

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
JUNE 28, 2005**

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 28, 2005. 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 9:32 a.m. and a roll call was taken and the following attendance was recorded:

BARBARA BEHRENS, P.T.A. Excused
JEAN M. BICKAL, ESQ. Present
MARY B. BROWNE, P.T. Present
JEFFREY ERICKSON, P.T. Present
BARRY INGLETT, P.T. Present
NANCY R. KIRSCH, P.T. Present
IVETTE P. MARTINEZ Present
SUSAN M. QUICK Present
GARY SAVANDER, 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; Dwayne Williams, Government Representative Members of the public; Richard Stoneking, President APTA-NJ; Leslie Soulen, APTA-NJ, Patty Brick, PT, Director of Practice APTA-NJ

PUBLIC COMMENT:

I. APPROVAL OF THE MINUTES OF THE MAY 24, 2005 BOARD MEETING

Upon a motion made by Mary Browne and seconded by Gary Savander, the Board voted to accept the minutes of the May 24, 2005 Board meeting as amended. The motion carried by a unanimous vote.

II . OLD BUSINESS:

A. CORPORATE PRACTICE

The Board considered this matter informational.

B. RULES AND REGULATIONS

The Board along with Devon Graf, Regulatory Analyst, reviewed comments submitted in response to the proposed regulations for the Board of Physical Therapist Examiners.

C. LETTER FROM RICHARD STONEKING, PRESIDENT APTA-NJ

The Board reviewed correspondence from APTANJ President, Richard Stoneking, PT in reference to reimbursement for physical therapy services in New Jersey. The letter detailed questions and concerns regarding billable hours/units for physical therapy in New Jersey. He was particularly concerned with the number of units that can be billed per hour by a physical therapist. He also wanted the Board's direction if the Federal Center for Medicare and Medicaid Services (CMS) guideline on billing should be used uniformly in the state. Mr. Stoneking further requested that the Board define abusive billing. The Board will draft a response to Mr. Stoneking stating that they do not determine billing regulations and deal with billing issues on a case by case basis. If there is a concern about the billing practices of a particular licensee, that specific concern should be directed to the board.

D. FSBPT RESPONSE FROM E. DARGAN ERVIN, JR., PT, PRESIDENT

This matter is considered informational.

III . INFORMATIONAL:

A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA JUNE 8, 2005

This matter was considered informational.

B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES JUNE 16, 2005

This matter was considered informational.

C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION JUNE 8, 2005

This matter was considered informational.

D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION APRIL 13, 2005

This matter was considered informational.

E. NEW JERSEY STATE BOARD OF OCCUPATIONAL THERAPY ADVISORY COUNCIL PUBLIC SESSION AGENDA MAY 26, 2005

This matter was considered informational.

F. NPTE FACULTY NEWSLETTER SPRING 2005

This matter was considered informational.

G. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS PUBLIC SESSION MINUTES APRIL 21, 2005

This matter was considered informational.

H. FEDERATION NEWS BRIEFS JUNE 2005

This matter was considered informational.

IV . APPEARANCES:

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

1. AMEDA DORIA

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson to grant Ms. Doria a waiver of the TOEFL requireme-----nt 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.

2. DEAN DEGUZMAN

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson, the Board voted to grant Mr. DeGuzman 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.

3. RICARDO ERLANO

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

Upon a motion made by Jean Bickal and seconded by Jeffrey Erickson, the Board voted to grant Mr. Erlano 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.

V. NEW BUSINESS:

E. INQUIRY FROM A. GONZALES - DEVELOPMENTAL INTERVENTION

The Board reviewed an inquiry sent by A. Gonzales regarding a service called "developmental intervention". The Board will advise A. Gonzales that developmental intervention is part of the practice of physical therapy. A physical therapist must function as a physical therapist when performing developmental intervention within the scope of their practice.

F. INQUIRY FROM MITCHEL KAYE, PT - SIGNATURE STAMPS

The Board reviewed an inquiry from Mitchell Kaye regarding the use of signature stamps. The Board will advise Mr. Kaye that a physical therapist according to N.J.A.C. 13:39A-3.1(c)10 should sign or initial the patient record by means of a written signature not a stamp.

G. SIGNED SETTLEMENT LETTER- CHRISTINE LIVINGSTON, PT

The Board is in receipt of a signed Settlement Letter from Christine Livingston, PT for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.4 that requires that "fees for physical therapy services shall be reasonable and commensurate with the fees of physical therapists offering like services or intervention in the geographic area and shall be in accordance with the provision of N.J.A.C. 13:39A-3.6 prohibiting excessive fees"

APPLICATIONS APPROVED BY THE BOARD:

1. Juliza Santiago
2. Rose Magdala Jiminez
3. Cherrilyn Garcia
4. Eloise Taruc
5. Yungman Kim
6. Philip Barba
7. Homer Adalla

8. Abigail Fortich
9. Mae Dawn De Guzman
10. Hope Espinas
11. Modesta Dumalag
12. Aris Kim Aquino
13. Jose Calvin Toling

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Irina Greenchtein
2. David Anewke
3. Shiela Chukaw-Chua

ADJOURNMENT:

Upon a motion made by Mary Browne and seconded by Karen Wilk, 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. Five complaints or matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

Respectfully submitted,

Susan H. Gartland, Executive Director