

# **New Jersey State Board of Physical Therapy**

## **Public Session Minutes**

**April 23, 2002**

A regular meeting of the New Jersey State Board of Physical Therapy was held at 124 Halsey Street, Somerset Room, 6th floor, on Tuesday, April 23, 2002. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meetings Act. **Barry G. Inglett, P.T., Chairman of the Board** called the meeting to order at 9:40 a.m. A roll call was taken and the following attendance was recorded:

CATHERINE M. CLANCY Present  
LEE ANN GUENTHER, P.T. Present  
BARRY INGLETT, P.T. Present  
DENNISE KRENCICKI, P.T. Present  
LESLIE K. MARCKS, P.T. Present  
SCOTT NADLER, D.O. Excused  
GARY R. SAVANDER, P.T. Present  
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; Chanita R. Lucky, Assistant to the Director; Kenneth Maily, APTA-NJ representative.**

### **IV. APPROVAL OF THE MINUTES OF THE MARCH 26, 2002 BOARD MEETING**

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to accept the minutes of the March 26, 2002 Board meeting as amended. The motion carried by a unanimous vote.

### **V. OLD BUSINESS:**

#### **A. NEW JERSEY REGISTER REVIEW-CHAIRMAN INGLETT**

Chairman Inglett advised the Board that there was nothing pertaining to physical therapy in the April 1, 2002 and April 15, 2002 New Jersey Register that was not already listed on the agenda.

#### **B. REVIEW OF BOARD POLICIES**

The Board reviewed and amended the following Board Policies:

1. *ALTERNATIVE CARE*
2. *IONTOPHORESIS/PHONOPHORESIS*
3. *FRAUD*
4. *PHYSICIAN ASSISTANT*
5. *GROUP THERAPY IN SCHOOL SETTING*

6. *SUPERVISING PTA'S*

7. *CANCELING OF APPOINTMENT FOR EXAM*

8. *DURATION OF REFERRALS*

9. *TEMPORARY LICENSES*

10. *IDENTIFICATION FOR ENTRANCE TO TESTING SITE*

11. *NURSE PRACTITIONER*

Upon a motion made by Gary Savander and seconded by Dennise Krencicki the Board voted to accept the amended policies. The motion carried by a unanimous vote.

**C. CORRESPONDENCE FROM KEN MAILLY, P.T. RE: MULTI-DISCIPLINARY PRACTICE**

The Board reviewed correspondence from Mr. Mailly regarding multi-disciplinary practices between Occupational and Physical therapists in New Jersey. Mr. Mailly wrote to the Board with a number of concerns. The Board will answer as follows:

*What concerns does the Board have with the members of both disciplines utilizing a "team approach" to managing the same patient, provided there are separate referrals for occupational and physical therapy?*

The Board considers this to be permissible as there would be separate referrals for the patient.

*Does the Board consider it to be proper conduct for a licensee to co-sign an evaluation performed by an OT in this group practice setting, and use the results of this evaluation to determine the PT's plan of care?*

No, the Board does not consider it proper conduct for a licensee to co-sign an evaluation performed by an OT.

*Does the Board consider it adequate for the PT to sign a statement that the findings of the OT are appropriate and applicable to the PT plan of care?*

The physical therapist must perform their own evaluation, however, the physical therapist may use the OT's test results in their own evaluation. The physical therapist must, however, exercise their own personal judgement in doing so.

*Since "hand-therapy" is not recognized by the State of New Jersey, does the Board consider it improper for a PT to treat a patient with such a referral?*

No, the Board does not consider it to be improper as hand-therapy is within the scope of practice of a physical therapist.

*In the group practice setting, if an OT/CHT utilizes modalities in the care of their patients, does the Board consider this to be the unlicensed practice of physical therapy?*

The Board will refer this inquiry to the Occupational Therapy Advisory Council for consideration as it not within the Board's jurisdiction.

*Does the Board consider it misleading for a PT to advertise as a "Hand Therapist", provided that they make clear their credentials as a PT? Further, non-PT's sometimes advertise their services under a heading of "Physical Therapists", for example in a directory, does the Board consider this to be misleading to the public?*

The Board considers this misleading to the public.

*What is the specific requirement of licensees to report the conduct of another licensee that may be unlawful?*

There are currently no specific guidelines regarding licensee's responsibility to report the misconduct of another licensee.

## **APPEARANCES:**

### ***T.O.E.F.L WAIVERS:***

#### **1. Mr. Shriahar Pakiru**

**Board member Karen Wilk was recused from discussion on this matter and left the room.**

Mr. Pakiru appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Mr. Pakiru is applying for licensure by endorsement in the State of New Jersey. He was educated in India and received his professional as well as undergraduate education in the English language. Mr. Pakiru took the TOEFL examination in 1999 and received a score of 610 (with the passing score being 550) Mr. Pakiru has plans to work in New Jersey.

**Upon a motion made by Gary Savander and seconded by Dennise Krencicki, the Board voted to grant Mr. Pakiru a waiver of the TOEFL requirement based upon the fact that his professional as well as undergraduate education was conducted in the English language, he received a passing score on the TOEFL examination (TOEFL does not report scores after two years) and he demonstrated a proficiency in the English language. The motion carried by a unanimous vote.**

#### **2. Ms. Dovie Bance**

Ms. Dovie Bance appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Bance is applying for licensure by examination in the State of New Jersey. She was educated in the Philippines and received her professional as well as undergraduate education in the English language. Ms. Bance took the TOEFL examination in 2001 and received a score of 203 (with the passing score being 213). Ms. Bance has plans to work in New Jersey.

**Upon a motion made by Gary Savander and seconded by Dennise Krencicki, the Board voted to grant Ms. Bance a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.**

#### **3. Ms. Shunghangi Pohane**

Ms. Shunghangi Pohane appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Pohane is applying for licensure by endorsement in the State of New Jersey. She was educated in India and received her professional as well as undergraduate education in the English language. Ms. Pohane has plans to work in New Jersey.

**Upon a motion made by Gary Savander and seconded by Dennise Krencicki, the Board voted to grant Ms. Pohane a waiver of the TOEFL requirement based upon the fact that her professional as well as**

undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

## **VI. INFORMATIONAL:**

### **A. NJ BOARD OF MEDICAL EXAMINERS-NEWSLETTER-WINTER 2001**

The Board considered this matter informational.

### **B. NJ BOARD OF MEDICAL EXAMINERS-OPEN BOARD AGENDA-APRIL 10, 2002**

The Board considered this matter informational.

### **C. NJ BOARD OF MEDICAL EXAMINERS-DISCIPLINARY MATTERS PENDING CONCLUSION-APRIL 10, 2002**

The Board considered this matter informational.

### **D. NJ BOARD OF MEDICAL EXAMINERS-DISCIPLINARY MATTERS PENDING CONCLUSION-FEBRUARY 13, 2002**

The Board considered this matter informational.

### **E. FEDERATION NEWS BRIEFS-MARCH 2002-VOLUME 4. NO. 3**

The Board considered this matter informational.

### **F. DIVISION OF CONSUMER AFFAIRS-STATE BOARD OF CHIROPRACTIC EXAMINERS-NOTICE OF ACTION OF PETITION FOR RULEMAKING-ANIMAL CHIROPRACTIC**

The Board considered this matter informational.

## **VII. NEW BUSINESS:**

### **A. INQUIRY FROM JENNIFER PERNO, P.T. RE: PT SCOPE OF PRACTICE**

The Board considered the inquiry from Ms. Perno, a physical therapist, employed in an out-patient facility regarding whether a physical therapist may supervise an athletic trainer. The Board will inform Ms. Perno that this is not permissible and refer her to the statutes and regulations that govern the practice of physical therapy in New Jersey.

### **B. INQUIRY FROM BENJAMIN PINCZEWSKI, ESQ RE: OWNERSHIP OF PHYSICAL THERAPY OFFICE**

The Board considered an inquiry from Mr. Pinczewski, an attorney, who wrote to the Board regarding ownership of physical therapy facilities. The Board will advise Mr. Pinczewski that currently there are no regulations on business practices, however; the physical therapist is responsible for billing services rendered, the scheduling of patients and all physical therapy services rendered when there is a business agreement with a non-licensed person.

### **C. INQUIRY FROM DeVANY TIDEMAN, P.T. RE: PATIENT EVALUATIONS**

The Board reviewed the inquiry submitted by Ms. Tideman, a physical therapist, employed in the school system. Ms. Tideman wrote to the Board regarding performing evaluations prior to treating students. The Board will inform her that an evaluation must be performed when a student is referred for physical therapy treatment. The Board will also send Ms. Tideman a copy of the rules and regulations that govern the practice of physical therapy

in New Jersey and refer her to the appropriate section.

**D. INQUIRY FROM EILEEN MULCAHY, P.T. RE: NECESSITY OF M.D. RX FOR SCHOOL BASED P.T.**

The Board reviewed an inquiry from Ms. Mulcahy, a physical therapist, employed in the school system regarding the necessity of a prescription for physical therapy treatment. The Board will advise Ms. Mulcahy that a current prescription, dated for the specific school year, is necessary prior to providing physical therapy treatment. The Board will also send her a copy of the current rules and regulations that govern the practice of physical therapy in New Jersey and refer her to the appropriate section.

**E. INQUIRY FROM BARRY S. SLOAN, D.O RE: NCV (NERVE CONDUCTION VELOCITY)**

The Board considered the inquiry from Mr. Sloan regarding whether it is permissible for a physical therapist to perform nerve conduction velocity , without the supervision of a physician as part of the electromyographic examination of a patient. The Board will inform Mr. Sloan that it is permissible for a physical therapist to perform NCV, as long as it is non-invasive and it is a necessary part of the evaluation and treatment of a patient.

**APPLICATIONS APPROVED BY THE BOARD:**

1. Ms. Anjanette M. Capuo-PTA-Endorsement/DC/IN
2. Ms. Maria L. Salazar-PT-Exam Only
3. Mr. Christopher E. Santos-PT-Endorsement/DC
4. Mr. Aldou M. Cinco-PT-Endorsement/IN
5. Mr. John Phillip P. Montes-PT-Exam Only
6. Mr. Amah L. Alava-PT-Exam Only
7. Ms. Dovie J. Bance-PT-Exam Only
8. Ms. Arlene D. Adrales-PT-Exam Only

**ADJOURNMENT:**

**Upon a motion made by Karen Wilk and seconded by Lee Ann Guenther, 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 the Board's regulations.**

1. Five complaints or matters filed with the Board which require review and additional recommendation in regard to investigation and/or action.
2. Seven matters where additional information has been submitted to the Board concerning pending investigations.

Respectfully submitted,

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Susan H. Gartland, Executive Director

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