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New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Physical Therapy Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102



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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

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PUBLIC SESSION MINUTES

June 25, 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 June 25, 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	Excused
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Excused
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Excused
BETH SARFATY, PT	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical; Vincent Buttaci, Esq.

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF MAY 28, 2013 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Beth Sarfaty, the Board voted to accept the minutes of the May 28, 2013 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

- A. Inquiry from Stacey Bialow, PT
RE: Continuing Education

Ms. Bialow asked the Board to allow her to complete all the required continuing education credits for this biennial renewal period through distance learning courses due to her medical condition.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to allow Ms. Bialow to complete 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.

- B. Inquiry from Gena Lentz, PT
RE: Disciplinary Action

Ms. Lentz wrote the Board concerning the Settlement letter dated July 31, 2012. Ms. Lentz informed the Board that the New Jersey Licenses and Registrations free iPhone app revealed two entries under her name. One indicates, "Disciplinary Action: No" and the second indicates "Disciplinary Action: Yes".

A motion was made by David Bertone and seconded by Beth Sarfaty to advise Ms. Lentz that a Settlement letter is disciplinary action and the Board will notify the Division of Consumer Affairs concerning the discrepancy on the iPhone app. A vote was taken and the motion carried by a unanimous vote.

- C. Inquiry from Michelle M. Hediger of Skills First
RE: Continuing Education Course

Ms. Hediger of Skills First asked the Board to consider granting the course, "Ethical Implications of Modern Technology for the Physical Therapist" three credits in ethics and one credit in jurisprudence. This course is already approved for 4 credits ethics.

Ms. Hediger provided the Board with the course outline for consideration.

A motion was made by Cindy Moore and seconded by David Bertone to advise Ms. Hediger that the Board will approve this course for three credits in ethics and one credit in jurisprudence provided it is offered on a non-discriminatory basis and it is also available to physical therapist assistants. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Bonnie Smith, PT
RE: Billing

Ms. Smith asked the Board if she could bill for traction in place of DRX.

A motion was made by Barbara J. Behrens and seconded by Beth Sarfaty to inform Ms. Smith that she may wish to seek private counsel regarding her concerns. The Board does not give legal advice or interpret billing codes. A vote was taken and the motion carried by a unanimous vote.

- E. Assembly, No. 4046
Synopsis ("Naturopathic Doctors Licensing Act")
- Introduced May 6, 2013

The Board advised the Division of Consumer Affairs' legislative liaison that the Board opposes the bill in its current form. The Board understands and agrees with the concept of regulating a currently unregulated industry providing 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.

The Board of Physical Therapy Examiners has concerns regarding the lack of specific education requirements in this bill that deal with the subjects of physical medicine, exercise therapy and hydrotherapy. The Board notes that while there are standards for accreditation of educational programs for this content area, there are not standards for the duration of study of these topics or for the depth and breadth of the content. Additionally, review of the curricula of Educational Programs of the United States shows variability in the credit hours assigned to these areas. The Board is concerned that this variability can potentially lead to differences in the depth of understanding and clinical competency for this content area, placing consumers in New Jersey potentially at risk if these services are permitted.

The Board of Physical Therapy examiners respectfully submits that physical therapists have long been recognized as the experts in the area of the restoration of function through the use of exercise therapy, hydrotherapy, manual techniques and movement including the effective and safe use of physical modalities to assist in the rehabilitation of the musculoskeletal system. As such, the Board feels that it needs to be clear to consumers that any of the aforementioned treatment Interventions provided by a Naturopathic doctor no not constitute physical therapy which can only be provided by a physical therapist or physical therapist assistant.

F. 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 Mary Browne to accept the course reviewers' recommendations as presented. The 41 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 5 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.

G. Inquiry from Paul Artale, PT

RE: Physical Therapist Assistant Scope of Practice

Mr. Artale inquired whether physical therapist assistants who are certified in trigger point dry needling could perform the technique in the State of New Jersey. Mr. Artale also inquired if a physical therapist assistant who is trained in both joint mobilization and manipulation could perform these techniques in the State of New Jersey.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Mr. Artale that a physical therapist assistant can perform trigger point dry needling, joint mobilization and manipulation grades 1-4 provided they are trained and competent in the technique and are supervised by a physical therapist. A physical therapist assistant cannot perform manipulation grade 5 as it has a more evaluative component.

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 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.

III. OLD BUSINESS

- A. Division of Consumer Affairs
State Board of Medical Examiners
Acupuncture Examining Board
Proposed Amendments
Proposed New Rule
Proposed Repeals
- From the April 1, 2013 New Jersey Register

This matter was tabled until the Board's July 23, 2013 meeting.

- B. Letter from Maria Alfieris, PT
RE: Personal Training

Ms. Alfieris inquired whether an out patient physical therapy office can have personal training services. Ms. Alfieris inquired whether she can function as a physical therapist and also function as a personal trainer at her facility. The Board requested that Ms. Alfieris appear before the Board to discuss her question concerning personal training.

Ms. Alfieris informed the Board that she is no longer interested in personal training services, therefore, will not be appearing to discuss this issue.

- C. Response from Monika E. Vaynberg
Provisional Order of Denial filed April 23, 2013

A Provisional Order of Denial was filed on April 23, 2013 denying Ms. Vaynberg licensure, as she lied on her application, on the certification and authorization form and to the police, and was convicted of a crime involving moral turpitude and relating adversely to the practice of physical therapy.

Ms. Vaynberg responded to the Provisional Order of Denial and provided a more descriptive explanation of her arrest and why she mistakenly answered no to the question regarding her arrest history. Ms. Vaynberg also requested a hearing in this matter.

This matter will be referred to the Division of Law for a Prosecuting Deputy Attorney General to be assigned.

IV. FOR YOUR INFORMATION

- A. Federation of State Boards of Physical Therapy
May 2013 New Brief

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

- B. Consent Order filed May 30, 2013
In the matter of Lisa Ciardi, PT

The Board filed a Consent Order on May 30, 2013 in the matter of Lisa Ciardi, PT. The Board considers this matter to be concluded.

- C. Consent Order filed May 30, 2013
In the matter of Matthew Cifelli, PT

The Board filed a Consent Order on May 30, 2013 in the matter of Matthew Cifelli, PT. The Board considers this matter to be concluded.

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

APPLICATIONS APPROVED BY THE BOARD

1. Ritu Doshi
2. Tesha Cansancio
3. Richa Doshi
4. Megha Patel
5. Albert Matic
6. Kosha Patel
7. Rajarajeswaran Palanisamy
8. Raquel Salcedo
9. Roopa Yegnaswamy
10. Abigail Gonzales

APPLICATIONS NOT APPROVED BY THE BOARD

1. Meera Bajaj
2. Rosalyn Hommel
3. Patrice Soto

ADJOURNMENT

The Board returned to Public Session and a motion was made by David Bertone and seconded by Mary Browne to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director