

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
July 28, 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 July 28, 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 9:35 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. Present
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: Patricia Brick, PT, representative of the APTA-NJ.

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF JUNE 16, 2009 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Cindy Moore, the Board voted to accept the minutes of the June 16, 2009 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Letter from Nupur Hajela
RE: Licensure

Ms. Hajela inquired whether she would be eligible for licensure. Ms. Hajela advised the Board that she graduated after January of 2003 and has a bachelor's degree in physical therapy and is enrolled in a "PhD program" that is an advanced degree.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Ms. Hajela that pursuant to N.J.S.A. 45:9-37.22(c), "an applicant must possess at least a master's degree from an accredited college or university in order to be eligible for licensure as a physical therapist in New Jersey, except for an applicant who prior to January 1, 2003 possessed a minimum of a bachelor's degree from an accredited college or university". The Board will also advise Ms. Hajela that transitional-DPT (Doctor in Physical Therapy) programs are not CAPTE (Commission on Accreditation in Physical Therapy Education) accredited programs and would not satisfy the education requirements of N.J.S.A. 45:9-37.22(c) or N.J.A.C. 13:39A-4.1(a). The Board will advise Ms. Hajela that she would need to complete an entry level master's or doctor of physical therapy degree from a CAPTE accredited college or university physical therapy program in order to satisfy these requirements. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Matthew Cutroneo, PT
RE: Licensure

Mr. Cutroneo advised the Board that he is interested in applying for licensure in New Jersey through endorsement and inquired whether he would be eligible for licensure.

The Board will advise Mr. Cutroneo that the Board cannot determine whether he is eligible for licensure based on the information he provided. The Board will advise Mr. Cutroneo that the Board would need to review his completed application and supporting documentation in order to determine whether he is eligible for licensure.

C. Letter from Kelly Gray, PT
RE: Documentation

Ms. Gray inquired whether it is necessary or required to have a discharge summary in an acute care setting.

The Board will advise Ms. Gray that the patient record must include a discharge summary is required pursuant to N.J.A.C. 13:39A-3.1(c)13 but if the last entry is detailed and describes the patient's current status it may qualify as a discharge summary in an acute care setting.

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 38 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course, TMR Level I, sponsored by Total Motion Release Seminars was denied as it 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. Assembly No. 2029
(Synopsis - Concerns chiropractic scope of practice.)

A motion was made by Cindy Moore and seconded by Dennise Krencicki to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiners opposes this bill as it excessively expands the chiropractic scope of practice to encompass the entire body including the nervous system. A vote was taken and the motion carried by a unanimous vote.

F. Assembly No. 4026

(Synopsis - Establishes additional investigative and enforcement powers in Division of Consumer Affairs to deter individuals from engaging in unauthorized practice of professions and occupations.)

A motion was made by Dennise Krencicki and seconded by Carolanne Aaron to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiners supports this bill. A vote was taken and the motion carried by a unanimous vote.

G. E-mail from Alma Grauso
RE: Supervision

Ms. Grauso inquired whether a chiropractor may "supervise and order a physical therapist performing modalities".

A motion was made by Cindy Moore and seconded by Nancy Kirsch to advise Ms. Grauso that a physical therapist must be autonomous in his or her practice of physical therapy. This includes but is not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of

their fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing their practice as a physical therapist in the State of New Jersey. The Board will also advise Ms. Grauso that a prescription or referral is not required for providing physical therapy treatment, but there may be circumstances in which a referral is needed for reimbursement purposes. A vote was taken and the motion carried by a unanimous vote.

H. E-mail from Jennifer Soares, PT
RE: Referrals

Ms. Soares inquired as to what types of referrals can a physical therapist accept from a chiropractor, specifically does the referral need to be a diagnosis related to the spine.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to advise Ms. Soares that the language requiring a physician referral for physical therapy treatment has been removed from the statute, therefore, a prescription or referral is not required for providing physical therapy treatment. The Board will also advise Ms. Soares that there may be circumstances in which a referral is needed for reimbursement purposes. A vote was taken and the motion carried by a unanimous vote.

I. E-mail from Petra Abdoo-Winterberg, PT
RE: Wound Care

Ms. Abdoo-Winterberg inquired whether a licensed physical therapist could perform conservative sharp debridement as part of their wound management and care.

A motion was made by Mary Browne and seconded by Nancy Kirsch to advise Ms. Abdoo-Winterberg that this type of wound care is within the scope of practice of physical therapy as long as the physical therapist is trained and competent to perform this type of procedure. A vote was taken and the motion carried by a unanimous vote.

J. Letter from Oluropo Akeju, PT
RE: Documentation

Karen Wilk recused herself and did not participate in the discussion.

Mr. Akeju inquired whether a physical therapist could bill for "concurrent" or "rotational" treatments whereby two or more patients are being seen within any given time period because the patients require rest breaks as part of treatment and some can be set up and left to continue an exercise or activity while the physical therapist attends to another patient.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Mr. Akeju that the physical therapist must prepare and maintain for each patient a contemporaneous, permanent patient record that accurately reflects the patient contact with the licensed physical therapist regardless of setting pursuant to N.J.A.C. 13:39A-3.1, which includes billing records. The Board will advise Mr. Akeju that if a patient is billed for one on one activity then it must be one on one activity. A vote was taken and the motion carried by a unanimous vote.

L. Letter from Ann Gallagher, RN
RE: Continuing Education

Ms. Gallagher inquired whether a lecture series which has several components within it could be broken up into three series with three separate applications.

The Board will advise Ms. Gallagher that she could submit three separate applications.

M. August 25, 2009 New Jersey State Board of Physical Therapy Examiners Board Meeting

A motion was made by Nancy Kirsch and seconded by Jean Bickal to cancel the August 25, 2009 Board meeting due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

A. Review of Comments

with Charles Manning, Regulatory Analyst

Licensure Renewal: Continuing Education Requirement:

Credit-Hour Requirements; Acceptable Course Offerings;

Credit-Hour Calculation; Documentation of Continuing Education

Credit; Responsibility of Continuing Education Providers

Proposed Amendments: N.J.A.C. 13:39A-5.3, 9.1, 9.2, 9.3, 9.4 and 9.6

This matter was tabled until the Board's next meeting.

B. Review of Responses to 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 Jean Bickal and seconded by Barbara J. Behrens to change the word "certified" to "clinical" in the proposed amendments to N.J.A.C.13:39A-8.1 and adopt the regulation as proposed without technical change. A vote was taken and the motion carried by a unanimous vote.

C. Response from NCR Research Institute

RE: NeuroCranial Restructuring Treatment

In August of 2008, Dean Howell provided the Board with information concerning NeuroCranial Restructuring and asked the Board whether the New Jersey State Board of Physical Therapy Examiners statutes and regulations prohibited the administration of the NeuroCranial Restructuring treatment by a licensed physical therapist. The Board advised Mr. Howell at that time that he did not provide sufficient information in order for the Board to answer his question.

Mr. Howell inquired what additional information would be needed for the Board to address the question that NCR Research Institute asked in August of 2008.

The Board will advise Mr. Howell that it would need information such as peer reviewed evidence and independent information supporting the treatment.

D. Letter from Madhurani Mahajan

RE: Licensure

Ms. Mahajan previously wrote and advised the Board that she graduated after January of 2003 and has a bachelor's degree in physical therapy . Ms. Mahajan advised the Board that she noted that transitional-DPT (Doctor in Physical Therapy) programs are not CAPTE (Commission on Accreditation in Physical Therapy Education) accredited programs. Ms. Mahajan inquired what she would need to do to in order to satisfy the educational requirements of N.J.S.A. 45:9-37.22(c), "an applicant must possess at least a master's degree from an accredited college or university in order to be eligible for licensure as a physical therapist in New Jersey, except for an applicant who prior to January 1, 2003 possessed a minimum of a bachelor's degree from an accredited college or university" to become eligible for licensure in New Jersey.

The Board advised Ms. Mahajan that transitional-DPT programs are not CAPTE accredited programs and would not satisfy the education requirements of N.J.S.A. 45:9-37.22(c) or N.J.A.C. 13:39A-4.1(a). The Board further advised Ms. Mahajan that she would need to complete an entry level master's or an entry

level doctorate of physical therapy degree from a CAPTE accredited college or university physical therapy program in order to satisfy these requirements.

Ms. Mahajan wrote the Board again and asked them to reconsider their decision. Ms. Mahajan advised the Board that the International Consultants of Delaware (ICD) stated that her educational credentials satisfy the New Jersey State requirements.

In response to Ms. Mahajan's letter, the Board advised Ms. Mahajan that she would need to complete an entry level master's or an entry level doctorate of physical therapy degree from a CAPTE accredited college or university physical therapy program in order to satisfy the requirements of N.J.S.A. 45:9-37.22 (c) and N.J.A.C. 13:39A-4.1(a). The Board also advised Ms. Mahajan that the International Consultants of Delaware states in their Summary of Evaluation of Education Credentials, "Each state licensing agency sets its own standards for eligibility for professional licensure. This assessment is advisory only".

Ms. Mahajan advised the Board that she would like to attend this Board meeting to discuss her educational background with the Board, but Ms. Mahajan did not appear.

V. FOR YOUR INFORMATION

A. Final Order of Discipline filed June 16, 2009 In the Matter of Desiree Gibbs, PT

The Board is in receipt of a Final Order of Discipline filed July 16, 2009 in the matter of Desiree Gibbs, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as she did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$1000.00 civil penalty. The Board considers this matter to be concluded.

B. Final Order of Discipline filed July 14, 2009 In the Matter of Thomas Charles, PT

The Board is in receipt of a Final Order of Discipline filed July 14, 2009 in the matter of Thomas Charles, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$1000.00 civil penalty. The Board considers this matter to be concluded.

C. Final Order of Discipline filed July 14, 2009 In the Matter of Kyong Hyun Ko, PT

The Board is in receipt of a Final Order of Discipline filed July 14, 2009 in the matter of Kyong Hyun Ko, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$1000.00 civil penalty. The Board considers this matter to be concluded.

D. Final Order of Discipline filed July 14, 2009 In the Matter of Howard Trachtenberg, PT

The Board is in receipt of a Final Order of Discipline filed July 14, 2009 in the matter of Howard Trachtenberg, PT for violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to January 31, 2008. The physical therapist was issued a \$1000.00 civil penalty. The Board considers this matter to be concluded.

E. Maryland Board of Physical Therapy Summer 2009 Newsletter

The Board reviewed the Maryland Board of Physical Therapy's Newsletter and considered it informational.

F. Kentucky Board of Physical Therapy Newsletter

The Board reviewed the Kentucky Board of Physical Therapy's Newsletter and considered it informational.

G. New Jersey Board of Medical Examiners'
July 8, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' July 8, 2009 Open Board Agenda and considered it informational.

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

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

I. New Jersey Board of Medical Examiners'
May 13, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' May 13, 2009 Open Board Minutes and considered them informational.

J. New Jersey Board of Medical Examiners'
July 8, 2009 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' July 8, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

K. New Jersey Board of Chiropractic Examiners'
June 25, 2009 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' June 25, 2009 Public Session Agenda and considered it informational.

L. Federation of State Boards of Physical Therapy
June 2009 News Briefs

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

M. New Jersey Board of Chiropractic Examiners'
July 23, 2009 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' July 23, 2009 Public Session Agenda and considered it informational.

N. New Jersey Board of Chiropractic Examiners'
May 28, 2009 Public Session Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners' May 28, 2009 Public Session Minutes and considered them informational.

APPLICATIONS APPROVED BY THE BOARD

1. Rochielle S. Guanlao
2. Laarni Datinguino

3. Lovely Bayron
4. Carmen Maria Donna Gloria Jose

APPLICATIONS NOT APPROVED BY THE BOARD

1. Adrian Alidio
2. Pradnya Belose
3. Aisling Cunningham
4. Eunice Karen Aquino
5. Yetunde Bandele
6. Vineela Jagana
7. Luz Connolly
8. Banumathi Visweswaran

Upon a motion made by Nancy Kirsch and seconded by Mary Browne, 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. Eleven matters filed with the Board, which required 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.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Barbara J. Behrens and seconded by Nancy Kirsch to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director