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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

MAY 26, 2015

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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 May 26, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Excused

Also present were: **John Hugelmeyer, Deputy Attorney General; Laura Anderson, Executive Director and Gerard Tobia, Board staff**

Members of the public: Cathy Chin, representative of Select Medical and Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF APRIL 28, 2015 BOARD MEETING

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to accept the minutes of the April 28, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 72 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Three courses were denied, as they 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.

- B. Letter from PESI
RE: Course, "Therapeutic Strategies for Degenerative Joint Disease: Overcoming Pain and Improving Function (37960)"
- Change in Lecturer

Michele Bogen advised the Board that the approved course, "Therapeutic Strategies for Degenerative Joint Disease: Overcoming Pain and Improving Function" will be given with a new course lecturer. Ms. Burton provided the Board with a copy of Mr. Royal's Curriculum Vitae for its review.

A motion was made by Cindy Moore and seconded by Mary Browne to acknowledge that the qualifications of Marvin P. Royal II as lecturer for the course, "Therapeutic Strategies for Degenerative Joint Disease: Overcoming Pain and Improving Function" were supported by his Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Stephen R. Bosin, Esq. on behalf of Nasr Khaled
RE: Test of English as a Foreign Language (TOEFL)

Mr. Bosin wrote the Board on behalf of Nasr Khaled. Mr. Bosin asked the Board to accept Mr. Khaled's TOEFL scores from 2005. Mr. Bosin informed the Board that Mr. Nasr received a transitional Doctorate of Physical Therapy degree from Nova Southeastern University in 2007 and has been a United States citizen since 2003.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Mr. Bosin that Mr. Khaled must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as he received his entry level physical therapy degree from a foreign educational institution. The Board will advise Mr. Bosin that if the credential evaluation company that evaluated his credentials provides the Board with a certified true copy of his TOEFL scores, the Board will accept the scores provided the scores meet the requirement set forth in N.J.A.C. 13:39A-5.7. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from PESI
RE: Course, "Advances in Orthopaedic Care: It's Not Just Broken Bones"

Lori Manning informed the Board that the speaker of the course, "Advances in Orthopaedic Care: It's Not Just Broken Bones" had an emergency and could not complete the presentation. PESI would like to offer the participants a DVD recording of the same program but by a different speaker. Ms. Manning provided the Board with information concerning the new speaker.

A motion was made by Nancy Kirsch and seconded by Mary Browne to request from PESI the Curriculum Vitae of the new speaker and a copy of the course exam as this is now a distance learning course submission. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Laurie Glass, PTA
RE: Continuing Education

Ms. Glass noted that a course she completed was not approved by the Board. Ms. Glass asked the Board to allow her to use the 18 continuing education credits from this course towards the continuing education requirement.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Ms. Glass 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 as set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Tracy D. Hubbell, Esq.
RE: Permissible Business Structures

Tracy D. Hubbell, Esq. wrote the Board concerning permissible forms of physical therapy practice. Ms. Hubbell asked the Board to confirm that it is permissible under the New Jersey law for a general business corporation or a nonprofit corporation to employ or engage licensed physical therapists to provide physical therapy services in New Jersey on behalf of, and for the benefit of, said general business corporation or nonprofit corporation, provide that such corporation does not direct, instruct or otherwise influence the course or type of professional physical therapy services rendered by such employed or engaged physical therapists in any respect whatsoever, other than general protocols and policies developed and implemented by other physical therapists licensed in the State of New Jersey for such general business corporation or nonprofit corporation.

A motion was made by David Bertone and seconded by Nancy Kirsch to advise Ms. Hubbell that the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and the motion carried by a unanimous vote.

VI. FOR YOUR INFORMATION

- A. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed New Jersey Jurisprudence Assessment Module Statistic report and considered it informational.

- B. Consent Order filed May 18, 2015
In the matter of John F. McGrail, PT

The Board considered the Consent Order filed on May 18, 2015 in the matter of John F. McGrail, PT, informational.

- C. Final Order of Discipline filed May 18, 2015
In the matter of Ebenezer Oguntuase, PT

The Board considered the Final Order of Discipline filed May 18, 2015 in the matter of Ebenezer Oguntuase, PT. informational.

Upon a motion made by Mary Browne and seconded by Nancy Kirsch, 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. Six 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.

APPLICATIONS APPROVED BY THE BOARD

1. Shari Jacob
2. Ratika Talreja
3. Leanne Yates

ADJOURNMENT

The Board returned to Public Session and a motion was made by Jean Bickal and seconded by Nancy Kirsch to adjourn the meeting at 12:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director