

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
PUBLIC SESSION MINUTES  
May 24, 2005**

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, May 24, 2005. 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 9:32 a.m. and a roll call was taken and the following attendance was recorded:

BARBARA BEHRENS, P.T.A. Present  
JEAN M. BICKAL, ESQ. Present  
MARY B. BROWNE, P.T. Present  
JEFFREY ERICKSON, P.T. Present  
BARRY INGLETT, P.T. Present  
NANCY R. KIRSCH, P.T. Present  
IVETTE P. MARTINEZ Excused  
SUSAN M. QUICK Excused  
GARY SAVANDER, 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; Dwayne Williams, Government Representative Members of the public: Kathy Mairella, APTA-NJ; Leslie Soulen, APTA-NJ

**PUBLIC COMMENT:**

**I. APPROVAL OF THE MINUTES OF THE APRIL 26, 2005 BOARD MEETING**

Upon a motion made by Barry Inglett and seconded by Jean Bickal, the Board voted to accept the minutes of the April 26, 2005 Board meeting as amended. The motion carried by a unanimous vote.

**II . OLD BUSINESS:**

**A. RULES AND REGULATIONS COMMITTEE- TERMINATION OF THE PHYSICAL THERAPIST-PATIENT RELATIONSHIP**

The Board reviewed draft language on the termination of a patient from physical therapy care. This matter is tabled until the June 28, 2005 Board meeting for further consideration.

**III . INFORMATIONAL:**

**A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA MAY 11, 2005**

This matter was considered informational.

**B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES MARCH 9, 2005**

This matter was considered informational.

**C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION MAY 11, 2005**

This matter was considered informational.

**D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION MARCH 9, 2005**

This matter was considered informational.

**E. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS - PUBLIC SESSION AGENDA MAY 19, 2005**

This matter was considered informational.

**F. FEDERATION NEWS FLASH MAY 12, 2005**

This matter was considered informational.

**H. LETTER FROM KIMBERLY RICKETTS**

This matter was considered informational.

**IV . APPEARANCES:**

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

**1. GARIMA JAIN**

Garima Jain appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Jain is applying for licensure as a physical therapist by examination in the State of New Jersey. She was educated in India and received her professional as well as undergraduate education in the English language.

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson to grant Ms. Jain 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 proficiency. The motion carried by a unanimous vote.

**2. LEO ZUNIGA**

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson, the Board voted to grant Mr. Zuniga 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 proficiency. The motion carried by a unanimous vote.

**3. MICHAEL COCAL**

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson to grant Mr. Cocal 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 proficiency. The motion carried by a unanimous vote.

#### 4. CHRISITOPHER MERCADO

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson to grant Mr. Mercado 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 proficiency. The motion carried by a unanimous vote.

#### 5. JACOB PHILIPOSE

Jacob Philipose appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Mr. Philipose is applying for licensure as a physical therapist 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. Philipose is licensed in New York.

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson, the Board voted to grant Mr. Philipose 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 proficiency. The motion carried by a unanimous vote.

### **V. NEW BUSINESS:**

#### A. INQUIRY FROM RICHARD STONEKING, PT; PRESIDENT-APTANJ

The Board reviewed correspondence from APTANJ President, Richard Stonenking, PT in reference to reimbursement for physical therapy services in New Jersey. This matter is tabled to the June 28, 2005 Board meeting.

#### B. NEW JERSEY NURSES ASSOCIATION

The Board reviewed a letter to be sent to the New Jersey Nurses Association, regarding their website and a statement made on it regarding direct access. The Board wanted to clarify that APNs can refer patients to PT's however the Board believes that they cannot write a prescription for physical therapy based on the laws of the Board of Nursing which states that they can prescribe medications and devices. Physical therapists do not consider physical therapy a device.

#### C. SIGNED SETTLEMENT LETTER PHYLLIS KRUG, PT

The Board is in receipt of a signed Settlement Letter from Phyllis Krug, PT for violation of N.J.S.A. 45:1-21(c) submission of improper CPT codes which constitutes misrepresentation of the treatment afforded the patient and Ms. Krug is also in violation of N.J.A.C. 13:39A-3.6 (a) for failing to meet the Board's record keeping requirements.

#### D. SIGNED SETTLEMENT LETTER- ROY CAPELLARO, PT

The Board is in receipt of a signed Settlement Letter from Roy Capellaro, PT for being in violation of N.J.S.A. 45:1-7.1(b) and (c) in that he failed to renew his license within thirty days of the January 31, 2004 renewal period and continued to practice with a suspended license after February 29, 2004 which is deemed to constitute the unlicensed practice of physical therapy.

### **ADJOURNMENT:**

Upon a motion made by Mary Browne and seconded by Jeffrey Erickson, 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. Six complaints or matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
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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