

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
June 27, 2006

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 27, 2006. 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 BEHRENS, P.T.A. Present
JEAN BICKAL, ESQ Present
MARY B. BROWNE, P.T. Present
JEFFREY A. ERICKSON, P.T. Present
BARRY INGLETT, P.T. Present
NANCY KIRSCH, P.T. Present
SUSAN M. QUICK Present
KAREN WILK, P.T. Present

Also present were: Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director, Members of the public: Richard Stoneking, P.T., President of the APTA-NJ; Kenneth Mailly, P.T.

PUBLIC COMMENT:

The President of the APTA-NJ, Richard Stoneking, PT, announced to the Board that the Chairperson of the New Jersey State Board of Physical Therapy Examiners, Nancy Kirsch, PT, received the Lucy Blair Service Award, from the American Physical Therapy Association at its June, 2006 meeting in Orlando, Florida for outstanding service.

I. APPROVAL OF THE MINUTES OF MAY 23, 2006 BOARD MEETING

The Board will review the May 23, 2006 Public Session Minutes at its July 25, 2006 meeting.

II. NEW BUSINESS:

A. FSBPT (Federation of State Boards of Physical Therapy)
RE: T.O.E.F.L. score corrections

The Board reviewed a notification from the Federation of State Boards of Physical Therapy concerning the 2005 TOEFL iBT (Internet- based English language proficiency test) Standard Setting Workshop results. The notification advised that the passing scores in Reading Comprehension and Listening Comprehension had been inadvertently reversed and the correct passing score for Reading Comprehension is 21 and the correct passing score for Listening Comprehension is 18.

B. Assembly, No. 3122

(Synopsis - Permits revised methods of treatment for chiropractors and establishes continuing education requirements.) - Introduced May 18, 2006

The Board submitted a comment in opposition to A-3122 prior to its June 27, 2006 Board meeting. Upon a motion made by Barry Inglett and seconded by Jeffrey Erickson, the Board voted to advise its legislative liaison that the Board does not support A-3122. The motion was carried by a unanimous vote.

C. E-Mail from John Lugo, PT
RE: Nerve Conduction Studies

Mr. Lugo inquired whether a physical therapist or physical therapist assistant licensed in another state could perform nerve conduction studies in New Jersey as a technician under the supervision of a physician. Mr. Lugo further asked what qualifications or certifications were required for a New Jersey licensed physical therapist or physical therapist assistant to perform surface nerve conduction studies.

The Board will advise Mr. Lugo that a physical therapist or a physical therapist assistant must be licensed in New Jersey in order to practice in the State of New Jersey. The Board will also advise Mr. Lugo that a physical therapist assistant cannot perform or be delegated to perform surface nerve conduction studies. A New Jersey licensed physical therapist is not precluded from performing surface nerve conduction studies as it is part of their educational background. However, it is the responsibility of each New Jersey licensed physical therapist who performs surface nerve conduction studies to be proficient in the technique.

D. E-Mail from Margaret Haughey, P.T.
RE: CE credits

Ms. Haughey advised the Board that she noted in the regulations that licensees could receive continuing education credits from journals provided it included an examination at the end of the journal, but could not find any Board approved journals. Ms. Haughey inquired whether the journals needed to contact the Board for approval or could she provide the Board with the name of the journals and the quizzes. Ms. Haughey further inquired whether courses certified by APTA are accepted by the Board. Ms. Haughey also asked whether the Board would grant continuing education credits for CPR recertification.

The Board will advise Ms. Haughey that they will review requests for approval of continuing education courses including journals, correspondence, or internet courses submitted by sponsors provided the requirements set forth in N.J.A.C. 13:39A-9 et seq. are met and are in accordance with N.J.S.A. 45:9-37.34f. Ms. Haughey will be advised that the Board does recognize courses given by the APTA as pre-approved. Ms. Haughey will also be advised of the Board's decision concerning the two (2) credits a licensee can receive for successfully completing a CPR recertification.

E. Letter from Mary Ellen Curley, PT
RE: Continuing Education and Required Training

Ms. Curley provided the Board with information concerning training that was health related for a particular company and inquired whether training for company employees were recognized continuing education credits. The information Ms. Curley provided indicated that the training for this particular company was free and web-based.

The Board will advise Ms. Curley that they will review requests for approval of continuing education courses submitted by sponsors provided the requirements set forth in N.J.A.C. 13:39A-9 et seq. are met and are in accordance with N.J.S.A. 45:9-37.34f.

F. Questions from Denise Kmetz, PT
RE: Electronic signatures

Ms. Kmetz advised the Board in a letter that she is implementing a new software program and wants to ensure that the program complies with New Jersey statutes and regulations. Ms. Kmetz inquired whether it is required that the physical therapist's license number and name appear on each form or progress note. Ms. Kmetz further inquired whether each form needed to include a signature even if the document, such as an admission or discharge form, included several pages and did not have a signature line on each form. Ms. Kmetz also asked if electronic signatures were valid for orders including verbal orders.

The Board will advise Ms. Kmetz that in accordance with N.J.A.C. 13:39A-3.1(c)1 the patient record shall include, "The full name, as it appears on the license, of the licensee who rendered care, identification of licensure status (PT or PTA), and license number. This information shall appear at least once on each page of the patient record". According to the law, a physical therapist's license number and name must appear on each page of a form and progress note. Ms. Kmetz will be advised that in accordance with N.J.A.C. 13:39A-3.1(c)10, the patient record shall include at least "The signature or initials and license number of the licensee who rendered care. If the licensee chooses to sign by means of initials, his or her complete signature and license number shall appear at least once on every page". Ms. Kmetz will also be advised that in accordance with N.J.A.C. 13:39A-3.2, electronic signatures can be utilized and are acceptable.

G. Assembly No. 3259

(Synopsis - Revises "Athletic Training Licensure Act")

- Introduced June 12, 2006

The Board submitted a comment in opposition to A-3259 prior to its June 27, 2006 Board meeting. Upon a motion made by Jean Bickal and seconded by Barbara Behrens, the Board voted to advise its legislative liaison that the Board does not support A-3259. The motion was carried by a unanimous vote.

H. CE Requirements for Ethics and Jurisprudence courses

In accordance with N.J.A.C. 13:39A-9, physical therapists and physical therapist assistants are required to complete during the preceding biennial period a minimum of 30 credit hours of continuing education. The Board discussed the requirement which appears in "Sunsetting" that physical therapists and physical therapist assistants complete courses in jurisprudence and ethics as part of the required thirty credit hours of continuing education credits.

Upon a motion made by Mary Browne and seconded by Barbara Behrens, the Board voted to delay the requirement of 4 credits in jurisprudence and ethics courses until February 1, 2008, the beginning of the next biennial renewal period and include the effective date in the regulations to be adopted. The motion was carried by a unanimous vote.

I. Letter from Robert Chase

RE: Acupuncturist billing for Physical Therapy

Mr. Chase inquired whether a certified acupuncturist was permitted to bill for physical medicine services and listed specific CPT (Current Procedural Terminology) codes in his letter that he was questioning.

The Board will advise Mr. Chase that it is not within the Board's jurisdiction to clarify CPT codes. The Board will further advise Mr. Chase that the practice of physical therapy in New Jersey is limited to licensed physical therapists and physical therapist assistants.

J. Appearance by Charles Manning, Regulatory Analyst

RE: Corporate Practice

A committee of the Board will work with Regulatory Analyst Charles Manning on a draft corporate practice regulation. The committee consist of Barry Inglett, PT; Jean Bickal, Esq.; and Mary Browne, PT.

K. Question from Deborah J. Markle

RE: School based Physical Therapy

Ms. Markle inquired whether a Child Study Team had the authority to decide that a student should receive direct physical therapy services even though the physical therapist indicated that the student had not made any progress from receiving direct physical therapy services. Ms. Markle questioned whether this constituted practicing physical therapy without a license. Ms. Markle inquired whether the physical therapist would have to provide the direct services in this type of situation. Ms. Markle also asked whether there should be an independent physical

therapy evaluation before the Child Study Team decided on the type and amount of services.

The Board will advise Ms. Markle that a Child Study Team is in a position to make decisions regarding the overall plan for the child thus they are not practicing physical therapy. Ms. Markle will also be advised that it is the responsibility of the physical therapist to use their professional judgement based on testing. The Board will further advise Ms. Markle that an independent physical therapy evaluation could be an effective remedy when there are differences between the Child Study Team and the physical therapist.

L. Proof of CE Attendance at National Courses

National seminars generally contain a large amount of courses over several days, such as a weekend. Individuals who attend national courses are usually provided with a pamphlet listing all the courses given over the several days and the sponsor stamps the courses that an individual attends. The Board discussed whether a sponsor's stamp next to courses that a licensee attends at a national seminar is acceptable verification and/or proof of attendance.

Upon a motion made by Barbara Behrens and seconded by Carolanne Aaron, the Board voted to require a sponsor's stamp next to courses that a licensee attends at a national seminar as acceptable verification and/or proof of attendance. The motion carried by a unanimous vote.

M. E-mail from Tracy DiBease, PT RE: Pulse Oximeters

Ms. DiBease inquired whether a physical therapist could utilize a pulse oximeter without the referral of a physician.

The Board will advise Ms. DiBease that the use of a pulse oximeter should be a part of a physical therapist's assessment and does not require a physician referral.

N. Continuing Education and CPR Courses

The Board discussed whether they would automatically accept CPR courses as approved continuing education and the amount of credits that would be awarded to a licensee that successfully completed a CPR course.

Upon a motion made by Mary Browne and seconded by Jeffrey Erickson, the Board voted to automatically accept CPR courses as approved continuing education. The Board will allow 2 credits to a licensee for completing either an initial CPR course or a recertification CPR course within a biennial renewal period. The current biennial renewal period began February 1, 2006 and will end January 31, 2008. If a licensee is audited, the licensee will be required to provide a copy of their current CPR card as verification and/or proof of attendance. The motion carried by a unanimous vote.

III. INFORMATIONAL:

A. 2006 FSBPT (Federation of State Boards of Physical Therapy) Standards of Competence Field Review

The Board reviewed the 2006 FSBPT standards of competence field review and considered it informational.

B. E-Mail from Nancy Mingelgreen, PT RE: Continuing Education Course

Ms. Mingelgreen wrote the Executive Director of the Board of Physical Therapy Examiners, Susan Gartland, and thanked her and all who participated in conducting and facilitating the continuing education seminar at Morris County College for their time and effort. Ms. Mingelgreen also advised Ms. Gartland that she, her staff, and colleagues who attended the seminar were appreciative. The Board considered Ms. Mingelgreen's letter informational.

C. FSBPT (Federation of State Boards of Physical Therapy)
New Briefs - June, 2006

The Board reviewed the FSBPT June, 2006 New Briefs and considered them informational.

D. Occupational Therapy Advisory Council Public Session Agenda - June 15, 2006

The Board reviewed the Occupational Therapy Advisory Council's June 15, 2006 Public Session Agenda and considered it informational.

E. Proposed Readoption with Amendments
Repeals and New Rules: N.J.A.C. 13:39 A

The Board reviewed the Proposed Readoption with Amendments, Repeals and New Rules: N.J.A.C. 13:39A and considered it informational.

F. Board of Chiropractic Examiners May 18, 2006 Public Session Agenda

The Board reviewed the Board of Chiropractic Examiners' May 18, 2006 Public Session Agenda and considered it informational.

G. Board of Chiropractic Examiners April 20, 2006 Public Session Minutes

The Board reviewed the Board of Chiropractic Examiners' April 20, 2006 Public Session Minutes and considered them informational.

H. E-Mail from the Federation of State Boards of Physical Therapy
RE: New Form of Theft

The Board reviewed an e-mail from the Federation of State Boards of Physical Therapy regarding a woman arrested for identity theft of a Manhattan physical therapist and considered it informational.

I. N.J. State Board of Medical Examiners June 14, 2006 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' June 14, 2006 Open Board Agenda and considered it informational.

J. N.J. State Board of Medical Examiners April 19, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' April 19, 2006 Open Board Minutes and considered them informational.

K. N.J. State Board of Medical Examiners Disciplinary Matters Pending Conclusion - June 14, 2006

The Board reviewed the New Jersey State Board of Medical Examiners' June 14, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

L. N.J. State Board of Medical Examiners Disciplinary Matters Pending Conclusion - April 19, 2006

The Board reviewed the New Jersey State Board of Medical Examiners' April 19, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

M. Board of Chiropractic Examiners May 18, 2006 Public Session Minutes

The Board reviewed the Board of Chiropractic Examiners' May 18, 2006 Public Session Minutes and considered them informational.

N. Signed Settlement letter - Gwen Fulco, PT

The Board is in receipt of a Settlement letter from Gwen Fulco, PT. The Board found that the physical therapist violated N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.1(a) in that the patient record does not support the treatment interventions provided to the patient and the billing charges were excessive in violation of N.J.A.C. 13:39A-3.4 and 13:39A-3.6. The physical therapist was issued a \$2,000.00 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. Marie Rita Veronica Tirona
2. Edward Jovy Torrato
3. Heraldine Villanueva
4. Mark Abel Mishluhani
5. Irwin Mercader
6. Marco Magno
7. Gauri Sabnis
8. Gerwyn E. Dael
9. Jared Nigel B. Chua
10. Elizabeth R. Dimaano
11. Imee Irene A. Ikalina
12. Leilani Lampa Irisari
13. Charina Joyce Dorado Kanoy
14. Normina Torrijos Lim
15. Maria Santos
16. Carols Musca
17. Randy Patiag

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Wesley L. Verzosa
2. John Seno
3. Tomas Pedro Reginaldo
4. Claudia Santos
5. Daniel J. Eskes
6. Pauline M. Dorrian
7. Rose Marie E. Liu
8. Francisca Ylagan Lazaro Liangco

Upon a motion made by Barbara Behrens and seconded by Carolanne Aaron, the Board voted 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. Two complaints or matters filed with the Board, which requires 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 seconded by Barbara Behrens to adjourn the meeting at 2:30 PM. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director