

New Jersey State Board of Physical Therapy

Public Session Minutes

November 26, 2002

A regular meeting of the New Jersey State Board of Physical Therapy was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Room, 6th floor, on Tuesday, November 26, 2002. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meetings Act. **Barry G. Inglett, P.T., Chairman of the Board** called the meeting to order at 9:40 a.m. and a roll call was taken and the following attendance was recorded:

LEE ANN GUENTHER, P.T. Present
BARRY INGLETT, P.T. Present
DENNISE KRENCICKI, P.T. Present
LESLIE K. MARCKS, P.T. Present
SCOTT NADLER, D.O. Present
GARY R. SAVANDER, P.T. Absent
JOHN WARD, P.T. Present
KAREN E. WILK, P.T. Present

Also present were: **Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Chanita R. Lucky, Assistant to the Director; Kenneth Maily, APTA-NJ**

IV. APPROVAL OF THE MINUTES OF THE OCTOBER 22, 2002 BOARD MEETING

Upon a motion made by Dennise Krencicki and seconded by Karen Wilk, the Board voted to accept the minutes of the October 22, 2002 Board meeting as amended. The motion carried by a unanimous vote.

V. OLD BUSINESS:

A. NEW JERSEY REGISTER REVIEW-CHAIRMAN INGLETT

Chairman Inglett advised the Board that there was nothing pertaining to physical therapy in the November, 2002 New Jersey Register that was not already listed on the agenda.

B. DISCUSSION RE: CORPORATE PRACTICE-JAKE GERTSMAN, REGULATORY ANALYST

Jake Gerstman, Regulatory Analyst, appeared before the Board to discuss the proposed corporate practice regulation. The Board will table discussion on this matter until the December 17, 2002 Board meeting or until further information is gathered, as the Board has expressed several concerns regarding the proposed regulation.

APPEARANCES:

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

1. Mr. Danilo Alacar

Danilo Alacar appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Mr. Alacar is applying for licensure by examination in the State of New Jersey. He was educated in the Philippines and received his professional as well as undergraduate education in the English language. Mr. Alacar has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Mr. Alacar a waiver of the TOEFL requirement based upon the fact that his professional as well as undergraduate education was conducted in the English language and he demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

2. Ms. Maria Olga Beierly

Maria Beierly appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals for licensure in New Jersey.

Ms. Beierly is applying for licensure by examination in the State of New Jersey. She was educated in the Philippines and received her professional as well as undergraduate education in the English language. Ms. Beierly has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Beierly a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

3. Ms. Mitzi Cabahug

Mitzi Cabahug appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Cabahug is applying for licensure by endorsement in the State of New Jersey. She was educated in the Philippines and received her professional as well as undergraduate education in the English language. Ms. Cabahug has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Cabahug a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

4. Mr. Greg Del Fierro

Greg Del Fierro did not appear for the TOEFL waiver.

5. Lovsky Garcia

Lovsky Garcia appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Garcia is applying for licensure by endorsement in the State of New Jersey. She was educated in the Philippines and received her professional as well as undergraduate education in the English language. Ms. Garcia took the TOEFL examination in 1994 and received a passing score. Ms. Garcia has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Garcia a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language, she received a passing score on the TOEFL examination (TOEFL does not report scores after two years) and she demonstrated a proficiency

in the English language. The motion carried by a unanimous vote.

6. Mr. Lorenzo Gonzalez

Lorenzo Gonzalez appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Mr. Gonzalez is applying for licensure by endorsement in the State of New Jersey. He was educated in the Philippines and received his professional as well as undergraduate education in the English language. Mr. Gonzalez took the TOEFL examination in 2000 and received a score of 253 (with the passing score being 213) Mr. Gonzalez has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Mr. Gonzalez a waiver of the TOEFL requirement based upon the fact that his professional as well as undergraduate education was conducted in the English language, he received a passing score on the TOEFL examination (TOEFL does not report scores after two years) and he demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

7. Ms. Kim Misuk

Kim Misuk did not appear for the TOEFL waiver.

8. Ms. Maria Mendoza

Maria Mendoza appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Mendoza is applying for licensure by endorsement in the State of New Jersey. She was educated in the Philippines and received his professional as well as undergraduate education in the English language. Ms. Mendoza took the TOEFL examination in 2002 and received a score of 210 (with the passing score being 213) Ms. Mendoza has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Gonzalez a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

9. Ms. Ritu Sharma

Ritu Sharma appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Sharma is applying for licensure by examination in the State of New Jersey. She was educated in India and received her professional as well as undergraduate education in the English language. Ms. Sharma has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Sharma a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

10. Ms. Eakta Lakhani

Eakta Lakhani appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure in New Jersey.

Ms. Lakhani is applying for licensure by endorsement in the State of New Jersey. She was educated in India and received her professional as well as undergraduate education in the English language. Ms. Lakhani took the TOEFL examination in 2000 and received a score of 520 (with the passing score being 550) Ms. Lakhani has plans to be employed in New Jersey.

Upon a motion made by John Ward and seconded by Dennise Krencicki, the Board voted to grant Ms. Lakhani a waiver of the TOEFL requirement based upon the fact that her professional as well as undergraduate education was conducted in the English language and she demonstrated a proficiency in the English language. The motion carried by a unanimous vote.

VI. INFORMATIONAL:

A. NJ BOARD OF PHYSICAL THERAPY ASSESSMENT SURVEY-FEDERATION OF STATE BOARDS OF PHYSICAL THERAPY

The Board considered this matter informational.

B. CORRESPONDENCE FROM LAURA L. ANDERSON, EXECUTIVE DIRECTOR-ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS RE: ADJOURNMENT OF NOVEMBER 19, 2002 MEETING

The Board considered this matter informational.

C. FEDERATION NEWS BRIEFS-NOVEMBER 2002

The Board considered this matter informational.

D. NJ STATE BOARD OF MEDICAL EXAMINERS-OPEN BOARD MINUTES-SEPTEMBER 11, 2002

The Board considered this matter informational.

E. NJ STATE BOARD OF MEDICAL EXAMINERS-DISCIPLINARY MATTERS-SEPTEMBER 11, 2002

The Board considered this matter informational.

F. NJ STATE BOARD OF MEDICAL EXAMINERS-DISCIPLINARY MATTERS PENDING CONCLUSION-NOVEMBER 13, 2002

The Board considered this matter informational.

G. NJ STATE BOARD OF MEDICAL EXAMINERS-OPEN BOARD AGENDA-NOVEMBER 13, 2002

The Board considered this matter informational.

H. IMPREVEDUTO BILL MODERNIZING PHYSICAL THERAPIST PRACTICES ADVANCES (A-2557)

The Board considered this matter informational.

I. OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD-INFORMATION ACCESS

The Board considered this matter informational.

J. STATE OF OREGON PHYSICAL THERAPIST LICENSING BOARD NEWSLETTER-FALL 2002

The Board considered this matter informational.

K. HEALTHSCOPE INTERNATIONAL-COMMISSION ON GRADUATES OF FOREIGN NURSING SCHOOLS-FALL 2002

The Board considered this matter informational.

L. CORRESPONDENCE FROM SARA GORDON-EXECUTIVE EDUCATION ADVISOR-PERFORMANCE INSTITUTE RE: TEAMBUILDING AND COACHING FOR MANAGERS

The Board considered this matter informational.

M. CORRESPONDENCE FROM LAURA L. ANDERSON, EXECUTIVE DIRECTOR-ORTHOTICS AND PROSTHETICS BOARD OF EXAMINERS-NOTICE OF NOVEMBER 19, 2002 AND DECEMBER 3, 2002 BOARD MEETINGS

The Board considered this matter informational.

N. KENTUCKY STATE BOARD OF PHYSICAL THERAPY NEWSLETTER-FALL 2002

The Board considered this matter informational.

VII. NEW BUSINESS:

A. ELECTION OF OFFICERS 2002-2003

The Election of Officers for 2002-2003 was conducted by the Board.

Executive Director Gartland called for nominations for Chairperson of the Board.

A motion was made by John Ward and seconded by Lee Ann Guenther to nominate Barry Inglett for Chairperson. **A call for further nominations was made and there were none.**

A motion was made by Dennise Krencicki and seconded by John Ward to close nominations and elect Barry Inglett as Chairperson by acclamation. The vote of the Board was unanimous.

Executive Director Gartland called for nominations for Vice-Chairperson of the Board.

A motion was made by John Ward and seconded by Leslie Marcks to nominate Gary Savander for Vice-Chairperson. **A call for further nominations was made and there were none.**

A motion was made by Dennise Krencicki and seconded by Karen Wilk to close nominations and elect Gary Savander as Vice-Chairperson by acclamation. The vote of the Board was unanimous.

Executive Director Gartland called for nominations for Secretary of the Board.

A motion was made by John Ward and seconded by Leslie Marcks to nominate Dennise Krencicki for Secretary. **A call for further nominations was made and there were none.**

A motion was made by Lee Ann Guenther and seconded by Karen Wilk to close nominations and elect Dennise Krencicki as Secretary by acclamation. The vote of the Board was unanimous.

B. INQUIRY FROM DIANA SCHOTT, P.T., REHAB COORDINATOR-PUBLIC HEALTH NURSING AGENCY-WARREN COUNTY HEALTH DEPARTMENT RE: PULSE OXIMETRY

The Board considered an inquiry from Ms. Schott, a physical therapist, who wrote to the Board to inquire whether it is permissible for a physical therapist to perform pulse oximetry. The Board will advise Ms. Schott that it is within her scope of practice as a physical therapist to do so.

C. INQUIRY FROM SHERRI PARU, P.T., CLINICAL ADVISOR/INVESTIGATOR-OREGON PHYSICAL THERAPIST LICENSING BOARD RE: ALTERNATIVE THERAPIES

The Board considered an inquiry from Ms. Paru, a physical therapist and investigator for the Oregon State Physical Therapist Licensing Board, regarding physical therapist performing body imaging techniques as well as myofascial release and cranio-sacral therapy. The Board will inform Ms. Schott that it is within the scope of practice for physical therapist employed in New Jersey to utilize body imaging, myofascial and cranio-sacral therapy as part of physical therapy treatment.

D. REVIEW OF SENATE BILL 2004

Revises the statute governing the practice of physical therapy in New Jersey.

The Board reviewed Senate Bill 2004 and will forward comments made concerning A2557, which is a similar bill, to the Regulatory Analyst for the Division of Consumer Affairs in order that the comment may be submitted to the Committee considering the bill in the legislature. .

Upon a motion made by John Ward and seconded by Leslie Marcks, the Board voted to forward comments made on A2557, which is a similar bill. The motion carried by a unanimous vote.

E. REVIEW OF SENATE BILL 1977

Requires testimony by health care providers to be given by persons licensed in this State and to conform to currently accepted medical standards.

The Board reviewed Senate Bill 1977 and determined to not support the Bill as it is confining and restrictive and is very limiting to the practice of physical therapy.

Upon a motion made by Dennise Krencicki and seconded by Dr. Nadler, the Board voted to not support Senate Bill 1977, as the Board finds it confining and restrictive and is very limiting to the practice of physical therapy.

F. REVIEW OF SENATE BILL 177

The Board considered this bill and determined not to submit a comment.

G. REVIEW OF SENATE BILL 2880

Concerns procedure and liability in medical malpractice actions.

The Board reviewed Senate Bill 2880 and determined not to submit a comment on the Bill.

H. INQUIRY FROM KRISTINA JUNG ON BEHALF OF HER HUSBAND RE: NEW JERSEY PHYSICAL THERAPIST EXAMINATION

The Board reviewed Mr. Jung's credential evaluation, a requirement for foreign-trained individuals. Mr. Jung's evaluation was performed by the Foreign Credentialing Commission on Physical Therapy (FCCPT) who determined that his education was not substantially equivalent to a United States baccalaureate degree in physical therapy. Ms. Jung wrote to the Board on behalf of her husband to dispute this finding. The Board will advise Mr. Jung that as the FCCPT is one of the agencies approved by the Board to evaluate the educational credentials of foreign-trained applicants, their finding that his education is not equivalent is relied upon by the Board.

Upon a motion made by John Ward and seconded by Lee Ann Guenther, the Board determined to deny Mr. Jung's applicant based upon the fact that his education is not substantially equivalent to a baccalaureate degree in physical therapy is supported by the credential evaluation prepared by the FSBPT. The motion carried by a unanimous vote.

I. INQUIRY FROM TERRY ANDRUS, P.T.

The Board reviewed the inquiry submitted by Ms. Andrus, a physical therapist, regarding referrals for profit within a medical office. As the inquiry contains issues regarding a physician, it is not within the Board's scope of practice. The Board will refer Ms. Andrus' inquiry to the Board of Medical Examiners for review.

ADJOURNMENT:

Upon a motion made by Dr. Nadler and seconded by Lee Ann Guenther, 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. Six complaints for matters filed with the Board which require review and additional recommendations with regard to investigation and/or actions.
2. Three matters where additional information has been submitted to the Board concerning pending investigation.

Respectfully submitted,

Susan H. Gartland Executive Director
