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Governor

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## New Jersey Office of the Attorney General

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

#### PUBLIC SESSION MINUTES

**July 23, 2013**

**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 July 23, 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	Excused
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
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; Laura Anderson, Executive Director; Gerard Tobia, Board Staff**

**Members of the public: Jessica Fulmino, PT**

#### PUBLIC COMMENT

#### IV. APPROVAL OF THE MINUTES OF JUNE 25, 2013 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Cindy Moore, the Board voted to accept the minutes of the June 25, 2013 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

#### V. NEW BUSINESS

##### A. Continuing Education Course Reviewers' Recommendations

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey formally 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 Behrens and seconded by Jean Bickal to accept the course reviewer's recommendations as presented. The 33 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The 10 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 the Institute of Advanced Musculoskeletal Treatments  
RE: Course, "Dynamic Taping"

The Board reviewed a letter from Jessica Hopkins (Operational Coordinator) from the Institute of Advanced Musculoskeletal Treatments regarding the Board's denial of the course, "Dynamic Taping". The Board denied the course as it appeared that it was not offered on a nondiscriminatory basis. Ms. Hopkins informed the Board that the course was offered on a nondiscriminatory basis as the course notification was e-mailed to over 3,000 physical therapists.

A motion was made by Barbara Behrens and seconded by Cindy Moore to ask the Institute of Advanced Musculoskeletal Treatments for a copy of the e-mail that was sent notifying physical therapists and physical therapist assistants about this particular course. A vote was taken and the motion carried by a unanimous vote.

- C. New Jersey State Board of Physical Therapy Examiners August 27, 2013  
Board Meeting

A motion was made by Barbara Behrens and seconded by Jean Bickal to cancel the New Jersey State Board of Physical Therapy Examiners August 27, 2013 Board Meeting. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from Richard Stockton College of New Jersey  
RE: Course, "Understanding Autism: Using the DIR/Floortime Approach to Working with Children with Autism Spectrum Disorders"

Richard Stockton College of New Jersey wrote the Board concerning a typographical error in their course application. The course is 8.5 hours they incorrectly typed 7.5 hours in the application. Richard Stockton College of New Jersey also provided the Board with the course time breakdown.

A motion was made by Mary Browne and seconded by Beth Sarfaty to approve this course for 8.5 hours based on the course time breakdown. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Marcia K. Kaminker, PT  
RE: School-Based Physical Therapy

Ms. Kaminker inquired whether or not New Jersey requires physician prescriptions in a school-based practice to verify medical necessity.

A motion was made by Nancy Kirsch and seconded by Barbara Behrens to advise Ms. Kaminker that the language requiring physician referral for physical therapy treatment has been removed from the statute, therefore, a prescription or referral is not required for providing physical therapy treatment. The Board will also advise Ms. Gallagher that while patients have direct access to physical therapy services in New Jersey, there may be other laws and regulations in the State of New Jersey or requirements for third party payment that require a prescription/referral for physical therapy treatment and the physical therapist will need to also adhere to those laws and regulations. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Jason Krisza  
RE: Physical Therapy and Personal Training Services

Mr. Krisza informed the Board that his client is a physical therapist who is interested in becoming certified as a personal trainer. His client would like to open a personal training facility and function as a personal trainer in that facility while continuing to practice as a physical therapist in another facility. Mr. Krisza claims the two entities would be apart from one another with the exception of sharing a waiting room. They would not write prescriptions from one entity to the other or make referrals. Mr. Krisza asked the Board if functioning in both facilities would have an effect on the physical therapist's license.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Mr. Krisza that the Board cannot give any assurance that his client's participation and/or services rendered in the other business entity will not effect his/her physical therapy license. A vote was taken and the motion carried by a unanimous vote.

- G. Assembly, No. 4304  
(Synopsis - Revises statutes regarding practice of physical therapy)  
- Introduced June 27, 2013

A motion was made by Nancy Kirsch and seconded by Barbara Behrens to advise the Division of Consumer Affairs legislative liaison that the Board supports this bill 4304 . A vote was taken and the motion carried by a unanimous vote.

- H. Inquiry from Carol Cote, PT  
RE: Demonstration of Dry Needling

Ms. Carol Cote, PT has offered the New Jersey State Board of Physical Therapy Examiners' a demonstration to perform dry needling.

The Board will advise Ms. Cote that they will not have the demonstration at this time and will thank her for the offer.

- I. New Jersey is hosting the Special Olympics in 2014.

This matter was tabled until the September 24, 2013 meeting.

## **VI. 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

The New Jersey Board of Physical Therapy Examiners reviewed the Acupuncture Examining Board's proposed amendments, proposed new rule and proposed repeals. The primary focus of the statute was to require licensure for individuals providing acupuncture services to consumers in New Jersey. The Acupuncture Examining Board shall approve these adjunctive therapies.

The Board of Physical Therapy is addressing its comments on the proposed rules specifically to the use of adjunctive therapies. The Board is concerned that the broadly defined term adjunctive therapies is not well supported by documented didactic evidence in the accreditation standards of the ACAOM approved schools or through the NCCAOM approved continuing education courses. This places the consumer at risk as the skills of the practitioner cannot be adequately assured based on any consistent or reliable criteria that determines their ability to perform the techniques listed as adjunctive therapies.

The New Jersey Board of Physical Therapy Examiners will provide comments concerning the proposed amendments and proposed new rule to the Acupuncture Examining Board.

- B. Letter from Consolidated Services Group  
RE: Pre-certification

The Board reviewed a letter from John Miller of Medical Review Services inquiring whether or not a referral must include a frequency and duration of the proposed physical therapy care, that in the "PIP" arena, the referring doctor dictates frequency and duration for the need of physical therapy.

A motion was made by Jean Bickal and seconded by Barbara Behrens to advise Mr. Miller to contact the Department of Banking Insurance. The New Jersey State Board of Physical Therapy Examiners regulations definition of a referral "means the forwarding of a patient for professional services by one health care professional to another health care professional or health care entity which provides or supplies professional service, or the request for establishment of a plan of care by a health care professional, including the provision of professional services or other health care devices". A vote was taken and the motion carried by a unanimous vote.

## **VII. FOR YOUR INFORMATION**

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

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

Upon a motion made by Nancy Kirsch and seconded by Susan Quick, 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. Bajaj Meeva
2. Dsouza Sheron
3. Magdalena Szpunar
4. Arnold B. Villanueva
5. Pretti Jha
6. Jennelyn V. Frianeza
7. Maria K. Ardiente
8. Meenakshi Mann

#### **APPLICATIONS NOT APPROVED BY THE BOARD**

1. Kinjalbaben Patel
2. Patrice Soto
3. Riya D. Lodha
4. Meghna Kanakia
5. Maria Victoria M. Herbolario

#### **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Beth Sarfaty to adjourn the meeting at 1:40 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo  
Executive Director