



**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



**JEFFREY S. CHIESA**  
Attorney General

**KIM GUADAGNO**  
Lt. Governor

### NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

**ERIC T. KANEFSKY**  
Acting Director

#### PUBLIC SESSION MINUTES

**August 14, 2012**

**Mailing Address:**  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

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 August 14, 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 9:35 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.	Present
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Excused
BETH SARFATY, PT	Present
KAREN WILK, P.T.	Present

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

**Members of the public: Brian Mason, PT, representative of the APTA-NJ; Jessica Fulmino, PT, Earl M. Baker, PhD, representative of Genesis HealthCare; Vincent Buttaci, Esq.; Kenneth Maily, PT and Eliza Ciccone, Legal Intern**

#### I. PUBLIC COMMENT

#### II. APPROVAL OF THE MINUTES OF JUNE 26, 2012 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Barbara J. Behrens, the Board voted to accept the minutes of the June 26, 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 Cindy Moore to accept the course reviewers' recommendations as presented. The 70 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 taken and the motion carried by a unanimous vote.

B. Inquiry from Richard Curry, PT  
RE: Telerehabilitation

Mr. Curry inquired whether telerehabilitation (videoconferencing) for patient treatment such as functional tests is within the scope of practice.

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise Mr. Curry that telerehabilitation is a new area in which the profession is currently exploring. Physical therapists that utilize this new area must practice within the State in which they are licensed and must practice within the standards and scope of practice of that State. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Nancy Mingelgreen, PT  
University of Medicine and Dentistry of New Jersey  
RE: Request for status as a pre-approved sponsor of  
continuing education

Nancy Kirsch recused herself and did not participate in the discussion.

Ms. Mingelgreen wrote the Board on behalf of the University of Medicine and Dentistry of New Jersey (UMDNJ) and asked if the Board would consider recognizing UMDNJ a pre-approved sponsor of continuing education.

The Board noted that there is *Memorandum of Understanding Between the Board of Physical Therapy Examiners and the University of Medicine and Dentistry School of Health Related Professions*, for the review of continuing education courses for the 2012-2014 biennial renewal period.

A motion was made by Cindy Moore and seconded by Beth Sarfaty to table this matter until the Board's September 25, 2012 meeting in order for D.A.G. Rodriguez to research whether the Board could consider this request as there may be a conflict of interest. A vote was taken and the motion carried by a unanimous vote.

D. Letter from PESI Healthcare  
RE: Course, "Challenging Geriatric Behaviors"  
- New Instructor

Lisa Goyette advised the Board that the approved course "Challenging Geriatric Behaviors" will be given with a new course lecturer, Martha Sparks. Ms. Goyette provided the Board with a copy of Martha Spark's biography.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to request that Ms. Goyette provide the Board with Martha Sparks Curriculum Vitae. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Ankita Dubey  
RE: Test of English as a Foreign Language (TOEFL)

Ankita Dubey inquired if the Board would consider accepting her TOEFL scores from Ithaca College.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Dubey that if Ithaca College or the Foreign Credentialing Commission on Physical Therapy (FCCPT) provides the Board with a certified report of her TOEFL scores, the Board will accept the scores provided 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.

- F. Letter from Manan Shah  
RE: Request for waiver of the Test of English as a Foreign Language (TOEFL)

Prior to applying for licensure, Mr. Shah asked the Board if they would waive the Test of English as a Foreign Language (TOEFL) exam due to his circumstances.

Mr. Shah received his physical therapy degree from a foreign educational institution. It is required by N.J.A.C. 13:39A-5.7 that an applicant for licensure who has received his or her physical therapy training in a country other than the United States provide the Board with evidence that they took and passed all sections of the TOEFL. Mr. Shah informed the Board that he is licensed in New York and the business he was working for in New York dissolved. Mr. Shah informed the Board he was offered a position in New Jersey. Mr. Shah advised the Board that if he is unemployed for more than six months he can lose his H1b skilled worker status and possibly can be asked to leave the United States.

The Board noted that Mr. Shah passed two sections of the TOEFL exam and failed two sections. Mr. Shah has never passed all sections of the TOEFL exam.

A motion was made by Nancy Kirsch and seconded by David Bertone to deny the waiver as Mr. Shah is licensed in New York, therefore, he has an opportunity to become employed in New York to resolve his situation of possibly losing his H1b skilled worker status. Also the Board noted that the TOEFL is offered on a continuous basis and he has the opportunity to pass the two sections that he failed in order to meet this requirement for licensure. A vote was taken and the motion carried by a unanimous vote.

- G. Inquiry from Brian Mason, PT  
American Physical Therapy Association of New Jersey  
RE: New Jersey Health Care Profile

Brian Mason, PT, President of the American Physical Therapy Association of New Jersey asked the Board to consider an avenue in which to provide consumers with additional information about licensees similar to the information offered on the New Jersey Healthcare Profile for medical doctors, osteopaths, podiatrists and optometrists.

The Board noted that the New Jersey Healthcare Profile was developed as a result of the passage of the New Jersey Health Care Consumer Information Act in 2003 which includes four professions in the State of New Jersey, medical doctors, osteopaths, podiatrists and optometrists.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to support the concept of the inclusion of physical therapists to the New Jersey Health Care Profile. The New Jersey Health Care Consumer Information Act would need to be amended to include physical therapists. A vote was taken and the motion carried by a unanimous vote.

- H. Inquiry from Brian Mason, PT  
American Physical Therapy Association of New Jersey  
RE: License Verification

Brian Mason, PT, President of the American Physical Therapy Association of New Jersey asked the Board to consider allowing some type of electronic license verification for a sufficient period of time until a new licensee receives the official license in the mail.

A motion was made by David Bertone and seconded by Nancy Kirsch to advise Mr. Mason that a verification can be obtained by calling 973-273-8090 which will allow the caller to receive an immediate verification by facsimile. A verification can also be obtained by searching the name of the licensee on the New Jersey State Board of Physical Therapy Examiners' website and then printing the verified information. For new licensees, the verification can be posted in order to comply with N.J.A.C. 13:39A-3.5(a) until the original license "certificate of registration" is received in the mail. At the time the original license is received, the verification must be removed and the original license must be posted in a public area in all offices and health care facilities at which the licensee practices physical therapy. A vote was taken and the motion carried by a unanimous vote.

- I. Inquiry from Brian Mason, PT  
American Physical Therapy Association of New Jersey  
RE: Scope of Practice

Brian Mason, PT, President of the American Physical Therapy Association of New Jersey wrote the Board concerning areas of physical therapy practice. The Board considered his letter informational.

- J. Inquiry from Melissa Sheridan, PTA  
RE: Manual Therapist

Ms. Sheridan inquired whether a physical therapist assistant can become a certified manual therapist.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Ms. Sheridan that provided the physical therapist assistant is sufficiently trained, he or she can become a certified manual therapist. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Jennifer O'Brien, Esq.  
RE: Manipulation

Ms. O'Brien inquired whether it is within the scope of practice for a New Jersey licensed physical therapist to perform a grade five mobilization. Ms. O'Brien also inquired whether a physical therapist assistant can perform a grade five mobilization under the supervision of a physical therapist.

A motion was made by David Bertone and seconded by Beth Sarfaty to advise Ms. O'Brien that it is within the scope of practice of a New Jersey licensed physical therapist to perform a grade five mobilization. The Board will also advise Ms. O'Brien that provided the physical therapist assistant is trained and competent in this type of treatment, the physical therapist assistant can perform a grade five mobilization under the supervision of a physical therapist. A vote was taken and the motion carried by a unanimous vote.

- L. Inquiry from Lisa Romanetz, PT  
RE: Supervision

Ms. Romanetz asked the Board for an interpretation of direct supervision of a student, specifically does it mean on the same floor as the student or in the line of vision.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Romanetz that the New Jersey State Board of Physical Therapy Practice Act does not address the supervision of students. It is the responsibility of the physical therapist in conjunction with the educational institution to provide appropriate supervision of students. The Board will also advise Ms. Romanetz that direct supervision is defined in N.J.S.A. 45:9-37.13, "the presence of the supervising physical therapist on site, available to respond to any consequence occurring during any treatment procedure". A vote was taken and the motion carried by a unanimous vote.

- M. Inquiry from Susan Love  
RE: Supervision

Ms. Love asked the Board to clarify N.J.A.C. 13:39A-7.1, specifically *In an emergency situation which causes the unanticipated absence of the supervising license physical therapist*". Ms. Love informed the Board that she is an administrator at a skilled nursing facility in a remote area of New Jersey and the facility has great difficulty trying to find physical therapists to "fill in" temporarily for vacations of staff physical therapists.

A motion was made by Nancy Kirsch and seconded by David Bertone to advise Ms. Love that vacation coverage is not considered an emergency situation as vacation should be planned in advance. A vote was taken and the motion carried by a unanimous vote.

#### IV. OLD BUSINESS

- A. Board Discussion with Charles Manning, Regulatory Analyst  
RE: Areas of Physical Therapy Practice

The Board discussed drafting regulations concerning areas of physical therapy practice. The Board will have further discussions concerning this matter with Regulatory Analyst, Charles Manning, at a future meeting.

**V. FOR YOUR INFORMATION**

- A. Comment Summary and Candidate Satisfaction Survey Report  
RE: National Physical Therapy Examination

The Board reviewed the comment summary and candidate satisfaction survey report regarding the National Physical Therapy Examination and considered it informational.

- B. Federation of State Boards of Physical Therapy  
ProCert (Comprehensive continuing competency activity certification program)

A motion was made by David Bertone and seconded by Barbara J. Behrens to refer this to the continuing education committee for review. The continuing education committee consists of Barbara J. Behrens, Mary Browne and Nancy Kirsch. A vote was taken and the motion carried by a unanimous vote.

Upon a motion made by Nancy Kirsch and seconded by Barbara J. Behrens, 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. Nine matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Thirteen matters where additional information has been submitted to the Board concerning pending investigations.

**APPLICATIONS APPROVED BY THE BOARD**

1. Kimberly Sumile
2. Jalpa Patel
3. Dipam Patel
4. Renan Pablo
5. Christopher Orlino
6. Gertz DeLeon
7. Trupti Sadalge
8. Priti Ravishankar
9. Misbah Shiliwala
10. Dhaval Shah
11. Anna Lorraine Digdigan
12. Danielle Balisi
13. Rutvi Patel
14. Vishakha Thapar
15. Rutwa Kansara

**APPLICATION NOT APPROVED BY THE BOARD**

1. Angeli Cometa
2. Joseph Ocbena
3. Viven Patel
4. Criselda Pineda
5. Muneera Dahodwala
6. Tanvi Fadia
7. Amita Mali
8. Ferlyn Ricafrente

**ADJOURNMENT**

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by David Bertone to adjourn the meeting at 4:45 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito  
Executive Director