



**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, 6<sup>th</sup> Floor, Newark, NJ 07102



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### NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

**KIM GUADAGNO**  
Lt. Governor

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Acting Director

### PUBLIC SESSION MINUTES

**February 23, 2010**

**Mailing Address:**

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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, 3rd Floor, on Tuesday February 23, 2010. 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 9:30 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
DENNISE KRENCICKI, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Present
KAREN WILK, P.T.	Present

Also present were: **Carmen Rodriguez, Deputy Attorney General and Lisa Affinito, Executive Director**

**Members of the public: Brian Mason, PT, representative of the APTA-NJ; Kenneth Mailly, PT; Robert DeMarino and Cathy Chin, representative of Select Medical**

#### I. PUBLIC COMMENT

#### II. NEW BUSINESS

- A. Letter from Mobility Research  
RE: Course, "Partial Weight Bearing Gait Therapy"

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Erica DuMonte advised the Board that the approved course, "Partial Weight Bearing Gait Therapy" will be given with new course lecturer, Nechama Karman. Ms. DuMonte provided the Board with a copy of Ms. Karman's Curriculum Vitae for their review and approval.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to acknowledge that the qualifications of Nechama Karman as the lecturer for the course, "Partial Weight Bearing Gait Therapy" were supported by her Curriculum Vitae. The Board approved the substituted lecturer. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from David Romaine, PT, and Nicole Romaine, PT  
RE: CEUniversity  
- Continuing Education

The Board received e-mails from licensees concerning whether the ethics course and jurisprudence courses listed on CEUniversity's website were courses approved or accepted by the New Jersey State Board of Physical Therapy Examiners. The CEUniversity's website included the American Physical Therapy Association's logo. The New Jersey State Board of Physical Therapy Examiners currently accepts courses given by the national American Physical Therapy Association (APTA) as well as the New Jersey chapter (APTA-NJ). The licensees noted that this course was not on the New Jersey State Board of Physical Therapy Examiners' course approval list that is posted on the Board's website.

The national American Physical Therapy Association advised the Board that the courses listed on the CEUniversity's website are not courses that were given and/or approved by the American Physical Therapy Association for continuing education credits.

David and Nicole Romaine advised the Board that they took the ethics and jurisprudence courses given by CEUniversity as the website had the American Physical Therapy Association's logo on it, therefore, they believed these courses were accepted by the New Jersey State Board of Physical Therapy Examiners. David and Nicole Romaine asked the Board if they would allow them to count the credits obtained from these courses for this renewal as they were misled in believing that these courses were accepted by the New Jersey State Board of Physical Therapy Examiners.

A motion was made by Dennise Krencicki and seconded by Nancy Kirsch to allow the physical therapists and physical therapist assistants who took the ethics and jurisprudence courses given by CEUniversity to count the credits they obtained from these courses for this renewal as they were misled in believing that the courses were accepted by the New Jersey State Board of Physical Therapy Examiners. A vote was taken and the motion carried by a unanimous vote.

- C. Senate, No. 695 (Synopsis - The "Fitness Professionals Certification Act")

A motion was made by Nancy Kirsch and by seconded by Jean Bickal to advise the Division of Consumer Affairs legislative liaison that the Board of Physical Therapy Examiners opposes this bill in its current form. The Board understands and agrees with the concept of regulating a currently unregulated industry provides the public with a greater level of protection. While this bill makes attempts to address this, the bill as currently formulated does not offer greater protection and is potentially detrimental to the public. There are a number of inconsistencies between the language of the bill itself and the statement provided. The language of the bill speaks to an approved course of study not less than 200 "classroom" hours (section 5, 3(1)(a)), while the statement references 300 "in person classroom hours". The difference between the number of hours as well as whether the hours are in person or not is substantial and will have a substantial impact on

the knowledge base of the individual. The language of the bill references renewal of licensure every three years (section 7.a), while the statement references every two years. Additionally the bill calls for certification of fitness professionals, but the language of the bill in section 7 as well as the language in the statement refer to licensure. There is a significant difference between licensure and certification. The Board of Physical Therapy Examiners supports the concept of certification of fitness professionals, but not licensure. Licensure infers credential standardization that is not currently present in the fitness community.

The Board of Physical Therapy Examiners also has concerns about the limited educational requirements this bill requires. Even using the larger number of hours, 300 required by the statement, fitness professionals would be able to become certified in less than 38 days of classroom instruction. This limited period of time is inadequate to work safely and effectively with members of the public to the extent outlined in this bill. For example, despite a lack of education about pathology and/or recognizing and treating individuals with pathology, sections of the bill (section 11.b) would allow fitness professionals to work with and rehabilitate a patient with pathology or injury. This potentially places members of the public at risk for inadequate or inappropriate care. Fitness professionals receive training only about working with individuals who are healthy and this bill should limit them to working with that population. References to working with individuals with pathology, far oversteps the preparation of fitness workers and places the public and vulnerable individuals with pathology at risk.

The Board of Physical Therapy Examiners respectfully submits that physical therapists have long been recognized as the experts in the area of movement including exercise and the effective and safe use of the musculoskeletal system. As such, the Board feels that the Fitness Professional Advisory Committee would be better placed under the Board of Physical Therapy Examiners as opposed to the New Jersey Board of Medical Examiners. The training of fitness professionals is more in line with the training and expertise of physical therapists allowing a more effective working relationship. The natural progression as it currently exists is as follows; individuals with pathology affecting their movement are seen by physical therapists and when the pathology is resolved they are referred to fitness practitioners as appropriate to continue their progress. The public is best served by the relationship between physical therapy and the fitness community working together in both practice and regulation. A vote was taken and the motion carried by a unanimous vote.

- D. Senate, No. 848 (Synopsis - Requires health service corporation to encrypt certain information) Introduced February 1, 2010

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise the Division of Consumer Affairs' legislative liaison that the Board opposes this bill as it is cumbersome, selective and exceeds the Federal requirements. A vote was taken and the motion carried by a unanimous vote.

- E. Senate, No. 89 (Synopsis - Requires licensed health care professionals and facilities to bill Medicare beneficiaries within six months of providing health care service.)

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise the Division of Consumer Affairs' legislative liaison that the Board has no comment on this bill. A vote was taken and the motion carried by a unanimous vote.

F. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch and Dennise Krencicki were 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 Cindy Moore to accept the course reviewers' recommendations as presented. The 69 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

G. Letter from John Santosuosso, Jr., PT  
RE: Continuing Education

Mr. Santosuosso advised the Board that he completed 28.25 credits by January 31, 2010 and 2 credits on February 1, 2010. Mr. Santosuosso advised the Board that he intended to have the 30 required continuing education credits by January 31, 2010 and completed the remaining 1.75 credits on February 1, 2010.

A motion was made by Nancy Kirsch and seconded by Mary Browne to accept Mr. Santosuosso's explanation and the 1.75 credits he completed on February 1, 2010. A vote was taken and the motion carried by a unanimous vote.

H. Letter from Patricia Watson, PT  
RE: Continuing Education

Ms. Watson informed the Board that she completed the required 30 continuing education credits by January 31, 2010. Ms. Watson also informed the Board that she completed an additional course on January 23 and 24, 2010 which brought her above the 30 required continuing education credits. Ms. Watson inquired whether the Board would allow her to use the additional credits obtained in the 2008-2010 renewal period towards the required 30 continuing education credits due for next renewal period.

A motion was made by Dennise Krencicki and seconded by Jean Bickal to deny Ms. Watson's request. Ms. Watson will be advised that she cannot carry over the additional continuing education credits into the next renewal period. A vote was taken and the motion carried by a unanimous vote.

I. Letter from Alexander Ivashenko, PT  
RE: Continuing Education

Mr. Ivashenko advised the Board that he took the ethics and jurisprudence courses given by CEUniversity as the website had the American Physical Therapy Association's logo on it, therefore, they believed these courses were accepted by the New Jersey State Board of Physical Therapy Examiners. Mr. Ivashenko asked the Board if he would allow him to count the credits obtained from these courses for this renewal as he was misled in believing that these courses were accepted by the New Jersey State Board of Physical Therapy Examiners.

The Board will advise Mr. Ivashenko that they are allowing the physical therapists and physical therapist assistants who took the ethics and jurisprudence courses given by CEUniversity to count the credits they obtained from these courses for this renewal due to the misrepresentation by CEUniversity. The individuals who took these courses were misled in believing that the courses were accepted by the New Jersey State Board of Physical Therapy Examiners. A vote was taken and the motion carried by a unanimous vote.

- J. Letter from Sara Donnelly, PT  
RE: Continuing Education

Ms. Donnelly inquired whether a physical therapist could receive continuing education credit for being a teaching assistant at an approved course.

A motion was made by Mary Browne and seconded by Nancy Kirsch to advise Ms. Donnelly that a physical therapist cannot receive continuing education credit for being a teaching assistant at an approved course. Pursuant to N.J.A.C. 13:39A-9.3( c)3 a licensee can receive continuing education credits for preparing and presenting a Board-approved continuing professional education course, program or seminar. A vote was taken and the motion carried by a unanimous vote.

### **III. OLD BUSINESS**

- A. Letter from Sylvia Zinader, PT  
RE: Continuing Education

The Board granted Ms. Zinader an extension to April 1, 2010 to complete the required 30 continuing education credits due to her medical condition.

Ms. Zinader wrote the Board and informed them that she was having difficulty locating a course on ethics or jurisprudence.

The Board will advise Ms. Zinader to research the APTA national website as they usually have continuing education courses on the subject of ethics and jurisprudence.

### **IV. FOR YOUR INFORMATION**

- A. New Jersey Occupational Therapy Advisory Council's  
January 14, 2010 Public Session Agenda

The Board reviewed the New Jersey Occupational Therapy Advisory Council's January 14, 2010 Public Session Agenda and considered it informational.

- B. New Jersey Board of Chiropractic Examiners'  
January 28, 2010 Public Session Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners' January 28, 2010 Public Agenda and considered it informational.

- C. Notice from the New Jersey Foundation for Aging  
RE: New law to protect vulnerable seniors

The Board reviewed a notice from the New Jersey Foundation for Aging regarding a new law to protect vulnerable senior citizens and considered it informational.

- D. New Jersey Board of Medical Examiners'  
January 13, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' January 13, 2010 Open Board Agenda and considered it informational.

- E. New Jersey Board of Medical Examiners'  
January 13, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' January 13, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- F. New Jersey Board of Medical Examiners'  
November 4, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' November 4, 2009 Open Board Minutes and considered it informational.

- G. New Jersey Board of Medical Examiners'  
October 14, 2009 Open Minutes of Disciplinary Matters Pending  
Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' October 14, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered it informational.

#### **APPLICATIONS APPROVED BY THE BOARD**

- 1. Ma Felicia Rogando
- 2. Eva Sanchez

#### **APPLICATIONS NOT APPROVED BY THE BOARD**

- 1. Marlyn Cahayan
- 2. Stella Okeke
- 3. Jhansi Chowdavaram
- 4. Jayvinth Johnson

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. Fourteen matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.

2. Twelve 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 Nancy Kirsch and seconded by Cindy Moore to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito  
Executive Director