

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS**  
**PUBLIC SESSION MINUTES**  
**October 23, 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 October 23, 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: Leslie Soulen, P.T., representative of the APTA-NJ; and Ronald Fudala, P.T., representative of the APTA-NJ

**I. APPROVAL OF THE MINUTES OF SEPTEMBER 25, 2007 BOARD MEETING**

Upon a motion made by Carolanne Aaron and seconded by Cindy Moore, the Board voted to accept the minutes of the September 25, 2007 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

**II. NEW BUSINESS**

A. Senate No. 2636 (Synopsis - Permits revised methods of treatment for chiropractors and establishes continuing education requirements) - Introduced May 10, 2007

A motion was made by Jean Bickal and seconded by Dennise Krencicki to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiner opposes S-2636 and will submit the following comment:

The bill permits revised methods of treatment for chiropractors and establishes continuing education requirements.

The Board considered changes proposed in S-2636 and determined that many of the changes result in a significant broadening of the scope of practice of the chiropractic physician. This increase in scope of practice is not uniformly supported by consistent appropriate increased education.

The following areas that increase the scope of practice were identified:

The practice of chiropractic was expanded from adjustment of the articulations of the spinal column to "manipulation and treatment of the articulations, structures or tissues of the human and animal body, particularly the spine, nervous system and related structures." This permits treatment of the entire body.

Within A-2636 the scope of practice of the Chiropractic physician includes the following that are changed from the existing statute.

- permits "any treatment except surgery, prescription drugs"
- permits the chiropractor to provide dietary and nutritional counseling
- permits the use of physical medicine modalities, rehabilitation
- permits the performance of acupuncture
- permits the chiropractor to perform, order and interpret any method of diagnosis or analysis on any ailment, disease, pain, injury, deformity, mental or physical condition.

This is a significant broadening of the scope of practice of the Chiropractor. The only stipulation is the methods and treatments listed above must be taught at a Board approved chiropractic college or taught at a board approved postgraduate course, or Board approved certificate course. The length and rigor of the course is not stipulated, potentially resulting in many different levels of preparation and training. This is of particular concern relative to the practice of acupuncture.

The Board of Physical Therapy Examiners is concerned that the public will be easily confused by licensees with very different skill sets for chiropractic practitioners. Not all of the interventions listed above are part of the entry level education of a chiropractic physician. This legislation allows chiropractors to do any of the interventions listed above as long as they have evidence of completing additional education in the subject area if it was not part of their entry level education. No special certifications, or permits are required to corroborate the competency the chiropractor is claiming.

Members of the public have no way of knowing whether the chiropractor has the education/training required to perform the activities that the revised practice act would permit.

Another area of concern is the exception to the stipulations surrounding the distribution of food concentrates, food extract, etc. These restrictions on self referral protect the patient from coercion on the part of the health care provider. This consumer protection should not be suspended to permit the sale of products in the office of the chiropractor.

The Board of Physical Therapy Examiners does support the addition of the continuing education requirement for biennial registration that is included in this legislation.

S-2636 is a bill that lacks many of the protections consumers should expect relative to the competence of their health care provider.

A vote was taken and the motion carried by a unanimous vote.

B. Letter from Alicia Aninowsky, PT  
RE: Supervision of Students in Clinical Setting

Ms. Aninowsky inquired if there were any statutes or regulations concerning supervision of students in a clinical setting.

The Board will advise Ms. Aninowsky that N.J.S.A. 45:9-37.19 does not "prohibit any student enrolled in a school or post-graduate course of physical therapy or in a course of study for training as a physical therapist assistant that is approved or recognized by the board from performing physical therapy or acting as a physical therapist assistant, as appropriate, which is necessary to his course of study". The Board will also advise Ms. Aninowsky that students must be supervised by a licensed physical therapist and the physical therapist must abide by the statutes and regulations governing the practice of physical therapy in the State of New Jersey.

C. Letter from Shelley Wittenberg, PT  
RE: Physical Therapy Practice Act

Ms. Wittenberg inquired whether a physical therapist can take a verbal order from a physician concerning a patient's medication.

The Board will advise Ms. Wittenberg that a physical therapist can relay the physician's direction to the patient and document the physician's direction in the patient's record.

D. Letter from Melinda Smialek, PT  
RE: Conductive Education

Ms. Smialek inquired whether the Board would comment on the use of conductive education, specifically with children who have cerebral palsy.

The Board will advise Ms. Smialek that any therapeutic procedure used by a physical therapist in treating a patient should be supported by evidenced based research.

E. Letter from Ayesha Khan-Hawkins, PT  
RE: Continuing Education

Ms. Hawkins wrote the Board requesting an extension to complete the continuing education requirement for this renewal period due to complications with her pregnancy.

A motion was made by Karen Wilk and seconded by Jean Bickal to request that Ms. Hawkins provide the Board with the number of continuing education credits she obtained from February 1, 2006 through the present. The Board will request that Ms. Hawkins provide it with a letter from her treating physician of the background and status of her pregnancy. The Board will also request that Ms. Hawkins provide it with the name and location of where she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present. The Board will further request that Ms. Hawkins provide it with a statement concerning the amount of time she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present including how many hours she practices and/or practiced in a day and how many days a week she practices and/or practiced. A vote was taken and the motion carried by a unanimous vote.

F. Letter from Jessica M. Martinez, PT  
RE: Continuing Education

Ms. Martinez wrote the Board requesting a waiver of the continuing education requirement for this renewal due to her husband's medical condition.

A motion was made by Barbara J. Behrens and seconded by Karen Wilk to request that Ms. Martinez provide it with a letter from her husband's treating physician of the background and status of his medical condition. The Board will also request that Ms. Martinez provide it with the name and location of where she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present. The Board will further request that Ms. Martinez provide it with a statement concerning the amount of time she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present including how many hours she practices and/or practiced in a day and how many days a week she practices and/or practiced. A vote was taken and the motion carried by a unanimous vote.

G. Letter from Caroline Unger, PT  
RE: Continuing Education

Ms. Unger furnished the Board with a copy of a Continuing Education Certificate provided by the Data Trace Publishing Co. to her for completing a home study course, "Physical Therapists' Guide to Malpractice".

The Board noted that the Continuing Education Certificate states that New Jersey approved Data Trace Publishing Co.'s home study course, "Physical Therapists' Guide to Malpractice" for 6 continuing education credits which is incorrect as the Board approved this course for only 2 continuing education credits pursuant to N.J.A.C. 13:39A-9.3(c)1.

A motion was made by Mary Browne and seconded by Karen Wilk to request that Data Trace Publishing Co.

notify all New Jersey licensed physical therapists or physical therapist assistants that took the home study course "Physical Therapists' Guide to Malpractice" of the error immediately. The Board will request that Data Trace Publishing Co. provide the Board with a copy of the notification that they send to the New Jersey licensed physical therapists and physical therapists assistants that took this course of this error. The Board will advise the Data Trace Publishing Co. that New Jersey licensed physical therapists and physical therapist assistants must complete 30 continuing education credits by January 31, 2008 in order to renew their New Jersey license. The Board will further advise the Data Trace Publishing Co. that this error will have a negative impact on those who took this course and were not notified that they were misinformed. A vote was taken and the motion carried by a unanimous vote.

H. Letter from Stacey Goller, PTA  
RE: Continuing Education

Ms. Goller wrote the Board requesting a waiver of the continuing education requirement for this renewal due to her medical condition.

A motion was made by Karen Wilk and seconded by Mary Browne to request that Ms. Goller provide it with the number of continuing education credits she obtained from February 1, 2006 through the present. The Board will request that Ms. Goller provide it with a letter from her treating physician of the background and status of her medical condition. The Board will also request that Ms. Goller provide it with the name and location of where she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present. The Board will further request that Ms. Goller provide it with a statement concerning the amount of time she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present including how many hours she practices and/or practiced in a day and how many days a week she practices and/or practiced. A vote was taken and the motion carried by a unanimous vote.

I. Letter from Katherine Shoshilos, PT  
RE: Continuing Education

Ms. Shoshilos wrote the Board requesting a waiver of the continuing education requirement or an extension to complete the continuing education requirement for this renewal due to her medical condition.

A motion was made by Barbara J. Behrens and seconded by Karen Wilk to request that Ms. Shoshilos provide it with the number of continuing education credits she obtained from February 1, 2006 through the present. The Board will also request that Ms. Shoshilos provide it with the name and location of where she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present. The Board will further request that Ms. Shoshilos provide it with a statement concerning the amount of time she practices and/or practiced physical therapy during the time frame of February 1, 2006 through the present including how many hours she practices and/or practiced in a day and how many days a week she practices and/or practiced. A vote was taken and the motion carried by a unanimous vote.

J. Applicant - Kashmira Bhardwaj  
RE: TOEFL

Kashmira Bhardwaj applied for a New Jersey Physical Therapist license in September of 2005. Ms. Bhardwaj passed and supplied an original score report from the Test of English as Foreign Language (TOEFL) in 2005 at the time of application.

A motion was made by Barbara J. Behrens and seconded by Karen Wilk to accept Kashmira Bhardwaj's 2005 TOEFL scores which are on file at the Board office. A vote was taken and the motion carried by a unanimous vote.

K. Applicant- Kanwal Bhardwaj  
RE: TOEFL

Kanwal Bhardwaj applied for a New Jersey Physical Therapy license in December of 2005. Mr. Bhardwaj passed and supplied an original score report from the Test of English as Foreign Language (TOEFL) in 2005.

A motion was made by Barbara J. Behrens and seconded by Karen Wilk to accept Kanwal Bhardwaj's 2005 TOEFL scores which are on file at the Board office. A vote was taken and the motion carried by a unanimous vote.

### **III. 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 matter until its November 27, 2007 Board meeting.

B. 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.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to approve the New Jersey State Board of Physical Therapy Examiners' Americans with Disabilities (ADA) Examination Accommodations Policy and Procedures document which will be provided to new applicants applying for licensure. A vote was taken and the motion carried by a unanimous vote.

### **IV. FOR YOUR INFORMATION**

A. New Jersey Board of Chiropractic Examiners  
June 28, 2007 Public Session Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners' June 28, 2007 Public Session Minutes and considered them informational.

B. New Jersey Board of Chiropractic Examiners  
September 27, 2007 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' September 27, 2007 Public Session Agenda and considered it informational.

C. New Jersey State Board of Medical Examiners  
July 11, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' July 11, 2007 Open Board Minutes and considered them informational.

D. New Jersey State Board of Medical Examiners  
July 11, 2007 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' July 11, 2007 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

E. New Jersey State Board of Medical Examiners  
August 8, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' August 8, 2007 Open Board Minutes and considered them informational.

F. New Jersey State Board of Medical Examiners  
September 26, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' September 26, 2007 Open Board Agenda and considered it informational.

G. New Jersey State Board of Medical Examiners  
October 10, 2007 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' October 10, 2007 Open Board Agenda and considered it informational.

H. New Jersey State Board of Medical Examiners  
October 10, 2007 Open Board Agenda of Disciplinary Matters  
Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' October 10, 2007 Open Board Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

I. Division of Consumer Affairs  
Per Diem Compensation for Members of Professional  
and Occupational Boards  
Proposed Readoption: N.J.A.C. 13:44B  
From the October 15, 2007 issue of the New Jersey Register

The Board reviewed the Division of Consumer Affairs Per Diem Compensation for Members of Professional and Occupational Boards Proposed Readoption and considered it informational.

J. Department of Banking and Insurance  
Division of Property and Casualty  
Adopted Repeals and New Rules: N.J.A.C. 11:3-29  
Appendix, Exhibits 1,4,5 and 6  
Adopted New Rule: N.J.A.C. 13:3-29 Appendix, Exhibit 7  
Adopted Amendments: N.J.A.C. 11:3-29.1, 29.2, 29.3, and 29.4  
From the October 1, 2007 issue of the New Jersey Register

The Board reviewed the Department of Banking and Insurance Adopted Repeals and New Rules, Adopted New Rule, and Adopted Amendments and considered them informational.

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

1. Kanwal Bhardwaj
2. Kashmira Bhardwai

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

1. Sharmilee S. Dixit
2. Alex John
3. Maureen Ann G. Barlaan

#### 4. Liju Sam

Upon a motion made by Dennise Krencicki 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. Five matters filed with the Board, which require review and additional recommendation with regard to investigations and/or actions.
2. Six 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 Dennise Krencicki and seconded by Barbara J. Behrens to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Nancy Kirsch, PT  
Board President