

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
March 27, 2007

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 27, 2007. 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 Excused
MARY B. BROWNE, P.T. Present
DENNISE KRENCICKI, P.T. Present
BARRY INGLETT, P.T. Present
NANCY KIRSCH, P.T. Present
SUSAN M. QUICK Present
KAREN WILK, P.T. Present

Also present were: Susan H. Gartland, Executive Director; Susan Berger, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director, Members of the public: Patricia Brick, P.T., representative of the APTA-NJ; Kenneth Maily, P.T.

Jeffrey Erickson, PT served on the New Jersey State Board of Physical Therapy Examiners from June of 2004 until March of 2007 and the Board thanks him for his years of service.

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF FEBRUARY 27, 2007 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Karen Wilk, the Board voted to accept the minutes of February 27, 2007 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Letter from Debbie Eyer

RE: New Jersey State Board of Physical Therapy Examiners Statutes and Regulations

Debbie Eyer provided the Board with a synopsis of what her understanding was concerning N.J.A.C. 13:39A7.1(a), (c), and (f) ; N.J.A.C. 13:39A7.2(b), (c), (d), and (e); N.J.A.C. 13:39A-7.3(a), (b), and (c). Ms. Eyer asked the Board if her understanding of each of these regulations was correct.

Ms. Eyer also asked the Board questions concerning the Guide for Conduct of the Affiliate Member of the American Physical Therapy Association.

Ms. Eyer inquired whether there was any difference in the use of a physical therapist assistant in a DOE school program as opposed to a hospital. Ms. Eyer inquired whether a physical therapist assistant could use differing treatment approaches to reach the same objective or must the physical therapist assistant only implement a technique identified by the physical therapist. Ms. Eyer also inquired whether a physical therapist assistant could answer questions from staff concerning physical therapy or do they need to consult with the physical therapist prior to answering the questions.

The Board will advise Ms. Eyer that her understanding of N.J.A.C. 13:39A7.1(a), (c), and (f); N.J.A.C. 13:39A-

7.2(b); and N.J.A.C. 13:39A-7.3(a) and (c) was correct. Referencing N.J.A.C. 13:39A-7.2(c), the Board will advise Ms. Eyer that the supervising physical therapist must co-sign the physical therapist assistants notes. Both the physical therapist and the physical therapist assistant must include their license designation and license number with their signature. Referencing N.J.A.C. 13:39A-7.2(d), the Board will advise Ms. Eyer that any change in the patient's physical status needs to be discussed with the physical therapist so the physical therapist can determine if a change in the plan of care is necessary. Referencing N.J.A.C. 13:39A-7.2(e), the Board will advise Ms. Eyer that at a minimum the physical therapist must review the patient record and plan of care at least once a month or as needed. The physical therapist must sit confer with the physical therapist assistants they supervise and discuss the patient's plan of care on an ongoing basis. Referencing N.J.A.C. 13:39A-7.3(b), the Board will advise Ms. Eyer that the supervising physical therapist must co-sign the physical therapist assistants notes in the patient record.

The Board will advise Ms. Eyer that she must contact the APTA (American Physical Therapy Association) concerning her questions regarding the Guide for Conduct of the Affiliate Member of the American Physical Therapy Association.

The Board will advise Ms. Eyer that there is no difference in the use of a physical therapist assistant in a DOE school program opposed to a hospital or clinic setting. The Board will advise Ms. Eyer that the plan of care can include a variety of treatment interventions to reach the established goal and the plan of care must be established only by the physical therapist. The Board will further advise Ms. Eyer that a physical therapist assistant can answer questions that are within the physical therapist assistant's scope of practice.

B. Letter from Maria Dizon

RE: Documentation

Ms. Dizon inquired whether a physical therapist assistant is permitted to gather data or information for weekly progress notes and have the physical therapist co-sign it. Ms. Dizon inquired whether a physical therapist assistant is permitted to gather data for the discharge note and at the same time document everything for the Subjective Objective Assessment Plan (SOAP). Ms. Dizon also inquired what the limitations are for physical therapist assistant documentation.

The Board will advise Ms. Dizon that in accordance with N.J.A.C. 13:39A-2.3(c), "The licensed physical therapist assistant may participate in collecting data for the examination of the patient; however, any interpretation of the data or assessment shall be made by the supervising physical therapist". A physical therapist assistant is permitted to gather information for the patient record. The Board will advise Ms. Dizon that in accordance with N.J.A.C. 13:39A-2.3(b), "A licensed physical therapist assistant shall document treatments in the patient record. The supervising physical therapist shall review and cosign contemporaneously the licensed physical therapist assistant's entries into the patient record". A physical therapist assistant can gather information for the weekly progress note but the supervising physical therapist who is the primary physical therapist must co-sign the record.

The Board will also advise Ms. Dizon that in accordance with N.J.A.C. 13:39A-2.3(c) a physical therapist assistant is legally allowed to gather information for the discharge note and document same but the assessment which includes interpretation of the data collected and the plan for a discharge summary are solely within the purview of the physical therapist. The Board will further advise Ms. Dizon that in accordance with N.J.A.C. 13:39A-2.3(d), "A licensed physical therapist assistant shall not perform a physical therapy examination, evaluation, diagnosis or prognosis, develop a plan of care, modify a plan of care, or independently engage in physical therapy instruction, including, but not limited to, the recommendation of assistive devices and modifications of the patient's physical environment".

C. Letter from Karen Tiligian

RE: Insurance Issues

Karen Wilk recused herself from this matter, moved away from the table and did not participate in the discussion.

Ms. Tiligan advised the Board that she had surgery for a broken bone and believes she would benefit from physical therapy three times a week but her insurance company will only authorize two visits a week. Ms. Tiligan inquired whether she could use a second prescription from the same doctor and go to a different facility that is out of network once a week and pay out of pocket to supplement the limited number of visits authorized by her insurance company. Ms. Tiligan also inquired if there was a source where she could verify a physical therapist's license and credentials.

The Board will advise Ms. Tiligan that the New Jersey State Board of Physical Therapy Examiners does not have jurisdiction over insurance companies. The Board will also advise Ms. Tiligan that being treated at two different facilities simultaneously for her condition may not a good plan of care. The Board will advise Ms. Tiligan that she could verify a physical therapist's license by visiting the Board's website at <http://www.state.nj.us/lps/ca/medical/pt.htm> and could contact the Board office by telephone or in writing to obtain information concerning a physical therapist's credentials.

D. Letter from Kathy Woll, Vice President of Upledger Institute, Inc.
RE: Continuing Education

Ms. Woll wrote the Board concerning the Board's denial of courses they submitted titled, "Craniosacral Therapy I, Craniosacral Therapy II, Somato Emotional Release I, Lymph Drainage Therapy, Visceral Manipulation" as the referenced professional and peer-reviewed journals Upledger Institute provided were insufficient. Ms. Woll provided the Board with an amended reference list of professional and peer-reviewed journals for its consideration.

After the Board reviewed the amended reference list, a motion was made by Karen Wilk and seconded by Barbara J. Behrens to reaffirm the Board's denial of these courses as the amended reference list was still insufficient. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Ann O'Malley, RN
RE: Physical Therapy Scope of Practice

Ms. O'Malley inquired whether a physical therapist could perform a fingerstick with a portable monitor in the State of New Jersey. Ms. O'Malley also inquired whether a physical therapist could assess environment issues and educate the patient concerning those issues prior to the patient's surgery.

A motion was made by Mary Browne and seconded by Carolanne Aaron to advise Ms. O'Malley that a New Jersey licensed physical therapist cannot perform a fingerstick with a portable monitor as it is not part of their entry level education programs and not within the scope of practice of physical therapy. The Board will also advise Ms. O'Malley that it is within the scope of practice of physical therapy for a physical therapist to assess environment issues and educate the patient concerning those issues prior to surgery. A vote was taken and Dennise Krencicki abstained while all others voted in favor. The motion passed by a majority vote.

F. Letter from Clare Colandrea, PT
RE: Documentation Requirements

Ms. Colandrea asked for clarification concerning the documentation requirements for a school physical therapist.

The Board will advise Ms. Colandrea that a record must be maintained that reflects the patient contact with the physical therapist in accordance with N.J.A.C. 13:39A-3.1(a), "A licensed physical therapist shall prepare and maintain for each patient a contemporaneous, permanent patient record that accurately reflects the patient contact with the physical therapist whether in an office, hospital or other treatment, evaluation or consultation setting". The Board will also advise Ms. Colandrea that documentation of the treatment and response to the treatment rendered must be made contemporaneously in accordance with N.J.A.C. 13:39A-3.1(c)8, "A contemporaneous note that accurately represents the services rendered during the treatment sessions including, but not limited to, the components of intervention and patient's response to intervention". The Board will further advise Ms. Colandrea that in conjunction with the New Jersey State Board of Physical Therapy Examiners' statutes and

regulations, she must also comply with school requirements.

G. Assembly No. 4044 (Synopsis - "New Jersey Health Information Technology Promotion Act"; establishes New Jersey Health Information Technology Commission and provides for Statewide health information technology plan.)

- Introduced February 26, 2007

A motion was made by Barry Inglett and seconded by Dennise Krencicki to advise its legislative liaison that it supports the concept of Assembly Bill No. 4044. The efficient and effective care of patients depends on good communication between health care providers. The technology available lends itself well to enhanced communication. On the other hand the technology presents challenges with regard to the protection of the individuals health care information. A Health Information Technology Commission should provide the necessary protections to allow this type of communication.

The Board does not feel that the Commission represents all of the practitioners in New Jersey who will be managing this information technology. We strongly recommend that an 18th public member of the commission be appointed that would represent health care providers who often work in off site locations not represented by the current suggested 17 member boards. They face different challenges that should be addressed as part of this commission. Recommendations for this member should be sought from The NJ Chapter of the American Physical Therapy Association, The NJ Chapter of the Occupational Therapy Association and the NJ Chapter of the Speech and Hearing Association. This member would represent those autonomous health care providers offering physical therapy, occupational therapy and speech therapy in out patient settings. A vote was taken and the motion carried by a unanimous vote.

H. Assembly No. 2473 (Synopsis - Authorizes court to waive license revocation process for certain child support obligors.) - Introduced January 9, 2007

A motion was made by Barry Inglett and seconded by Dennise Krencicki to advise its legislative liaison that the Board supports S-2473 as it allows the offender the ability to pay the back child support. A vote was taken and the motion carried by a unanimous vote.

I. Assembly No. 3899 (Synopsis - Clarifies time by which public bodies are required to make minutes of meetings available to the public.) - Introduced January 9, 2007

A motion was made by Karen Wilk and seconded by Barbara J. Behrens to advise its legislative liaison that the minutes of meetings should be available to the public after the Board has ratified the minutes. The Board will suggest changing the meaning of "promptly available" to noon on the 30th calendar day next following the meeting at which the minutes were ratified by the Board. A vote was taken and the motion carried by a unanimous vote.

J. Election of Delegate, Alternate Delegate, and Administrator to attend the FSBPT (Federation of State Boards of Physical Therapy) Annual Meeting

A motion was made by Karen Wilk and seconded by Susan Quick to elect and send Nancy Kirsch as the Delegate, Barbara Behrens as the Alternate Delegate, and Susan Gartland as the Administrator to attend the FSBPT Annual Meeting held in Memphis, Tennessee on September 7-10, 2007. Mary Browne and Karen Wilk are also willing to server. A vote was taken and the motion carried by a unanimous vote.

K. Applicant - Antoine Michel Hitti

Mr. Hitti possesses a master's degree but not from an accredited physical therapy program; therefore, his application was not approved by the Board as it did not meet the requirements set forth in N.J.S.A. 45:9-37.22.

Mr. Hitti appeared before the Board to discuss the contents of his application for licensure in the State of New

Jersey and asked the Board to reconsider their decision.

The Board advised Mr. Hitti that they reaffirm its original decision and his application was not approved again as it did not meet the requirements set forth in N.J.S.A. 45:9-37.22.

IV. OLD BUSINESS

A. Board Review of Draft Comment

RE: Assembly No. 3790 (Synopsis - Reforms the review, processing, and payment of certain health and other insurance claims relating to physical therapy services.) - Introduced December 11, 2006

A motion was made by Barry Inglett and seconded by Karen Wilk to table this matter until its May 8, 2007 meeting.

B. Review of Jurisprudence Examination

At its February 27, 2007 meeting, the Board made amendments to the jurisprudence examination provided with the initial licensure application. After the Board reviewed the amended version of the jurisprudence examination, a motion was made by Barbara J. Behrens and seconded by Mary Browne to approve the amended version. A vote was taken and the motion carried by a unanimous vote.

C. Rules and Regulations Committee

Regulatory Analyst, Charles Manning, met with the Board to discuss regulations that it intends to draft and set a tentative date with a committee of the Board to begin the process. The committee consists of Barry Inglett, PT; Jean Bickal, Esq.; and Mary Browne, PT along with D.A.G. Carmen Rodriguez and Executive Director Susan Gartland.

V. FOR YOUR INFORMATION

A. Office of The Governor

Governor Jon S. Corzine

Executive Order No. 51(2007)

Establishment of the Appointments Office

Interactive Electronic Database

From the March 5, 2007 New Jersey Register

The Board reviewed Executive Order No. 51(2007) and considered it informational.

B. Office of the Governor

Governor Jon S. Corzine

Executive Order No.52(2007)

Annual Review of State Boards to identify Potential Areas for Elimination, Consolidation and/or Improvement

From the March 5, 2007 New Jersey Register

The Board reviewed Executive Order No. 52(2007) and considered it informational.

C. Division of Consumer Affairs

State Board of Chiropractic Examiners

State Board of Chiropractic Examiners Rules

Readoption with Amendments: N.J.A.C. 13:44E

From the February 20, 2007 New Jersey Register

The Board reviewed the State Board of Chiropractic Examiners Readoption with Amendments: N.J.A.C. 13:44E

and considered it informational.

D. New Jersey State Board of Medical Examiners
January 10, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' January 10, 2007 Open Board Minutes and considered them informational.

E. New Jersey State Board of Medical Examiners
January 10, 2007 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' January 10, 2007 Disciplinary Matters Pending Conclusion and considered it informational.

F. New Jersey State Board of Medical Examiners
March 14, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' March 14, 2007 Open Board Agenda and considered it informational.

G. New Jersey State Board of Medical Examiners
March 14, 2007 Disciplinary Matters Pending Conclusion

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

H. FSBPT (Federation of State Boards of Physical Therapy)
News Brief - February, 2007

The Board reviewed the FSBPT February, 2007 News Brief and considered it informational.

I. Final Consent Order filed February 27, 2007
In the Matter of Colleen (Sheerin) Prince, PT

The Board is in receipt of a copy of the Final Consent Order filed February 27, 2007 in the matter of Colleen (Sheerin) Prince, PT. for violation of N.J.S.A. 45:1-21(e) professional misconduct as well as N.J.A.C. 13:39A-3.1 Patient records, N.J.A.C.13:39A-3.6 Prohibition on excessive fees; overutilization, and N.J.A.C.13:39A-3.8(a)8 Violative acts; professional misconduct. Colleen (Sheerin) Prince's license to practice physical therapy in the State of New Jersey is suspended for six months commencing February 27, 2007. The Board is also in receipt of payment from Ms. Prince in the amount of \$1,164.00 satisfying the Board costs in this matter. The Board considers this matter to be concluded.

APPLICATIONS APPROVED BY THE BOARD:

1. Dyma Azul Somes
2. Lucille Sesalim Tanola
3. Aditi Niraj Patel
4. Amy Portillo Palingeod
5. Erwin Gerald R. Biscocho
6. Jo Farah S. Domingo
7. Natalizia Guieb
8. Michael Derilo Mirabueno
9. Toral Gandhi
10. Jessie S. Gannon
11. Marie Mendoza

12. Allan Mendez
13. Jaclyn Chua Sy
14. Jennifer Batoy
15. Estella Plarisan
16. Claire C. Villanueva
17. Arnold Sobremisana
18. Jasmin C. Balisi

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Gerald Ricafrente
2. Ma Elena C. Soriano
3. Maria Monterroyo
4. Joel Zarza
5. Chloe Zarza
6. Myracel Dela Cruz
7. Hyeojung Choi
8. Lakshmi Dama

Upon a motion made by Karen Wilk and seconded by Barbara J. Behrens, 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. Eight matters filed with the Board, which require review and additional recommendations 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 Public Session and a motion was made by Carolanne Aaron and seconded by Susan Quick to adjourn the meeting at 4:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director