



**CHRIS CHRISTIE**  
Governor

## New Jersey Office of the Attorney General

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



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### NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

**THOMAS R. CALCAGNI**  
Acting Director

#### PUBLIC SESSION MINUTES

**June 28, 2011**

**Mailing Address:**

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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 28, 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 9:35 A.M. and a roll call was taken and the following attendance was recorded:

CAROLANNE AARON, P.T.	Present
BARBARA J. BEHRENS, P.T.A.	Present
JEAN BICKAL, ESQ	Excused
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; Jessica Fulmino, PT; Bhavi Patel; Piyush Patel; Anuradha Bansal and Rahul Singla**

#### I. PUBLIC COMMENT

Anuradha Bansal spoke to the Board concerning her application and the requirements for licensure.

Bhavi Patel spoke to the Board concerning her application and the requirements for licensure.

Brian Mason, PT, commented on Assembly, No. 4017.

## II. APPROVAL OF THE MINUTES OF APRIL 26, 2011 BOARD MEETING

Upon a motion made by Mary Browne and seconded by Dennise Krencicki, the Board voted to accept the minutes of the April 26, 2011 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 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 Cindy Moore to accept the course reviewers' recommendations as presented. The 78 approved courses and the 9 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.

### B. Letter from Lawrence J. Bock, PT RE: Continuing Education Course

Lawrence Bock submitted a course that was not pre-approved by the Board and asked the Board to consider reviewing the course for approval.

A motion was made by Mary Browne and seconded by Nancy Kirsch to advise Mr. Bock 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 as set forth in N.J.A.C. 13:39A-9 et seq and may be granted credit. A vote was taken and the motion carried by a unanimous vote.

### C. Inquiry from Cathleen Ryan, PT RE: Supervision

Cathleen Ryan asked the Board to clarify the definition of "on-site" supervision of a physical therapist assistant by a physical therapist. Ms. Ryan also inquired whether a physical therapist who is practicing at one building is required to co-sign a physical therapist assistant's notes if the physical therapist assistant is working at another building on the same grounds if there is also a physical therapist working in the same building as the physical therapist assistant.

The Board will advise Ms. Ryan that she should review N.J.A.C. 13:39A-7.1 and 7.2. The Board will inform Ms. Ryan that pursuant to N.J.A.C. 13:39A-7.1(a), "A licensed physical therapist assistant shall work only under the direct supervision of a licensed physical therapist..". The Board will further advise Ms. Ryan that she did not provide enough information for the Board to answer her question.

- D. Inquiry from John Ficuceilo, PT  
RE: Physical Therapists with a Disability

John Ficuceilo asked the Board if there were any requirements that a licensed physical therapist who was injured or became disabled would need to meet in order to return to full-time employment.

A motion was made by Carolanne Aaron and seconded by Barbara J. Behrens to advise Mr. Ficuceillo that there are no requirements in the New Jersey State Board of Physical Therapy Examiners statutes and regulations that a licensee would need to meet in order to return to full time employment after an injury or disability. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Ronald Fudala, PT  
RE: Sharp Debridement

Ronald Fudala inquired whether a physical therapist assistant can perform sharp debridement of non-viable tissue from a wound.

A motion was made by Dennise Krencicki and seconded by Barbara J. Behrens to advise Mr. Fudala that a physical therapist assistant can perform sharp debridement under the direct supervision of a physical therapist provided the physical therapist and physical therapist assistant are trained and competent in this type of procedure. The Board will also advise Mr. Fudala that a physical therapist assistant cannot make an assessment or evaluation as it is beyond the scope of practice of a physical therapist assistant. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Sang Lee  
RE: Physical Therapy Services

Sang Lee informed the Board that she works for a physician owned outpatient physical therapy clinic and the physician is interested in developing a therapy program. Ms. Lee inquired whether it is permissible for a licensed practical nurse to perform ultrasound treatment and bill for it as a physical therapy service. Ms. Lee also inquired how the licensed practical nurse and physical therapist would document this service.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Lee that a licensed practical nurse cannot practice physical therapy or bill for physical therapy services unless he or she is licensed to practice physical therapy. The Board will also advise Ms. Lee that a licensed practical nurse cannot document physical therapy services in the patient record and the physical therapist cannot document services that the licensed practical nurse performed. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from January Anne B. Lim  
RE: Test of English as a Foreign Language

January Anne B. Lim inquired if the Board would consider granting her a TOEFL waiver.

A motion was made by Mary Browne and seconded by Nancy Kirsch to advise Ms. Lim that the Board denied her TOEFL waiver request as the Board no longer has a regulation which gives them the discretion to grant a waiver. 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.

- H. Letter from Cori Vallo, PTA  
RE: Request for an extension to complete  
the continuing education requirement

Cori Vallo informed the Board that she is interested in reinstating her physical therapist assistant license and has completed 18.5 continuing education credits towards the 30 credits required to reinstate her license. Ms. Vallo asked the Board to reinstate her license and permit her to complete the remaining 11.5 continuing education credits after her license is reinstated. Ms. Vallo informed the Board that she has an employment opportunity and it is difficult to fulfill the continuing education requirement expeditiously due to her financial situation.

A motion was made by Cindy Moore and seconded by Nancy Kirsch to permit Ms. Vallo to complete the remaining 11.5 continuing education credit through distance learning courses due to her circumstances. Ms. Vallo will need to provide the required 30 continuing education credits prior to the reinstatement of her license. A vote was taken and the motion carried by a unanimous vote.

- I. Assembly, No. 4017  
(Synopsis - Allows independent physical therapists to jointly negotiate with carriers over contractual terms and conditions) - Introduced May 19, 2011

A motion was made by Nancy Kirsch and seconded by Cindy Moore to advise the Division of Consumer Affairs legislative liaison that the Board supports this bill as it provides better access to consumers. A vote was taken and the motion carried by a unanimous vote.

- J. Letter from the University of Medicine & Dentistry of New Jersey  
RE: Aliza Preil

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Alma Merians informed the Board that Aliza Preil had excused absences for religious holidays during the course of her three full time affiliations, therefore, she will be completing her last affiliation almost a month later than her classmates who graduated in May of 2011. Ms. Merians informed the Board that Ms. Preil's degree will not be posted until September 15, 2011, the next University graduation date due to these circumstances. Ms. Merians asked the Board to consider accepting a letter from the registrar with the University Seal certifying that Aliza Preil completed all of her requirements for graduation and permit her to be authorized to sit for the September 7, 2011 National Physical Therapy Examination.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to advise Ms. Merians that the Board will only accept a transcript with the conferred degree. Once the Board receives an individual's application for licensure and a transcript with the individual's conferred degree, the Board can make that individual eligible to take the National Physical Therapy Examination. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Victoria Skirbst, PT  
RE: Documentation

Victoria Skirbst inquired how her name, signature and license number should be recorded if the patient records are kept by computer. Ms. Skirbst also inquired how patient records should be signed if they are not printed out for her to sign.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to advise Ms. Skirbst that her name, license number and signature must appear once on every page of the patient record pursuant to N.J.A.C. 13:39A-3.1. If the patient record is kept by computer then the electronic signature must be by means of a confidential person code pursuant to N.J.A.C. 13:39A-3.2. A vote was taken and the motion carried by a unanimous vote.

- L. Inquiry from Brian Mason, PT  
RE: Temporary Licenses

Brian Mason asked if there was an option for individuals to receive a temporary license.

The Board will advise Mr. Mason that temporary licenses for physical therapy applicants for examination were discontinued on February 13, 2003 due to a change in the law, therefore, there is no option for individuals to receive a temporary license.

- M. Election of Delegate and Alternate Delegate to attend the Federation of State Boards of Physical Therapy Annual Meeting

A motion was made by Nancy Kirsch and seconded by Carolanne Aaron to elect Dennise Krencicki as Delegate and Barbara J. Behrens as the Alternate Delegate to attend the Federation of State Boards of Physical Therapy Annual Meeting held on September 24, 2011. Karen Wilk and Mary Browne are Additional Alternate Delegates. A vote was taken and the motion carried by a unanimous vote.

- N. Letter from Maria Concepcion Bautista, PT  
RE: Test of English as a Foreign Language

Maria Concepcion Bautista inquired if the Board would consider granting her a TOEFL waiver.

A motion was made by Mary Browne and seconded by Nancy Kirsch to advise Ms. Bautista that the Board denied her 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.

#### **IV. OLD BUSINESS**

- A. Ergo Science Inc.  
RE: Request for reconsideration of denied course  
Course, "Ergo Science FCE (PWPE) Training"

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

Ergo Science asked the Board to reconsider the course, "Ergo Science FCE (PWPE) Training" for approval.

A motion was made by Barbara J. Behrens and seconded by Mary Browne to reaffirm the denial of this course as the course was not offered on a nondiscriminatory basis as required by N.J.A.C. 13:39A-9.3(h). The Board also noted that Ergo Science did not use the appropriate sign in sign out form. A vote was taken and the motion carried by a unanimous vote.

- B. Care Resources  
RE: "Case Studies in Ethics and Jurisprudence for Physical Therapists"

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

Jean Marsh advised the Board that the approved course "Case Studies in Ethics and Jurisprudence for Physical Therapists" will be given with a new course lecturer, Bridgette Cuffia, PT, JD. Ms. Marsh provided the Board with a copy of Ms. Cuffia's Curriculum Vitae for their review.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to acknowledge that the qualifications of Bridgette Cuffia, PT, JD as lecturer for the course, "Case Studies in Ethics and Jurisprudence for Physical Therapists" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

#### **V. FOR YOUR INFORMATION**

- A. Federation of State Boards of Physical Therapy  
Forum Magazine Spring 2011

The Board reviewed the Federation of State Boards of Physical Therapy's Spring 2011 Forum Magazine and considered it informational.

- B. Federation of State Boards of Physical Therapy  
News Brief April 2011

The Board reviewed the Federation of State Boards of Physical Therapy's April 2011 News Brief and considered it informational.

C. Federation of State Boards of Physical Therapy  
News Brief June 2011

The Board reviewed the Federation of State Boards of Physical Therapy's June 2011 News Brief and considered it informational.

D. Signed Settlement letter - Simone Castor, PT

The Board is in receipt of a signed Settlement letter from Simone Castor, P.T. The Board found the physical therapist violated N.J.S.A. 45:1-21(e) and (h) *professional misconduct* and N.J.A.C. 13:39A-3.1(c)2,9 and 13 *patient records*. The physical therapist was issued a \$1,500.00 civil penalty. The Board considers this matter to be concluded.

E. Signed Settlement letter - Ruthie Bucu, PT

The Board is in receipt of a signed Settlement letter from Ruthie Bucu, P.T. The Board found the physical therapist violated N.J.A.C. 13:39A-3.1(a) and (c)4,5, 7-13 *patient records* and N.J.A.C. 13:39A-3.2(a) 1,2,3 (b) and (c). The physical therapist was issued a \$1,000.00 civil penalty. The Board considers this matter to be concluded.

F. Signed Settlement letter - Nina Pineda, PT

The Board is in receipt of a signed Settlement letter from Nina Pineda, P.T. The Board found the physical therapist violated N.J.A.C. 13:39A-3.1(a) and (c)4,5, 7-13 *patient records* and N.J.A.C. 13:39A-3.2(a) 1,2,3 (b) and (c). The physical therapist was issued a \$1,000.00 civil penalty. The Board considers this matter to be concluded.

G. Federation of State Boards of Physical Therapy  
National Physical Therapy Quarterly Faculty Newsletter

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

### **APPLICATIONS APPROVED BY THE BOARD**

1. Suneepa Gupta
2. Maria Leah Carreon
3. Shiarree Evaristo
4. Aarti Desphande
5. Nikita Chidwal
6. Ribbonette Carretas
7. Bhavi Patel
8. Anuradha Bansal

### **APPLICATIONS NOT APPROVED BY THE BOARD (Pending Review)**

1. Johnalyn Saltin Gallinero
2. Pratik Chetanbhai Shah
3. Bhavna Ajwani
4. Rakesh Reddy Paladugu

5. Priti Ravishankar
6. Vivian Andico
7. Rubel Macaranas
8. Amjad Farooq

Upon a motion made by Dennise Krencicki and seconded by Carolanne Aaron, 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. Twelve matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Nine 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 Nancy Kirsch and seconded by Mary Browne 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