

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
October 24, 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 October 24, 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. Present
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; Nancy Costello Miller, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director, Members of the public: Patricia Brick, P.T., representative of the APTA-NJ and Kenneth Maily, P.T.

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF SEPTEMBER 26, 2006 BOARD MEETING

Upon a motion made by Jean Bickal and seconded by Barbara J. Behrens, the Board voted to accept the minutes of the September 26, 2006 Board Meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Letter from Robert L. Dekerlegand, PT
RE: Continuing Education

Mr. Dekerlegand inquired whether the Board would consider automatically approving published book chapters for continuing education credit. Mr. Dekerlegand also inquired whether the Board would consider automatically accepting credits awarded from courses sponsored or given by other reputable professional organizations in addition to IACET (International Association for Continuing Education and Training), APTA (American Physical Therapy Association), and APTA-NJ (American Physical Therapy Association, New Jersey Chapter).

The Board will advise Mr. Dekerlegand that it will not consider book chapters for continuing education credits as book chapters are not peer reviewed. The Board automatically accepts credits awarded from courses sponsored or given by IACET, APTA, and APTA-NJ as all the courses given or sponsored by these organizations are appropriate for physical therapists and physical therapist assistants and these organizations adhere to the Board's standards. The Board will further advise Mr. Dekerlegand 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 may be granted credit.

B. Letter from Keri Adler, PT

RE: Clinical Instructor Requirements

Mr. Adler wrote the Board and asked whether there was a handbook or regulations for physical therapy clinical instructors. Mr. Adler also inquired whether there was a law requirement that the parent or guardian of a student give permission for their child to be treated by a student physical therapist.

The Board will advise Mr. Adler that he could obtain a handbook for physical therapy clinical instructors from the APTA (American Physical Therapy Association). The Board will also advise Mr. Adler that he would need to inquire with the Board of Education in the school district or seek private counsel concerning this matter as it is not within the jurisdiction of the Board of Physical Therapy Examiners.

C. Letter from Boroji Fadayomi, PT

RE: Laser Treatment

Ms. Fadayomi inquired whether New Jersey licensed physical therapists were permitted to utilize laser treatment.

The Board will advise Ms. Fadayomi that laser treatment is within the scope of practice of physical therapy as long as there is clinical justification for pain management and tissue healing and the physical therapist is trained and competent in the use of laser treatment as an intervention.

D. Letter from Janet Moffitt Crosier, PT from the American Physical Therapy Association RE: Continuing Education

Ms. Crosier inquired whether the Board would consider completion of the APTA credentialed residency and/or fellowship program during the re-licensure period as fulfillment of its continuing education requirement.

The Board will advise Ms. Crosier that N.J.A.C. 13:39A-9.3 allows licensed physical therapists to obtain 15 continuing education credits for successfully completing a residency approved by the American Physical Therapy Association.

E. Letter from David Bertone, PT

RE: Horizon Blue Cross/Blue Shield Appeals Process

Mr. Bertone advised the Board of his concern that members on the Horizon Blue Cross/Blue Shield Medical Appeals Committee may not be licensed professionals in the State of New Jersey. Mr. Bertone informed the Board that he is concerned that consumers in New Jersey are being denied access to medical care by unlicensed medical reviewers operating without the proper credentials.

The Board will advise Mr. Bertone that the Board does not have jurisdiction over insurance companies and their appeal process, but has concerns over the review process by persons not licensed in New Jersey and will continue to look into this matter.

F. Division of Consumer Affairs

New Jersey Board of Nursing

Message, Bodywork and Somatic Therapy Examining Committee

Proposed Amendments: N.J.A.C. 13:37-5.5, 16.2 through 16.9, 16.11 and 16.13

- Published in the October 16, 2006 New Jersey Register

The Board will review this matter at its November 28, 2006 meeting.

G. Division of Consumer Affairs

Administrative Hearings in the Division of Consumer Affairs

Proposed Repeals: N.J.A.C. 13:45-4.5, 4.6 and 4.7

Proposed Repeal and New Rule: N.J.A.C. 13:45-5.5

- Published in the October 16, 2006 New Jersey Register

The Board will review this matter at its November 28, 2006 meeting.

H. Letter from Nirali Shah

RE: Masters or Doctorate degree requirements

Ms. Shah advised the Board that she graduated in November of 2003 and has an undergraduate degree from India. Ms. Shah inquired whether a transitional-DPT (Doctorate in Physical Therapy) degree would 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". Ms. Shah informed the Board that she found that transitional-DPT (Doctorate in Physical Therapy) programs are not CAPTE (Commission on Accreditation in Physical Therapy Education) accredited programs.

The Board will advise Ms. Shah that transitional-DPT programs are not CAPTE accredited programs and would not satisfy the educational 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. Shah that she would need to complete a master's or doctorate degree in physical therapy from an accredited college or university physical therapy program in order to satisfy these requirements.

I. Department of Banking and Insurance

Division of Property and Casualty

Medical Fee Schedules: Automobile Insurance

Personal Injury Protection and Motor Bus Medical

Expense Insurance Coverage

Proposed Repeals and New Rules: N.J.A.C. 11:3-29

Appendix, Exhibits 1,4,5, and 6

Proposed New Rule: N.J.A.C. 11:3-29 Appendix, Exhibit 7

Proposed Amendments: N.J.A.C. 11:3-29.1, 29.2, 29.3, and 29.4

- Published in the September 5, 2006 New Jersey Register

A motion was made by Barry Inglett and seconded by Karen Wilk to advise Robert Melillo, Chief of the Legislative and Regulatory Affairs of the Department of Banking and Insurance that the New Jersey State Board of Physical Therapy Examiners strongly supports the Personal Injury Protection (PIP) fee schedule as well as the provision that physical therapy shall not be reimbursable under PIP unless rendered by a licensed physical therapist. A vote was taken and Jean Bickal abstained while all others voted in favor. The motion passed by a majority vote.

J. December 26, 2006 New Jersey State Board of Physical Therapy Examiners Meeting

A motion was made by Mary Browne and seconded by Jean Bickal to change the December, 2006 meeting date from December 26, 2006 to December 19, 2006 due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

III. OLD BUSINESS

A. Continuing Education Evaluation Service

A motion was made by Jeffrey Erickson and seconded by Carolanne Aaron to refer this matter to the Continuing Education Committee during the process of possibly delegating the approval of continuing education courses for the New Jersey State Board of Physical Therapy Examiners. The Committee consists of Mary Browne, Barbara J. Behrens, and Nancy Kirsch. A vote was taken and the motion carried by a unanimous vote.

IV. FOR YOUR INFORMATION

A. Signed Settlement letter - Terrence Moran, PT

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

B. FSBPT (Federation of State Boards of Physical Therapy)
New Briefs - September, 2006

The Board reviewed the FSBPT September, 2006 New Briefs and considered them informational.

C. New Jersey State Board of Medical Examiners
October 11, 2006 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' October 11, 2006 Open Board Agenda and considered it informational.

D. New Jersey State Board of Medical Examiners
August 9, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' August 9, 2006 Open Board Minutes and considered them informational.

E. New Jersey State Board of Medical Examiners
August 9, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' August 9, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

F. New Jersey State Board of Medical Examiners
October 11, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' October 11, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

G. Orthotics and Prosthetics Board of Examiners
September 26, 2006 Public Session Agenda

The Board reviewed the Orthotics and Prosthetics Board of Examiners September 26, 2006 Public Session Agenda and considered it informational.

H. New Jersey Board of Chiropractic Examiners
September 21, 2006 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' September 21, 2006 Public Session Agenda and considered it informational.

I. New Jersey Board of Chiropractic Examiners
July 20, 2006 Public Session Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners' July 20, 2006 Public Session Minutes and considered them informational.

J. New Jersey Board of Chiropractic Examiners
October 19, 2006 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' October 19, 2006 Public Session Agenda and considered it informational.

K. New Jersey Board of Chiropractic Examiners
September 21, 2006 Public Session Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners' September 21, 2006 Public Session Minutes and considered them informational.

APPLICATIONS APPROVED BY THE BOARD:

1. Venus Salarda Sanchez
2. Edith Joy Uy Tan
3. Leopoldo Samonte, Jr.
4. Federico M. David Jr.
5. Farrah S. Tan
6. Joanne Stacey A. Andrada
7. Sheryll B. Dano
8. Maria Angelica Ruiz Gelilio
9. Anna Marie P. Azote
10. Heart E. Cahiles

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Anna Lee P. Asok
2. Bhavi Patel
3. Prem Issac

Upon a motion made by Karen Wilk and seconded by Jean Bickal, 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. Eight matters filed with the Board, which require review and additional recommendations 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 Mary Browne and seconded by Barry Inglett to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director