

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
September 26, 2006**

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 September 26, 2006. 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
JEFFREY A. ERICKSON, P.T.	Absent
BARRY INGLETT, P.T.	Present
NANCY KIRSCH, P.T.	Present
SUSAN M. QUICK	Present
KAREN WILK, P.T.	Present

Also present were: Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director, Members of the public: Patricia Brick, P.T., representative of the APTA-NJ; Kenneth Maily, P.T.; Frank Scerbo, P.T.; and Jennifer Stanton, P.T.

PUBLIC COMMENT

Patricia Brick, P.T., representative of the APTA-NJ, advised the Board that she receives many questions regarding N.J.A.C. 13:39A-3.5 (a) N.J.A.C. 13:39A-3.5(a) which requires every licensee to conspicuously display his or her biennial renewal certificate in a public area in any office or health care facility at which the licensee practices physical therapy and asked the Board for clarification.

The Board advised Ms. Brick that if a licensee practices at more than one location, then the licensee must post his or her biennial renewal certificate at each location. In this type of situation, the licensee will need to contact the Board office in writing and request a duplicate biennial renewal certificate for each location. If a licensee is employed by a hospital and the hospital sends the licensee to off-site locations, the licensee needs to post his or her biennial renewal certificate at the hospital and each off-site location. If licensees are employed by a facility in which they provide home care, the licensees would need to post their biennial renewal certificate at the facility and carry the small wallet certificate with them when they go out in the field.

Ms. Brick also asked whether physical therapists and physical therapist assistants could receive continuing education credit from courses given by APTA and APTA-NJ.

The Board advised Ms. Brick that the Board recognizes courses given by the APTA and APTA-NJ and physical therapists and physical therapist assistants can receive continuing education credits through these courses. The Board, in its Approved Lists of Continuing Education Sponsors on its web site will indicate that it automatically accepts credits awarded from courses given by the APTA and APTA-NJ as well as IACET.

Ms. Brick also advised the Board that she receives questions regarding N.J.A.C. 13:39A-3.1(a) which requires a licensed physical therapist to maintain for each patient a contemporaneous, permanent patient record that accurately reflects the patient contact with a physical therapist whether in an office, hospital or other treatment, evaluation or consultation setting and asked for clarification as to whether this applies to both a patient and a client.

The Board advised Ms. Brick that a physical therapist must maintain a record whether it is a patient or a client.

I. APPROVAL OF THE MINUTES OF JULY 25, 2006 BOARD MEETING

Upon a motion made by Jean Bickal and seconded by Mary Browne, the Board voted to accept the minutes of July 25, 2006 Board Meeting as amended. The motion carried by a unanimous vote.

II. NEW BUSINESS

A. Letter from Alexander Garduque, PT
RE: Manipulation Under Anesthesia

Mr. Garduque inquired whether the procedure gManipulation Under Anesthesiah (MUA) with a HCPCS code of 22505 is a reimbursable code if provided by a licensed physical therapist who is also certified in the MUA technique. Mr. Garduque also inquired whether the Board would acknowledge a licensed physical therapist with this gspecialtyh training.

The Board will advise Mr. Garduque that it is not within the Boardfs jurisdiction to clarify codes. The Board noted that this type of procedure (Manipulation Under Anesthesia) is not consistent with entry level education and will further advise Mr. Garduque that the New Jersey State Board of Physical Therapy Examiners does not issue licenses or certifications to physical therapists in any specialty area of practice.

B. Letter from Kellie Baldwin, PT
RE: Record Keeping

Ms. Baldwin inquired whether a physicianfs prescription for physical therapy services for each child for an entire school year would cover her for insurance and licensing purposes. Ms. Baldwin also inquired whether she is required to provide the physicians with follow up notes and if so, how frequently. Ms. Baldwin also asked whether the child study team reports would suffice for this purpose.

The Board will advise Ms. Baldwin that a physicianfs direction is not required for physical therapy treatment and the Board has no jurisdiction over insurance companies and the terms that they set. The Board will also advise Ms. Baldwin that in accordance with N.J.A.C. 13:39A-2.5(b), gNot more than 30 days from the date of initial treatment of functional limitation or pain, a physical therapist shall inform the patientfs licensed health care professional of record regarding the patientfs plan of care. In the event there is no identified licensed health care professional of record, the physical therapist shall recommend that the patient consult with a licensed health care professional of the patientfs choice. In a school setting, a schedule of physical therapy services shall be reported to the child study team by the physical therapist within 30 days of the date of initial treatmenth.

C. Letter from Cheryl Wishing, PT
RE: Continuing Education
Home Study Courses

Ms. Wishing inquired whether the Board would approve more than 2 credits to a home study course she took which was awarded 30 credits by the APTA.

The Board will advise Ms. Wishing that in accordance with N.J.A.C. 13:39A-9.3(c), a licensee can only receive two credits per home study course.

D. Letter from Keith C. Fleischman, PT
RE: Educational Requirements

Mr. Fleischman wrote the Board concerning the new continuing education statute and regulations which require New Jersey licensed physical therapists and physical therapist assistants to obtain 30 continuing education credits within each biennial renewal period. Mr. Fleischman advised the Board that he is currently a third year podiatric

medical student and inquired whether they would grant him an exemption from the continuing education requirement due to his financial hardship and time constraints or whether some of the classes he is currently taking as a podiatric medical student could be counted towards the continuing education requirement.

The Board will advise Mr. Fleischman that it denied his request for an exemption from the continuing education requirement. The Board will further advise Mr. Fleischman that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. and could be granted credit.

E. Letter from Mary C. Kasch, Executive Director of Hand Therapy Certification Commission, Inc. RE: Certified Hand Therapist (CHT)

Ms. Kasch, Executive Director of the Hand Therapy Certification Commission wrote the Board and inquired what it would require in order to approve recognition of the Certified Hand Therapist credential. Ms. Kasch provided the Board with an outline of the initial eligibility and recertification requirements.

The Board will advise Ms. Kasch that the Board doesn't have regulations that set forth standards for approval of specialty certifications at this time, therefore, is currently unable to approve the recognition of the Certified Hand Therapist credential. Once the standards are set forth in regulations, it will reconsider for recognition the Certified Hand Therapist credentials.

F. Letter from Jennifer Tablac, PT
RE: Educational Requirements for licensure

Ms. Tablac inquired whether it was necessary for a foreign educated physical therapist who graduated after 2003 to have a master's degree.

The Board will advise Ms. Tablac that in accordance with 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.

G. Letter from Nina Hurter
RE: Educational Requirements for licensure

Ms. Hurter from the Texas State Board of Physical Therapy informed the Board that DeVry University is an accredited institution that offers online general education courses, including physics with a lab which may be a possible solution for education deficiencies such as a foreign educated applicant lacking in general education classes. Ms. Hurter advised that the Texas Board is currently considering the DeVry University online courses as a possible resource for their applicants.

The Board reviewed Ms. Hurter's letter and considered it informational.

H. State Board of Chiropractic Examiners Rules
Proposed Readoption with Amendments: N.J.A.C. 13:44E

The Board of Physical Therapy Examiners had the opportunity to review the regulations being proposed during sunset review and will offer the following comments regarding their concerns for the Board of Chiropractic Examiners review.

In regards to the Board of Chiropractic Examiners' proposal to amend N.J.A.C.13:44 E-1.1 clarifying the scope of practice for licensed chiropractors, the Board of Physical Therapy Examiners has concern that the Board of Chiropractic Examiners is overstepping its bounds by attempting to revise their scope of practice to allow their licensees to administer therapeutic rehabilitative and/or strengthening exercises without amending their statute.

The Board of Chiropractic Examiners should be aware of a past court case that addresses those interventions that are specifically considered physical therapy and that the administration of stretching and strengthening exercises were not considered to be within the scope of practice of a chiropractor.

Regarding N.J.A.C. 13:44 E-2.7(b)-8, the Board of Physical Therapy Examiners is concerned that instruction in activities of daily living should be provided by a licensed health care professional and it would be inappropriate and possibly damaging or dangerous to the patient if these activities were delegated to an unlicensed assistant. Further, in that section the Board of Chiropractic Examiners proposes to amend the regulations to allow massage by a person who is certified by Massage, Body Work and Somatic Therapy Committee but it is important that the Board of Chiropractic Examiners understand that this intervention is not to be considered treatment for an individual that has an illness or injury and would not be permitted to be billed as such.

In regards to 13:44 E-2.12, referral of patients to physical therapists the Board of Chiropractic Examiners should be aware that physician direction is contrary to the Board of Physical Therapy statute. Physical therapists no longer require physician direction nor prescription for evaluation and treatment of patients as of February 13, 2003 except in automobile cases.

I. Letter from Karla Gambrill, PT
RE: Wound Care

Ms. Gambrill inquired whether a drain from a knee following an arthroscopic ACL repair is considered wound care that is within the physical therapy scope of practice or does this type of wound care necessitate an order for a nursing visit.

The Board will advise Ms. Gambrill that this type of wound care is within the scope of practice of a physical therapist. The Board will further advise Ms. Gambrill that it is within the professional judgment of a physical therapist who is trained and competent in this type of procedure whether to remove the drain or order a nursing visit.

J. Continuing Education Evaluation Service

1. Proposal from University of Medicine and Dentistry of New Jersey
2. Proposal from American Physical Therapy Association of New Jersey

The Board received a proposal from the University of Medicine and Dentistry of New Jersey CEES Department as well as a proposal from the American Physical Therapy Association of New Jersey for the review and approval of continuing education courses for the New Jersey State Board of Physical Therapy Examiners.

The Board will research whether there are New Jersey State requirements that the Board needs to meet in order to out source such a service.

K. Board Discussion
RE: Retention of patient schedules and financial information

This matter was referred to the rules and regulations committee of the Board for review.

L. Letter from Christina M. Bentrewicz, PT
RE: N.J.A.C. 13:39A-3.1(c)10

Ms. Bentrewicz inquired whether she would be in compliance with N.J.A.C. 13:39A-3.1(c)10 if she used a stamp that includes her name and license number next to her signature. This would eliminate the need to continuously write her license number and would provide her printed name in addition to her actual signature.

The Board will advise Ms. Bentrewicz that she could utilize such a stamp as long as it is adjacent to her actual

signature.

M. Letter from Doris Monroe, PT
RE: N.J.A.C. 13:39A-2.5(b)

Ms. Monroe asked the Board for clarification of N.J.A.C. 13:39A-2.5(b) specifically, gIn a school setting, a schedule of physical therapy services shall be reported to the child study team by the physical therapist within 30 days of the date of initial treatment. Ms. Monroe inquired whether this regulation required notification of the child study team only at the start of initial treatment or whether it required a physical therapist to re-notify the child study team following each new IEP or at the start of each school year as well.

The Board will advise Ms. Monroe that in addition to the initial notification, a physical therapist must re-notify the child study team each year.

N. Letter from Jodi Gittleman, Rehab Manager at St. Maryfs Hospital
RE: Prescriptions

Ms. Gittleman asked the Board whether a doctorfs prescription for physical therapy had to be renewed 30 days from when the doctor wrote the prescription or 30 days after the physical therapist completes the initial evaluation.

The Board will advise Ms. Gittleman that a prescription is not required for physical therapy treatment, but other state and Federal statutes and regulations may impact reimbursement.

O. Letter from Christine A. Larson, PT, Director of Professional Standards of the Federation of State Boards of Physical Therapy RE: Resources

Ms. Larson, Director of Professional Standards of the Federation of State Boards of Physical Therapy, wrote the Board concerning its reference guide of resources to states to use for remediation. The Board considered Ms. Larsonfs letter informational.

P. Letter from Amanda Hayowyk, PT
RE: Continuing Education

Ms. Hayowyk inquired whether she could use credits that she obtained from a course she took before she graduated and was issued a license to practice physical therapy in the State of New Jersey towards her continuing education.

The Board will advise Ms. Hayowyk that continuing education credits she obtains in order to meet the continuing education requirement must be taken after she obtained a license to practice physical therapy in the State of New Jersey.

III. OLD BUSINESS

A. Review of Comments

Rules of the State Board of Physical Therapy Examiners
Proposed Readoption with Amendments: N.J.A.C. 13:39A
with Charles Manning, Regulatory Analyst

A motion was made Barbara J. Behrens and seconded by Karen Wilk to approve the responses to the comments and adopt the regulations as proposed. A vote was taken and the motion carried by a unanimous vote. The responses will be published in the New Jersey Register

IV. FOR YOUR INFORMATION

A. Signed Settlement letter - Monika Shiffner, PT

The Board is in receipt of a signed Settlement letter from Monika Shiffner, PT. The Board found the physical therapist violated N.J.S.A. 45:1-7.1(b) and (c) in that she failed to renew her license within thirty days of the January 31, 2006 renewal period and she continued to practice with an expired license for approximately a month and a half from March 1, 2006 through April 24, 2006. The physical therapist was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

B. Signed Settlement letter - Jeremy Devine, PT

The Board is in receipt of a signed Settlement letter from Jeremy Devine, PT. The Board found the physical therapist in violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:39A-2.2(b) professional misconduct for continually failing to monitor the patient's response to care and modify the therapeutic interventions in a manner consistent with achieving the therapeutic goals. There was no change or modification of the treatment regimen despite the patient's subjective complaints that he experienced pain in the burn area. The Board found that the patient records were not prepared in compliance with N.J.A.C. 13:39A-3.1(a) and (c) 7,9,10,11, and 13. The patient bills did not include the physical therapist's license number in violation of N.J.A.C. 13:39A-3.4(e) as the licensee is responsible for reviewing and knowing the fees that are charged by the facility. The physical therapist was issued a \$2,500.00 civil penalty and required to pay Board costs in the amount of \$454.50. The Board considers this matter to be concluded as all the terms of the settlement have been met.

C. Memorandum from License Commission of the Americas

RE: Licensing of biofeedback and neurotherapy professionals

The Board reviewed a memorandum from the License Commission of the Americas regarding notification of its licensing of biofeedback and neurotherapy professionals and considered it informational.

D. New Jersey State Board of Medical Examiners September 13, 2006 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examinersf September 13, 2006 Open Board Agenda and considered it informational.

E. New Jersey State Board of Medical Examiners June 14, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examinersf June 14, 2006 Open Board Minutes and considered them informational.

F. New Jersey State Board of Medical Examiners June 14, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examinersf June 14, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

G. New Jersey State Board of Medical Examiners September 13, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examinersf September 13, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

H. Occupational Therapy Advisory Council September 14, 2006 Public Session Agenda

The Board reviewed the Occupational Therapy Advisory Councilfs September 14, 2006 Public Session Agenda and considered it informational.

APPLICATIONS APPROVED BY THE BOARD:

1. Charmaine C. Tiu
2. Carlo Lopez Hipol
3. Dennis B. Gutierrez

4. Ma Clarissa Gloria Josue
5. Mariflor Javier Trinidad
6. Karen A. Ado
7. Candice Solis
8. Mark Chester Din Yeung
9. Shirley Pocdihon
10. Precy Laroza
11. Ricky A. Lazo
12. Sharon C. DeLeon
13. Julius G. Boquiren
14. Zennea Sapilan
15. Ma Sheryll Harlan Co
16. Janet C. Batingana
17. Abigail C. Ferry
18. Florence O. Bonus
19. Maria Sheila L. Campanano
20. Annaliza D. Calumpiano
21. Annalyn F. Espiritu

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Jessie S. Ganon
2. Ma Celeste Flores Galera
3. Vannesa Joy Lagbas Tarectecan
4. Rica Cortez Inigo
5. Donald Sison Lipardo
6. Ricky A. Lazo
7. Dawn Maureen Tan Clam
8. Cristine Sabandal
9. Olushola A. Amarvi
10. Ma Elena Sorian
11. Adeniyi Ol Aina
12. Mary Ann Garcia Cruz
13. Jayson L. Bajamunde

Upon a motion made by Jean Bickal and seconded by Carolanne Aaron, the Board voted 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. Eleven matters filed with the Board, which requires review and additional recommendations with regard to investigations and/or actions.
2. Eight 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 Karen Wilk and seconded by Susan Quick to adjourn the meeting at 4:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director

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