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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

March 26, 2013

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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 March 26, 2013. 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:

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: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director; Gerard Tobia, Administrative Staff**

Members of the public: Brian Mason, PT, representative of the APTA-NJ; Cathy Chin, representative of Select Medical; Earl M. Baker, PhD, representative of Genesis HealthCare; Diane Philipbar, representative from the Association of New Jersey Chiropractors; Ila Gandhi and Vishal Gandhi

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF FEBRUARY 26, 2013 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Jean Bickal, the Board voted to accept the minutes of the February 26, 2013 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 Cindy Moore to accept the course reviewers' recommendations as presented. The 92 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 13 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. Inquiry from Chirang Parikh RE: Test of English as a Foreign Language

Mr. Parikh asked the Board for a waiver of the Test of English as a Foreign Language as he has a Masters degree in biology/neuroscience from a University in the United States and also a transitional Doctorate of Physical Therapy degree from a University in the United States.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to deny Mr. Parikh's waiver request. Mr. Parikh must take and pass all sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as he received his entry level physical therapy degree from a foreign educational institution. A vote was taken and the motion carried by a unanimous vote.

C. Letter from the Federation of State Boards of Physical Therapy RE: Score of Candidate

The Federation of State Boards of Physical Therapy (FSBPT) informed the Board that a candidate who applied for licensure in New Jersey took the National Physical Therapy Examination on January 29, 2013 and received a failing score. Due to technical issues with the graphics on his January 29, 2013 exam, the candidate was given a free retest on February 25, 2013 and was inadvertently given the same exact test that he was given on January 29th. The candidate passed the February 25, 2013 exam. The FSBPT informed the Board that they cannot validate the candidate's February 25, 2013 score as passing. The FSBPT informed the Board that if the New Jersey State Board of Physical Therapy Examiners decides to accept the candidate's score, the score will not be transferred to another licensed authority if the candidate wishes to locate to another State, therefore, the candidate would need to take the test again. If the Board decides not to accept the score, then the FSBPT will pay for the costs associated with the candidate retesting.

A motion was made by Jean Bickal and seconded by Mary Browne to not accept the candidate's February 25, 2013 score. The Board will inform the Federation of State Boards of Physical Therapy that the Board did not accept the candidate's February 25, 2013 score. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Kathleen Kleinbeck
RE: Physical Therapy Services Provided in Schools

Ms. Kleinbeck inquired whether the Board has any jurisdiction over publicly funded schools, specifically the physical therapy services that are provided in the schools. Ms. Kleinbeck also inquired whether physical therapists who work in schools are trained on fraud detection and reporting.

A motion was made by David Bertone and seconded by Jean Bickal to inform Ms. Kleinbeck that the Board does not have jurisdiction over schools. The Board has jurisdiction over the licensees who practice in the schools. The Board will also inform Ms. Kleinbeck that the Board does not have any requirements for physical therapists to obtain training on fraud detection and reporting. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Stacy Catalano, PTA
RE: Continuing Education

Ms. Catalano informed the Board that she completed a certification course in personal training and inquired whether some of those credits could be counted towards the continuing education requirement.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to advise Ms. Catalano that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements set forth in N.J.A.C. 13:39A-9 et seq and may be granted credit. The courses must be within the guidelines of the regulations in order to be granted credit. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Mary Natirbott, PT
RE: Medication

Ms. Natirbott asked the Board for clarification concerning the frequently asked question on the Board's website, specifically, "A physical therapist may relay the physician's direction to the patient and document the physician's direction in the patient's record". Ms. Natirbott inquired whether "relay" included sending the change in medication to the physician for signature.

A motion was made by Cindy Moore and seconded by Beth Sarfaty to inform Ms. Natirbott that there is nothing in the New Jersey State Board of Physical Therapy Examiners statutes and regulations that precludes a physical therapist from documenting the patient's medications or any changes in the patient's medications during the course of physical therapy treatment. A vote was taken and the motion carried by a unanimous vote.

- G. Inquiry from Cortney Hassler, PT
RE: Pre-certification

Ms. Hassler inquired whether any language exists in the New Jersey State Board of Physical Therapy Examiners statutes and regulations that would preclude a physical therapist from requesting pre-certification of care and subsequent appeals based on adverse decisions by third party administrators.

A motion was made by David Bertone and seconded by Jean Bickal to inform Ms. Hassler that there is nothing in the New Jersey State Board of Physical Therapy Examiners statutes and regulations that would prohibit an appeal. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

- A. Board Discussion with Charles Manning, Regulatory Analyst
RE: Continuing Competence

The Board met with Charles Manning, Regulatory Analyst to discuss including continuing competence as another avenue for licensees to obtain continuing education credit.

- B. Response from Dominique Modesto, PT
RE: Continuing Education Requirement

Mrs. Modesto asked the Board whether special consideration is given to licensees who are unable to attend courses due to medical circumstances. Mrs. Modesto informed the Board that she and her husband are both licensed physical therapists. Mrs. Modesto informed the Board that she has been caring for her ill husband. Ms. Modesto provided the Board with documentation of the status of her husband's medical condition.

A motion was made by Barbara J. Behrens and seconded by Beth Sarfaty to advise Ms. Modesto that the Board will allow her to obtain all her continuing education credits through distance learning courses. The Board will also advise Mrs. Modesto that her husband can choose to put his license on inactive status. Mr. Modesto will then need to meet the continuing education requirement prior to the reactivation of his license in accordance with N.J.A.C. 13:39A-5A.2. A vote was taken and the motion carried by a unanimous vote.

- C. Response from Kim Jasaitis, PTA
RE: Continuing Education Requirement

Beth Sarfaty recused herself and did not participate in the discussion.

Ms. Jasaitis asked the Board for leniency or to be excused from the continuing education requirement due to her medical condition. Ms. Jasaitis provided the Board with documentation of the status of her medical condition.

A motion was made Jean Bickal and seconded by Mary Browne to allow Ms. Jasaitis to obtain all her continuing education credits through distance learning courses due to her medical condition. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. Federation of State Boards of Physical Therapy
February 2013 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy's February 2013 News Brief and considered it informational.

- B. Federation of State Boards of Physical Therapy
National Physical Therapy Examination Faculty
Newsletter First Quarter 2013

The Board reviewed the Federation of State Boards of Physical Therapy's newsletter and considered it informational.

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

APPLICATIONS APPROVED BY THE BOARD

1. Divya Madan
2. Jinal Patel
3. Rajul Biniwale
4. Edgardo Ikalina, Jr
5. Charmaine Cascals
6. Jeegisha Kapila
7. Regina Mathew
8. Oran J. Clabby
9. Phani Kaza

APPLICATIONS NOT APPROVED BY THE BOARD

1. Cielo Acosa
2. John Rogando
3. Boskey Parikh
4. Rahul Ravipati
5. Viren Patel
6. Elaine Cunanan
8. Christopher Vidal

ADJOURNMENT

The Board returned to Public Session and a motion was made by David Bertone and seconded by Beth Sarfaty to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director