

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
PUBLIC SESSION MINUTES  
October 28, 2008**

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 28, 2008. 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 and Lisa Petrowski, Assistant to the Executive Director

**I. APPROVAL OF THE MINUTES OF SEPTEMBER 23, 2008 BOARD MEETING**

**II. NEW BUSINESS**

**A. Letter from Maitland Australian Physiotherapy Seminars  
RE: Course, "MT-2: Basic Spinal Seminar"**

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Joanne Showalter advised the Board that the approved course, "MT-2: Basic Spinal Seminar" will be given on November 21-23, 2008 with a new course lecturer, Robert Fluegel, PT. Ms. Showalter provided the Board with a copy of Mr. Fluegel's Curriculum Vitae for their review and approval.

A motion was made by Cindy Moore and seconded by Jean Bickal to approve the qualifications of Robert Fluegel, PT as the lecturer for the course, "MT-2: Basic Spinal Seminar" for the November 21-23, 2008 dates. A vote was taken and the motion carried by a unanimous vote.

**B. Letter from Great Seminars and Books, Inc.  
RE: Course, "Home Health Rehabilitation"**

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Great Seminars and Books, Inc. wrote the Board concerning the 19.5 credits that the Board approved for the course they submitted titled, "Home Health Rehabilitation". Great Seminars and Books, Inc. provided the Board with additional information that clarified the course schedule and asked the Board to reconsider approving this course for 20 credits.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Great Seminars and Books, Inc. that the Board amended the amount of credits approved for the course, "Home Health Rehabilitation" to 20 credits based on the additional information provided. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Carlos Monterroyo, PT  
RE: Bed Mobility Evaluation

Mr. Monterroyo inquired whether a physical therapist assistant is permitted to see a patient pending bed mobility evaluation.

The Board will advise Mr. Monterroyo that a physical therapist assistant cannot perform any intervention for a patient until the supervising physical therapist has developed and discussed the plan of care for the patient.

D. Letter from Linda Pagan  
RE: Prescription for Physical Therapy Treatment

Ms. Pagan asked the Board if a prescription for physical therapy treatment had a specific expiration timeframe. The Board will advise Ms. Pagan that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not have any requirements for the expiration of prescriptions for physical therapy treatment. The Board will also advise Ms. Pagan that there may be other State laws that require a specific expiration timeframe for prescriptions.

E. Letter from Ed Malkin  
RE: Home Care Services

Mr. Malkin inquired whether a physical therapist assistant was permitted to provide services to homebound patients after a licensed physical therapist conducts the initial evaluation and establishes a plan of care.

The Board will advise Mr. Malkin that a physical therapist assistant can provide services to home bound patients after the plan of care has been established by the physical therapist if the supervision requirement can be met. Pursuant to N.J.A.C. 13:39A-7.2(a), "The licensed physical therapist supervisor shall be in the same building or, where physical therapy is rendered in several contiguous buildings, in one of the contiguous buildings, while the licensed physical therapist assistant is rendering care. The licensed physical therapist supervisor shall be constantly available through electronic communication for consultation or for recall to the area where the licensed physical therapist assistant is rendering care.", the physical therapist supervisor must be on-site regardless of the treatment venue.

F. Letter from Jeff Davis  
RE: Delegation

Mr. Davis wrote the Board concerning the administering of physical therapy modality by office staff personnel. Mr. Davis asked the Board to confirm that an individual must be licensed or certified in order to administer any physical therapy modalities. Mr. Davis also inquired whether the delegation of these duties to office staff personnel depended upon how the office collected fees for services rendered.

The Board will advise Mr. Davis that a physical therapist cannot delegate the administration of any physical therapy modality to unlicensed personnel regardless of how the office collected the fees for services pursuant to N.J.A.C. 13:39A-2.4.

G. Letter from Amy Boyer, PT  
RE: Canine Rehabilitation

Ms. Boyer inquired whether New Jersey licensed physical therapists could treat canines under the supervision of a New Jersey licensed veterinarian.

The Board will forward a copy of Ms. Boyer's letter to the Board of Veterinarian Examiners as it concerns the treatment of canines.

H. Letter from Jane Robbins, PT  
RE: Supervision

Ms. Robbins asked the Board how a physical therapist and physical therapist assistant are supposed to review the findings of an evaluation and comply with N.J.A.C. 13:39A-7.1 and N.J.A.C. 13:39A-7.2 in a situation where the physical therapist does not work on the same day as the physical therapist assistant or in a situation where a physical therapist assistant "fills in" for one day. Ms. Robbins also asked how the physical therapist and physical therapist assistant should document the plan of care review in these situations and comply with N.J.A.C. 13:39A-3.1.

The Board will advise Ms. Robbins that the physical therapist and physical therapist assistant must comply with the statutes and regulations governing the practice of physical therapy regardless of the situation.

I. Letter from Kate Fishman, PT  
RE: Manual Therapy

Ms. Fishman inquired whether a New Jersey licensed physical therapist could perform manipulation and whether there has been legislation concerning physical therapists performing manipulation within the last decade.

The Board will advise Ms. Fishman that mobilization is within the scope of practice of New Jersey licensed physical therapists and mobilization includes grade 5 manipulation. The Board will also advise Ms. Fishman that the Board does not have any information concerning the occurrence of this topic in the legislation over the past decade.

J. Letter from Janice Judge, PT  
RE: Continuing Education

Ms. Judge advised the Board that she placed her license on inactive status as she is unable to comply with the continuing education requirement due to her medical condition. Ms. Judge inquired whether the Board would allow her to activate her license if she completed the 30 continuing education credits from internet courses.

The Board will advise Ms. Judge that she must comply with the continuing education requirement and must provide the Board with 30 continuing education credits in order to activate her physical therapist license pursuant to N.J.A.C. 13:39A-5A.2(b).

K. Letter from Allard USA  
RE: Course, "Gait Concepts and Orthotic Management"

Allard USA wrote the Board concerning its denial of a course they submitted titled, "Gait Concepts and Orthotic Management" as the bibliography did not include at least five references from peer reviewed journals published within the past five years.

The Board noted that some of the references were from the summer of 2008 peer reviewed journals.

A motion was made by Dennise Krencicki and seconded by Barbara J. Behrens to approve this course for the upcoming dates as it now meets the requirements set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

L. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

The Board reviewed the recommendations of the course reviewers at the University of Medicine and

Dentistry of New Jersey (UMDNJ) for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Barbara J. Behrens to accept the course reviewers' recommendations as presented. All 23 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

M. Letter from Monica Joshi, PT  
RE: Permissible Business Structures

Ms. Joshi wrote the Board concerning permissible forms of physical therapy practice, specifically if a medical doctor could employ a physical therapist. Ms. Joshi also advised the Board that she is interested in opening her own physical therapy practice and noted the importance of a referral source.

The Board will advise Ms. Joshi that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not address the type of business practice a physical therapist or physical therapist assistant may engage in while practicing the profession of physical therapy at this time. The Board is working towards promulgating regulations that would address this issue. The Board will advise Ms. Joshi that if a physical therapist is employed by a general business corporation, the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey. The Board will also advise Ms. Joshi that she may wish to consult with her own private attorney concerning other laws she should be aware of when opening and maintaining her own private practice including appropriate referral methods.

N. Letter from John Lugo, PT  
RE: Permissible Business Structures

Mr. Lugo inquired whether a physical therapist needed to be paid a salary if employed by a physician, chiropractor, or physical therapist or can a physical therapist work as an independent contractor.

The Board will advise Mr. Lugo that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not address acceptable methods in which a physical therapist can be paid in any circumstance but there may be other State or Federal laws that are applicable.

O. Letter from Patricia S. Allen, PT  
RE: Patient Records

Ms. Allen advised the Board she works for a home health agency and her title is "Admissions Physical Therapist". Ms. Allen advised that she opens the cases referred to the home health agency and the case is subsequently assigned to a physical therapist "case manager" and her responsibilities to the patient end as the case manager physical therapist carries the patient through to discharge. Ms. Allen advised the Board that when a patient is assigned to a subcontractor physical therapist, her name appears on the patient record as the "case manager" until discharge. Ms. Allen inquired whether she would be accountable for the patient care because her name is listed on the patient record as "case manager" even though that is not her correct title or function and she has no further contact with the patient after the case is opened.

The Board will advise Ms. Allen that she is accountable for the patient care from the time she does the initial evaluation until the care of the patient is transferred and documented as transferred to someone else.

### III. OLD BUSINESS

A. Letter from Mark D. Miller, Esq.  
RE: Joseph Gerald Brandt

At its April 22, 2008 Board meeting, the Board reviewed a letter from Thomas Briody, Esq. on behalf of Joseph Gerald Brandt who is an applicant for licensure as a physical therapist assistant. Mr. Briody requested that Mr. Brandt be issued a New Jersey physical therapist assistant license without examination pursuant to N.J.S.A. 45:9-37.28 on the basis that the education and experience requirements for New Jersey and New York are substantially equivalent. Mr. Briody provided the Board with a copy of the requirements for certification as a physical therapist assistant in New York which states, "Education: have received an education including completion of a two-year college program in a physical therapist assistant program or equivalent in accordance with the commissioner's regulations".

The Board noted that Mr. Brandt majored in "Medical Tech" and graduated with a two year degree.

At the Board's April 22, 2008 meeting, the Board voted to deny Joseph Gerald Brandt's application for licensure. Mr. Brandt does not meet the licensing requirements as set forth in N.J.A.C. 13:38A-5.2. Mr. Brandt did not complete a two-year physical therapist assistant program from an accredited college or university approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council on Post Secondary Accreditation and the United States Department of Education and did not take and pass the National Physical Therapist Assistant Examination. The Board does not recognize a substitute educational program for the physical therapist assistant education.

Mark D. Miller, Esq. wrote the Board on behalf of Joseph Gerald Brandt and asked the Board to reconsider this matter and Mr. Brandt's application for licensure.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to reaffirm the Board's original decision to deny Joseph Gerald Brandt's application for licensure as he does not meet the licensing requirements set forth in N.J.A.C. 13:38A-5.2. A vote was taken and the motion carried by a unanimous vote.

B. Sponsor - Cross Country Education RE: Course "Effective Treatment of Upper Thoracic & Pain Condition"

Brenda Nash advised the Board that the approved course, "Effective Techniques for Total Body Strengthening" will be given on November 16, 2008 in Edison, New Jersey will be advertised and will be in compliance with N.J.A.C. 13:39A-9.3(h), "Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing education courses, programs and seminars for dues-paying members" as it is open to all physical therapists and physical therapist assistants for this date and location. Ms. Nash advised the Board that her previous letter indicating that this course was "in-house" was an error.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to accept Ms. Nash's explanation. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Cross Country Education  
RE: Course, "Effective Techniques for Total Body Strengthening"

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

The Board noted that Cross Country Education submitted additional information concerning the speaker and this course was subsequently approved for 6 continuing education credits.

#### IV. FOR YOUR INFORMATION

A. Federation of State Boards of Physical Therapy  
September, 2008 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy's September 2008 News Brief and

considered it informational.

B. New Jersey Board of Medical Examiners'  
September 10, 2008 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' September 10, 2008 Open Board Agenda and considered it informational.

C. New Jersey Board of Medical Examiners'  
September 10, 2008 Open Agenda of  
Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' September 10, 2008 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

D. New Jersey Board of Medical Examiners'  
July 9, 2008 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' July 9, 2008 Open Board Minutes and considered them informational.

E. New Jersey Board of Medical Examiners'  
July 9, 2008 Open Minutes of  
Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' July 9, 2008 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

F. New Jersey Board of Medical Examiners'  
October 15, 2008 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' October 15, 2008 Open Board Agenda and considered it informational.

G. New Jersey Board of Medical Examiners'  
October 15, 2008 Open Agenda of  
Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' October 15, 2008 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

H. New Jersey Board of Medical Examiners'  
August 13, 2008 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' August 13, 2008 Open Board Minutes and considered them informational.

I. New Jersey Board of Medical Examiners'  
August 13, 2008 Open Minutes of  
Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' August 13, 2008 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

**APPLICATIONS APPROVED BY THE BOARD**

1. Maricel Tirazona Tan
2. Janice DeGuzman

#### APPLICATIONS NOT APPROVED BY THE BOARD

1. Susan Cortes
2. Sonny S. Dionisio
3. Gladys A. Tusing
4. Saritha Kumari Kompallyt

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 of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Eleven matters filed with the Board, which require review and additional recommendation with regard to investigations and/or actions.
2. Eleven 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 Barbara J. Behrens and seconded by Dennise Krencicki to adjourn the meeting at 4:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Nancy Kirsch, PT  
Board President