

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
June 26, 2007

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 June 26, 2007. 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 9:30 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 Excused
MARY B. BROWNE, P.T. Present
DENNISE KRENCICKI, P.T. Present
NANCY KIRSCH, P.T. Present
CINDY MOORE, P.T. Present
SUSAN M. QUICK Present
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director; Susan Gartland, representative of the Division of Consumer Affairs; Members of the public: Lisa Chamberland, P.T., representative of the APTA-NJ; Kenneth Maily, P.T.; and Tyasha Dwight, student from the University of Delaware

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF MAY 8, 2007 BOARD MEETING

Upon a motion made by Dennise Krencicki and seconded by Barbara J. Behrens, The Board voted to accept the minutes of the May 8, 2007 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Senate No. 2628 (Synopsis - Changes statutory provisions regarding who may interpret and perform evoked potentials or nerve conduction studies.)

- Introduced May 10, 2007

A motion was made by Barbara J. Behrens and Mary Browne to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiners reviewed Senate No. 2628 regarding who may interpret and perform evoked potentials or nerve conduction studies. The Board strongly recommends that Physical Therapists with American Board of Physical Therapy Specialization certification in Clinical Electrophysiology be added to the list of practitioners permitted to perform and interpret these tests. This specialization was established in 1982. Specialization is granted with advanced education, demonstrated experience and the passing of a rigorous examination. Re certification is done to ensure that specialists remain current. Physical therapists do these tests in almost every other state in the United States. With the advanced knowledge that the physical therapist has in musculoskeletal disorders, it would be in the best interest of the consumer to have access to physical therapists to perform these tests. The consumers can be assured of competence by limiting practitioners permitted to perform and interpret these tests to those with recognized specialization. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Kathleen K. Mairella, PT
RE: Assembly No. 3790

Ms. Mairella advised the Board that Assembly No. 3790 was amended from, "Not more than 30 days from the date of initial treatment of functional limitation or pain, a licensed PT shall inform the patient's licensed health care professional of record regarding the patient's plan of care." to "Not more than 30 days from the date of initial treatment of functional limitation or pain, a licensed PT shall consult with the patient's licensed health care professional of record regarding the patient's plan of care".

A motion was made by Karen Wilk and seconded by Dennise Krencicki to advise the Division of Consumer Affairs legislative liaison that the word "consult" is extremely restrictive. This amendment would not be beneficial to the protection of the public as a physical therapist would have to cease care if they are unable to consult with the patient's licensed health care professional within 30 days. A vote was taken and the motion carried by a unanimous vote.

C. Letter from the American Academy of Wound Management
RE: Certified Wound Specialists

The Board reviewed a letter from the American Academy of Wound Management requesting that the New Jersey State Board of Physical Therapy Examiners consider recognition of the Certified Wound Specialist credential. The American Academy of Wound Management also provided the Board with an outline of the initial eligibility and recertification requirements.

The Board will advise the American Academy of Wound Management that the Board has no regulations that set forth standards for approval of specialty certifications at this time, therefore, is currently unable to approve the recognition of the Certified Wound Specialist credential. Once the standards are set forth in regulations, it will reconsider for recognition the Certified Wound Therapist credentials.

D. Letter from the American College of Certified Wound Specialists
RE: Certified Wound Specialists

The Board reviewed a letter from the American College of Certified Wound Specialists requesting that the New Jersey State Board of Physical Therapy Examiners consider recognition of the Certified Wound Specialist credential. The American College of Certified Wound Specialist also provided the Board with an outline of the initial eligibility and recertification requirements.

The Board will advise the American College of Certified Wound Specialists that the Board has no regulations that set forth standards for approval of specialty certifications at this time, therefore, is currently unable to approve the recognition of the Certified Wound Specialist credential. Once the standards are set forth in regulations, it will reconsider for recognition the Certified Wound Specialists credentials.

E. Letter from Excel Physical Therapy
RE: Prescriptions

Excel Physical Therapy wrote the Board and asked whether a physical therapist can treat a patient who has a written prescription from a chiropractor. The Board will advise Excel Physical Therapy that a prescription is not required for physical therapy treatment. The Board will further advise that a prescription for physical therapy from a chiropractor must be within the scope of practice of the chiropractor.

F. Letter from Adem Joy Paras from RCM Health Care Services
RE: TOEFL Examination

Ms. Paras wrote the Board and inquired whether a foreign physical therapist with a valid and unexpired Comprehensive Credentials Evaluation Certificate (Type I Certificate) done by FCCPT in which the certificate holder has satisfied the English proficiency requirement (TOEFL - Test of English as foreign language), is still

required to retake a new TOEFL test.

A motion was made by Dennise Krencicki and seconded by Carolanne Aaron to advise Ms. Paras that if the applicant can demonstrate that it was TOEFL that they took for the Type I Certificate and FCCPT provides the Board with a report of the TOEFL scores, the Board will accept the applicant's scores provided the scores meet with 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.

G. Letter from Judith K. Hurley, PT
RE: The Codey Bill

The Board reviewed a letter from Ms. Hurley concerning the Codey Bill and considered it informational.

H. Letter from Thomas R. Baechle from the NSCA Certification Commission
RE: Request for Continuing Education Approval

Mr. Baechle from the NSCA Certified Commission asked the Board to consider awarding continuing professional education credits to physical therapists who earn the Certified Strength and Conditioning Specialist credential.

The Board will advise Mr. Baechle that the Board cannot grant credit to physical therapists who earn the Certified Strength and Conditioning Specialist credential in accordance with N.J.A.C. 13:39A-9.3 which contains the areas in which the Board would grant continuing professional education. The Board will further advise Mr. Baechle that the Board doesn't have regulations that set forth standards for approval of specialty certifications at this time, therefore, is currently unable to approve the recognition of the Certified Strength and Conditioning Specialist credential. Once the standards are set forth in regulations, it will reconsider for recognition the Certified Strength and Conditioning Specialist credential and possibly granting continuing professional education credit.

I. Letter from Brian P. Healey, PT
RE: Physical Therapist Assistants Scope of Practice

Mr. Healey inquired whether joint mobilization was within the scope of practice of physical therapist assistants.

A motion was made by Barbara J. Behrens and seconded by Susan Quick to advise Mr. Healey that provided the physical therapist assistant is sufficiently trained, a physical therapist may delegate the joint mobilization procedure to a physical therapist assistant. A physical therapist cannot delegate the evaluation of the patient to a physical therapist assistant. The Board will further advise Mr. Healey that it is the physical therapist's responsibility to delegate appropriately. Although the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not prohibit physical therapists from delegating this procedure, the delegation of this procedure may not be appropriate if a patient requires continual evaluation. A vote was taken and the motion carried by a unanimous vote.

J. Letter from Deborah Murat, PT
RE: Continuing Education

Ms. Murat wrote the Board concerning its denial of a course entitled, "Assessment and Management of Functional Gait: Walking for Life" which was sponsored by Magee Rehabilitation Hospital.

The Board noted that course was denied as the sponsor did not provide five citations from reputable peer-reviewed journals within the last five years that support the content of the course. The Board will advise Ms. Murat that the Continuing Education Committee will reconsider this course once they receive the required information from the sponsor. The Board will also advise Ms. Murat that in accordance with N.J.A.C. 13:39A-8.5(b), she must include her license number with her name on all correspondence.

K. Letter from Janet Grabo, PT
RE: Continuing Education

Ms. Grabo advised the Board that she authored a chapter in a book and inquired whether she could get continuing education credit for authoring the chapter.

The Board will advise Ms. Grabo that she cannot obtain any continuing education credit for authoring a chapter in accordance with N.J.A.C. 13:39A-9.3 which contains the areas in which the Board would grant continuing professional education credit. The Board will advise Ms. Grabo that in accordance with N.J.A.C. 13:39A-8.5(b), she must include her license number with her name on all correspondence.

L. July 24, 2007 and August 28, 2007 New Jersey State Board of Physical Therapy Examiners Meetings

A motion was made by Mary Browne and seconded by Carolanne Aaron to cancel its July 24, 2007 Board meeting and reschedule its August 28, 2007 Board meeting to August 21, 2007 due to lack of quorum. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

A. Continuing Education Evaluation Service

A motion was made by Karen Wilk and seconded by Mary Browne to approve the "Memorandum of Understanding" as amended. The "Memorandum of Understanding" is an agreement document to delegate the approval of continuing education courses for the New Jersey State Board of Physical Therapy Examiners to an outside agency. A vote was taken and the motion carried by a unanimous vote.

B. Board Discussion with Charles Manning, Regulatory Analyst RE: Regulations

- Permissible business structures
- Advertising

Charles Manning, Regulatory Analyst, met with the Board regarding proposed language for a regulation concerning permissible business structures. A motion was made by Dennise Krencicki and seconded by Barbara J. Behrens to approve the proposed permissible business structures regulation. The regulation will be forwarded to the Regulatory Department for promulgation.

Mr. Manning also met with the Board regarding additional draft language for N.J.A.C. 13:39A-8.1 Advertising and solicitation practices. The Board tabled this matter until its August 21, 2007 Board meeting.

C. Letter from John P. Murdoch II, Esq. RE: Coursework in Canine Rehabilitation

John P. Murdoch II, Esq. inquired whether a New Jersey licensed physical therapist who has completed coursework in the Canine Rehabilitation program at the University of Tennessee Veterinary School could treat dogs who would benefit from physical therapy rehabilitation services under the supervision of a licensed veterinarian.

The Board contacted the New Jersey Board of Veterinary Examiners and inquired whether a joint committee meeting of the Boards could be scheduled to discuss this matter. The Board is waiting for a response from the New Jersey Board of Veterinary Medical Examiners.

Mr Murdoch asked the Board for an update concerning his inquiry. The Board will advise Mr. Murdoch that it is still in the process of evaluating this matter.

D. Board Discussion RE: Continuing Education

A motion was made by Barbara J. Behrens and seconded by Mary Browne to advise the APTA-NJ (American Physical Therapy Association of New Jersey) that all the courses that they give must meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. The Board will further advise the APTA-NJ that the Board will not accept all the courses that they give during the next renewal period unless they ensure that they will meet the requirements.

V. FOR YOUR INFORMATION

A. Letter from the Federation of State Boards of Physical Therapy
RE: National Physical Therapy Examination (NPTE)

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

B. May 14, 2007 New Jersey Legislative Journal Session Day Report

The Board reviewed the May 14, 2007 issue of the New Jersey Legislative Journal Session Day Report and considered it informational.

C. New Jersey State Board of Medical Examiners
March 14, 2007 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' March 14, 2007 Open Minutes of Disciplinary Matters Pending Conclusion and considered it informational.

D. New Jersey State Board of Medical Examiners
April 11, 2007 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' April 11, 2007 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

E. New Jersey State Board of Medical Examiners
April 11, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' April 11, 2007 Open Board Minutes and considered them informational.

F. New Jersey State Board of Medical Examiners
May 9, 2007 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' May 9, 2007 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

G. New Jersey State Board of Medical Examiners
May 9, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' May 9, 2007 Open Board Agenda and considered it informational.

H. New Jersey State Board of Medical Examiners
June 13, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' June 13, 2007 Open Board Agenda and considered it informational.

I. Orthotics and Prosthetics Board of Examiners
June 19, 2007 Public Session Agenda

The Board reviewed the Orthotics and Prosthetics Board of Examiners' June 19, 2007 Public Session Agenda and considered it informational.

J. Orthotics and Prosthetics Board of Examiners
May 15, 2007 Public Session Minutes

The Board reviewed the Orthotics and Prosthetics Board of Examiners' May 15, 2007 Public Session Minutes and considered them informational.

K. Signed Settlement Letter - Sharon Wentworth, PT

The Board is in receipt of a signed Settlement letter from Sharon Wentworth, PT. The Board found the physical therapist violated N.J.S.A. 45:1-7.1(b) and (c) in that she failed to renew her license within thirty days of the January 31, 2006 renewal period and she continued to practice with an expired license from March 1, 2006 through September of 2006. The physical therapist was issued a \$900.00 civil penalty. The Board considers this matter to be concluded.

L. Article, "The Prevalence of Physician Self-Referral Arrangements After Stark II: Evidence from Advanced Diagnostic Imaging"

The Board reviewed an article, "The Prevalence of Physician Self-Referral Arrangements After Stark II: Evidence from Advanced Diagnostic Imaging" and considered it informational.

M. Board of Chiropractic Examiners
June 18, 2007 Public Session Agenda

The Board reviewed the Board of Chiropractic Examiners' June 18, 2007 Public Session Agenda and considered it informational.

N. Board of Chiropractic Examiners
May 24, 2007 Public Session Minutes

The Board reviewed the Board of Chiropractic Examiners' May 24, 2007 Public Session Minutes and considered them informational.

O. Consent Order filed June 4, 2007
In the Matter of Maricel Lazo, PT

The Board is in receipt of a copy of the Consent Order filed June 4, 2007 in the matter of Maricel Lazo, PT. for violation of N.J.S.A. 45:1-21(e) professional misconduct. Maricel Lazo's license to practice physical therapy in the State of New Jersey is suspended for one year. The physical therapist was issued a \$4,000.00 civil penalty and required to pay Board costs in the amount of \$315.00. The Board considers this matter to be concluded.

APPLICATIONS APPROVED BY THE BOARD:

1. Adeniyi D. Aina
2. Amabelle Lee S. Baloy
3. Ryan L. Arnado
4. Yolla Chua Alfaro

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Janet Sobremisana
2. Grace Schweizer
3. Rommel Milliam

4. Sharon Nuqui
5. Oliver Rivera
6. Ayesha J. Ahmed
7. Chrissie D. Aguilar
8. Jamie Jean Laspinas U. Flores
9. Rodisa C. Dayandante
10. Sridhar Yalamanchili
11. Soraya Allie
12. Cheryl L. Yap Baguionio
13. John Alex
14. Hemaxi Kumari Vansadia
15. Karen C. Villanueva
16. Emily Y. Arceta
17. Gligen Nistal
18. Anduradha Bansal
19. Leah Segelov
20. Michelle Pescadero
21. Josephine Macalisang

Upon a motion made by Dennise Krencicki and seconded by Karen Wilk, 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. One matter 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.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Mary Browne and Cindy Moore to adjourn the meeting at 3:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Nancy Kirsch, PT
Board President