

**NEW JERSEY  
STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

**PUBLIC SESSION MINUTES**

June 8, 2004

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, June 8, 2004. 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 9:35 a.m. and a roll call was taken and the following attendance was recorded:

BARRY INGLETT, P.T. Present  
MARY B. BROWNE, P.T. Present  
NANCY R. KIRSCH, P.T. Present  
DENNISE KRENCICKI, P.T. Present  
GARY 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; Lora Sellmeyer, Assistant to the Executive Director Members of the public: Kathy Mairella, President-APTA-NJ; Kenneth Maily, PT; James Mc Ginley.

**PUBLIC COMMENT:**

**I. APPROVAL OF THE MINUTES OF THE APRIL 27, 2004 BOARD MEETING**

Upon a motion made by Dennise Krencicki and seconded by Karen Wilk, the Board voted to accept the minutes of the April 27, 2004 Board meeting as amended. The motion carried by a unanimous vote.

**II . OLD BUSINESS:**

**A. SOUTH CAROLINA DECISION ON THE DIVISION OF FEES, PAYMENTS AND REFERRALS**

The Board reviewed correspondence from Ken Maily, PT in reference to a recently decided opinion from the South Carolina Attorney General regarding the division of fees by physical therapists. The Board will table this matter and resume discussion when the regulations are adopted in order to interpret the law on "Division of Fees".

**B. DEVON GRAF - RULES AND REGULATIONS**

The Board along with Regulatory Analyst, Devon Graf, reviewed the draft proposed regulations and determined that there needed to be some clarification for licensure renewal with regard to continuing education credits. The Board voted to require a licensee, seeking reinstatement and or reactivation, the same number of continuing education credits that will be needed for biennial license renewal and can be taken anytime within the previous two biennial renewal periods.

Upon a motion made by Dennise Krencicki and seconded by Karen Wilk, the Board voted to require two biennial periods of credits for licensee to reinstate or reactivate. The motion carried by a unanimous vote.

**C. DEVON GRAF- CORPORATE PRACTICE**

The Board discussed the status of the corporate practice regulations. Devon stated a meeting had been set up

between the Board of Chiropractic Examiners and Debra Levine for June 22, 2004 to discuss corporate practice regulations. Susan Gartland will contact Debra Levine for further information and to schedule a meeting as Susan Gartland and Carmen Rodriguez are not available to attend the June 22 meeting.

#### D. 1:00 PM - REINSTATEMENT HEARING FOR ALEXANDER IVASHENKO

The reinstatement hearing for Alexander Ivashenko was held on June 8, 2004 at 1:00PM. Mr Ivashenko was represented by his attorney, Theodosia Tamborlane, ESQ. After careful review of the information provided by Mr. Ivashenko , his testimony and character witnesses testimony it was determined he would be reinstated with the following requirements: He must take an Ethics course and a Professional Issues course. He must obtain a grade of B or better and complete this within one year from the date his license is reinstated. Carmen Rodriguez, DAG will draft an order, detailing the procedure for Mr. Ivashenko and forward to his attorney. Any courses selected requires prior approval.

#### E. CORRESPONDENCE FROM FCCPT - CREDENTIAL EVALUATION

The Board reviewed correspondence from Eileen Bach, PT, Chair FCCPT Board of Directors . Ms. Bach would like the Board to consider a meeting with the FCCPT Board to discuss the reasons the board chose not to recognize FCCPT as an approved credentialing agency after June 1, 2004. Susan Gartland will contact William A. Hatherhill, CEO to schedule a meeting.

### III . INFORMATIONAL:

#### A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES MARCH 10, 2004

This matter was considered informational.

#### B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA MAY 12, 2004

This matter was considered informational.

#### C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION MARCH 10, 2004

This matter was considered informational.

#### D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION MAY 12, 2004

This matter was considered informational.

#### E. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES MARCH 18, 2004

This matter was considered informational.

#### F. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS PUBLIC AGENDA MAY 20, 2004

This matter was considered informational.

#### G. APTANJ- JERSEY JARGON

This matter was considered informational.

#### H. 2004 NATIONAL PHYSICAL THERAPY EXAMINATION POLICIES

This matter was considered informational.

#### I. FEDERATION NEWS BRIEFS MAY 2004

This matter was considered informational.

#### J. NPTE FEE ANNOUNCEMENT

This matter was considered informational.

#### K. STATE BOARD OF CHIROPRACTIC EXAMINERS ADOPTED AMENDMENT N.J.A.C. 13:44E-207 AND ADOPTED NEW RULE N.J.A.C. 13:44E-207A

This matter was considered informational.

#### L. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION JUNE 9, 2004

This matter was considered informational.

#### M. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA JUNE 9, 2004

This matter was considered informational.

#### N. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES APRIL 14, 2004

This matter was considered informational.

#### O. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION APRIL 14, 2004

This matter was considered informational.

### **IV . APPEARANCES:**

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

##### 1. Apollo Vergara

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

Upon a motion made by Gary Savander and seconded by John Ward, the Board voted to grant Mr. Vergara 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.

##### 2. Mia Olivares

Mia Olivares appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Olivares is applying for licensure as a physical therapist by endorsement in the State of New Jersey. She was educated in the Phillipines and received her professional as well as undergraduate education in the English language. Ms. Olivares is licensed in New York. Upon a motion made by

Gary Savander and seconded by John Ward, the Board voted to grant Ms. Olivares 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.

### 3. Geraldine Retuya

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

Upon a motion made by Gary Savander and seconded by John Ward, the Board voted to grant Ms. Retuya 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.

### 4. Michelle Aranducque

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

Upon a motion made by Gary Savander and seconded by John Ward, the Board voted to grant Ms. Aranducque 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.

## **V. NEW BUSINESS:**

### D. INQUIRY FROM SHERRIL POSTON

The Board reviewed correspondence from Sherril Poston, a representative for Innovative Medical Group out of Dallas, Texas, the largest distributor for the ML830 low level laser therapy. Ms. Poston wrote to inquire whether low level laser therapy is within a physical therapist's scope of practice. The Board will request that Ms. Poston send additional information on the laser including defining parameters of the device before it responds to her inquiry.

### E. INQUIRY FROM MICHELLE RESLIER, PTA

The Board reviewed an inquiry from Michelle Reslier, PTA who would like clarification within a PT/PTA supervision regulation. The Board will direct Ms. Reslier to N.J.A.C. 13:39A-7.1 (a), (b), (c), (d), (e), and (f). The term emergency is defined in section (e) of the listed regulation. An emergency is considered an unanticipated and unplanned absence. The physical therapist assistant can only treat those patients for which they have previously participated in the established plan of care. The unplanned absence can only be for the regularly scheduled operational hours of that particular day and not to exceed that time period. After that a supervising physical therapist needs to be on site.

### F. INQUIRY FROM JOY ULTRA, PT

The Board reviewed an inquiry from Joy Ultra, PT who inquired as to whether a patient could still be treated even though there is no expected progress. In this case the therapist had been working with the patient for 4 weeks and the patient had not made any progress. The patient was re-evaluated and discharged from the services under Medicare. The family and facility would like the services continued by private pay with the therapist. The therapist is aware that no progress is expected. The Board will refer Ms. Ultra to N.J.A.C. 13:39A-3.6 (c) which

states," a licensed physical therapist shall not provide intervention or conduct testing which in light of the patients history and findings are unwarranted and unnecessary".

**APPLICATIONS APPROVED BY THE BOARD:**

1. Marianne Cosagon Bayongan
2. Sandra Audrey Castillo Cruz
3. Charlemagne V. Dela Cruz
4. Nathaniel Lacson Tongol
5. Maria Liza Gacko Colina
6. Rheena Richie J Estrella
7. Kelley R Diva
8. Renelaine P Bontol
9. Cesar E. Csatro
10. Michelle V Arandaque
11. Ira Conlu Tordesillas
12. Ramoncito Adonis Gotana
13. Grace Baguilat Guygoyen
14. Jon-Joseph Lozada
15. Reginaldo P. Gregorio
16. Grace Hebron
17. Geraldine Navatta Retuya
18. Aimee Ong-Abalos
19. Mia Olivares
20. Martin Malaluan III
21. Apollo Villano Vergara
22. Mia Olivares

**APPLICATIONS NOT APPROVED BY THE BOARD:**

- 1 Ivy De Chavez
2. Richa Aggarwal
3. Alma Concepcion B Bargamento
4. Gayartha Hariharan
5. Dave Albert T Recto
6. Adonis Quimbao
7. Bhumika Patel

**ADJOURNMENT:**

Upon a motion made by Barry Inglett and seconded by JohnWard, 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. Twelve 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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