



New Jersey Office of the Attorney General



NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

NOVEMBER 25, 2014

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, 2014. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Karen Wilk, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

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|----------------------------|---------|
| BARBARA J. BEHRENS, P.T.A. | Excused |
| DAVID BERTONE, P.T. | Excused |
| JEAN BICKAL, ESQ | Present |
| MARY B. BROWNE, P.T. | Present |
| NANCY KIRSCH, P.T. | Present |
| CINDY MOORE, P.T. | Present |
| BETH SARFATY, P.T. | Present |
| KAREN WILK, P.T. | Present |

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director and Gerard Tobia, Administrative Staff**

Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT and Brian Mason, representative of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

IV. APPROVAL OF THE MINUTES OF OCTOBER 28, 2014 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Beth Sarfaty to accept the minutes of the October 28, 2014 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

V. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, formerly 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 Mary Browne and seconded by Jean Bickal to accept the course reviewer's recommendations as presented. The 56 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Fourteen courses were denied, as they did not meet all 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.

B. Board Discussion with Charles Manning, Regulatory Analyst

RE: N.J.A.C. 13:39A-2.2

N.J.A.C. 13:39A-5.5

N.J.A.C. 13:39A-5A.1

The matter was tabled until a future meeting.

C. Inquiry from Anna Watterson, Esq.

RE: Permissible Business Structures

Ms. Watterson wrote the Board concerning permissible forms of physical therapy practice, specifically if a physical therapist can be employed by a for-profit corporation.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Ms. Watterson that 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 including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and the motion carried by a unanimous vote.

D. Inquiry from Jared Cooper, PT

RE: Scope of Practice

Mr. Cooper inquired whether a physical therapist assistant can practice in an annex building to the main building where the supervising physical therapist is practicing.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to refer Mr. Cooper to the N.J.A.C. 13:39A-7.2(a) *Responsibilities of Designated Licensed Physical Therapist Supervisor*. In addition, the Board will inform Mr. Cooper that the designation of physical therapist must be immediately after his name if he uses the abbreviation "Dr." before his name. Academic degree designations, including initials, may be placed after the name and title. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Thomas DiPaolo, PT
RE: Scope of Practice

Mr. DiPaolo inquired whether physical therapists are allowed to prescribe braces for the extremities such as ankle, knee, elbow and wrists.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to ask Mr. DiPaolo for more information. The Board will also inform Mr. DiPaolo that he may want to review the New Jersey Orthotics and Prosthetic Board of Examiners statutes and regulations.

- F. New Jersey State Board of Physical Therapy Examiners December 16, 2014 Board Meeting

A motion was made by Beth Sarfaty and seconded by Nancy Kirsch to cancel the New Jersey State Board of Physical Therapy Examiners December 16, 2014 Board Meeting. A vote was taken and the motion carried by a unanimous vote.

VI. FOR YOUR INFORMATION

- A. Uniform Penalty letter dated October 3, 2014
In the matter of Wen Yen You, PT

The Board considered the Uniform Penalty letter dated October 3, 2014 in the matter of Wen Yen You, PT, informational.

- B. Consent Order filed November 12, 2014
In the matter of Jason Fahs, PT

The Board considered the Consent Order filed November 12, 2014 in the matter of Jason Fahs, PT, informational.

Upon a motion made by Nancy Kirsch and seconded by Mary Browne, 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. Nine matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Four matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Tulasi Parimi
2. Diadhen Lobusta
3. Bhumika Malhotra
4. Madhura Damle
5. Kavya Chelikani

APPLICATIONS NOT APPROVED BY THE BOARD

1. Tito Santos
2. Patricia Campbell

ADJOURNMENT

The Board returned to Public Session and a motion was made by Cindy Moore and seconded by Jean Bickal to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director