

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
December 23, 2003**

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, December 23, 2003. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Barry Inglett, Chairman 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:

BARRY INGLETT, P.T.	Present
MARY B. BROWNE, P.T.	Present
NANCY R. KIRSCH, P.T.	Present
DENNISE KRENCICKI, P.T.	Present
GARY SAVANDER, P.T.	Present
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; Lora Sellmeyer, Assistant to the Executive Director Members of the public: Kathy Mairella, President-APTA-NJ; Kenneth Maily, APTA-NJ; Greg Doerr, D.C.; Bob Haley, D.C.

I. APPROVAL OF THE MINUTES OF THE NOVEMBER 25, 2003 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Karen Wilk, the Board voted to accept the minutes of the November 25, 2003 Board meeting as amended. The motion carried by a unanimous vote.

II OLD BUSINESS:

A. NEW JERSEY REGISTER REVIEW-CHAIRMAN INGLETT

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

B. CORPORATE PRACTICE

This matter will be discussed at a future meeting.

C. EDUCATIONAL REQUIREMENTS

Board member Dennise Krencicki presented a draft proposal for the Board policy on the Educational Requirements for foreign-educated applicants in New Jersey. The Board voted to accept the policy with a few changes.

Upon a motion made by Gary Savander and seconded by Karen Wilk, the Board voted to accept the policy as changed on the Educational Requirements for foreign-educated applicants in New Jersey.

III INFORMATIONAL:

A. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES OCTOBER 8, 2003

This matter was considered informational.

**B. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA
DECEMBER 10, 2003**

This matter was considered informational.

**C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY
MATTERS PENDING CONCLUSION OCTOBER 8, 2003**

This matter was considered informational.

**D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY
MATTERS PENDING CONCLUSION DECEMBER 10, 2003**

This matter was considered informational.

E. NPTE COMMISSION REPORT DISTRIBUTION

This matter was considered informational.

F. NEW JERSEY REGISTER - NOTICE OF RECEIPT OF PETITION FOR RULEMAKING

This matter was considered informational.

IV APPEARANCES:

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

1. Jaime Jumao-As

Jaime Jumao-As appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Mr. Jumao-As is applying for licensure as a physical therapist by endorsement in the State of New Jersey. He was educated in the Phillipines and received his professional as well as undergraduate education in the English language. Mr. Jumao-As is licensed in Indiana. He has plans to work in New Jersey

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

2. Francis Estil Fuentebella

Francis Estil Fuentebella appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Mr. Fuentebella is applying for licensure by examination in the State of New Jersey. He was educated in the Phillipines and received his professional as well as undergraduate education in the English language. Mr. Fuentebella has plans to work in New Jersey.

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

3. Madeleine Anne Laxamara

Madeleine Anne Laxamara appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Laxamara is applying for licensure as a physical therapist by examination in the State of New Jersey. She was educated in the Phillipines and received her professional as well as undergraduate education in the English language. Ms. Laxamara has plans to work in New Jersey.

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

4. Sejal Doshi

Sejal Doshi appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Doshi is applying for licensure as a physical therapist 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. She has taken and passed the TOEFL with a score of 650 in 1999 (TOEFL reports scores less than two years old). Ms. Doshi has plans to work in New Jersey

Upon a motion made by Gary Savander and seconded by Dennise Krencicki, the Board voted to grant Ms. Doshi a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated a proficiency. She had already passed the TOEFL with a score of 650 in 1999. The motion carried by a unanimous vote

V. NEW BUSINESS:

A. INQUIRY RECEIVED FROM NANCY STUHLER

The Board reviewed an inquiry with several questions from Nancy Stuhler, physical therapist assistant. After discussion and review the Board will advise Ms. Stuhler of the following: that physical therapist assistants can handle administrative work; every time there is contact with a patient it needs to be documented; that the goals and plan of care stipulate the treatment of a patient; and the Board will send to her the guide to the HIPAA privacy rule that she can refer to for assistance.

B. INQUIRY RECEIVED FROM VICTORIA BELL, PT

The Board reviewed an inquiry with several questions from Victoria Bell, physical therapist, in reference to physical therapy provided in a group setting at school. The Board will advise Ms. Bell of the following: that every child requires an evaluation for physical therapy treatment; that the physical therapist is legally responsible if anyone is injured while in their care and that the state has guidelines on parental permission for children seen by a physical therapist which can be obtained from the Department of Education.

C. INQUIRY RECEIVED FROM MELISSA WOLFF-BURKE

The Board reviewed an inquiry from Melissa Wolff-Burke, physical therapist, who asked if there are any restrictions in the State of New Jersey on performing manipulation and mobilizations with or without a physicians referral. The Board will advise Ms. Wolff-Burke that there are no restrictions in New Jersey on either procedure with or without a physician referral.

D. INTERNATIONAL EDUCATION RESEARCH FOUNDATION, INC.

The Board reviewed a request for information from the International Education Research Foundation, Inc. The New Jersey State Board of Physical Therapy Examiners does not accept IERF credential evaluations at this time. Susan Gartland, Executive Director will be meeting with IERF on December 31, 2003. The Board would like a

breakdown of professional and general education credits to determine whether they are comparable to what New Jersey currently requires before a determination is made to accept credential evaluations done by IERF.

E. INQUIRY FROM NAOMI JEFFREY, PT

The Board reviewed several inquiries from Naomi Jeffrey, physical therapist, in reference to physical therapy in a home care setting. The Board will advise Ms. Jeffrey that it cannot respond to the first question about taking medication orders since more information is necessary to reply. Taking vital signs is within the scope of physical therapy practice. The Board would also like to advise Ms. Jeffrey that she should contact the APTA to obtain information from them regarding home care.

F. SENATE BILL NO. 2793 - PATIENT SAFETY ACT

The Board reviewed Senate Bill NO.2793 known as the "patient safety act". The Board agrees with the concept of the bill however, believes the language needs further clarification. The Board also believes it will be quite cumbersome to track and enforce.

G. JASON FOGU, PT - RECEIVED SIGNED SETTLEMENT LETTER

A Settlement letter was signed by Jason Fogu on December 1, 2003. A fine was issued in the amount of \$3,000.00 plus costs incurred by the Board for N.J.A.C. 13:39A-3.6(a) Excessive fees; overutilization ; N.J.A.C. 13:39A-3.8(a) Professional misconduct and N.J.A.C. 13:39-3.1 (a) 7 and 9 Patient records. This matter is now public record.

H. BOARD ELECTIONS 2004-2005

The Election of Officers for 2004-2005 was conducted by the Board.

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

A motion made by Gary Savander and seconded by Mary Browne to nominate Nancy Kirsch for Chairperson.

A motion was made for a second nomination by Nancy Kirsch and seconded by Dennise Krencicki to nominate Barry Inglett for Chairperson.

A motion was made by Mary Browne and seconded by Dennise Krencicki to close nominations. The Board members voted by paper ballot and the result was Nancy Kirsch- 5 and Barry Inglett-2.

As a result of the vote, Nancy Kirsch is the Chairperson of the New Jersey State Board of Physical Therapy Examiners for 2004.

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

A motion was made by Nancy Kirsch and seconded by Karen Wilk to nominate Gary Savander as Vice Chairperson of the Board. A call for further nominations were made and there were none.

A motion was made by John Ward and seconded by Mary Browne to close nominations and elect Gary Savander as Vice Chairperson by acclamation. The vote of the Board was unanimous.

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

A motion was made by John Ward and seconded by Gary Savander to nominate Dennise Krencicki for Secretary of the Board. A call for further nominations were made and there were none.

A motion was made by Karen Wilk and seconded by Nancy Kirsch to close nominations and elect Dennise Krencicki as Secretary by acclimation. The vote of the Board was unanimous.

APPLICATIONS APPROVED BY THE BOARD:

1. Christopher Quintos Iglesias
2. Jane Irene Garcia Gasatanya
3. Belinda Iris Cristobal
4. Gerardo Cruz

APPLICATIONS NOT APPROVED BY THE BOARD:

1. Madeleine Laxamana
2. Jon-Joseph P. Lozada
3. Lynn Tablizo Alquiza

ADJOURNMENT:

Upon a motion made by Gary Savander and seconded by Nancy Kirsch, 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 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.

Respectfully submitted,

Susan H. Gartland, Executive Director
