

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
December 19, 2006**

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 December 19, 2006. 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
JEFFREY A. ERICKSON, P.T.	Present
BARRY INGLETT, P.T.	Present
NANCY KIRSCH, P.T.	Present
SUSAN M. QUICK	Excused
KAREN WILK, P.T.	Present

Also present were: Susan H. Gartland, Executive Director; Carmen Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director, Members of the public: Patricia Brick, P.T., representative of the APTA-NJ and Kenneth Maily, P.T.

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF NOVEMBER 28, 2006 BOARD MEETING

Upon a motion made by Jean Bickal and seconded by Barbara J. Behrens, the Board voted to accept the minutes of the November 28, 2006 Board Meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Letter from Virginia J. Millar, PT
RE: Physician Owned Facility

Ms. Millar wrote to the Board and asked whether a licensed physical therapist in the State of New Jersey practicing in a physician owned facility needs to keep the same hours as the physician or can the physical therapist practice in the absence of the physician.

The Board will advise Ms. Millar that a physical therapist licensed in the State of New Jersey can practice independently.

B. Letter from Diana Klitz, PT
RE: Spinal Decompression

Ms. Klitz wrote and asked the Board whether a licensed physical therapist in the State of New Jersey could use a machine for spinal decompression if trained to utilize the machine to treat patients with herniated discs.

The Board will advise Ms. Klitz that utilization of traction equipment is appropriate and within the scope of practice of physical therapy as long as the treatment is supported and the progress is documented in the patient record. The Board will further advise Ms. Klitz that the physical therapist must determine whether it meets the

patient's needs as it would be inappropriate to determine the need for this treatment based upon a physician's request or equipment protocol.

C. Letter from Betty Maloney from Advanced Physical Therapy Associates
RE: Continuing Education

Beginning February 1, 2008, New Jersey licensed physical therapists and physical therapist assistants must complete a course in jurisprudence as part of the required thirty credits hours of continuing education credits.

Ms. Maloney wrote the Board and inquired whether a course concerning Medicare regulations would count towards this requirement.

The Board will advise Ms. Maloney that a course concerning Medicare regulations could be submitted for Board approval for general professional continuing education credits. The Board's intent was for the required courses in jurisprudence to be courses on the New Jersey Physical Therapy Practice Act.

D. Assembly No. 3790 (Synopsis - Reforms the review, processing, and payment of certain health and other insurance claims relating to physical therapy services.)
- Introduced December 11, 2006

The Board will review this matter at its January 23, 2007 meeting.

E. Jurisdictions assuming the ADA (Americans with Disabilities Act) cost for the NPTE (National Physical Therapy Examination)

Currently the FSBPT (Federation of State Boards of Physical Therapy) pays for ADA accommodations of candidates taking the National Physical Therapy Examination. The FSBPT Finance Committee of which Nancy Kirsch, Board Chairman, is a member discussed the possibility of the jurisdictions (State Boards) paying for this expense rather than the FSBPT since it is the jurisdictions who approve the requests for accommodations.

The Board was advised that this issue will be proposed by the FSBPT Finance Committee to the Delegate Assembly of the FSBPT at its annual meeting and the delegate of the New Jersey State Board of Physical Therapy Examiners will have the opportunity to vote on it at that time.

F. 2007 National Physical Therapy Examination Policies

The Board will review this matter at its January 23, 2007 meeting.

G. Post Card of Summit Medical Group

The Board reviewed a post card of the Summit Medical Group advertising employment opportunities for physical therapists within its company. The Board noted that the post card states, gCandidate must have a four year degree in health science and possess proper credentialsh.

The Board will advise the Summit Medical Group that in accordance with N.J.S.A. 45:9-37.22(c) an applicant must have completed a program in physical therapy from an accredited college or university and possess at least a master's degree in physical therapy from an accredited college or university in order to be eligible for licensure as a physical therapist in New Jersey, except for an applicant who prior to January 1, 2003, possessed a minimum of a bachelor's degree from an accredited college or university. The Board will also advise the Summit Medical Group that a physical therapist must be licensed in the State of New Jersey in order to practice physical therapy in New Jersey.

H. Applicant - Foram Desai

Ms. Desai possesses a master's degree but not in a physical therapy program; therefore, her application was not

approved by the Board as it did not meet the requirements set forth in N.J.S.A. 45:9-37.22.

Ms. Desai appeared before the Board to discuss the contents of her application for licensure in the State of New Jersey and asked the Board to reconsider their decision.

After Ms. Desai's appearance, a motion was made by Barbara J. Behrens and seconded by Karen Wilk to reaffirm the Board's original decision. Ms. Desai's application was not approved again as it did not meet the requirements set forth in N.J.S.A. 45:9-37.22.

IV. OLD BUSINESS

A. Letter from Matthew Berkle, Esq.
RE: Physical Therapy Practice

Mr. Berkle wrote the Board to confirm that New Jersey laws and regulations do not prohibit physical therapists from being employed by chiropractors. Mr. Berkle also requested confirmation that a chiropractor's sole ownership of a physical therapy practice, which employs licensed physical therapists, is permissible as long as the physical therapist performs the physical therapy services and is responsible for all decisions related to the physical therapy services.

The Board will advise Mr. Berkle that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not prohibit this type of relationship as long as the physical therapist is autonomous in its practice of physical therapy including but not limited to making decisions for patient care and reimbursement for those services. A physical therapist must at all times adhere to the statutes and regulations governing their practice as a physical therapist in New Jersey.

The Board will also advise Mr. Berkle that although the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not prohibit this type of relationship, there may be other laws or regulations in the State of New Jersey that are applicable.

V. FOR YOUR INFORMATION

A. Occupational Therapy Advisory Council
December 7, 2006 Public Session Agenda

The Board reviewed the Occupational Therapy Advisory Council's December 7, 2006 Public Session Agenda and considered it informational.

B. Notification from the Orthotics and Prosthetics Board of Examiners
RE: Cancellation of its November 28, 2006 meeting

The Board reviewed the notification from the Orthotics and Prosthetics Board of Examiners concerning the cancellation of its November 28, 2006 meeting and considered it informational.

C. Notification from the Orthotics and Prosthetics Board of Examiners
RE: Rescheduling of its December 26, 2006 meeting to January 9, 2007

The Board reviewed the notification from the Orthotics and Prosthetics Board of Examiners concerning the rescheduling of its December 26, 2006 meeting to January 9, 2007 and considered it informational.

D. New Jersey State Board of Medical Examiners
October 11, 2006 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' October 11, 2006 Open Board Minutes and considered them informational.

E. New Jersey State Board of Medical Examiners
October 11, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examinersf October 11, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

F. New Jersey State Board of Medical Examiners
December 13, 2006 Open Board Agenda

The Board reviewed the New Jersey State Board of Medical Examinersf December 13, 2006 Open Board Agenda and considered it informational.

G. New Jersey State Board of Medical Examiners
December 13, 2006 Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examinersf December 13, 2006 Disciplinary Matters Pending Conclusion and considered it informational.

H. FSBPT (Federation of State Boards of Physical Therapy)
News Brief - December 2006

The Board reviewed the FSBPT December, 2006 News Brief and considered them informational.

APPLICATIONS APPROVED BY THE BOARD:

1. Rosanna Martinez
2. Glenna E. Aguilon
3. Michelle Lindsey Cruz
4. Leah F. Cezar
5. Ruby C. Dorone
6. Christle Ann Amante
7. Rachel Ann Lagman
8. Lorida A. Estomo

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Dama Lakshmi
2. Khanh C. Lu
3. Antoine Michel
4. Shella Z. Caijita
5. Aneyza Abdulsan

Upon a motion made by Jean Bickal and seconded by Barbara J. Behrens, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Boardfs enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Three matters filed with the Board, which require 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.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Barry Inglett and seconded by Jeffrey Erickson to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland
Executive Director

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