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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

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PUBLIC SESSION MINUTES

August 23, 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 August 23, 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.	Excused
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
DENNISE KRENCICKI, P.T.	Present
NANCY KIRSCH, P.T.	Excused
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Present
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 and Jessica Fulmino, PT

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF JUNE 28, 2011 BOARD MEETING

Upon a motion made by Dennise Krencicki and seconded by Jean Bickal, the Board voted to accept the minutes of the June 28, 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

Dennise Krencicki was 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 Jean Bickal and seconded by Carolanne Aaron to accept the course reviewers' recommendations as presented. The 37 approved courses and the 3 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 Robert E. DuVall, PT, of Sports Medicine of Atlanta
RE: Continuing Education Course Approval

Mr. Duvall wrote the Board concerning a course Sports Medicine of Atlanta submitted for approval. The course was approved in June of 2011 and expires on January 31, 2012. Mr. Duvall asked the Board to extend the course approval expiration date until January 31, 2013 because Sports Medicine of Atlanta paid the full amount of the non-refundable application fee of \$100.00 and the course is approved for only a seven month period.

A motion was made by Mary Browne and seconded by Dennise Krencicki to deny the extension of the course approval expiration date. Pursuant to N.J.A.C. 13:39A-9.6(a)6, the continuing education provider submission fee covers the biennial licensing period which runs from February 1, 2010 through January 31, 2012. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Education Resources, Inc.
RE: Course, "Nothing Else Matters if You Can't Breathe"

Education Resources advised the Board that the approved course, "Nothing Else Matters if You Can't Breathe" will be given with a new course lecturer, Dawn Stackowicz, PT. Education Resources provided the Board with a copy of Ms. Stackowicz's Curriculum Vitae for their review.

A motion was made by Mary Browne and seconded by Cindy Moore to acknowledge that the qualifications of Dawn Stackowicz, PT, as lecturer for the course, "Nothing Else Matters if You Can't Breathe" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from Rehab Education, LLC
RE: Courses, "Kinesiotaping KT 1&2" and
"Kinesiotaping KT3 Certification Course"

Rehab Education advised the Board that the approved courses, "Kinesiotaping KT 1&2" and "Kinesiotaping KT3 Certification Course" will be given with new course lecturers, Robert Brandon, PT; Graceann Forrester, PT; Teresa Juodawlkis Pesci, PT; Rosmary Schrauth, OTR; Amy Stahl, PT; Kim Rock Stockheimer, OTR; Jim Wallis, AT and Andrea Wolkenberg, PT. Rehab Education provided the Board with a Curriculum Vitae for each new lecturer.

A motion was made by Mary Browne and seconded by Cindy Moore to acknowledge that the qualifications of each of the eight new lecturers for the courses, “Kinesiotaping KT 1&2” and “Kinesiotaping KT3 Certification Course” were supported by each of their Curriculum Vitae. The Board approved each of the substitute lecturers. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from the American Physical Therapy Association
RE: Continuing Education

The American Physical Therapy Association asked the Board to continue to grant APTA “pre-approved” status for APTA sponsored continuing education courses for the 2012-2014 renewal period. The APTA also asked that the New Jersey State Board of Physical Therapy Examiners website indicate that the Board accepts APTA sponsored continuing education courses.

A motion was made by Dennise Krencicki and seconded by Jean Bickal to audit two courses that were sponsored by the APTA within the 2010-2012 renewal period. The Continuing Education Committee will review the supporting documentation for the two selected courses and will report back to the board. The Continuing Education Committee consists of Mary Browne, Nancy Kirsch and Barbara J. Behrens. The Board will indicate that it accepts APTA sponsored continuing education courses on the New Jersey State Board of Physical Therapy Examiners website. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from the Professional Advancement via Continuing Education, LLC
RE: Continuing Education

Bernice Small, PT, of Professional Advancement via Continuing Education, LLC provided the Board with information regarding the course review process and criteria process that they utilized and asked the Board to consider them as a continuing education approved provider.

A motion was made by Cindy Moore and seconded by Jean Bickal to advise Ms. Small that the Board does not pre-approve providers for continuing education courses, the Board currently accepts courses sponsored or given by the national and state associations for physical therapists. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Kelly Kover, PT
RE: Temporary Licensure

Kelly Kover asked if there was an option for individuals to receive a temporary license. Mr. Kover also asked if the Board could advocate to the Federation of State Boards of Physical Therapy to increase the number of fixed-testing dates for the National Physical Therapy Examination.

A motion was made by Dennise Krencicki and seconded by Mary Browne to advise Mr. Kover that temporary licenses for physical therapy applicants for examination were discontinued on February 13, 2003 due to a change in the Physical Therapy Licensing Act, therefore, there is no option for individuals to receive a temporary license. The Board will

also advise Mr. Kover that he can contact the Federation of State Boards of Physical Therapy concerning the number of fixed-testing dates. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Juan Jimenez of Continental Language Services and Educational Consultants RE: Credential Evaluations

Juan Jimenez asked the Board to consider accepting his company as one of the foreign academic credentialing evaluation services that the Board recognizes.

A motion was made by Jean Bickal and seconded by Susan Quick to request additional information concerning the process of the credential evaluation services that his company performs, his company's history and experience. A vote was taken and the motion carried by a unanimous vote.

- I. Inquiry from Meghan Wronko, PT
RE: Documentation

Ms. Wronko informed the Board that her employer uses a daily note with pre-made boxes to document various treatment techniques. Ms. Wronko inquired if a line could be placed in a box to signify that none of treatment was rendered or if the box should be left blank.

A motion was made by Jean Bickal and seconded by Carolanne Aaron to advise Ms. Wronko that the documentation must be clear and it must accurately reflect the treatment that was rendered. A vote was taken and the motion carried by a unanimous vote.

- J. Inquiry from Tara Scimeca, PTA
RE: Continuing Education

Ms. Scimeca wrote the Board requesting a waiver of the continuing education requirement or an extension to complete the continuing education requirement for this renewal period due to her medical condition.

A motion was made by Jean Bickal and seconded by Carolanne Aaron to request that Ms. Scimeca provide it with proofs of continuing education credits that she obtained from February 1, 2010 through the present. The Board will also request that Ms. Scimeca provide it with a letter from her treating physician of the background and status of her medical condition. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Timothy Samms, PTA
RE: Licensure Requirements

Mr. Samms informed the Board that he is a military trained physical therapist assistant with a diploma. Mr. Samms advised the Board that his training is equivalent to an "ASS" degree.

A motion was made by Dennise Krencicki and seconded by Jean Bickal to inform Mr. Samms that he does not meet the licensing requirements as set forth in N.J.A.C. 13:39A-5.2. Mr. Samms did not complete a two-year physical therapist assistant program from an accredited college or university approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council of Post Secondary

Accreditation and the United States Department of Education. The Board does not recognize a substitute educational program for the physical therapist assistant education. A vote was taken and the motion carried by a unanimous vote.

- L. Inquiry from Robert DeMarino
RE: Temporary Licensure

Robert DeMarino asked if there was an option for individuals to receive a temporary license.

A motion was made by Dennise Krencicki and seconded by Mary Browne to advise Mr. DeMarino that temporary licenses for physical therapy applicants for examination were discontinued on February 13, 2003 due to a change in the Physical Therapy Practice Act, therefore, there is no option for individuals to receive a temporary license. A vote was taken and the motion carried by a unanimous vote.

- M. Inquiry from Sharon Wisnewski, PT
RE: Trigger Point Dry Needling

Ms. Wisnewski inquired whether New Jersey licensed physical therapists were allowed to use dry needling techniques for trigger point release.

A motion was made by Jean Bickal and seconded by Dennise Krencicki to advise Ms. Wisnewski that there is nothing in the New Jersey State Board of Physical Therapy Examiners' statutes or regulations that would 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 will also caution Ms. Wisnewski that the New Jersey Acupuncture Examining Board may consider 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. A vote was taken and the motion carried by a unanimous vote.

- N. Inquiry from Deborah Lasday, PT
RE: Ankle Brachial Index Test

Ms. Lasday inquired whether a New Jersey licensed physical therapist needs to be certified in order to perform an Ankle Brachial Index test.

A motion was made by Dennise Krencicki and seconded by Jean Bickal to advise Ms. Lasday that a physical therapist can perform an Ankle Brachial Index test as it is within the scope of practice of a physical therapy. A vote was taken and the motion carried by a unanimous vote.

- O. Inquiry from Cathy Barnett, PT
RE: Documentation

Ms. Barnett inquired whether a physical therapist assistant can write a letter of medical necessity.

A motion was made by Dennise Krencicki and seconded by Jean Bickal to advise Ms. Barnett that a letter of medical necessity is similar to a discharge summary. A physical therapist assistant can write the final treatment note and give input concerning discharge but the physical therapist is responsible for writing the letter of medical necessity. The physical therapist can incorporate the assessment data obtained by the physical therapist assistant. A motion was made and the motion carried by a unanimous vote.

- P. Inquiry from Tracy Collins, PT
RE: Designations

Ms. Collins informed the Board that she is a licensed physical therapist in New York but not in New Jersey. Ms. Collins informed the Board that she is a certified nutritional specialist and is interested in working in New Jersey as a nutritionist. Ms. Collins inquired whether she is permitted to use the designation of her academic degree, DPT, after her name although she is not licensed in the State of New Jersey provided she does not advertise the words physical therapist. Ms. Collins also inquired if she becomes licensed in the State of New Jersey if nutritional practice is under the umbrella of physical therapy practice.

A motion was made by Carolanne Aaron and seconded by Mary Browne to advise Ms. Collins that she can use her academic degree designation but she cannot use the designation, PT, or the words physical therapy in the State of New Jersey unless she is licensed to practice physical therapy in the State of New Jersey. The Board will also advise Ms. Collins that the practice of nutrition is not within the scope of practice of physical therapy. A vote was taken and the motion carried by a unanimous vote.

- Q. Inquiry from Todd Zimmerman, PT
RE: Binder Reviews

Mr. Zimmerman inquired whether it is necessary to perform binder reviews as part of an acute examination.

A motion was made by Jean Bickal and seconded by Cindy Moore to advise Mr. Zimmerman that the physical therapist needs to review the patient's past medical history as part of the evaluation process. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

- A. Board Discussion with Charles Manning, Regulatory Analyst
RE: New Jersey Administrative Code Title 13, Chapter 39A New Jersey State Board of Physical Therapy

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.

The Board tabled its continued review of the New Jersey State Board of Physical Therapy Examiners regulations.

- B. Letter from PESI Healthcare
RE: Denied Course
- Course, "Achieving Excellence in Stroke Care: A Toolbox of Practical Strategies"

Dennise Krencicki was recused and did not participate in the discussion.

PESI Healthcare asked the board to reconsider the course, "Achieving Excellence in Stroke Care: A Toolbox of Practical Strategies" for approval.

A motion was made by Carolanne Aaron and seconded by Mary Browne to reaffirm the denial of this course as the bibliography did not include at least five references from peer reviewed journals published within the past five years. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Cross Country Education
RE: Denied Course
- Course, "Therapeutic Approaches to Dementia"

Dennise Krencicki was recused and did not participate in the discussion.

Cross Country Education wrote the Board concerning its denial of a course they submitted titled, "Therapeutic Approaches to Dementia" as the bibliography did not include at least five references from peer reviewed journals published within the past five years.

The Board noted that the updated bibliography Cross Country Education provided did include five references from peer reviewed journals published within the past five years.

A motion was made by Mary Browne and seconded by Cindy Moore to approve this course effective July 1, 2011 as it now meets 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.

- D. Letter form Rehab Education, LLC
RE: Course, "All You Ever Wanted to Know About Physical Examination and Management of the UE"

Dennise Krencicki and Karen Wilk were recused and did not participate in the discussion.

Rehab Education inquired about the amount of credit approved for the course, "All You Ever Wanted to Know About Physical Examination and Management of the UE". The Board approved this course for 11.25 credits. Rehab Education provided the Board with the time breakdown of the course and asked the Board to change the amount of approved credits from 11.25 to 13.

A motion was made by Cindy Moore and seconded by Mary Browne to approve the course, "All You Ever Wanted to Know About Physical Examination and Management of the UE" for 13 credits based on the additional information provided. A vote was taken and the motion carried by a unanimous vote.

- E. Letter from Care Resources
RE: Course, "Diagnosis, Management and Prevention of Youth Athletic Injuries"

Dennise Krencicki was recused and did not participate in the discussion.

Care Resources inquired about the amount of credit approved for the course, "Diagnosis, Management and Prevention of Youth Athletic Injuries". The Board approved this course for 14 credits. Care Resources provided the Board with a time breakdown of the course and asked the Board to change the amount of approved credits from 14 to 15.

A motion was made by Mary Browne and seconded by Jean Bickal to reaffirm the 14 credits approved for this course and deny the extra 1 credit. Credit was not approved for the home study section that was prior to the presentation of the course material. A vote was taken and the motion carried by a unanimous vote.

VII. FOR YOUR INFORMATION

- A. CBT Comment Summary and Candidate Satisfaction Survey Report

The Board reviewed the CBT Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

- B. Division of Consumer Affairs
Uniform Regulations
Waivers; Performance-Based Outcomes
Proposed New Rules: N.J.A.C. 13:45C-2 and 3

The Board reviewed the Proposed New Rules: N.J.A.C. 13:45C-2 and 3. A motion was made by Cindy Moore and seconded by Mary Browne not to comment on the proposed new rules. A vote was taken and the motion carried by a unanimous vote.

- C. Modified Consent Order filed July 13, 2011
In the matter of Emerson Mateo, PT

The Board is in receipt of a Modified Consent Order filed March 22, 2011 in the matter of Emerson Mateo, 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 \$3,750.00 civil penalty. The Board considers this matter to be concluded.

Upon a motion made by Cindy Moore and seconded by Mary Browne, 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. 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 Jean Bickal and seconded by Carolanne Aaron to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director