

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS**  
**PUBLIC SESSION MINUTES**  
**June 16, 2009**

A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Essex Conference Room, 3rd Floor, on Tuesday June 16, 2009. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Karen Wilk, Chairperson of the Board, called the meeting to order at 9:40 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 Present  
MARY B. BROWNE, P.T. Present  
DENNISE KRENCICKI, P.T. Present  
NANCY KIRSCH, P.T. Present  
CINDY MOORE, P.T. Excused  
SUSAN M. QUICK Present  
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General and Lisa Affinito, Executive Director; Members of the public: Lynn Bradley, PT, representative of Select Medical OP Clinical Education, Kelly Kover, PT, and Beth Sarfaty, PT

**I. PUBLIC COMMENT**

**II. APPROVAL OF THE MINUTES OF APRIL 28, 2009 BOARD MEETING**

Upon a motion made by Nancy Kirsch and seconded by Jean Bickal, the Board voted to accept the minutes of the April 28, 2009 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

**III. NEW BUSINESS**

A. Letter from Morad Fairoz, PT  
RE: Foot Orthotics

Mr. Fairoz inquired whether physical therapists could evaluate and provide patients with foot orthotics (shoe inserts).

The Board will ask Mr. Fairoz for additional information concerning the shoe inserts, such as are the shoe inserts being made and if so, who is making the shoe inserts?

This matter is tabled pending a response.

B. Letter from Lori Eiland, PT  
RE: Physical Therapy Scope of Practice

Nancy Kirsch was recused and did not participate in the discussion.

Ms. Eiland inquired whether an aide could "set-up" a patient on a continuous passive motion (CPM) according to instructions given by a physical therapist provided the physical therapist checks the set-up to confirm that it is accurate.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Ms. Eiland that aides are

not licensed and shall not "set-up" a patient on a continuous passive motion (CPM). A physical therapist assistant may "set-up" a patient on a CPM under the direct supervision of a licensed physical therapist. A vote was taken and the motion carried by a unanimous vote.

C. Letter from SunDance Rehabilitation Corporation  
RE: Course, "Disequilibrium"

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Kathy Waddel advised the Board that the approved course, "Disequilibrium" will be given on June 9, 2009 and October 9, 2009 with a new course lecturer, Kenneth Micko, PT. Ms. Waddell provided the Board with a copy of Mr. Micko's Curriculum Vitae for their review and approval.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to acknowledge that the qualifications of Kenneth Micko, PT as the lecturer for the course, "Disequilibrium" for June 9, 2009 and October 9, 2009 dates was supported by his Curriculum Vitae. The Board approved the submitted course. A vote was taken and the motion carried by a unanimous vote.

D. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

The Board reviewed the recommendations of the course reviewers at the University of Medicine and Dentistry of New Jersey (UMDNJ) for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Jean Bickal to accept the course reviewers' recommendations as presented. The 74 approved courses and the 2 denied courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The courses, Wheelchair Positioning and Restraint Reduction and Modified Constraint Induced Therapy, sponsored by HCR Manor 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.

E. Election of Delegate, Alternate Delegate, and Administrator to attend the Federation of State Boards of Physical Therapy Annual Meeting

A motion was made by Susan Quick and seconded by Carolanne Aaron to elect and send Barbara J. Behrens as the Delegate and Mary Browne as the Alternate Delegate to attend the Federation of State Boards of Physical Therapy Annual Meeting held on October 1 - 4, 2009. A vote was taken and the motion carried by a unanimous vote.

F. Letter from Jacqui L. McClintock, PT  
RE: Continuing Education

Ms. McClintock inquired whether any changes were made to the continuing education regulation, specifically N.J.A.C. 13:39A-9.3.

The Board will advise Ms. McClintock that Proposed Amendments to N.J.A.C. 13:39A-5.3, 9.1, 9.2, 9.3, 9.4 and 9.6 were published in the New Jersey Register on May 18, 2009 with a sixty day comment period which ends on July 17, 2009.

G. Letter from John DeGiorno, PT  
RE: Continuing Education

Mr. DeGiorno advised the Board that he is currently a medical student and inquired whether his credits from his medical education could be counted towards the continuing education requirement.

The Board will advise Mr. DeGiorno that licensee 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 set forth in N.J.A.C. 13:39A-9 et seq and may be granted credit.

H. Letter from Jeanne Baumann, PTA  
RE: Continuing Education

Ms. Baumann wrote the Board concerning the 30 continuing education credits required for each biennial renewal period pursuant to N.J.A.C. 13:39A-9.2. Ms. Baumann commented that licensees who practice part time may have difficulty completing the continuing education requirement and suggested that the number of continuing education credits required should vary based on the number of hours a licensee practices.

The Board will thank Ms. Baumann for her comment.

J. Board Discussion  
RE: N.J.A.C. 13:39A-5.1(b)1

Pursuant to N.J.A.C. 13:39A-5.1(b)1, an applicant for licensure who is a graduate of a foreign school of physical therapy must furnish evidence to the Board that the applicant has completed a course of study in physical therapy which is substantially equivalent to that provided in a physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the Council on Post Secondary Accreditation and the United States Department of Education.

To ensure that the requirements for foreign educated physical therapists seeking licensure in New Jersey are substantially equivalent to the education of students pursuing a physical therapy degree in our state programs, the Board wrote to all the colleges in New Jersey that offer a physical therapy program to inquire what prerequisites the colleges require prior to a student's admission. The Board requested a breakdown of the general education requirements necessary for graduation from the colleges that have an undergraduate component to its program.

This matter was assigned to the Education Committee for review. The Education Committee will make a recommendation to the Board once their review is completed.

K. Letter from Nancy Kirsch, PT  
RE: Teaching Assistants

This matter was tabled until the Board's July 28, 2009 meeting.

J. Division of Consumer Affairs  
State Board of Veterinary Medical Examiners  
Complementary Medicine  
Proposed New Rule: N.J.A.C. 13:44-4.13

A motion was made by Nancy Kirsch and seconded by Carolanne Aaron to advise the State Board of Veterinary Medical Examiners that N.J.S.A. 45:9-37.30 prohibits the use of the words "physical therapy" unless an individual is licensed to practice as a physical therapist or physical therapist assistant and requests that the words, "physical therapy" be removed from N.J.A.C. 13:44-4.13. The Board will suggest that the State Board of Veterinary Medical Examiners use the phrase, "the use of modalities, physical agents and appropriate therapeutic exercise" to describe this particular type of therapy. A vote was taken and the motion carried by a unanimous vote.

#### IV. OLD BUSINESS

A. Review of Comments

with Charles Manning, Regulatory Analyst  
Advertising and Solicitation Practices; Use of  
Professional Credentials and Certifications  
Proposed Amendments: N.J.A.C. 13:39A-8.1 and 8.5

A motion was made by Nancy Kirsch and seconded by Mary Browne to approve the responses to the comments and adopt the regulation as proposed without technical change. A vote was taken and the motion carried by a unanimous vote.

B. Response from Select Medical OP Clinical Education  
RE: Course, "Do the Right Thing: Ethics and NJ Jurisprudence"

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Lynn Bradley, PT, of Select Medical OP Clinical Education wrote the Board concerning its denial of a course they submitted titled, "Do the Right Thing: Ethics and Jurisprudence". Ms. Bradley provided the Board with additional information concerning the content of the course as well as an amended course outline.

After the Board reviewed the additional information, a motion was made by Jean Bickal and seconded by Barbara J. Behrens to approve the course, "Do the Right Thing: Ethics and Jurisprudence" as it now complies with 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.

## V. FOR YOUR INFORMATION

A. Division of Consumer Affairs  
State Board of Physical Therapy Examiners  
Proposed Amendments: N.J.A.C. 13:39A-5.3, 9.1, 9.2, 9.3, 9.4 and 9.6  
- From the May 18, 2009 New Jersey Register

The Board reviewed their Proposed Amendments: N.J.A.C. 13:39A-5.3, 9.1, 9.2, 9.3, 9.4 and 9.6 and considered it informational.

B. Notification from the Federation of State Boards of Physical Therapy  
RE: National Physical Therapy Examination Fee Increase

The Board reviewed a notification from the Federation of State Boards of Physical Therapy regarding the National Physical Therapy Examination Fee Increase and considered it informational.

C. Federation of State Boards of Physical Therapy  
May 2009 News Briefs

The Board reviewed the Federation of State Boards of Physical Therapy May 2009 News Briefs and considered it informational.

D. Federation of State Boards of Physical Therapy  
April 2009 News Briefs

The Board reviewed the Federation of State Boards of Physical Therapy April 2009 News Briefs and considered it informational.

E. New Jersey Board of Medical Examiners'  
March 11, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' March 11, 2009 Open Board Minutes and considered them informational.

F. New Jersey Board of Medical Examiners'  
May 13, 2009 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' May 13, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

G. Occupational Therapy Advisory Council's  
May 21, 2009 Public Session Agenda

The Board reviewed the Occupational Therapy Advisory Council's May 21, 2009 Public Session Agenda and considered it informational.

#### APPLICATIONS APPROVED BY THE BOARD

1. Fernando Flores
2. Ralph Waldo Cuartero
3. Maria Rosales
4. Rama Varatkar
5. Neyha Kaul
6. Prarthana Gururaj
7. Redentor Gonzales
8. Saritha Kompally

#### APPLICATIONS NOT APPROVED BY THE BOARD

1. Dante R. Bernarte
2. Leah Segelov
3. Ronnabelle Berdos
4. Vini Maroo
5. Bhavibahen Patel
6. Jocelyn Lopez
7. Jawed Khan
8. Leandro Nuique
9. Santhosh Kurian

Upon a motion made by Barbara J. Behrens and seconded by Jean Bickal, 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. Ten matters filed with the Board, which required review and additional recommendations with regard to investigations and/or actions.
2. Eight 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 Mary Browne and seconded by Carolanne Aaron to adjourn the meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito  
Executive Director