



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, 6th Floor, Newark, NJ 07102



PAULA T. DOW
Attorney General

KIM GUADAGNO
Lt. Governor

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

THOMAS R. CALCAGNI
Director

PUBLIC SESSION MINUTES

September 27, 2011

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 September 27, 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	Present
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; Susan Berger, Deputy Attorney General; Lisa Affinito, Executive Director**

Members of the public: Brian Mason, PT, representative of the APTA-NJ; Kenneth Maily, PT; Jessica Fulmino, PT and Bhumika Vajifdar

I. PUBLIC COMMENT

Bhumika Vajifdar spoke to the Board concerning her TOEFL inquiry.

Jessica Fulmino, PT, commented that the accessibility of a jurisprudence course that will satisfy that portion of the continuing education requirement on the Board's website will be helpful to licensees.

II. APPROVAL OF THE MINUTES OF AUGUST 23, 2011 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Dennise Krencicki, the Board voted to accept the minutes of the August 23, 2011 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

A. Presentation of an Orientation Program

The Board reviewed an orientation program that was created by the New Jersey State Board of Medical Examiners and is posted on their website at www.state.nj.us/lps/ca/bme/applications/orientation.htm.

Together with the Division of Consumer Affairs, the Board will create a jurisprudence course similar to the orientation program that was created by the New Jersey Board of Medical Examiners. In accordance with N.J.A.C. 13:39A-9.2, "...each applicant for biennial license renewal as a licensed physical therapist and as a licensed physical therapist assistant shall complete during the preceding biennial period a minimum of 30 credits of continuing education, which shall include four credits of jurisprudence and professional ethics". Once the project is completed, licensees will be able to satisfy the jurisprudence portion of N.J.A.C. 13:39A-9.2 by completing the jurisprudence course that will be on the New Jersey State Board of Physical Therapy Examiners website.

B. Continuing Education Course Reviewers' Recommendations

Dennise Krencicki and Nancy Kirsch 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 Jean Bickal and seconded by Barbara J. Behrens to accept the course reviewers' recommendations as presented. The 25 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course that was 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.

C. Assembly, No. 4185 (Synopsis - Requires certain disclosures by health care professionals) - Introduced June 27, 2011

A motion was made by Nancy Kirsch and seconded by Carolanne Aaron to advise the Division of Consumer Affairs legislative liaison that the Board has no comment on this bill. A vote was taken and the motion carried by a unanimous vote.

D. Inquiry from Marissa Muccio, PT RE: Delegation

Ms. Muccio inquired whether a physical therapist could supervise and delegate treatment to an athletic trainer and then bill for physical therapy. Ms. Muccio informed the Board that it was her understanding that this was not permitted.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Muccio that she is correct. A physical therapist cannot supervise or delegate treatment to an athletic trainer. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Naga Lyons, PT
RE: Billing

Ms. Lyons inquired about billing done by an occupational therapist. A motion was made by Cindy Moore and seconded by Jean Bickal to refer Ms. Lyons letter to the New Jersey Occupational Therapy Advisory Council. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Prarthana Gururaj, PT
RE: Supervision

Ms. Gururaj inquired if a physical therapist assistant could complete administrative work or documentation during non clinical hours and in the absence of the physical therapist.

The Board will advise Ms. Gururaj that she did not provide enough information for the Board to answer her question.

- G. Letter from Maitland Australian Physiotherapy Seminars
RE: Course, "MT-2 Seminar"
- New Instructor

Lindsay Raynor advised the Board that the approved course "MT-2Seminar" will be given with a new course lecturer, Kenneth Learman, PT. Ms. Raynor provided the Board with a copy of Mr. Learman's Curriculum Vitae for their review.

A motion was made by Mary Browne and seconded by Cindy Moore to acknowledge that the qualifications of Kenneth Learman, PT, as lecturer for the course, "MT-2 Seminar" were supported by his Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Bhumika Vajifdar
RE: TOEFL (Test of English as a Foreign Language)

Bhumika Vajifdar wrote the Board concerning the TOEFL requirement. Ms. Vajifdar informed the Board that she has a Master's degree in Exercise Science from Indiana University of Pennsylvania. Ms. Vajifdar also has a Bachelor of Physiotherapy from Government Physiotherapy College in India.

Ms. Vajifdar inquired whether she still needs to complete the TOEFL examination even though she received a Master's degree in America.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Ms. Vajifdar that if she could obtain a certification from the Foreign Credential Commission on Physical Therapy (FCCPT) that they have her original TOEFL scores on file, the Board will accept her scores provided the scores meet the requirement set forth in N.J.A.C. 13:39A-5.7. A vote was taken and the motion carried by a unanimous vote.

- J. Inquiry from Debbi Nappi
RE: N.J.A.C. 13:39A-2.5(b)

Ms. Nappi asked the Board to clarify N.J.A.C. 13:39A-2.5(b), "In a school setting, the schedule of physical therapy services shall be reported to the child study team by the licensed physical therapist within 30 days of the date of initial treatment". Ms. Nappi inquired whether the term "child study team" refers to the district child study team or the receiving school's child study team.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Nappi that the physical therapist should provide the schedule of physical therapy services to the child study team that he or she reports. A vote was taken and the motion carried by a unanimous vote.

- K. Inquiry from Sarah McParland, PT
RE: Prescriptions

Ms. McParland inquired if there were expiration dates on prescriptions for physical therapy. Ms. McParland asked the Board if in the event a patient presents a prescription for physical therapy that is three or four weeks old, would the prescription still be valid or should the patient return to the doctor for an updated prescription.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to advise Ms. McParland 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. McParland 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. The Board will further advise Ms. McParland that the physical therapist should use his or her professional judgement as to whether the patient should follow up with their physician. A vote was taken and the motion carried by a unanimous vote.

- L. Inquiry from Henri Douvry, PTA
RE: Re-certifications

Mr. Douvry inquired if a physical therapist assistant is permitted to write "recertifications".

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to asked Mr. Douvry for clarification of "recertifications". A vote was taken and the motion carried by a unanimous vote.

- M. Letter from Skills First, LLC
RE: Course, "Rehabilitation Therapy...More than a "Generic" Treatment Plan: A Collaborative Approach for the Pharmacological and Medical Care Management of the Patient"

Cathy Perez, PT, of Skills First informed the Board that Skills First changed the course title of the course, "Rehabilitation Therapy...More than a "Generic" to "Rehabilitation Therapy: A Collaborative Approach for the Pharmacological and Medical Care Management of the Patient".

The Board will change the course title on its list of approved courses that is posted on the New Jersey State Board of Physical Therapy Examiners' website.

N. Letter from Ancy Thomas, PT
RE: Continuing Education

Ms. Thomas wrote the Board and inquired if the Board would permit her to complete her continuing education credits from internet or home study courses due to her medical condition. Ms. Thomas provided the Board with a letter from her treating physician of the background and status of her medical condition.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to request that Ms. Thomas advise the Board of the number of continuing education credits she has taken from February 1, 2010 through the present. A vote was taken and the motion carried by a unanimous vote.

O. Letter from At Home Seminars
RE: Course, "Functional Fitness for Older Adults"

Jeffrey McCamman, PT, of At Home Seminars wrote the Board concerning its denial of course "Functional Fitness for Older Adults" as the content of the primary text is below entry level DPT education standards. Mr. McCamman asked the Board to re-evaluate the course.

A motion was made by Jean Bickal and seconded by Cindy Moore to table this matter in order for the Board to review At Home Seminars original application and supporting documents for this course. A vote was taken and the motion carried by a unanimous vote.

P. Letter from Robert A. Eagan, Esq.
RE: Permissible Business Structures

Robert A. Eagan, Esq. wrote the Board concerning permissible forms of physical therapy practice. Mr. Eagan informed the Board that he represents a group of New York licensed physical therapists and inquired whether they could register their New York professional corporation in New Jersey. Mr. Eagan also informed the Board that each of the physical therapists will apply for licensure in New Jersey.

A motion was made by Jean Bickal and seconded by Barbara J. Behrens to advise Mr. Eagan that at this time the New Jersey State Board of Physical Therapy Examiners' statutes and regulations do not address the type of business practice a physical therapist or physical therapist assistant may engage in while practicing the profession of physical therapy. The Board is working towards promulgating regulations that would address this issue. The Board will advise Mr. Eagan that if a physical therapist is employed by a general

business corporation, the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey. A vote was taken and the motion carried by a unanimous vote.

- Q. Inquiry from Brigette Filipczak, PT
RE: Documentation

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

Ms. Filipczak informed the Board that she is currently supervising a physical therapy student. Ms. Filipczak inquired whether the student could complete the paper and/or computerized documentation of a patient record.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Filipczak that if a student writes a note in either a paper or computerized patient record, then the student must sign the note and the note must be co-signed by the supervising physical therapist. A vote was taken and the motion carried by a unanimous vote.

- R. Inquiry from Diane Bessette, PT
RE: Prescriptions

Ms. Bessette inquired whether a prescription for physical therapy treatment was required in a school setting.

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise Ms. Bessette 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. Bessette 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 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.

- S. Letter from Barry Inglett, PT
RE: N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*

A motion was made by Dennise Krencicki and seconded by Mary Browne to table this matter until the October 25, 2011 meeting. A vote was taken and Nancy Kirsch opposed while all other voted in favor. The motion carried by a majority vote.

IV. OLD BUSINESS

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

A motion was made by Nancy Kirsch and seconded by Jean Bickal to approve the amended regulations. A vote was taken and the motion carried by a unanimous vote.

A committee of the Board will review Subchapter 7 *Supervision of licensed physical therapist assistants*. The committee consists of Barbara J. Behrens, Nancy Kirsch and Dennise Krencicki.

V. FOR YOUR INFORMATION

- A. Federation of State Boards of Physical Therapy
Fixed Date Testing for Physical Therapist Assistant
National Physical Therapy Exam

The Board reviewed the Federation of State Boards of Physical Therapy notice of fixed date testing for the physical therapist assistant National Physical Therapy Exam and considered it informational.

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

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

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. Three matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Six matters where additional information has been submitted to the Board concerning pending investigations.

APPLICATIONS APPROVED BY THE BOARD

1. Randee Masangya
2. Rolando Jet Bacalzo Gumba II
3. Lizette Macatangay
4. Mabel Salcedo

APPLICATIONS NOT APPROVED BY THE BOARD

1. Jhansi Chowdavaram
2. Dhaval Shah
3. Rubel Macaranas
4. Pankaj Chidwal
5. Arvin Ilagan
6. Johnalyn Gallinero

ADJOURNMENT

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Jean Bickal 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