

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
September 22, 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 September 22, 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 9:30 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 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 and Kenneth Mailly, PT .

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF JULY 28, 2009 BOARD MEETING

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

III. NEW BUSINESS

A. Inquiry from Alyson Stout, PT
RE: Scope of Practice - Physical Therapist Assistant

Ms. Stout inquired whether a physical therapist assistant is permitted to work in a school setting, provided the treatment plan is established by the physical therapist and the physical therapist assistant is directly supervised by the physical therapist.

The Board will advise Ms. Stout that a physical therapist assistant is permitted to work in a school setting provided the physical therapist assistant is directly supervised by a physical therapist pursuant to N.J.A.C. 13:39A-7.1(a).

B. Inquiry from Robin Gallagher
RE: Buck's Traction

Ms. Gallagher inquired whether it was within the scope of practice of physical therapy to apply and manage Buck's traction.

The Board will advise Ms. Gallagher that it does not have enough information in order to reply to her question. The Board will ask Ms. Gallagher to clarify in detail the application and management of Buck's traction.

C. Inquiry from Fox Rehabilitation

RE: Documentation

Fox Rehabilitation inquired whether it was required for physical therapists to document all patient visits and whether it is required for a physical therapist to provide information to their employer after separation in order to correct an error found in documentation.

The Board will advise Fox Rehabilitation that “a licensed physical therapist shall prepare and maintain for each patient a contemporaneous, permanent patient record that accurately reflects the patient contact with the licensed physical therapist...” pursuant to N.J.A.C. 13:39A-3.1(a).

D. Inquiry from David Nieves

RE: Walkaide and Bioness Functional Electrical Stimulation Systems

Mr. Nieves inquired whether physical therapists are allowed to dispense the Walkaide and Bioness Functional Electrical Stimulation Systems for sale in the State of New Jersey.

The Board will advise Mr. Nieves that the dispensing/selling of equipment or products is not addressed in the New Jersey State Board of Physical Therapy Examiners’ statutes and regulations.

E. Inquiry from Jerry Yoo, PT

RE: Dry Needling

Mr. Yoo inquired whether a physical therapist is allowed to use dry needling techniques for trigger point release or for treating musculoskeletal conditions. Mr. Yoo also inquired whether a massage therapist could bill under the manual therapy codes.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Mr. Yoo that there is nothing in the New Jersey State Board of Physical Therapy Examiners’ statutes or regulations that would preclude the use of dry needling techniques for trigger point release or for treating musculoskeletal conditions by a physical therapist provided the physical therapist is trained and competent in the techniques. The Board will further advise Mr. Yoo that only a physical therapist or physical therapist assistant can bill for physical therapy services. A vote was taken and the motion carried by a unanimous vote.

F. Inquiry from Tomasz Popkowski

RE: Licensure Requirements

Mr. Popkowski advised the Board that she is interested in applying for a physical therapist assistant license in New Jersey. Mr. Popkoski advised the Board that he graduated from a physical therapist assistant program in Poland and is unable to acquire the transcript as the school no longer exists.

A motion was made by Jean Bickal and seconded by Susan Quick to advise Mr. Popowski that he must complete a two-year physical therapist assistant program from an accredited college or university approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council on Post Secondary Accreditation and the United States Department of Education pursuant to N.J.A.C. 13:39A-5.2. A vote was taken and the motion carried by a unanimous vote.

G. Inquiry from Adira Netzel-Abramson

RE: Billing

Ms. Abramson advised the Board that she practices in a school setting as a contract physical therapist. Ms. Abramson advised the Board that she was instructed by the agency she works for that she is supposed to bill for absences. Ms. Abramson advised the Board that she was informed that the agency’s contract with the schools had a provision for billing absences. Ms. Abramson inquired whether this was an appropriate billing practice.

The Board will ask Ms. Abramson for the language that is in the agency's contract with the schools. The Board will also ask Ms. Abramson to provide specific circumstances in which she was asked to bill for absences.

H. Inquiry from Thomas Lavosky, PT
RE: Nutrition and Supplements

Mr. Lavosky inquired whether it was within the scope of practice of physical therapy to provide advice on nutrition and supplements.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Mr. Lavosky that it is not within the scope of practice of physical therapy to provide advice on nutrition and supplements, however, physical therapists may reinforce nutritional advice provided by other health care providers. A vote was taken and the motion carried by a unanimous vote.

I. Letter from PESI Healthcare
RE: Course, "Skin & Wound Care"

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

Lisa Goyette advised the Board that the approved course, "Skin & Wound Care" will be given with a new course lecturer, Angela Dalton Wilson. Ms. Goyette provided the Board with a copy of Ms. Wilson's Curriculum Vitae for their review and approval.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to acknowledge that the qualifications of Angela Dalton Wilson as the lecturer for the course, "Skin & Wound Care" was supported by her Curriculum Vitae. The Board approved the submitted course. A vote was taken and the motion carried by a unanimous vote.

J. Letter from Elisabeth K. Schunk, PT
RE: Continuing Education

Ms. Schunk advised the Board that she took a four credit ethics and jurisprudence course on July 31, 2008 but was not licensed until September 4, 2008. Ms. Schunk asked the Board if they would allow her to use the four credits towards the continuing education requirement even though she took the course prior to being licensed to practice in the State of New Jersey.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Ms. Schunk that the Board will allow her to use the four credits towards the continuing education requirement. A vote was taken and the motion carried by a unanimous vote.

K. Letter from Bhumika Vajifdar
RE: Licensure Requirements

Ms. Vajifdar asked the Board to reconsider her application for licensure. Ms. Vajifdar graduated after January of 2003 and has a bachelor's degree in physiotherapy.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to reaffirm the denial of Ms. Vajifdar's application for licensure. The Board will advise Ms. Vajifdar 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 advise Ms. Vajifdar that she would need to complete an entry level master's or entry level 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.

L. 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 132 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course, Strength Training Program Design, sponsored by International Weightlifting Association 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.

M. Inquiry from Dawn Fry RE: Medication

Ms. Fry inquired whether medications such as dexamethasone, iontophoresis or phonophoresis must be patient specific. Ms. Fry also inquired whether the patient must obtain the prescription, have the prescription filled and bring the medication with them to therapy. Ms. Fry further inquired whether the medication must be locked if it is being held at the facility in which the patient is receiving physical therapy.

A motion was made by Barbara J. Behrens and seconded by Carolanne Aaron to advise Ms. Fry that the medication must be patient specific. The patient should obtain a prescription, have the prescription filled and bring the medication with them to therapy. The Board will advise Ms. Fry that the securing of medication at a facility is not addressed in the New Jersey State Board of Physical Therapy Examiners' statutes and regulations. A vote was taken and the motion carried by a unanimous vote.

N. Letter from Thomas P. Nolan, Jr., PT RE: Displaying License

Mr. Nolan advised the Board that faculty of Richard Stockton College are planning to provide pro bono physical therapy services at an out-patient orthopedic clinic. Mr. Nolan inquired whether temporary posting of the license on the day of coverage by each faculty member would satisfy N.J.A.C. 13:39A-3.5(a) and/or can the faculty members use the small wallet certificate on the days at the clinic rather than post a license.

A motion was made by Carolanne Aaron and seconded by Jean Bickal to advise Mr. Nolan that each physical therapist that provides physical therapy services at the clinic must post their license in a public area of the clinic even if the physical therapist practices there on an infrequent basis. A vote was taken and the motion carried by a unanimous vote.

O. Letter from the George Institute RE: Physiotherapy Evidence Database (PEDro)

The George Institute wrote the Board and requested financial support for the Centre for Evidence-Based Physiotherapy to develop and maintain the Physiotherapy Evidence Database (PEDro).

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to deny financial support for PEDro. A vote was taken and the motion carried by a unanimous vote.

P. Total Motion Release RE: Course, "TMR I"

Total Motion Release submitted a course TMR Level I for 26 credits. The course consisted of a

combination of 16 credits of live seminar and 10 credits home study. The Board noted that approval of 16 continuing education credits has been granted for the TMR Level I live seminar with the approval number of 282-2008.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to deny approval of this course in a live seminar/home study combination format as the home study portion did not have any additional new information or material that was not addressed in the live seminar. A vote was taken and the motion carried by a unanimous vote.

Q. Letter from Maria Leticia Ferreira
RE: Licensure Requirements

Ms. Ferreira advised the Board that she graduated after January of 2003 and has a bachelor's degree in physical therapy from Brazil.

A motion was made by Mary Browne and seconded by Jean Bickal to advise Ms. Ferreira 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 advise Ms. Ferreira 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.

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

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to approve the responses to the comments and adopt the proposed regulations with changes. The responses to the comments and the adopted regulations will be published in the New Jersey Register. 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

The Board approved language for a proposed permissible business structures regulation at its June 26, 2007 Board meeting and the regulation was forwarded to the Regulatory Department for promulgation.

Charles Manning, Regulatory Analyst met with the Board to discuss concerns raised by Senator Joseph F. Vitale and Senator Robert W. Singer regarding the proposed permissible business structures, specifically the exclusion of general business corporations.

The Board referred this matter to a committee of the Board. The committee consists of Nancy Kirsch, Jean Bickal and Dennise Krencicki. The committee will work with Charles Manning to address the concerns of the Senators.

V. FOR YOUR INFORMATION

A. Letter from Eastwick College
RE: Physical Therapist Assistant Program

Eastwick College inquired whether candidates for New Jersey licensure as physical therapist assistants must be graduates of institutions accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE).

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Eastwick College that candidates for New Jersey licensure as physical therapist assistants must be graduates of institutions accredited by an agency approved by the Board which is the Commission on Accreditation in Physical Therapy Education (CAPTE). A vote was taken and the motion carried by a unanimous vote.

B. Federation of State Boards of Physical Therapy
August 2009 News Briefs

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

C. Final Order of Discipline filed August 25, 2009
In the matter of Alexander Kade, PT

The Board is in receipt of a Final Order of Discipline filed August 25, 2009 in the matter of Alexander Kade, 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 \$1,000.00 civil penalty. The Board considers this matter to be concluded.

D. Final Order of Discipline filed August 25, 2009
In the matter of William S. Hedley, III, PT

The Board is in receipt of a Final Order of Discipline filed August 25, 2009 in the matter of William S. Hedley III, 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 \$1,000.00 civil penalty. The Board considers this matter to be concluded.

E. New Jersey Board of Medical Examiners'
August 12, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' August 12, 2009 Open Board Agenda and considered it informational.

F. New Jersey Board of Medical Examiners'
August 12, 2009 Open Agenda of Disciplinary Matters
Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' August 12, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

G. New Jersey Board of Medical Examiners'
June 10, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' June 10, 2009 Open Board Minutes and considered them informational.

H. New Jersey Board of Medical Examiners'
June 10, 2009 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' June 10, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

I. New Jersey Board of Medical Examiners'
September 9, 2009 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' September 9, 2009 Open Board Agenda and considered it informational.

J. New Jersey Board of Medical Examiners'
September 9, 2009 Open Agenda of Disciplinary Matters
Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' September 9, 2009 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

K. New Jersey Board of Medical Examiners'
July 8, 2009 Open Board Minutes

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

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

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

M. Signed Settlement letter - Sandra Koehler, PTA

The Board is in receipt of a signed Settlement letter from Sandra Koehler, PTA. The Board found the physical therapist in 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 or by January 31, 2008. The physical therapist assistant was issued a \$100.00 civil penalty. The Board considers this matter to be concluded.

N. Signed Settlement letter - Roxanne Devlin, PTA

The Board is in receipt of a signed Settlement letter from Roxanne Devlin, PTA. The Board found the physical therapist in 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 or by January 31, 2008. The physical therapist assistant was issued a \$1000.00 civil penalty. The Board considers this matter to be concluded.

APPLICATIONS APPROVED BY THE BOARD

1. Mehdi Shafaat
2. Monette Modilla

APPLICATIONS NOT APPROVED BY THE BOARD

1. Elsa Bartolo Kabiling
2. Nishita Desai
3. Bhumika Vajifdar
4. Pradnya Belose
5. Alison Spivak
6. Dhara Shah

7. Shitra Salgame
8. Vivien Leah Montemayor Virtudazo
9. Banumathi Visweswaran

Upon a motion made by Nancy Kirsch 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. Eleven matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Eleven 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 Nancy Kirsch and seconded by Barbara J. Behrens to adjourn the meeting at 3:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director