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New Jersey State Board of Physical Therapy Examiners
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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

February 28, 2012

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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, 6th Floor, on Tuesday February 28, 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.	Excused
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Present
BETH SARFATY, PT	Present
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; Kenneth Maily, PT; Brian Mason, PT, representative of the APTA-NJ; Earl M. Baker, PhD, representative of Genesis HealthCare and Jessica Fulmino, PT.

I. PUBLIC COMMENT

Jessica Fulmino commented on the requirement that the full name of the licensee who rendered care, identification of the licensee's licensure status and license number must appear at least once on each page of the patient record, specifically that the information appearing once on each page is cumbersome.

Brain Mason commented on the requirement that the full name of the licensee who rendered care, identification of the licensee's licensure status and license number must appear at least once on each page of the patient record, specifically with regard to electronic patient records.

II. APPROVAL OF THE MINUTES OF JANUARY 24, 2012 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Susan Quick, the Board voted to accept the minutes of the January 24, 2012 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

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 40 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 23 courses that were 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.

B. Letter from Mrinal Mitra, PT RE: Continuing Education

Mr. Mitra wrote the Board requesting an extension to complete the continuing education requirement for this renewal due to family obligations that required him to spend time abroad as well as health issues.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to request that Mr. Mitra provide the Board with the number of continuing education credits he obtained from February 1, 2010 through January 31, 2012. The Board will also request that Mr. Mitra provide the Board with a letter from his treating physician regarding the background and status of his medical condition. The Board will further request that Mr. Mitra provide the Board with the dates that he was out of the country. A motion was made and the motion carried by a unanimous vote.

C. Letter from Sabine Mitra, PT RE: Continuing Education

Ms. Mitra wrote the Board requesting an extension to complete the continuing education requirement for this renewal due to an ill family member which required her to spend time out of state.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to request that Ms. Mitra provide the Board with the number of continuing education credits she obtained from February 1, 2010 through January 31, 2012. The Board will also request that Ms. Mitra provide the Board with a letter from her family member's treating physician regarding the background and status of their medical condition. The Board will further request that Ms. Mitra provide the Board with the dates that she was out of state and documentation of her leave of absence from her employment. A motion was made and the motion carried by a unanimous vote.

- D. Letter from Neelu Mishra Sharma
RE: Test of English as a Foreign Language (TOEFL)

Ms. Sharma inquired if the Board would consider granting her a TOEFL waiver. Ms. Sharma informed the Board that she passed the TOEFL in 2005 and provided the Board with a copy of her scores. Ms. Sharma also informed the Board that she completed a transitional Doctorate in Physical Therapy from the University of Medicine and Dentistry of New Jersey in 2010.

A motion was made by Mary Browne and seconded by David Bertone to advise Ms. Sharma that if she submits a certification that her copy of her TOEFL scores is true and accurate and the Foreign Credentialing Commission on Physical Therapy (FCCPT) provides the Board with a report of her TOEFL scores, the Board will accept the scores provided the scores meet the requirement set forth in N.J.A.C. 13:39A-5.7. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Sara Shanks
RE: Electronic Records

Ms. Shanks inquired about the requirement, "The full name, as it appears on the license, of the licensee who rendered care, identification of licensure status (PT or PTA), and license number. This information shall be legible and shall appear at least once on each page of the patient record" with regard to electronic patient records.

The Board will advise Ms. Shanks that the computer software must meet the requirement of N.J.A.C. 13:39A-3.1(c)1 and 10. The full name of the licensee who rendered care, identification of the licensee's licensure designation and license number must appear at least once on each page of the patient record whether the patient record is kept in paper format or electronically.

The Board will discuss N.J.A.C. 13:39A-3.1 and N.J.A.C. 13:38A-3.2 with its Regulatory Analyst, Charles Manning at a future meeting.

- F. Inquiry from Susan French, PTA
RE: Documentation

Ms. French inquired whether it was unethical for a SOAP (Subjective Objective Assessment Plan) note to be done in conjunction with physical therapy treatment or must it be done at a separate time.

A motion was made by Jean Bickal and seconded by Cindy Moore to advise Ms. French that the treating clinician who is a licensed physical therapist or physical therapist assistant must prepare and maintain for each patient a contemporaneous, permanent patient record that accurately reflects the patient contact with the licensed physical therapist whether in an office, hospital or other treatment, evaluation or consultation setting pursuant to N.J.A.C. 13:39A-3.1. The Board will also advise Ms. French that documenting the treatment intervention in the patient record is different from preparing bills for services rendered. A vote was taken and the motion carried by a unanimous vote.

- G. E-mail from Rehab Education
RE: Course, "Unlocking Their Brains: The Neuroplastic Model of Stroke Recovery"

Karen Wilk recused herself and did not participate in the discussion. The course is being held at the hospital in which Ms. Wilk practices.

Susan Locker of Rehab Education wrote the Board concerning the amount of credit approved for the course, "Unlocking Their Brains: The Neuroplastic Model of Stroke Recovery". The Board approved this course for 12.25 credits. Ms. Locker provided the Board with a time breakdown of the course topics and informed the Board that an afternoon break was added. Ms. Locker asked the Board to reduce the number of approved credits from 12.25 to 12.

A motion was made by Jean Bickal and seconded by Beth Sarfaty to reduce the number of credits approved for the course, "Unlocking Their Brains: The Neuroplastic Model of Stroke Recovery" to 12 credits based on the information provided. A vote was taken and the motion carried by a unanimous vote.

- H. E-mail From Rehab Education
RE: Course, "KT3 Kinesiotaping Certification Course"

Karen Wilk recused herself and did not participate in the discussion. The course is being held at the hospital in which Ms. Wilk practices.

Susan Locker of Rehab Education informed the Board that Rehab Education changed the course title of the course, "KT3 Kinesiotaping Certification Course" to "Kinesio Taping KT3: Clinical Concepts and Advanced Taping Methods".

A motion was made by Cindy Moore and seconded by Beth Sarfaty to accept the name change. The Board will change the course title on its list of approved courses that is posed on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

- I. Inquiry from Cindy Esworthy-Menendez, PT
RE: Discharge

Ms. Menedez asked the Board to clarify if it is appropriate to keep a patient on therapy until the patient's medical issues have been resolved and/or the patient is able to be discharged home even if the goals been reached, reached prior level of function or there is a plateau in the patient's progress.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Ms. Menedez that the physical therapist must be autonomous in his or her practice of physical therapy. The Board will also advise Ms. Menedez that the continuation of therapy after the goals have been reached would not be appropriate pursuant to N.J.A.C. 13:39A-3.8 *professional misconduct* (a) 5 and 6. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

- A. Response from the Hospital for Special Surgery
- Rehabilitation Network

RE: N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*

Mr. Inglett wrote the Board concerning a program offered by the Hospital for Special Surgery and mentioned that the program may be in conflict with N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*.

The Board requested that the Hospital for Special Surgery provide the Board with the documentation concerning this program as well as an explanation of how the program works including how the fees are utilized. The Board will also ask the Hospital for Special Surgery to explain how the program does not conflict with N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*.

The Hospital for Special Surgery provided the Board with an explanation. A motion was made by Barbara J. Behrens and seconded by Susan Quick to ask the Hospital for Special Surgery to provide additional information concerning its application process that prospective physical therapy clinics undergo and statistics regarding acceptance and rejection. A vote was taken and the motion carried by a unanimous vote.

- B. 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"

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 provided the Board with additional information that was not considered at the Board's January 24, 2012 meeting and asked the Board to re-evaluate these courses and approve them for the amount of credit that was requested.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to approve the following courses for eight credits each: Clinical Examination of the Shoulder and Physical Therapy of the Shoulder: Module 1, Module 2, Module 3 and Module 4 based on the additional information. The Board also approves the following two courses for four credits each: Manual Correction and Treatment of the Sacrioliac Joint and Manual Interventions for Thoracic Outlet Syndrome based on the additional information. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. Federation of State Boards of Physical Therapy
January 2012 News Brief

Upon a motion made by Cindy Moore 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.

- B. Interlocutory Order Granting Motion to Consolidate
In the Matter of the Unauthorized Practice of Physical Therapy by: Lynda Stambaugh, D.O., Also Known as Lynda Stambaugh-Lupo and Michael Lupo, and
In the Matter of the Unauthorized Practice of Medicine and Surgery by: Lynda Stambaugh, D.O., Also Known as Lynda Stambaugh-Lupo and Michael Lupo

The Board reviewed the Interlocutory Order Granting Motion to Consolidate and considered it informational.

- C. Consent Order filed February 28, 2012
In the Matter of Martin Ciner, PT

The Board filed a Consent Order on February 28, 2012 in the matter of Martin Ciner, PT, for violation of N.J.A.C. 13:39A-3.1 *Patient records*, N.J.A.C. 13:39A-3.2 *Use of personal or other computer to prepare patient records*, N.J.A.C. 13:39A-3.9 *Identification of licensees* and engaging in conduct in violation of N.J.S.A. 45:1-21(e) and (h). Martin Ciner, PT was issued a \$10,000.00 civil penalty.

Upon a motion made by Cindy Moore 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. Ten matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Rhaffy Calzada
2. Reshmi Sharma
3. Roslyn Batiancila
4. Jennifer Aliguyo
5. Dick Carskit

APPLICATIONS NOT APPROVED BY THE BOARD

1. Jayvinth Johnson
2. Ritu Doshi
3. Nishal Patel
4. Dhaval Talati
5. Shital Shah

ADJOURNMENT

The Board returned to Public Session and a motion was made by Cindy Moore and seconded by Jean Bickal to adjourn the meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director