



**CHRIS CHRISTIE**  
Governor

**KIM GUADAGNO**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



**JOHN J. HOFFMAN**  
Acting Attorney General

**STEVE C. LEE**  
Acting Director

## NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

### PUBLIC SESSION MINUTES

**December 8, 2015**

**Mailing Address:**  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Sussex Conference Room, 6th Floor, on Tuesday December 8, 2015. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, 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 J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
RICHARD STONEKING, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **Carmen Rodriguez, Deputy Attorney General; Lisa Tadeo, Executive Director; Michela Ross, Government Rep**

**Members of the public: Cathy Chin, representative of Select Medical; Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter**

### PUBLIC COMMENT

#### IV. APPROVAL OF THE MINUTES OF OCTOBER 27, 2015 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to accept the minutes of the October 27, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

#### I. 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, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Cindy Moore to accept the course reviewers recommendations as presented. The 77 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Four 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. Letter from Leah Segelov  
RE: Requirements for Licensure

Ms. Segelov informed the Board that the credential evaluations conducted of her education show deficiencies in areas that she has completed. Ms. Segelov asked the Board to waive the credential evaluation requirement as she believes her education including her additional studies have satisfactorily satisfied all the educational areas required in the credential evaluation report.

A motion was made by David Bertone and seconded by Nancy Kirsch to inform Ms. Segelov that the Board will not waive this requirement and that her credential evaluation must state that her education is substantially equivalent to a first professional physical therapy degree in the United States. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Svetlana Malkin, PT  
RE: Continuing Education

Ms. Malkin asked the Board to be allowed to complete the continuing education requirement via distance learning courses due to the care schedule of her newborn child.

A motion was made by David Bertone and seconded by Richard Stoneking to grant Ms. Malkin a three month extension to complete the continuing education requirement as set forth in regulation. A vote was taken and the motion carried by a unanimous vote.

D. Letter from Ilve Eva Must, PT  
RE: Scope of Practice

Ms. Must informed the Board that she is a school-based physical therapist and inquired whether teachers and para-professionals could carry over exercises/programs into the classroom of handicapped students.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to inform Ms. Must that school aides are care givers during the school day and an extension of the parent or guardian. They can perform techniques if properly trained provided they are not tasks that would require the skill of a physical therapist or physical therapist assistant. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Beth Rothman, PT  
RE: Scope of Practice

Ms. Rothman informed the Board that she treats patients who have undergone treatment for breast cancer, had a lumpectomy and reconstructive breast surgery. Ms. Rothman inquired how she should document that she evaluated the breast area of a patient when she is not performing a breast exam but is evaluating the skin, muscle and tendon integrity and condition.

A motion was made by Nancy Kirsch and seconded by Karen Wilk to inform Ms. Rothman that she should document that she is evaluating the skin, muscle and tendon integrity and condition of the breast area. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Chrissy Buteas, President of Home Care & Hospice Association of New Jersey  
RE: Posting of License

Ms. Buteas inquired about N.J.A.C. 13:39A-3.5 and asked for clarification for home care therapists as they do not practice in a building but rather in patients' homes.

A motion was made by Jean Bickal and seconded by Karen Wilk to inform Ms. Buteas that if a licensee is employed by a facility in which he or she provided home care, the licensee would need to post his or her biennial renewal certificate at the facility and carry the small wallet certificate with him/her when that licensee goes out in the field. Cindy Moore opposed while all others voted in favor. The motion passed by a majority vote.

- G. Letter from Juan C. Flores, Jr.  
RE: National Physical Therapy Exam  
Appeal Form

Mr. Flores has taken the National Physical Therapy Examination (NPTE) six times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow him to register for the January, 2016 exam as he has exceeded the number of attempts to pass the NPTE. Mr. Flores provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

A motion was made by Cindy Moore and seconded by Richard Stoneking to request that Mr. Flores provide the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the January, 2016 NPTE and why he believes that he would achieve a different outcome in January. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Tommy Wong  
RE: National Physical Therapy Exam  
Appeal Form

Mr. Wong has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow him to register for the January, 2016 exam as he has exceeded the number of attempts to pass the NPTE. Mr. Wong provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

A motion was made by Cindy Moore and seconded by Jean Bickal to request that Mr. Wong provide the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the January, 2016 NPTE and why he believes that he would achieve a different outcome in January. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from Alen L. Gala  
RE: National Physical Therapy Exam  
Appeal Form

Ms. Gala has taken the National Physical Therapy Examination (NPTE) six times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow her to register for the January, 2016 exam as she has exceeded the number of attempts to pass the NPTE. Ms. Gala provided the Board with a completed NPTE appeal form and asked that she be allowed to take the NPTE again.

A motion was made by Cindy Moore and seconded by David Bertone to allow Ms. Gala to take the NPTE again as she was extremely close to passing the exam in October of 2015. A vote was taken and the motion carried by a unanimous vote.

- J. Letter from Nicki Parmar  
RE: National Physical Therapy Exam  
Appeal Form

Ms. Parmar has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow her to register for the January, 2016 exam as she has exceeded the number of attempts to pass the NPTE. Ms. Parmar provided the Board with a completed NPTE appeal form and asked that she be allowed to take the NPTE again.

A motion was made by Karen Wilk and seconded by Jean Bickal to request that Ms. Parmar provide the Board with a detailed written explanation of what she has done since the last time she took the exam to prepare for the January, 2016 NPTE and why she believes that she would achieve a different outcome in January. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Tania Vicente on behalf of Kim Garner, PT  
RE: Continuing Education

Ms. Vicente wrote the Board on behalf of Kim Garner, PT. Ms. Vicente provided the Board with a letter from Ms. Garner's treating physician concerning her medical condition. Ms. Vicente asked the Board to grant Ms. Garner additional time to complete the continuing education requirement due to her medical condition.

A motion was made by Barbara J. Behrens and seconded by Nancy Kirsch to suggest that Ms. Garner may want place her license on inactive status and reactivate her license when she has recuperated and can return to practice. A vote was taken and the motion carried by a unanimous vote.

- L. Inquiry from Linda Winz, PT  
RE: Continuing Education

Ms. Winz informed the Board that she has not attempted to take the Jurisprudence Assessment Module (JAM). Ms. Winz informed the Board that she has difficulty with the computer due to her medical condition and asked the Board for possible accommodations.

A motion was made by Barbara J. Behrens and seconded by Nancy Kirsch to inform Ms. Winz that she can print the statutes and regulations in advance to prepare for the JAM and she can also ask for accommodations such as extended time when she registers for the JAM. The Board will also inform Ms. Winz that she can have a non-physical therapist or non-physical therapist assistant help her read the questions during the JAM. A vote was taken and the motion carried by a unanimous vote.

- M. Inquiry from Adam Stivala, PT  
RE: Continuing Education

Mr. Stivala informed the Board that he is enrolled in medical school full time and asked if the Board would grant him a waiver of the continuing education requirements.

A motion was made by Jean Bickal and seconded by Cindy Moore to inform Mr. Stivala that the Board will not grant him a waiver as he can receive 15 credits for each course credit awarded for successful completion of a course in an academic program related to the practice of physical therapy pursuant to N.J.A.C. 13:39A-9.3(b)2. The Board will also inform Mr. Stivala that he must also complete a jurisprudence and an ethics course to meet the continuing education requirement. A vote was taken and the motion carried by a unanimous vote.

- N. Human Resources Research Organization's  
Analysis of Competencies for Dry Needling by Physical Therapists

After review of the Human Resource Research Organization's Analysis of Competencies for Dry Needling by Physical Therapists, the Board determined that it is not within the scope of practice of physical therapist assistant to perform trigger point dry needling as it requires continual evaluation.

The analysis identified the knowledge skills and abilities necessary for competency in performing dry needling. They found that 86% of the knowledge requirements needed to be competent in dry needling are acquired during the course of entry-level physical therapy education. Sixteen of the skills, 14% must be acquired through post-graduate education or specialized training in dry needling.

A motion was made by Nancy Kirsch and seconded by David Bertone to write to the Acting Attorney General, John Jay Hoffman, and provide him with a copy of the analysis for his consideration when formulating his opinion concerning which health care providers can offer their patients the intervention commonly known as dry needling. A vote was taken and the motion carried by a unanimous vote.

- O. Inquiry from Edward Hilzenrath, Esq.  
RE: Cranial Orthotic Devices

Mr. Hilzenrath asked if licensed physical therapists can size and fit cranial orthotic devices for the treatment of plagiocephaly in children.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to inform Mr. Hilzenrath that it is within the scope of practice of physical therapy to fit and size cranial orthotic devices. A vote was taken and the motion carried by a unanimous vote.

- P. Inquiry from Golda Dacillo, PT  
RE: Test of English as a Foreign Language (TOEFL)

Ms. Dacillo asked the Board to waive the Test of English as a Foreign Language (TOEFL) exam as she is licensed in New York.

A motion was made by David Bertone and seconded by Nancy Kirsch to deny Ms. Dancillo's waiver request. Ms. Dacillo must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

## II. OLD BUSINESS

- A. HomeCEUConnection.com  
RE: Course, "Spanish for Healthcare Professionals"

HomeCEUConnection.com wrote the Board concerning its denial of the course, "Spanish for Healthcare Professionals" as the course submission did not include a minimum of five current peer reviewed publications. HomeCEUConnection.com provided the Board will additional information.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to approve the course, "Spanish for Healthcare Professionals" 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.

- B. HomeCEUConnection.com  
RE: Course, "Communication Techniques for the Interdisciplinary Patient Care Environment"

HomeCEUConnection.com wrote the Board concerning its denial of the course, "Communication Techniques for the Interdisciplinary Patient Care Environment" as the course submission did not include a minimum of five current peer reviewed publications. HomeCEUConnection.com provided the Board will additional information.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to approve the course, "Communication Techniques for the Interdisciplinary Patient Care Environment" 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.

- C. HomeCEUConnection.com  
RE: Course, "Evidence Based Myofascial and Craniosacral Therapy Interventions"

HomeCEUConnection.com wrote the Board concerning its denial of the course, "Evidence Based Myofascial and Craniosacral Therapy Interventions" as the course submission did not include a minimum of five current peer reviewed publications and a Curriculum Vitae of the speaker. HomeCEUConnection.com provided the Board will additional information.

A motion was made by Jean Bickal and seconded by David Bertone to approve the course, "Evidence Based Myofacial and Craniosacral Therapy Internventions" 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.

- D. HomeCEUConnection.com  
RE: Course, "Anatomy and Physiology: Integumentary, Skeletal, Muscular, Nervous, Cardiovascular and Lymphatic Systems"

HomeCEUConnection.com wrote the Board concerning its denial of the course, "Anatomy and Physiology: Integumentary Skeletal, Muscular, Nervous, Cardiovascular and Lymphatic Systems" as the course submission did not include a minimum of five current peer reviewed publications. HomeCEUConnection.com provided the Board will additional information.

A motion was made by Richard Stoneking and seconded by David Bertone to approve the course, "Anatomy and Physiology: Integumentary Skeletal, Muscular, Nervous, Cardiovascular and Lymphatic Systems" 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.

- E. HomeCEUConnection.com  
RE: Course, "Deep Tissue Techniques for the Iliopsoas and Secondary Thigh Flexors"

HomeCEUConnection.com wrote the Board concerning its denial of the course, "Deep Tissue Techniques for the Iliopsoas and Secondary Thigh Flexors" as the course submission did not include a minimum of five current peer reviewed publications. HomeCEUConnection.com provided the Board will additional information.

A motion was made by Jean Bickal and seconded by David Bertone to approve the course, "Deep Tissue Techniques for the Iliopsoas and Secondary Thigh Flexors" 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.

- F. Medbridge  
RE: Course, "How STRONG is Your Patient Exercise Program"

Medbridge wrote the Board concerning its denial of the course, "How STRONG is Your Patient Exercise Program" as the course submission did not include a minimum of five current peer reviewed publications and a Curriculum Vitae of the speaker. Medbridge provided the Board will additional information.

A motion was made by Jean Bickal and seconded by Cindy Moore to approve the course, "How STRONG is Your Patient Exercise Program" 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.

- G. Medical Minds in Motion  
RE: Course, "Kinesiology Taping Strategies"  
- New Lecturer

Medical Minds in Motion advised the Board that the approved course, "Kinesiology Taping Strategies" will be given with a new course lecturer. Medical Minds in Motion provided the Board with a copy of Melinda Manganello's Curriculum Vitae for its review.

A motion was made by Cindy Moore and seconded by Jean Bickal to acknowledge that the qualifications of Melinda Manganello as lecturer for the course, "Kinesiology Taping Strategies" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- H. Educata  
RE: Course, "Practical Ethics for Physical Therapist: Moral Courage in Health Care"

Educata wrote the Board concerning its denial of the course, "Practical Ethics for Physical Therapist: Moral Courage in Health Care" as the course submission did not include a minimum of five current peer reviewed publications. Educata provided the Board will additional information.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to inform Educata that they provided appropriate references but they did not indicate which references, if any, they used to formulate the course. A vote was taken and the motion carried by a unanimous vote.

- I. Educata  
RE: Course, "Ethics for Healthcare Practitioners: Theoretical Basis, APTA Code, Case Scenarios and Legal Standards of Behavior"

Educata wrote the Board concerning its denial of the course, "Ethics for Healthcare Practitioners: Theoretical Basis, APTA Code, Case Scenarios and Legal Standards of Behavior" as the course submission did not include a minimum of five current peer reviewed publications. Educata provided the Board will additional information.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to inform Educata that they provided appropriate references but they did not indicate which references, if any, they used to formulate the course. A vote was taken and the motion carried by a unanimous vote.

- J. Medical Minds in Motion  
RE: Course, "Utilizing IASTM to Correct Mobility Dysfunction"

Medical Minds in Motion advised the Board that the approved course, "Utilizing IASTM to Correct Mobility Dysfunction" will be given with a new course lecturer. Medical Minds in Motion provided the Board with a copy of David Doyle's Curriculum Vitae for its review.

A motion was made by Karen Wilk and seconded by Jean Bickal to acknowledge that the qualifications of David Doyle as lecturer for the course, "Utilizing IASTM to Correct Mobility Dysfunction" were supported by his Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

### III. FOR YOUR INFORMATION

- A. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed the report and considered it informational.

- B. Order Reinstating License with Restrictions filed November 5, 2015  
RE: John McGrail, PT

The Board considered the Order Reinstating his License with Restrictions filed November 5, 2015 in the matter of John McGrail, PT, and considered the matter informational.

- C. Federation of State Boards of Physical Therapy  
Comment Summary and Candidate Satisfaction Survey Report

The Board reviewed the National Physical Therapy Examination Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

- D. Federation of State Boards of Physical Therapy  
November 2015 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy November 2015 News Brief and considered it informational.

- E. North Carolina Physical Therapy Association Notice  
RE: Dry Needling

The Board reviewed the North Carolina Physical Therapy Association's notice regarding dry needling to be within the scope of practice of physical therapy in North Carolina and considered it informational. The Board will provide this to the Division of Consumer Affairs.

- F. Board Meeting Dates for 2016

The Board considered this to be informational.

January 26, 2016	April 26, 2016	July 26, 2016	November 22, 2016
February 23, 2016	May 24, 2016	September 27, 2016	December 20, 2016
March 22, 2016	June 28, 2016	October 25, 2016	

G. State of Louisiana Opinion  
RE: Dry Needling

The Board reviewed the State of Louisiana's Attorney General opinion regarding dry needling to be within the scope of practice of physical therapy in Louisiana and considered it informational. The Board will provide this to the Division of Consumer Affairs.

Upon a motion made by Nancy Kirsch and seconded by Cindy Moore, 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. Twelve 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. Jan Raphael Dumanon
2. Mercy Jayakumar
3. Charli Patel
4. Sunil Hamadani
5. Jayvinth Johnson
6. Ruju Shah
7. Patrick Manlapaz
8. Bhavati Soni
9. Natalia Gawin
10. Ronit Shkedi
11. Anvi Mody
12. Diana Ursu
13. Aayushi Patel
14. Neha Rajkota
15. Janeen Barrera
16. Kushboo Bhagat

**APPLICATIONS NOT APPROVED BY THE BOARD**

1. Mahekkumar Desai
2. Karina Bacali
3. Mary Jane Morales
4. Purvi Shah
5. Krupali Shah

**ADJOURNMENT**

The Board returned to Public Session and a motion was made by Jean Bickal and seconded by Nancy Kirsch to adjourn the meeting at 1:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo  
Executive Director