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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

PUBLIC SESSION MINUTES

SEPTEMBER 23, 2014

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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 September 23, 2014. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Barbara J. Behrens, Vice 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, P.T.	Present
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Excused

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director and Gerard Tobia, Administrative Staff**

Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT

PUBLIC COMMENT

I. APPROVAL OF THE MINUTES OF JULY 22, 2014 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Beth Sarfaty to accept the minutes of the July 22, 2014 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. 10:30 Hearing In the Matter of Monika E. Vaynberg

Monika E. Vaynberg's application for licensure was provisionally denied as she did not disclose that she had been arrested on her application as well as on the certification and authorization form and affirmed on an affidavit before a Notary Public that the information provided in her application was true to the best of her knowledge.

Ms. Vaynberg contested the provisional findings of fact and requested a hearing. Ms. Vaynberg appeared before the Board without counsel. The Hearing was recorded by Class Act Reporting Agency in Mt. Laurel, New Jersey.

Deputy Attorney General, Gezim Bajrami, prosecuted this matter before the Board.

During testimony, Ms. Vaynberg denied the charges of shoplifting and hindering her own apprehension (providing a nick name to the police). She acknowledged that she had subsequently agreed in municipal court to a charge of "making noise in public". Ms. Vaynberg also testified that she was unaware that the incident was recorded as an arrest.

After the hearing, Ms Vaynberg was informed that she would be advised of the Board's decision in writing.

A motion was made by Jean Bickal and seconded by Cindy Moore to go into Executive Session to seek legal advice. After seeking legal assistance, the Board returned to Public Session to continue the meeting.

A motion was made by Jean Bickal and seconded by Cindy Moore to grant Ms. Vaynberg a license to practice physical therapy in the State of New Jersey. The Board is satisfied with Ms. Vaynberg's explanations, her nondisclosure of the arrest was not egregious enough to preclude her licensure and her plea of guilty to violating a noise ordinance did not constitute an offense involving moral turpitude or relating adversely to the practice of physical therapy. A vote was taken, Barbara J. Behrens and Nancy Kirsch voted in opposition to the motion while all others voted in favor. The motion passed by a majority vote.

III. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, formerly 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 Jean Bickal to accept the course reviewer's recommendations as presented. The 82 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. One course was denied, as they 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. New Jersey Jurisprudence Learning and Assessment Tool Applications

The Board reviewed applications submitted by the New Jersey Chapter of the American Physical Therapy Association and by the Federation of State Boards of Physical Therapy. The New Jersey Chapter of the American Physical Therapy Association was asked to provide additional information. The Federation of State Boards of Physical Therapy will provide the continuing education committee with a demonstration of the course. The continuing education committee consists of Barbara J. Behrens, Mary Browne and Nancy

Kirsch. The committee will provide the Board with its recommendations concerning the applications received for the New Jersey Jurisprudence Learning and Assessment Tool at its October 28, 2014 meeting.

- C. Board Discussion
 - RE: Eligibility Criteria
 - National Physical Therapy Examination

Effective January 1, 2016, the Federation of State Boards of Physical Therapy's eligibility requirements to take the National Physical Therapy Examination will include the following changes: applicants will have a lifetime limit to six attempts to pass the National Physical Therapy Examination (applicants will not be allowed to take the exam again if they did not pass in six attempts), applicants will have a lifetime limit to two low scores of 400 or lower (applicants will not be allowed to take the exam again if they achieved two scores of 400 or lower), applicants will need to attain a passing score in all four areas of the Test of English as a Foreign Language during one TOEFL examination, and graduates from non-CAPTE accredited programs must be evaluated using the current FSBPT course work tool prior to sitting for the National Physical Therapy Examination.

- D. Letter from Mahmoud Ibrahim
 - RE: Test of English as a Foreign Language

Mr. Ibrahim is an applicant and has a license to practice physical therapy in New York. Mr. Ibrahim provided the Board with documentation that he passed the Test of English as a Foreign Language in 2001. Mr. Ibrahim asked the Board to accept his passing score from 2001 and grant him a waiver from taking the TOEFL again.

A motion was made by Beth Sarfaty and seconded by Jean Bickal to deny Mr. Ibrahim's waiver request as his TOEFL scores are thirteen years old. Mr. Ibrahim must take and pass the current TOEFL in order to proceed with his application for licensure. A vote was taken and the motion passed by a unanimous vote.

- E. Letter from Zahra Beheshti, PT
 - RE: Sale of Physical Therapy Practice

Ms. Beheshti informed the Board that she is selling her practice and asked the Board if there were any restrictions or requirements as to the patient records. N.J.A.C. 13:39A-3.1(e) requires a licensee to maintain patient records for at least seven years from the date of the last entry, unless another agency or entity requires the records to be kept for a longer time.

A motion was made by Jean Bickal and seconded by David Bertone to inform Ms. Beheshti that the Board does not have any statutes or regulations concerning the sale of a practice. There may be Federal laws that address the sale of a practice and patient records. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Cortney Hassler, PT
RE: Scope of Practice

Ms. Hassler inquired whether percutaneous electrical nerve stimulation (PENS) and percutaneous neuromodulation therapy (PNT) were within the scope of practice of a physical therapist in the State of New Jersey.

A motion was made by Nancy Kirsch and seconded by Beth Sarfaty to ask Ms. Hassler for additional information concerning PENS and PNT. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from Joanne Mariano, PT
RE: Continuing Education

Ms. Mariano asked the Board for waiver of the continuing education requirement or permission to complete the 30 required continuing education credits through distance learning courses. Ms. Mariano informed the Board that she is the sole income for her family due to unforeseen circumstances and taking off of work to take courses would prevent her from earning money to support her family.

A motion was made by David Bertone and seconded by Jean Bickal to allow Ms. Mariano to complete the 30 required continuing education credits through distance learning courses. A vote was taken and the motion carried by a unanimous vote.

- H. Changes to the Interpretive Guidelines for the
Federation of State Boards of Physical Therapy
Coursework Tool

In many international physical therapy programs general courses are embedded into the physical therapy professional courses, not completed prior to admission into physical therapy programs. The current model does not allow the evaluator to give credit as the general course since it was taken as part of their professional coursework. The changes to the Interpretive Guidelines for the Federation of State Boards of Physical Therapy coursework tool, which will be effective November 1, 2014, will allow the evaluator to give credit for the general courses that were taken as part of the professional coursework.

A motion was made by David Bertone and seconded by Beth Sarfaty to accept the new guidelines of the Federation of State Boards of Physical Therapy coursework tool. A vote was taken and the motion carried by a unanimous vote.

- I. Information for the New Jersey State Board of
Physical Therapy Examiners website

The Board reviewed a draft of the notice that will be posted on its website concerning the online distance learning Jurisprudence Assessment Module(s) which will be mandatory for licensees and applicants to complete to satisfy the jurisprudence continuing education requirement.

- J. Inquiry from Tania Vicente
RE: Scope of Practice

Ms. Vicente inquired whether a patient who has reached his or her maximum restorative potential and is no longer meeting any goals but has a chronic disease can be kept on a maintenance program.

A motion was made by Cindy Moore and seconded by Beth Sarfaty to refer Ms. Vicente to N.J.A.C. 13:39A-2.2. The Board will also inform Ms. Vicente that a patient that has reached his or her maximum potential may or may not still have skilled maintenance therapy goals that are measurable and achievable. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Brian Mason, PT
RE: Demonstration Volunteers

Mr. Mason inquired whether infants or children are allowed with permission of their parents to be subjects during a continuing education course.

The Board will inform Mr. Mason that the Board cannot provide legal advice. He can seek private counsel concerning his question.

- L. Inquiry from Dennis Pittman, PTA
RE: Reactivation

Mr. Pittman informed the Board that his license is inactive. Mr. Pittman inquired if there were alternative methods to activate his license as he has not completed the continuing education requirements.

The Board will inform Mr. Pittman that there are no alternative methods. Mr. Pittman will need to complete the continuing education requirements for the reactivation of his license.

IV. OLD BUSINESS

- A. Information from Care Resources
RE: Course "Foundation for Movement: Sensory Contributions and Postural Control"

Care Resources wrote the Board concerning its denial of the course, "Foundations for Movement: Sensory Contributions and Postural Control" as the course submission did not include at least five references from peer reviewed journals published within the past five years. Care Resources provided information for the Board to review.

A motion was made by Jean Bickal and seconded by David Bertone to approve the course, "Foundation for Movement: Sensory Contributions and Postural Control" as it now meets the requirements set forth in N.J.A.C. 13:39A-9 et seq. The Board will request that Care Resources provide the applicants with the updated reference list. A vote was taken and the motion carried by a unanimous vote.

- B. Response from Cynthia Rosenbloom, PT
RE: Scope of Practice

Ms. Rosenbloom previously wrote the Board concerning changing soiled diapers during physical therapy treatment. Ms. Rosenbloom informed the Board that her malpractice insurance believes that changing soiled diapers may be a violation of N.J.A.C. 13:39A-3.8.

The Board informed Ms. Rosenbloom that they cannot provide her with legal advice. Ms. Rosenbloom wrote the Board again and asked for clarification of N.J.A.C. 13:39A-3.8 in relation to changing soiled diapers.

A motion was made by David Bertone and seconded by Nancy Kirsch to inform Ms. Rosenbloom that she hasn't provided the Board with enough specific information concerning her question. For example, there are instances that it would be considered physical therapy if there is a functional goal for the child or caregiver that is measurable and achievable. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. Consent Order filed July 22, 2014
In the matter of Terry Roberts, PT

The Board considered the Consent Order filed on July 22, 2014 in the matter of Terry Roberts, PT, informational.

- B. Uniform Penalty letter dated July 28, 2014
In the matter of John T. Maloney, PT

The Board considered the Uniform Penalty Letter dated July 28, 2014 in the matter of John T. Maloney, PT, informational.

- C. Federation of State Boards of Physical Therapy
July 2014 News Brief

The Board reviewed the Federation of State Boards of Physical Therapy July 2014 News Brief and considered it informational.

- D. Federation of State Boards of Physical Therapy
Comment Summary and Candidate Satisfaction Survey Report

The Board reviewed the Federation of State Boards of Physical Therapy Comment Summary and Candidate Satisfaction Survey Report and considered it as informational.

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

APPLICATIONS APPROVED BY THE BOARD

1. Carol Lynn Tan
2. Poorna Shah
3. Teresita Gaac
4. Ian Gomez
5. Krishnani Murlidhar
6. Swathy Thangamani
7. Desiree Mendoza
8. Leonorio Nangan
9. Dhirenbhai Kalal
10. Deborah Baltazar
11. Marianne Baun
12. Alfredo Cordova
13. Nidhi Chamoli
14. Upen Vyas
15. Abhinar Yadav
16. Lady Dacasin
17. Sudha Samu
18. Nupur B. Joshi
19. Dipty Mali
20. Sneha Nair
21. Ariel Osharenko
22. Shruti Arora
23. Sunny Thakkar

APPLICATIONS NOT APPROVED BY THE BOARD

1. John Organista
2. Mahmoud Ibrahim
3. Bhumika Malhotra
4. Riddhi Patel
5. Priti Balodi
6. Nehalben Vashi

ADJOURNMENT

The Board returned to Public Session and a motion was made by Cindy Moore and seconded by David Bertone to adjourn the meeting at 3:15 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director