

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES September 23, 2003

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, September 23, 2003. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Barry Inglett, Chairman of the Board, called the meeting to order at 9:53 a.m. and a roll call was taken and the following attendance was recorded:

BARRY INGLETT, P.T.	Present
MARY B. BROWNE, P.T.	Present
NANCY R. KIRSCH, P.T.	Present
DENNISE KRENCICKI, P.T.	Present
GARY SAVANDER, P.T.	Present
JOHN WARD, P.T.	Excused
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; Sharon Joyce, Assistant Attorney General; Jake Gertsman, Regulatory Analyst. Members of the public: Kathy Mairella, President-APTA-NJ; Kenneth Mailly, APTA-NJ.

I. APPROVAL OF THE MINUTES OF THE JULY 22, 2003 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Karen Wilk, the Board voted to accept the minutes of the July 22, 2003 Board meeting as amended. The motion carried by a unanimous vote.

II PUBLIC COMMENT

Kathy Mairella, President, APTANJ

Home Care- Before the amended language to the physical therapy statutes was adopted a physical therapist performing home care had 14 days to return a plan of care to the physician for signature. A plan of care no longer needs to be signed by a physician. Any regulation superceded by new statutory language renders the regulation unnecessary.

The Board voted that 14 days for the physician direction and signing of plan of care is now unnecessary and superceded by the new statutory language.

Upon a motion made by Gary Savander and seconded by Nancy Kirsch the Board voted that the 14 day approval

for a plan of care within a home care setting is no longer necessary since a consumer has direct access to a physical therapist for care and treatment under the new statutory language. The motion carried by a unanimous vote.

Kenneth Maily, APTA-NJ

Mr. Maily handed out a letter regarding corporate physical therapy practice for the Board to consider.

III OLD BUSINESS:

A. NEW JERSEY REGISTER REVIEW-CHAIRMAN INGLETT

B. REVIEW OF AMENDMENTS AND REGULATIONS - JAKE GERTSMAN, REGULATORY ANALYST

The Board, along with the Regulatory Analyst, Jake Gertsman, reviewed draft regulations and made recommendations for additional language and clarification of existing language in the draft regulations. Regulatory Analyst, Jake Gertsman advised the Board that he will be changing jobs and this is his last physical therapy meeting. He assured the Board that the new Regulatory Analyst assigned to the Board will complete the job of proposing their draft regulations. The Board members thanked Jake for his service to the Board and wished him well in his new position with the Bureau of Securities.

C. REVISED STANDARDS FROM THE MEDICAL BOARD

The Board reviewed the revised standards sent back to the Physical Therapy Board from the Board of Medical Examiners. The Board voted to re-affirm it's original standards sent to the Board of Medical Examiners as being in the best interest of the consumer. Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to reaffirm the Board's original standards. The motion carried by a unanimous vote.

D. CORPORATE PRACTICE

The Board invited Sharon Joyce, AAG to discuss how the Board of Medical Examiners dealt with the issue of practitioners working in a corporate environment. AAG Sharon Joyce suggested some areas that the Board members could investigate and maybe draft a regulation for review by the Board. This regulation would assist physical therapists and physical therapist assistants in knowing how to properly function in a corporate work environment. The Board President, Barry Inglett, designated a committee consisting of Board members Gary Savander, Dennise Krencicki and Nancy Kirsch to consider the suggestions of AAG Sharon Joyce and return to the Board some time in the future with a draft regulation on this issue.

E. EDUCATION REQUIREMENTS

This matter is tabled to the October 28, 2003 Board meeting.

F. INQUIRY FROM SHERMAN, SILVERSTEIN, KOHL, ROSE & PODOLSKY RE: JOSEPH T. DEROSA, PT

The Board reviewed a letter from the law firm of Sherman, Silverstein, Kohl, Rose & Podolsky requesting that Board reconsider the signed settlement letter of Joseph DeRosa. The letter stated that since the Board's practice act has been significantly revised Mr. DeRosa would no longer be in violation of the findings in his signed settlement letter. The Board voted to deny the reconsideration of his settlement letter since the law at the time of the offense warranted the violation and penalty. DAG Carmen Rodriguez will send a letter to the attorney stating the Board's decision. Anyone reviewing the letter in the future will take into consideration the change to the statutory language.

Upon a motion made by Nancy Kirsch and seconded by Karen Wilk the Board voted to re-affirm the Boards

original decision to reject the request to delete the cease and desist terms in the Settlement letter. The motion carried by a unanimous vote.

G. CONSENT ORDER FILED IN THE MATTER OF LALAIN LEANO, PT

The Board considered this matter informational.

IV. INFORMATIONAL:

D. NEW JERSEY BOARD OF CHIROPRACTIC EXAMINERS-PUBLIC SESSION MINUTES-

1. MAY 22, 2003
2. JUNE 19, 2003

The Board considered this matter informational.

B. NEW JERSEY BOARD OF CHIROPRACTIC EXAMINERS-PUBLIC SESSION AGENDA JULY 24, 2003

The Board considered this matter informational.

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

1. AUGUST 13, 2003
2. SEPTEMBER 10, 2003

The Board considered this matter informational.

D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES

1. JUNE 11, 2003
2. JULY 9, 2003

The Board considered this matter informational.

E. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA

1. AUGUST 13, 2003
2. SEPTEMBER 10, 2003

The Board considered this matter informational.

F. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION

1. JUNE 11, 2003
2. JULY 9, 2003

The Board considered this matter informational.

G. FEDERATION FORUM VOLUME 18, NUMBER 2

The Board considered this matter informational.

H. APTANJ - JERSEY JARGON- SUMMER 2003

The Board considered this matter informational.

I. NEWS- COMMISSION ON GRADUATES OF FOREIGN NURSING SCHOOLS

1. JULY 8, 2003
2. JULY 17, 2003
3. AUGUST 26, 2003
4. AUGUST 26, 2003 RE: QUALIFYING EXAM DATES

The Board considered this matter informational.

J. LOUISIANA STATE BOARD OF PHYSICAL THERAPY NEWSLETTER- SUMMER 2003

The Board considered this matter informational.

K. THE REDLEAF INSTITUTE- 12 HOUR PROGRAM FOR OFFENDERS OF GENDER, SENSITIVITY AND BOUNDARY ISSUES

The Board considered this matter informational.

L. CAPTE ACCREDITATION UPDATE - JULY 2003

The Board considered this matter informational.

M. THE LAW OF PROFESSIONAL LICENSING AND CERTIFICATION QUARTERLY ORDER FORM- VOLUME 14

The Board considered this matter informational.

N. MARYLAND STATE BOARD OF PHYSICAL THERAPY- PT NEWS- SUMMER 2003

The Board considered this matter informational.

O. KESSLER MEDICAL REHABILITATION EDUCATION CORPORATION: LIFE AFTER SPINAL CORD INJURY

The Board considered this matter informational.

**P. DEPARTMENT OF HEALTH AND HUMAN SERVICES
RE: NATIONAL PRACTITIONER BATA BANK**

The Board considered this matter informational.

Q. FSBPT PURSUES LEGAL ACTION- EXAM QUESTIONS POSTED ON INTERNET

The Board considered this matter informational.

R. FSBPT- PICTURES ON SCORE REPORTS

The Board considered this matter informational.

S. FSBPT- NEWS BRIEFS JULY 2003 VOLUME 5, NUMBER 7

The Board considered this matter informational.

T. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS - NOTICE OF

ADMINISTRATIVE CORRECTIONS; PATIENT RECORDS N.J.A.C. 13:44E-2.2

The Board considered this matter informational.

U. TEXAS BOARD OF PHYSICAL THERAPY- STRATEGIC PLAN SURVEY

The Board considered this matter informational.

V. BOARD OF PHYSICAL THERAPY NEWSLETTER- JUNE

The Board considered this matter informational.

APPEARANCES:

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

1. Basilio Mario Cabilao

Basilio Mario Cabilao appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Mr. Cabilao is applying for licensure by examination in the State of New Jersey. He was educated in the Philippines and received his professional as well as his undergraduate education in the English language. Mr. Cabilao has plans to work in New Jersey.

Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to grant Mr. Cabilao 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 a proficiency in the English language. The motion carried by a unanimous vote.

2. Kunal Patel

Kunal Patel appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure.

Mr. Patel is applying for licensure by examination in the State of New Jersey. He was educated in both India and the United States. He received his professional as well as undergraduate education in the English language. Mr. Patel has plans to work in New Jersey. Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to grant Mr. Patel 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 a proficiency in the English language. The motion carried by a unanimous vote.

3. Jane Kaminski

Jane Kaminski appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure.

Ms. Kaminski is applying for licensure by endorsement in the State of New Jersey. She was educated in Denmark and received her professional as well as undergraduate education in the English language. She took the TOEFL in 1992 and received a score of 587. Ms. Kaminski is licensed in Connecticut and New York. She has plans to work in New Jersey.

Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to grant Ms. Kaminski a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

4. Christopher Alcantara

Christopher Alcantara appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure.

Mr. Alcantara is applying for licensure 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. Alcantara is licensed in Indiana and has plans to work in New Jersey.

Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to grant Mr. Alcantara 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 a proficiency in the English language. The motion carried by a unanimous vote.

5. Sandra Pietrewicz

Sandra Pietrewicz appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure.

Ms. Pietrewicz is applying for licensure by endorsement in the State of New Jersey. She was born and raised in Toms River, NJ and was educated in the United States prior to attending a physical therapy program in the Netherlands. She received her professional as well as her undergraduate education in the English language. Ms. Pietrewicz is licensed in Florida and New York and has plans to work in New Jersey. Upon a motion made by Dennise Krencicki and seconded by Nancy Kirsch, the Board voted to grant Ms. Pietrewicz a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

V. NEW BUSINESS:

A. INQUIRY FROM MARK HOFFMAN, P.T.

The Board reviewed an inquiry from Mr. Hoffman, a physical therapist, who asked if a patient could be treated by a PT for a fractured finger, wrist or carpal tunnel syndrome with a referral for OT since it is routinely treated in a PT setting. The Board will advise Mr. Hoffman that a script is no longer needed and that he can treat if it is within his scope of practice. If the referral is not within the physical therapists scope of practice the patient needs to be referred to the proper health care provider.

B. INQUIRY FROM EILEEN MULCAHY, MPT AND DONNA STAVIS, MSPT RE: SCHOOL BASED THERAPY

The Board reviewed an inquiry from Ms. Eileen Mulcahy and Donna Stavis, physical therapists, who asked if a physician's prescription was required to provide physical therapy in a school setting. The Board will advise that effective, February 13, 2003, the amended language contained in the Physical Therapy Statute permits direct access by consumers in New Jersey to the services of a physical therapist, thereby no referral for physical therapy service is required, except for reimbursement purposes and automobile accidents. However if the school or other agency has additional requirements then they need to be followed.

C. INQUIRY FROM MELISSA VAN HOUTEN, PTA RE: CEU REQUIREMENTS

The Board reviewed an inquiry from Ms. Van Houten, a physical therapist assistant, who asked what the CEU requirements are for physical therapists and physical therapist assistants in New Jersey . The Board will advise Ms. Van Houten that there are no requirements at this time, however, the Board is in the process of determining what the requirements will be for the future.

**D. INQUIRY FROM ATLANTIC HEALTH SYSTEM, BJ GEROW, PT
RE: SCOPE OF PRACTICE**

The Board reviewed an inquiry from BJ Gerow, a physical therapist, who asked if it is within a physical therapist's scope of practice to remove staples on an order from an MD. The Board will respond stating that it is not within the scope of practice of a physical therapist to remove staples from an individual.

E. INQUIRY FROM WARREN BORRES, PT

The Board reviewed an inquiry from Warren Borres, physical therapist about Direct Access. The Board will send Mr. Borres a copy of the statutes and regulations.

F. INQUIRY FROM MOJGBAN TABATABAI

The Board received a letter from Mojgan Tabatabai inquiring as to a physical therapist's scope of practice in regards to specific scenarios involving lung capacity testing (spirometry), bone density screening, and cosmetic hair removal (using pulsed light and laser technology). The Board will respond to Mr. Tabatabai that the only procedure that is within a physical therapist's scope of practice is lung capacity testing (spirometry) and it is used as part of the evaluation of a patient.

G. REVIEW OF MOTIONS FOR FSBPT ANNUAL MEETING

Susan Gartland, Executive Director is willing to serve the Board as the Delegate at the FSBPT annual meeting and represent the New Jersey State Board of Physical Therapy.

Upon a motion by Nancy Kirsch and seconded by Mary Browne, Susan Gartland has been elected to attend the FSBPT annual meeting and represent the Board as their Delegate. The motion carried by a unanimous vote.

H. INFORMATION FROM BARRY

- 1. Empire Medical- Information**
- 2. On Site therapy Solutions**

The Board considered this matter informational.

I APPLICANT MELISSA SHENKER

The New Jersey State Board of Physical Therapy requires that a Degree be conferred on the transcript by the college or university to qualify for licensure. Ms. Shenker missed the deadline at her school and will not have her degree conferred until May of 2004. The Board will deny her application for licensure at this time until her school can send the Board a transcript with a conferred degree.

Upon a motion made by Nancy Kirsch and seconded by Gary Savander, the Board voted to deny application for licensure at this time. The motion was opposed by Dennise Krencicki.

J. INQUIRY FROM CHRISTIANNA FARRELL, PT

The Board reviewed an inquiry from Christianna Farrell, physical therapist, who asked if a physician's prescription was required to provide physical therapy in a school setting. The Board will advise that effective, February 13, 2003, the amended language contained in the Physical Therapy Statute permits direct access by consumers in New Jersey to the services of a physical therapist, thereby no referral for physical therapy service is required, except for reimbursement purposes and automobile accidents. However if the school or other agency has additional requirements then that needs to be followed.

K. INQUIRY FROM LAUREL THERAPY

The Board reviewed an inquiry from Abbe from Laurel Therapy who asked if a physician's prescription was required to provide physical therapy in a school setting. The Board will advise that effective, February 13, 2003, the amended language contained in the Physical Therapy Statute permits direct access by consumers in New Jersey to the services of a physical therapist, thereby no referral for physical therapy service is required, except for reimbursement purposes and automobile accidents. However if the school or other agency has additional requirements then that needs to be followed.

L. INQUIRY FROM TRUDY HASTINGS, PTA

The Board reviewed an inquiry from Trudy Hastings, PTA, asking whether it is true or false that PTA's are not allowed to have their own patient case load under Medicare Law. The Board will advise Ms. Hasting's that she needs to contact Medicare for their statutes and regulations.

M. Proposed Bill A-3662

The Board discussed this proposed bill and determined that they will submit a comment to the Director's office. Nancy Kirsch was asked to submit to the Board office appropriate language for the Board's comment. The Board disagrees with the position taken in the bill that only physicians can perform needle EMG's.

A motion was made by Nancy Kirsch and seconded by Dennise Krencicki to submit a comment on A-3662. The motion carried by a unanimous vote.

APPLICATIONS APPROVED BY THE BOARD:

1. Maria Aquila- PT Exam Only
2. Eric S. Angeles.- PT Exam Only
3. Marie Lille Bucad Bitas- PT Exam Only
4. Ramilya Concepcion- PT Exam Only
5. Basilio Mario Reyes Cabilao- PT Exam Only
6. Maria Cecilia Q. Chan- PT Exam Only
7. Lousie Hazel DeGuia- PT Exam Only
8. Czarina T. DeLos Santos- Endorsement
9. Maria Rachel D. Esguerra- PT Exam Only
10. Vincent G. Cabanog- Endorsement
11. Christopher V. Alacantra-Endorsement
12. Benjamin B. Gabionza- Endorsement
13. Jacqueline Santiago Guevan- Endorsement
14. Raphael Zaratan Jimenez- PT Exam Only
15. Paul Winston Halog- Pt Exam Only
16. Angelica Lintag- PT Exam Only

17. Rowena L Lipat- PT Exam Only
18. Kunal Mohanbai Patel- Endorsement
19. Sandra Pietrewicz- Endorsement
20. Apolonia Salazar- Endorsement
21. Conie Patual- PT Exam Only
22. Joseph Gabay- Endorsement
23. Maria Theresa Mendoza- PT Exam Only
24. Julma Sebello- PT Exam Only
25. Johanna Sydiongco- PT Exam Only
26. Almarie Mamaril- Endorsement
27. Ronald Portuguez- Endorsement
28. Joseph Quinio- PT Exam Only
29. Joachima Leyson- PT Exam Only
30. Raul Manalansan- Endorsement
31. Kamleshkumar Patel- PT Exam Only
32. Lourizza Sampalocia- PT Exam Only
33. Sheila De La Paz Maca- Endorsement

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Monika Anush
2. Janne Kaminski
3. Saeeda Latif
4. Jhonna Rae Labang
5. Evelyn Montero
6. Delfin Mendoza Jr.

ADJOURNMENT:

Upon a motion made by Gary Savander and seconded by Nancy Kirsch, 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. Three complaints or matter filed with the Board which require review and additional recommendations with regard to investigations and/or actions.
2. Nine matters where additional information has been submitted to the Board concerning pending investigations.

Respectfully submitted,

Susan H. Gartland, Executive Director
