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

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PUBLIC SESSION MINUTES

April 26, 2011

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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 26, 2011. 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.	Excused
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	Excused
KAREN WILK, P.T.	Present

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

Members of the public: Cathy Chin, representative of Select Medical, Brian Mason, PT, representative of the APTA-NJ, Kenneth Maily, PT and Jessica Fulmino, PT.

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF MARCH 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 March 22, 2011 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. Charles Manning, Regulatory Analyst
RE: Sunset Review

Under Public Law 2011 Chapter 45 the five year sunset period for regulations has now been extended to seven years. Regulations expire every seven years instead of every five years. The New Jersey State Board of Physical Therapy Examiners regulations were to expire on December 19, 2011 and will now expire on December 19, 2013.

IV. NEW BUSINESS

- A. Letter from Arun Garg
RE: Request for a waiver of the TOEFL (Test of English as a Foreign Language)

Arun Garg inquired if the Board would consider granting him a TOEFL waiver.

A motion was made by Jean Bickal and seconded by Nancy Kirsch to advise Mr. Garg that the Board denied his TOEFL waiver request as the Board no longer has a regulation which gives them the discretion to grant a waive. Therefore, all applicants educated outside the United States must pass the TOEFL examination. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from Home CEU Connection.com
RE: Refund Request for Withdrawn Courses

Brittney Buster of Home CEU Connection.com withdrew thirteen text based courses that they submitted for Board approval. Ms. Buster asked the Board for a refund for these thirteen courses as it was her understanding that the thirteen courses had not been reviewed.

A motion was made by Jean Bickal and seconded by Barbara J. Behrens to deny Home CEU Connection.com's refund request. The materials they submitted with the applications for each of these thirteen courses were reviewed and areas with deficiencies were identified. The Board will advise Ms. Buster that the review process can continue once they submit information that would satisfy the identified deficient areas in the application material. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Erum Khan
RE: Licensure Requirements

Erum Khan informed the Board that he graduated from a school outside the United States. Mr. Khan inquired if he needed to have that school send an official transcript of education since the Board will receive a credential evaluation of his education.

A motion was made by Barbara J. Behrens and seconded by Mary Browne to advise Mr. Khan that a credential evaluation of his education must be provided to the Board and the school he attended must send an official transcript of his education in order to comply with the licensure requirements. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from Nirali Shah, PT
RE: Yoga Therapy and Pilates

Nirali Shah inquired if a physical therapist can practice Yoga and Pilates. Ms. Shah inquired if a certification is needed to practice Yoga and Pilates.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Shah that it is within the scope of practice to use Yoga and Pilates in her practice and she does not need to be certified to do so. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Chris Smith
RE: Manipulations

Chris Smith inquired whether physical therapists can perform cervical and upper thoracic manipulations on patients.

A motion was made by Nancy Kirsch and seconded by Dennise Krencicki to advise Mr. Smith that it is within the scope of practice of a physical therapist to perform spinal manipulations on patients. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Brandon C. Goldberg, Esq.
RE: Permissible Business Structures

Brandon C. Goldberg, Esq. wrote the Board concerning permissible forms of physical therapy practice, specifically if a physical therapist can form a company with a speech and language pathologist.

A motion was made by Jean Bickal and seconded by Barbara J. Behrens to advise Mr. Goldberg 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. Goldberg 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.

- G. Letter from Cascade Dafo, Inc.
RE: Course, "Dynamic Bracing Workshop"

Cascade Dafo received approval for course, "Dynamic Bracing Workshop" which is a two day course. Jessica Spencer of Cascade Dafo inquired if they were able to give an abridged version of this course which would be one day instead of two days and awarded 6 credits for the one day course instead of 10.5 for the two day course and use the same approval number that was awarded for the full two day course.

The Board will advise Ms. Spencer that Cascade Dafo would need to apply for approval of the abridged version of this course because the amount of continuing education credits would be changed based on the course curriculum from what was previously approved by the Board and a new approval number would be issued due to the change in credits.

- H. Letter from Motivations, Inc.
RE: Course, "Basics of Spinal Cord Injury"

Lucinda Sutton of Motivations, Inc. wrote the Board concerning the amount of credit approved for the course, "Basics of Spinal Cord Injury". The Board approved this course for 6.5 credits. Ms. Sutton 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 6.5 to 8.

A motion was made by Nancy Kirsch and seconded by Dennise Krencicki to approve the course, "Basics of Spinal Cord Injury" for 8 credits based on the additional information provided. A vote was taken and the motion carried by a unanimous vote.

- I. Letter from Siu Ling Lui, PT
RE: Continuing Education

Siu Ling Lui informed the Board that she is currently enrolled in a post-professional Doctor of Physical Therapy program. Ms. Lui asked if she could use some of these credits towards the continuing education requirement.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to advise Ms. Lui that a licensee can receive 15 credits for each course credit awarded from the successful completion of a post-graduate course in a physical therapy program leading to a Doctor of Physical Therapy (DPT) degree provided the institution is accredited by the United States Department of Education or the Council on Postsecondary Accreditation or their approved agencies. The Board will advise Ms. Lui that the courses must be taken and completed within the biennial renewal period in order for the credits to count towards the continuing education requirement. A vote was taken and the motion carried by a unanimous vote.

- J. 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 Mary Browne and seconded by Jean Bickal to accept the course reviewers' recommendations as presented. The 157 approved courses and the 13 denied courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 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.

- K. Letter from Therapeutic Services
RE: Refund Request

Katie McAloney of Therapeutic Services informed the Board that the approved course, "Cervical Spine Management: The Missing Links" was scheduled to take place on May 1, 2011 but was cancelled due to insufficient registration. Ms. McAloney asked the Board for a refund of the \$100.00 application fee as the course is no longer going to be held.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to deny Therapeutic Services refund request as the review of the course had taken place and the fee is non-refundable. The Board will advise Ms. McAloney that the course has an expiration date of January 31, 2012 and the course can be held provided it is before January 31, 2012. A vote was taken and the motion carried by a unanimous vote.

- L. Letter from Joanne Worrell, PTA
RE: Discharge Summaries

Joanne Worrell inquired if physical therapist assistants were allowed to perform discharge summaries.

A motion was made by Barbara J. Behrens and seconded by Nancy Kirsch to advise Ms. Worrell that a physical therapist assistant can write the final treatment note and give input concerning discharge but the physical therapist must write the discharge note/summary with the assessment data in the patient record. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. Senate, No. 89 (Synopsis - Requires licensed health care professionals and facilities to bill Medicare beneficiaries within six months of providing health care service.) - Approved December 8, 2010

The Board reviewed Senate, No. 89 which was approved on December 8, 2010 and considered it informational.

- B. Division of Consumer Affairs
Office of the Director
Health Care Professional Reporting Responsibility
Adopted New Rules: N.J.A.C. 13:45E

The Board reviewed adopted New Rules: N.J.A.C. 13:45E and considered it informational.

- C. March 2011 Kentucky Board of Physical Therapy Newsletter

The Board reviewed the March 2011 Kentucky Board of Physical Therapy Newsletter and considered it informational.

- D. Federation of State Boards of Physical Therapy
NPTE Quarterly Faculty Newsletter

The Board reviewed the Federation of State Boards of Physical Therapy's NPTE Quarterly Faculty Newsletter and considered it informational.

- E. New Jersey Board of Chiropractic Examiners
March 24, 2011 Public Agenda

The Board reviewed the New Jersey Board of Chiropractic Examiners March 24, 2011 Public Agenda and considered it informational.

- F. New Jersey Board of Chiropractic Examiners
January 27, 2011 Public Minutes

The Board reviewed the New Jersey Board of Chiropractic Examiners January 27, 2011 Public Minutes and considered them informational.

- G. Modified Consent Order filed April 5, 2011
In the Matter of Andrew Chillari, PTA

The Board is in receipt of a Modified Consent Order filed April 5, 2011 in the matter of Andrew Chillari, PTA. Mr. Chillari was found in violation of N.J.A.C. 13:39A-3.10 sexual misconduct and N.J.S.A.45:1-21(c) professional misconduct. The physical therapist assistant is suspended for three years, the first three months to be served as an active suspension (beginning April 17, 2011) and the remainder of the suspension will be stayed and served as a period of probation.

- H. Modified Consent Order filed March 22, 2011
In the Matter of Christian Luna, PT

The Board is in receipt of a Modified Consent Order filed March 22, 2011 in the matter of Christian Luna, PT for violation of N.J.A.C. 13:39A-3.1(a) and (c)2,4,5,8 and 9 *patient records* and 11; N.J.A.C. 13:39A-3.6 *excessive fees*; N.J.A.C. 13:39A-3.8(a)6 and 10 and N.J.S.A. 45:1-21(e) and (h) *professional misconduct*. The physical therapist was issued a \$2,500.00 civil penalty. The Board considers this matter to be concluded.

- I. Modified Consent Order filed March 22, 2011
In the Matter of Mylen B. Estanislao, PT

The Board is in receipt of a Modified Consent Order filed March 22, 2011 in the matter of Mylen B. Estanislao, PT for violation of N.J.A.C. 13:39A-3.1(a) and (c)2,4,5,8,9, 11, 12 and 13 *patient records* and 11; N.J.A.C. 13:39A-3.6 *excessive fees*; N.J.A.C. 13:39A-3.8(a)6 and 10 and N.J.S.A. 45:1-21(e) and (h) *professional misconduct*. The physical therapist was issued a \$2,500.00 civil penalty. The Board considers this matter to be concluded.

- J. Settlement letter dated March 11, 2011
In the Matter of Arlene Krantz, PTA

The Board is in receipt of a signed Settlement letter from Arlene Krantz, P.T.A. The Board found the physical therapist assistant violated N.J.A.C. 13:39A-2.3(d). The physical therapist assistant was issued a \$250.00 civil penalty. The Board considers this matter to be concluded.

APPLICATIONS APPROVED BY THE BOARD

1. Epifanio Ramos Gaminde VIII
2. Herbie Banares
3. Patricia Bernardino-Magpantay
4. Helen Cayabyab

APPLICATIONS NOT APPROVED BY THE BOARD

1. Sheetal Vichare
2. Niharika Jaiswal

Upon a motion made by Dennise Krencicki 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. Six 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 Jean Bickal and seconded by Barbara J. Behrens to adjourn the meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director