Barbara J. Behrens and seconded by Nancy Kirsch to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Petrowski
Executive Director