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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

April 24, 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 April 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	Excused
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: Cathy Chin, representative of Select Medical; Kenneth Maily, PT; Paul Werner, Esq, representative of the APTA-NJ; Earl M. Baker, PhD, representative of Genesis HealthCare, Heather Murray Miller, PT, representative of CentraState, Jessica Fulmino, PT, and Rheam Mansour, PT.

I. PUBLIC COMMENT

Jessica Fulmino and Kenneth Maily each commented on electronic patient records.

II. APPROVAL OF THE MINUTES OF MARCH 27, 2012 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Nancy Kirsch, The Board voted to accept the minutes of the March 27, 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

Nancy Kirsch recused herself 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 32 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 2 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 Jamie Cozine, PT RE: Supervision

Ms. Cozine inquired whether a physical therapist is permitted to supervise two physical therapist assistants and a student. Ms. Cozine informed the Board that she is aware that the maximum licensed physical therapist to licensed physical therapist assistant ratio must be one licensed physical therapist to two physical therapist assistants at any one time in accordance with N.J.A.C. 13:39A-7.1.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Cozine that although the New Jersey State Board of Physical Therapy Examiners statutes and regulations do not preclude a licensed physical therapist from supervising two licensed physical therapist assistants and a student, the physical therapist must ensure that patient safety is being maintained. A vote was taken and the motion carried by a unanimous vote.

C. Inquiry from Christy Kim, PT RE: Ankle Brachial Index Measurement

Ms. Kim inquired whether ankle brachial index measurement is within the scope of practice of physical therapy.

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise Ms. Kim that ankle brachial index measurement is within the scope of practice of physical therapy. A vote was taken and the motion carried by a unanimous vote.

D. Inquiry from Charles Archbald, PT RE: Selling Physical Therapy/Health Related Products

Mr. Archbald inquired whether a physical therapy office is allowed to sell physical therapy/health related products.

A motion was made by David Bertone and seconded by Nancy Kirsch to advise Mr. Archbald that the New Jersey State Board of Physical Therapy Examiners statutes and regulations do not address this issue but there may be other laws and regulations in the State of New Jersey that pertain to the selling of physical therapy/health related products. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Stephanie Calefati, PT
RE: Continuing Education

Ms. Calefati inquired whether continuing education credits are awarded for independent study courses.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Ms. Calefati that the Board accepts courses sponsored by the National American Physical Therapy Association (APTA) and the New Jersey Chapter of the American Physical Therapy Association (APTA-NJ), therefore the Board would accept continuing education credits awarded from any independent study courses sponsored by the APTA or the APTA-NJ. The Board will also advise Ms. Calefati that a licensee can receive 15 continuing education credits for becoming certified or recertified in a clinical specialty by the American Board of Physical Therapy Specialties in accordance with N.J.A.C. 13:39A-9.3(d). A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Rheam Mansour, PT
RE: Scope of Practice

Karen Wilk recused herself and did not participate in the discussion.

Ms. Mansour inquired about scope of practice of physical therapy, specifically in the area of woman's health.

A motion was made by Mary Browne and seconded by Beth Sarfaty to table this meeting until the Board's May 22, 2012 meeting. A vote was taken and the motion carried by a unanimous vote.

- G. Board Discussion
RE: Dry Needling

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 of Physical Therapy Examiners does not consider dry needling the practice of acupuncture. The New Jersey Acupuncture Examining Board considers 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 Division of Consumer Affairs is aware of the of the views of the New Jersey State Board of Physical Therapy Examiners and the New Jersey Acupuncture Examining Board. The New Jersey State Board of Physical Therapy Examiners is waiting for guidance from the Division of Consumer Affairs concerning this matter.

- H. Letter from the Federation of State Boards of Physical Therapy
RE: Physical Therapy Continuing Competence

Heidi Herbst Paakkonen, Continuing Competence Product Manager of the Federation of State Boards of Physical Therapy (FSBPT) informed the Board that FSBPT is interested in delivering to the New Jersey State Board of Physical Therapy Examiners a presentation on continuing competence tools, resources and services for use by its member boards for purposes of advancing ongoing competence by licensees.

A motion was made by David Bertone and seconded by Mary Browne to schedule a date with the Federation of State Boards of Physical Therapy for their presentation. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

- A. Board Discussion with Charles Manning, Regulatory Analyst
RE: N.J.A.C. 13:39A-3.1 Patient records and
N.J.A.C. 13:39A-3.2 Use of personal or other computer to prepare patient records

Charles Manning, Regulatory Analyst, met with the Board regarding additional language for N.J.A.C. 13:39A-3.1 Patient records and N.J.A.C. 13:39A-3.2 Use of personal or other computer to prepare patient records.

The Board will review the draft additional language to N.J.A.C. 13:39A-3.1 and 3.2 at its May 22, 2012 meeting.

- B. Board Review of Revised Continuing Education Sponsor Application

After the Board reviewed the revised continuing education sponsor application, a motion was made by David Bertone and seconded by Nancy Kirsch to accept the revised application. A vote was taken and the motion carried by a unanimous vote.

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

The Foreign Credentialing Commission on Physical Therapy (FCCPT) provided the Board with a true copy of Neelu Sharma's TOEFL scores from 2005. A motion was made by Mary Browne and seconded by Barbara J. Behrens to advise Ms. Sharma that she will not need to retake and pass the TOEFL examination again as the Board accepted the scores provided by FCCPT as the scores meet the requirements set forth in N.J.A.C. 13:39A-5.7. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. American Physical Therapy Association of New Jersey
Spring 2012 Jersey Jargon

The Board reviewed the American Physical Therapy Association of New Jersey's Spring 2012 issue of the Jersey Jargon and considered it informational.

B. Maryland Board of Physical Therapy Winter 2012 Newsletter

The Board reviewed the Maryland Board of Physical Therapy's Winter 2012 Newsletter and considered it informational.

- C. Division of Consumer Affairs
State Board of Medical Examiners
Practice Outside of Schools and Professional Teams;
Scope of Practice
Proposed Amendments: N.J.A.C. 13:35-10.6 and 10.7

The Board will review the State Board of Medical Examiners Proposed Amendments: N.J.A.C. 13:35-10.6 and 10.7 at its May 22, 2012 meeting.

- D. Division of Consumer Affairs
Uniform Regulations
Waivers; Performance-Based Outcomes
Adopted New Rules: N.J.A.C. 13:45C-2 and 3

The Board reviewed the Division of Consumer Affairs Uniform Regulations Adopted New Rules: N.J.A.C. 13:45C-2 and 3 and considered them informational.

Upon a motion made by Nancy Kirsch 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. Five 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. Azmar Ajihil
2. Arvin Ilagan
3. Fiona Moore
4. Annalie Hamin
5. Eric Oliver
6. Janardan Vidyapeeth

APPLICATIONS NOT APPROVED BY THE BOARD

1. Jithendra Attiluru
2. Pamela Defensor
3. Rafael Castro
4. Hinal Patel
5. Neha Hemendra Joshi

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6. Neelu Mishra
7. Christopher Millan
8. Deepsha Shah
9. Palak Shah

ADJOURNMENT

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Jean Bickal 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