

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
PUBLIC SESSION MINUTES  
NOVEMBER 22, 2005**

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 Room, 6th Floor, on Tuesday, November 22, 2005. 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 9:45 a.m. and a roll call was taken and the following attendance was recorded:

BARBARA BEHRENS, P.T.A. Present  
JEAN M. BICKAL, ESQ. Present  
MARY B. BROWNE, P.T. Present  
JEFFREY ERICKSON, P.T. Excused  
BARRY INGLETT, P.T. Present  
NANCY R. KIRSCH, P.T. Present  
IVETTE P. MARTINEZ Excused  
SUSAN M. QUICK Present  
GARY SAVANDER, P.T. Excused  
KAREN E. WILK, P.T. Present

Also present were: Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Lora Sellmeyer, Assistant to the Executive Director  
Members of the public: Kenneth Mailly, PT; Patty Brick, PT, Director of Practice APTA-NJ

**PUBLIC COMMENT:**

**I. APPROVAL OF THE MINUTES OF THE OCTOBER 25, 2005 BOARD MEETING**

Upon a motion made by Barbara Behrens and seconded by Jean Bickal, the Board voted to accept the minutes of the October 25, 2005 Board meeting as amended. The motion carried by a unanimous vote.

**II . OLD BUSINESS:**

**A. CORPORATE PRACTICE**

The Board considered this matter informational.

**B. LUPE AMY GONZALEZ, PT**

Nancy Kirsch was recused during this discussion and moved away from the table.

The Board reviewed the documentation provided by William T. Anastasio, Attorney for Lupe Amy Gonzalez, PT. The Board determined that they would accept the certification outlining the changes in the billing system. The Board also determined that the CMS courses are approved courses for Ms. Gonzalez to meet her requirement as per the signed Consent Order. The Board will advise her that she is responsible for all types of billing and not just medicare.

Upon a motion made by Barbara Behrens and seconded by Jean Bickal, the Board voted to accept the certification outlining the changes in the billing system used by the practice of Lupe Amy Gonzalez, PT. The Board also voted to accept the CMS approved courses submitted. The motion carried by a unanimous vote.

**C. NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS ADA POLICY**

The Board reviewed the proposed New Jersey State Board of Physical Therapy Examiners ADA policy written by the Education committee. The Board amended the policy by adding the definition of a qualified professional and adjusting the formatting of the policy.

Upon a motion made by Barbara Behrens and seconded by Karen Wilk, the Board voted to approve the amended New Jersey State Board of Physical Therapy Examiners ADA policy. The motion carried by a unanimous vote.

#### **D. APPROVAL OF FORM FOR "SPECIAL ACCOMMODATIONS REQUEST FOR ADA**

This matter is tabled to the December 27, 2005 Board meeting.

#### **E. PROPOSED MISSION STATEMENT FOR THE BOARD**

The Board reviewed and approved the amended mission statement prepared by Board members Karen Wilk and Jean Bickal. This mission statement will be posted on the Board's website in the future.

Upon a motion made by Mary Browne and seconded by Barry Inglett, the Board voted to approve the amended mission statement for the New Jersey State Board of Physical Therapy Examiners. The motion carried by a unanimous vote.

#### **F. TOEFL SCORES POLICY**

This matter is tabled until the December 27, 2005 Board meeting.

### **III. INFORMATIONAL:**

#### **A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS-OPEN BOARD MINUTES SEPTEMBER 14, 2005**

The Board considered this matter informational.

#### **B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION NOVEMBER 9, 2005**

The Board considered this matter informational.

#### **C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION SEPTEMBER 14, 2005**

The Board considered this matter informational.

#### **D. FSBPT 2006 NPTE ANALYSIS OF PRACTICE**

The Board considered this matter informational.

#### **E. FSBPT OCTOBER 2005 NEWS BRIEFS**

The Board considered this matter informational.

#### **F. OCCUPATIONAL THERAPY ADVISORY COUNCIL- ADOPTED AMENDMENTS N.J.A.C 13:44K-7.1 AND 7.2**

The Board considered this matter informational.

### **IV . APPEARANCES:**

## T.O.E.F.L. WAIVERS:

There were no TOEFL waivers at this meeting.

## VII. NEW BUSINESS:

### A. INQUIRY FROM RUTH WATERMAN, PTA REGARDING INTEGRATED THERAPEUTIC PROGRAM (ITN)

The Board reviewed an inquiry from Ruth Waterman, PTA who has concerns regarding a letter that went out from the Division of Developmental Disabilities. Nancy Kirsch will draft a letter that will be sent to the Division of Developmental Disabilities to clarify that physical therapy services cannot be performed by non-licensed individuals as referenced in the reviewed documentation.

Upon a motion made by Barbara Behrens and seconded by Barry Inglett, the Board voted to have Nancy Kirsch draft a letter to the Division of Developmental Disabilities to clarify the Board's rules and regulations. The motion carried by a unanimous vote.

### B. INQUIRY FROM JO ANN FARINA, RN; MERIDIAN HOME CARE REGARDING PROTHROMBIN TIME TEST (PT/INR)

The Board reviewed correspondence from JoAnn Farina, RN inquiring whether the rules and regulations preclude a physical therapist from performing a prothrombin time test (PT/INR). The Board will advise Ms. Farina that the performance of a prothrombin time test is not within the scope of practice for a New Jersey licensed physical therapist.

Upon a motion made by Jean Bickal and seconded by Karen Wilk, the Board voted to send Jo Ann Farina, RN a letter advising her that the performance of a prothrombin time test is not within the scope of practice for a physical therapist. The motion carried by a unanimous vote.

### C. A4325 - REVISES STANDARDS FOR EXPERT WITNESSES IN MEDICAL MALPRACTICE ACTIONS

This matter is considered informational.

### D. A4182- DEEMS UTILIZATION MANAGEMENT DECISIONS ON BEHALF OF CERTAIN INSURERS TO BE PRACTICE OF HEALTH CARE PROFESSION

This matter is considered informational.

### E. SIGNED SETTLEMENT LETTER- DORIS MONROE, PT

The Board is in receipt of a signed Settlement letter from Doris Monroe, PT for being in violation of 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, 2002 renewal period and continued to practice with a suspended license after February 29, 2002 to the present which action is deemed to constitute the unlicensed practice of physical therapy. Doris Monroe, PT was issued a \$6000.00 penalty. This matter is now considered closed.

### F. SIGNED SETTLEMENT LETTER- CHRISTINE LIVINGSTON, PT

The Board is in receipt of a signed Settlement letter from Christine Livingston, PT for violation of N.J.S.A. 45:1-21(h) and N.J.A.C.13:39A-3.4 that requires that fees of physical therapy services shall be reasonable and commensurate with fees of physical therapists offering like services or intervention in the geographic area and shall be in accordance with N.J.A.C.13:39A 3.6 prohibiting excessive fees. Christine Livingston, PT was charged a \$1500.00 penalty and required to pay Board costs in the amount of \$169.50. This matter is now considered closed.

#### G. SIGNED SETTLEMENT LETTER- HAZEL LAURON, PT

The Board is in receipt of a signed Settlement letter from Hazel Lauron, PT for violation of N.J.A.C.13:39A-3.1(a) & (c)9 and 13 in that she failed to maintain adequate patient records. Specifically, failure to identify factual limitations, failure to provide evidence that the patient was placed on a home exercise program and failure to include a discharge summary note documenting the reason for the patients cessation of treatment. The Board also found that her conduct in continuing to provide the same treatment to the patient over twenty visits without any evidence of progress to the patient is excessive treatment and constitutes professional misconduct in violation of N.J.S.A 45:1-21 (e). Additionally, the Board found that Ms. Lauron's failure to wear a name tag is in violation of N.J.A.C. 13:39A-3.9 and her lack of knowledge regarding fees charged at the facility violated N.J.A.C.13:39A-3.4. Hazel Lauron, PT was issued a \$3000.00 penalty and required to pay Board costs in the amount of \$292.50. This matter is now considered closed.

#### H. SIGNED SETTLEMENT LETTER- KIMBERLY DANSKY, PT

The Board is in receipt of a signed Settlement letter from Kimberly Dansky, PT for violation of N.J.S.A 45:1-21 (h) and N.J.A.C. 13:39A-3.4 that requires "fees"for physical therapy services shall be reasonable and commensurate with the fees of physical therapists offering like services or intervention in the geographic area and shall be in accordance with the prevision of N.J.A.C. 13:39A-3.6 prohibiting excessive fees in that she failed to be aware of the fees and definitions of the CPT codes that were utilized and charged by the facility. Kimberly Dansky, PT was issued a \$1000.00 penalty and required to pay Board costs in the amount of \$223.50. This matter is now considered closed.

#### I. SIGNED SETTLEMENT LETTER- RACHEL GUILSHAN, PT

The Board is in receipt of a signed Settlement letter from Rachel Guilshan, PT. The Board found that the physical therapist violated N.J.S.A. 45:9-37.20 and N.J.A.C.13:39A-7.1(a and c) & 7.2(b) and (c) in that the physical therapist failed to properly supervise the physical therapist assistant. As a supervisor of staff at this facility the Board also finds that the physical therapist violated N.J.A.C. 13:39A-3.9. as both the physical therapist and staff members failed to wear name tags. In addition to this, as supervising physical therapist the Board also holds the physical therapist responsible for the advertising of improper titles of staff members on the facility's web page. Specifically, the Board is referring to the advertising of a staff member as a physical therapist assistant both on business cards and on the web page for the facility when the staff member is not a licensed PTA in violation of N.J.A.C. 13:39A-8.1. Additionally, the Board finds that the physical therapist violated N.J.A.C.13:39A-3.1(c)7 and 9 in that the patient record demonstrated poor documentation as the goals established did not coordinate with the plan of care. Rachel Guilshan, PT was issued a penalty in the amount of \$5000.00 and required to pay Board costs in the amount of \$298.50. This matter is now considered closed.

#### J. SIGNED SETTLEMENT LETTER- TIMOTHY MARTIN, PTA

The Board is in receipt of a Settlement letter from Timothy Martin, PTA. The Board found that the physical therapist assistant violated N.J.S.A 45:9-37.20 and N.J.A.C.13:39A-7.1 and 7.2 (d) and 7.3 (a and b) in that the physical therapist assistant exceeded the scope of practice. Additionally, the physical therapist assistant failed to document a conversation with the physical therapist which violated N.J.A.C.13:39A-3.1 (c)11. The Board also found that the physical therapist assistant failed to include his license number on his business card which violated N.J.A.C.13:39A-8.4 (a). The physical therapist assistant was issued a \$4500.00 penalty and required to pay Board costs in the amount of \$281.50. This matter is now considered closed.

#### K. INQUIRY FROM KEN MAILLY, PT REGARDING THE SEPTEMBER 27, 2005 MINUTES

The Board reviewed an inquiry from Ken Mailly, PT regarding a response to Robin Sears, PT in the September 27, 2005 Public Session minutes. After discussing the matter with Mr. Mailly, the Board stated that the minutes reflected the opinion of the Board and that there will be no changes to the minutes.

#### L. THREE INQUIRIES FROM KEN MAILLY, PT

1. Mr. Maily inquired as to whether the review of services provided to New Jersey consumers requires the person conducting the review to be licensed as a physical therapist in the State of New Jersey. This matter is tabled to the December 27, 2005 Board meeting.
2. Mr. Maily inquired as to whether the Board has the statutory authority to investigate reviews that affect the access that the public has to physical therapy. This matter is tabled to the December 27, 2005 Board meeting.
3. Mr. Maily also inquired as to whether the Board reports complaints or concerns regarding the access to physical therapist services to the State Senate, the Department of Health and Human Services and Senior Citizens and the State Assembly Regulated Professions and Independent Authorities Committees. The Board advised Mr. Maily that the Board does not report to those agencies at this time.

**APPLICATIONS APPROVED BY THE BOARD:**

1. Mary Lou Koppin
2. Jesusa Ramos

**ADJOURNMENT:**

Upon a motion made by Karen Wilk and seconded by Barry Inglett, the Board voted to adjourn Public Session and 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. One complaint or matter 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.

Respectfully submitted,

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Susan H. Gartland, Executive Director