

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS**  
**PUBLIC SESSION MINUTES**  
**September 25, 2007**

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 August 21, 2007. 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 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 Excused  
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director; Susan Gartland, representative of the Division of Consumer Affairs; Members of the public: Kathy Mairella, P.T., representative of the APTA-NJ; Jennifer Durboraw, P.T., representative of the APTA-NJ; and Kenneth Mailly, P.T.

**I. PUBLIC COMMENT**

**II. APPROVAL OF THE MINUTES OF AUGUST 21, 2007 BOARD MEETING**

Upon a motion made by Barbara J. Behrens and seconded by Mary Browne, the Board voted to accept the minutes of the August 21, 2007 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

**III. NEW BUSINESS**

A. Letter from Tiffany Spadafora, PT  
RE: Physical Therapy Scope of Practice

Ms. Spadafora wrote the Board concerning whether a physical therapist could perform and interpret data when using nerve conduction velocity (NCV) test and whether a physical therapist is able to perform needle electromyography (EMG).

The Board will advise Ms. Spadafora that a physical therapist is not permitted to perform NCV or needle EMG pursuant to the New Jersey Board of Medical Examiners regulation N.J.A.C. 13:35-2.6(c)1.

B. Letter from Wendy Inglis, PT  
RE: Continuing Education

Ms. Inglis wrote the Board concerning whether any continuing education credits could be granted for a 40 hour EMT certification course.

The Board will advise Ms. Inglis that the EMT certification course can be submitted for the Board's review. Ms. Inglis will also be advised that the EMT certification course must meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. in order for it to be granted continuing education credits by the Board.

The Board will further advise Ms. Inglis that in accordance with N.J.A.C. 13:39A-8.5(b), she must include her license number with her name on all correspondence.

C. Letter from Amy Magos, PT  
RE: Manipulation

Ms. Magos inquired whether the New Jersey Physical Therapy Practice Act addressed manipulation by a physical therapist. Ms. Magos also inquired whether the right of a physical therapist to perform manipulation has been challenged in New Jersey.

The Board will advise Ms. Magos that the New Jersey Physical Therapy Practice Act does not address manipulation. The Board will also advise Ms. Magos that she may be able to obtain information on the New Jersey website [www.njleg.state.nj.us](http://www.njleg.state.nj.us) concerning current and past bills regarding this subject.

D. Letter from John P. Murdoch II, Esq.  
RE: Co-Ownership of a Physical Therapy Practice by a Certified Massage Therapist

Mr. Murdoch wrote the Board to confirm that New Jersey laws and regulations do not prohibit a physical therapist from being employed by a general business corporation provided the physical therapist performs the physical therapy services and is responsible for all decisions related to the physical therapy services. Mr. Murdoch also inquired whether a massage therapist certified in New Jersey can jointly own a physical therapy practice with a New Jersey licensed physical therapist.

The Board will advise Mr. Murdoch that the New Jersey State Board of Physical Therapy Examiners statutes and regulations do not prohibit this type of relationship as long as the physical therapist is autonomous in his or her practice of physical therapy including but not limited to making decision for patient care and reimbursement for those services. A physical therapist must at all times adhere to the statutes and regulations governing the practice of physical therapy in New Jersey.

The Board will also advise Mr. Murdoch that although the New Jersey State Board of Physical Therapy Examiners statutes and regulations do not prohibit this type of relationship, there may be other laws or regulations in the State of New Jersey that are applicable.

E. Board Discussion  
RE: Americans with Disabilities Act (ADA) Accommodations National Physical Therapy Examination

Currently the FSBPT (Federation of State Boards of Physical Therapy) pays for ADA (Americans with Disabilities Act) accommodations for candidates taking the National Physical Therapy Examination. In the future, jurisdictions (State Boards) will be responsible for paying for this expense for their applicants rather than the FSBPT. It is the responsibility of the jurisdictions (State Boards) who approve the requests for accommodations.

The Board discussed courtesy accommodations that other State Boards grant to candidates taking the National Physical Therapy Examination. This matter was tabled until its October 23, 2007 meeting.

F. Letter from Belinda Beilman, PT RE: Scope of Practice of Physical Therapists

Ms. Beilman wrote the Board concerning whether a physical therapist can assess and record medications on the patient's record.

The Board will advise Ms. Beilman that a physical therapist can document the medications a patient is taking but cannot assess the medication.

G. Letter from Madhu Mahajan  
RE: Requirements for licensure

Ms. Mahajan 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 (Doctorate 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" and become eligible for licensure in New Jersey.

The Board will advise 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 will further advise Ms. Mahajan that she would need to complete a master's or doctorate degree in entry level physical therapy from an accredited college or university physical therapy program in order to satisfy these requirements.

#### H. New Jersey State Board of Physical Therapy Examiners 2008 Board Meeting Dates

The Board reviewed the Board Meeting dates for the year 2008.

January 22, 2008 July 22, 2008  
February 26, 2008 August 26, 2008  
March 25, 2008 September 23, 2008  
April 22, 2008 October 28, 2008  
May 27, 2008 November 25, 2008  
June 24, 2008 December 16, 2008

#### I. Ethics and Jurisprudence courses

Beginning February 1, 2008, New Jersey licensed physical therapists and physical therapist assistants must complete a 2 hour course in jurisprudence concerning the New Jersey Physical Therapy Practice Act and a 2 hour course in ethics as part of the required thirty credit hours of continuing education. The Board clarified that the courses may be taken separately or in a combined 4 hour course.

The Board clarified that the jurisprudence course can be offered as an internet course, but the ethics course must be a contact lecture course.

### **IV. OLD BUSINESS**

#### A. Board Discussion with Charles Manning, Regulatory Analyst RE: Regulations - Advertising

Charles Manning, Regulatory Analyst, met with the Board regarding additional draft language for N.J.A.C. 13:39A-8.1 Advertising and solicitation practices. The Board tabled this meeting until its October 23, 2007 Board meeting.

#### B. New Jersey State Board of Physical Therapy Examiners May 8, 2007 Public Session Minutes Error - Letter from Jennifer N. Hicks, PTA RE: Continuing Education

Barbara J. Behrens recused herself and did not participate in the discussion.

From the May 8, 2007 Public Session Minutes

Ms. Hicks inquired whether she was required to complete 15 or 30 continuing education credits prior to January 31, 2008. Ms. Hicks advised the Board that she plans to return to school and enroll in a physical therapy program in the fall of 2007.

In accordance with N.J.A.C. 13:39A-9.2(b) An applicant for biennial license renewal as a physical therapist or physical therapist assistant who receives an initial license in the first year (February 1, 2006 through January 31, 2007) of the biennial renewal period shall complete a minimum of 15 of the 30 required credits of continuing professional education credits. The Board will advise Ms. Hicks that because she was licensed in December of 2006 which is prior to February 1, 2006, she is required to complete 30 continuing professional education credits by January 31, 2008. The Board will also advise Ms. Hicks that a physical therapist assistant may obtain credits from a DPT program in accordance with N.J.A.C. 13:39A-9.3(b)1. The Board will advise Ms. Hicks that in accordance with N.J.A.C. 13:39A-8.5(b), she must include her license number with her name on all correspondence.

A motion was made by Carolanne Aaron and seconded by Dennise Krencicki to correct the May 8, 2007 Public Session Minutes as follows: The Board will advise Ms. Hicks that because she was licensed in December of 2006, she is required to complete 15 continuing professional education credits by January 31, 2008. A vote was taken and the motion carried by a unanimous vote.

## **V. FOR YOUR INFORMATION**

### **A. Orthotics and Prosthetics Board of Examiners September 18, 2007 Public Session Agenda**

The Board reviewed the Orthotics and Prosthetics Board of Examiners September 18, 2007 Public Session Agenda and considered it informational.

### **B. Signed Settlement letter - Charles Hendricks, PT**

The Board is in receipt of a signed Settlement letter from Charles Hendricks, PT. The Board found the physical therapist violated N.J.S.A. 45:1-21(e) professional misconduct for improperly delegating to a physical therapist assistant an assessment of a patient; N.J.S.A. 45:1-21(h) for failing to comply with the provisions of any act or regulation administered by the Board, specifically N.J.A.C. 13:39A-3.1 Patient records and N.J.A.C. 13:39A-3.6 excessive fees. The physical therapist was issued a \$7,500.00 civil penalty. The Board considers this matter to be concluded.

### **C. Maryland Board of Physical Therapy Summer 2007 Newsletter**

The Board reviewed the Maryland Board of Physical Therapy Summer 2007 Newsletter and considered it informational.

### **D. Division of Consumer Affairs State Board of Chiropractic Examiners Permissible Business Structures Adopted New Rule: N.J.A.C. 13:44E-2.15**

The Board reviewed the State Board of Chiropractic Examiners' adopted new rule N.J.A.C. 13:44E-2.15 and considered it informational.

### **E. Occupational Therapy Advisory Council September 20, 2007 Public Session Agenda**

The Board reviewed the Occupational Therapy Advisory Council September 20, 2007 Public Session Agenda and considered it informational.

## F. Signed Settlement letter - Robert Witt, PT

The Board is in receipt of a signed Settlement letter from Robert Witt, PT. The Board found the physical therapist violated N.J.S.A. 45:1-21(e) professional misconduct for improperly delegating to a physical therapist assistant an assessment of a patient; N.J.S.A. 45:1-21(h) for failing to comply with the provisions of any act or regulation administered by the Board, specifically N.J.A.C. 13:39A-3.1 Patient records and N.J.A.C. 13:39A-3.6 Excessive Fees. The physical therapist was issued a \$7,500.00 civil penalty. The Board considers this matter to be concluded.

### **APPLICATIONS APPROVED BY THE BOARD:**

1. Apo B. Gue Jr.
2. Sheryl Baradsar

### **APPLICATIONS NOT APPROVED BY THE BOARD:**

1. Roanna Carolos
2. Froderick M. Del Rosario
3. Rommel Milliam
4. Paola Jay V. Bacero
5. Reigner Sumague
6. Michael Ray Torres

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

Respectfully submitted,

Nancy Kirsch, PT  
Board President