



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

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



Jeffrey S. Chiesa
Attorney General

KIM GUADAGNO
Lt. Governor

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

THOMAS R. CALCAGNI
Director

PUBLIC SESSION MINUTES

January 24, 2012

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 Somerset Conference Room, 6th Floor, on Tuesday January 24, 2012. 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 9:40 A.M. and a roll call was taken and the following attendance was recorded:

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

Also present were: **Susan Berger, Deputy Attorney General; Lisa Affinito, Executive Director**

Members of the public: Vincent Buttaci, Esq.; Cathy Chin, representative of Select Medical; Dennise Krencicki, PT; Kenneth Maily, PT; Brian Mason, PT, representative of the APTA-NJ; Jeffrey McCamman, PT and David Reichig from At Home Seminars.

I. PUBLIC COMMENT

Jeffrey McCamman, PT and David Reichig of At Home Seminars asked the Board to reconsider seven courses that At Home Seminars submitted that were approved by the Board for less credit. At Home Seminars applied for eight credits each for the following courses: Clinical Examination of the Shoulder and Physical Therapy of the Shoulder: Module 1, Module 2, Module 3 and Module 4. The Board approved these five courses for three credits each. At Home Seminars applied for four credits each for the following courses: Manual Correction and Treatment of the Sacrioliac Joint and Manual Interventions for Thoracic Outlet Syndrome. The Board previously approved the two courses for two credits each. Mr. McCamman and Mr. Reichig also provided the Board with additional information concerning these courses.

Brian Mason, PT and Vincent Buttaci, Esq. commented on permissible business structures.

II. APPROVAL OF THE MINUTES OF NOVEMBER 22, 2011 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Jean Bickal, the Board voted to accept the minutes of the November 22, 2011 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

- A. Inquiry from Francine L. Bouwense, PT
RE: Documentation

Ms. Bouwense inquired whether a physical therapist in a homecare setting may perform supervisory visits for home health aides and document the outcome of that supervisory visit in the visit note.

The Board will advise Ms. Bouwense that a physical therapist does not have the authority to supervise a home health aide in accordance with New Jersey State Board of Nursing regulation, N.J.A.C. 13:37-14.3.

- B. Inquiry from Cortney Hassler, PT
RE: Dry Needling

Mr. Hassler inquired about the use of dry needling techniques. Mr. Hassler also inquired about a CPT code.

The Board will advise Mr. Hassler that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not preclude the use of dry needling techniques for trigger point release by a physical therapist provided the physical therapist is trained and competent in the techniques. The Board will also caution Mr. Hassler that the New Jersey Acupuncture Examining Board may consider trigger point dry needling by a New Jersey physical therapist to be the unlicensed practice of acupuncture. The unlicensed practice of acupuncture is now a crime of the third degree pursuant to N.J.S.A. 45:2C:21-20.1. The Board will further advise Mr. Hassler that it does not make determinations concerning CPT codes.

- C. Assembly, No. 4384 (Synopsis - Revises law concerning certain professional and occupational licenses) - Introduced November 28, 2011

The Board reviewed Assembly, No. 4384 and considered it informational due to the timing of the legislative session.

- D. Assembly, No. 4400 (Synopsis - Exempts individuals with certain types of military service from certain fees and continuing education or professional competency requirements) - Introduced December 8, 2011

The Board reviewed Assembly, No. 4400 and considered it informational due to the timing of the legislative session.

- E. Senate, No. 3121 (Synopsis - Clarifies the effect abstention by a member of the public body) - Introduced December 1, 2011

The Board reviewed Senate, No. 3121 and considered it informational due to the timing of the legislative session.

- F. Letter from Jason Rodeghero, PT
Program Services Council of the American Board of Physical Therapy
Residency and Fellowship Education
RE: Continuing Education

Mr. Rodeghero asked the Board to consider adding continuing education opportunities for clinicians who serve as clinical mentors in physical therapy residency and fellowship training programs.

The Board will thank Mr. Rodeghero for the information he provided and will advise him that the Board is already considering this as another avenue for licensees to obtain continuing education credits.

- G. Board Discussion
RE: aPTitude

The Federation of State Boards of Physical Therapy has an online system called aPTitude that allows licensees to electronically store and track their continuing education documentation and activities.

A motion was made by Jean Bickal and seconded by David Bertone to accept aPTitude verification of continuing education credits from licensees who are audited. A vote was taken and the motion carried by a unanimous vote.

- H. Inquiry from Chase Cantrell, Esq.
RE: Permissible Business Structures

Mr. Cantrell wrote the Board concerning permissible forms of physical therapy practice, specifically if a physical therapist can be employed by a non-professional corporation or other business entity.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Mr. Cantrell that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not address the type of business practice a physical therapist or physical therapist assistant may engage in while practicing the profession of physical therapy at this time. The Board is working towards promulgating regulations that would address this issue. Mr. Cantrell will be advised that if a physical therapist is employed by a general business corporation, 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. A vote was taken and the motion carried by a unanimous vote.

- I. Inquiry from Naresh Hinduja, PT
RE: Physical Therapist Assistant Scope of Practice

Ms. Hinduja inquired whether a physical therapist assistant could ambulate a patient and write the objective note or if a physical therapist has to assess that skill and document it prior to the physical therapist assistant ambulating the patient.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Hinduja that care cannot be delegated to a physical therapist assistant until an evaluation has been completed, goals are written and the plan of care is developed by the physical therapist. A vote was taken and the motion carried by a unanimous vote.

- J. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch was recused and did not participate in the discussion.

The Board reviewed the recommendations of the course reviewers at 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 Barbara J. Behrens and seconded by Jean Bickal to accept the course reviewers' recommendations as presented. The 35 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course that was denied 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.

IV. OLD BUSINESS

- A. Board Discussion with Charles Manning, Regulatory Analyst
RE: Regulations - Credit hour requirements
Examination standards for applicants for licensure as physical therapists and physical therapist assistants

Charles Manning, Regulatory Analyst, met with the Board regarding additional language for N.J.A.C. 13:39A-5.3 Examination standards for applicants for licensure as physical therapists and physical therapist assistants and N.J.A.C. 13:39A-9.2 Credit hour requirements.

A motion was made by Jean Bickal and seconded by Mary Browne not to change N.J.A.C. 13:39A-9.2(b), "An applicant for biennial license renewal as a licensed physical therapist or as a licensed physical therapist assistant who receives an initial license in the first year of a biennial period shall complete a minimum of 15 credits of the 30 required credits of continuing education for that biennial renewal period. An applicant for biennial license renewal as a licensed physical therapist or physical therapist assistant who receives an initial license in the second year of a biennial period shall be exempt from completing continuing education credits for that biennial renewal period". After a Board discussion, a vote was taken and Nancy Kirsch, Barbara J. Behrens and Mary Browne voted in opposition while all others voted in favor. The motion carried by a majority vote.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to approve the amendments to N.J.A.C. 13:39A-5.3 and N.J.A.C. 13:39A-9.2. The amendments will be forwarded to the Regulatory Department for promulgation. A vote was taken and the motion carried by a unanimous vote.

- B. Board Discussion with Charles Manning, Regulatory Analyst
RE: Draft Regulations
- Permissible Business Structures

The Board discussed the status of a proposed regulation concerning permissible business structures that may offer physical therapy services in the State of New Jersey. Mr. Manning provided the Board with the history of the proposed regulation and the approval process.

- C. Letter from Education Resources
RE: Course, "Best Practices in Treatment of Patients with Neurological Disorders"

Nancy Kirsch and Karen Wilk were recused and did not participate in the discussion.

Debora DeBello of Education Resources wrote the Board concerning the amount of credit approved for the course, "Best Practices in Treatment of Patients with Neurological Disorders". The Board approved this course for 14.5 credits. Ms. DeBello provided the Board with additional information concerning the hourly breakdown on the course topics and asked the Board to change the amount of approved credits from 14.5 to 16.5.

A motion was made by Cindy Moore and seconded by Jean Bickal to approve the course, "Best Practices in Treatment of Patients with Neurological Disorders" for 16.5 credits based on the additional information provided. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from At Home Seminars
RE: Courses, "Clinical Examination of the Shoulder: Module 1-4"
Course, "Manual Correction and Treatment of the SI Joint"
Course, "Manual Interventions for Thoracic Outlet Syndrome"

Nancy Kirsch was recused and did not participate in the discussion.

Jeffrey McCamman, PT, wrote the Board concerning seven courses that At Home Seminars submitted and were approved by the Board for less credit. At Home Seminars applied for eight credits each for the following courses: Clinical Examination of the Shoulder and Physical Therapy of the Shoulder: Module 1, Module 2, Module 3 and Module 4. The Board approved these five courses for three credits each. At Home Seminars applied for four credits each for the following courses: Manual Correction and Treatment of the Sacrioliac Joint and Manual Interventions for Thoracic Outlet Syndrome. The Board approved the two courses for two credits each.

Mr. McCamman asked the Board to re-evaluate these courses and approve them for the amount of credit that was requested. Mr. McCamman informed the Board that At Home Seminars is bound by the method used by the Texas Physical Therapy Board as they are approved continuing education providers for Texas licensees.

At the Board's October 25, 2011 meeting, the Board reaffirmed the amount of credits approved for these courses. The Board advised Mr. McCamman that the Board understands that the New Jersey standards and Texas standards are different, however, the New Jersey State Board of Physical Therapy must be consistent in their course approvals and apply the same standards to all courses.

After Jeffrey McCamman, PT and David Reichig provided the Board with additional information concerning the seven courses mentioned above, a motion was made by Barbara J. Behrens and seconded by Cindy Moore to go into Executive Session to seek legal advise from the Board's attorney and to deliberate on this matter. A vote was taken and the motion carried by a unanimous vote. After discussion the Board returned to Public Session to continue the meeting.

A motion was made by David Bertone and seconded by Barbara J. Behrens to reaffirm the amount of credits for these courses. A vote was taken and the motion carried by a unanimous vote.

- E. Response from the Hospital for Special Surgery
- Rehabilitation Network
RE: N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*

This matter was tabled until the Board's February 28, 2012 meeting.

- F. Election of Officers for 2012

The Board held their election of officers for 2012 at its November 22, 2011 meeting. During those elections, Dennise Krencicki was elected Chairperson of the Board for 2012. Two new appointments were made by the Governor in January of 2012 and Dennise Krencicki was replaced by one of those new appointments, therefore, the Board needed to hold another election for the position of Chairperson and Vice Chairperson of the Board for 2012.

Lisa Affinito, Executive Director, took the chair to conduct the election of Board Officers for 2012.

Ms. Affinito called for nominations for Chairperson and a motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to nominate Karen Wilk for Chairperson of the Board for 2012. Ms. Affinito called for further nominations and there were none. Mary Browne then made a motion, seconded by Nancy Kirsch to close the nominations and elect Karen Wilk Chairperson of the Board by acclamation. The vote of the Board was unanimous.

Ms. Affinito called for nominations for Vice Chairperson and a motion was made by Nancy Kirsch and seconded by Mary Browne to nominate Barbara J. Behrens Vice Chairperson of the Board for 2012. Ms. Affinito called for further nominations and there were none. Jean Bickal then made a motion, seconded by Karen Wilk to close the nominations and elect Barbara J. Behrens Vice Chairperson by acclamation. The vote of the Board was unanimous.

V. FOR YOUR INFORMATION

- A. Division of Consumer Affairs
State Board of Medical Examiners
Athletic Training Committee
Adopted Amendments: N.J.A.C. 13:35-10.2, 10.3 and 10.4
Adopted New Rules: N.J.A.C. 13:35-10.5 through 10.17
Adopted Repeal: N.J.A.C. 13:35-10.5

The Board reviewed the Athletic Training Committee Adopted Amendments, New Rules and Adopted Repeal and considered them informational.

- B. Information from the Federation of State Boards of Physical Therapy
RE: Recent Court Decisions Change the Standard for ADA Testing
Accommodations in Some Jurisdictions

The Board reviewed information from the Federation of State Boards of Physical Therapy concerning ADA testing accommodations and considered it informational.

Upon a motion made by Barbara J. Behrens and seconded by Jean Bickal, 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. Eight matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Eleven matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Pankaj Chidwal
2. Pamela Paredes
3. Michelle Daco-Ag
4. Bhumika Vajifar
5. Preeth Subramaniam
6. Edmund Benaojan
7. Nidhi Shah

APPLICATIONS NOT APPROVED BY THE BOARD

1. Dipam Patel
2. Mary Ivy Lewis
3. Agnieszka Mika
4. Adrienne Peterson
5. Mario Francisco Toral
6. Paul Calineg
7. Grace Barrion

ADJOURNMENT

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Susan Quick to adjourn the meeting at 4:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director