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

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PUBLIC SESSION MINUTES

October 25, 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 October 25, 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 9:40 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	Present
KAREN WILK, P.T.	Present

Also present were: **Susan Berger, 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 Kenneth Maily, PT

I. PUBLIC COMMENT

II. APPROVAL OF THE MINUTES OF SEPTEMBER 27, 2011 BOARD MEETING

Upon a motion made by Nancy Kirsch and seconded by Barbara J. Behrens, the Board voted to accept the minutes of the September 27, 2011 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

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

Mr. Inglett wrote the Board concerning a program offered by the Hospital for Special Surgery and mentioned that the program may be in conflict with N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*.

A motion was made by Jean Bickal and seconded by Cindy Moore to request that the Hospital for Special Surgery provide the Board with the documentation concerning this program as well as an explanation of how the program works including how the fees are utilized. The Board will also ask the Hospital for Special Surgery to explain how the program does not conflict with N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals*. A vote was taken and the motion carried by a unanimous vote.

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

Dennise Krencicki and Nancy Kirsch were recused and did not participate in the discussion.

Jeffrey McCamman, PT, wrote the Board concerning its denial of a course At Home Seminars submitted titled, "Functional Fitness for Older Adults" as the content of the primary text is below entry level education standards.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to reaffirm its denial of the course, "Functional Fitness for Older Adults" as the content of the course did not meet the requirement in N.J.A.C. 13:39A-9.3(a),... "have significant educational or practical content which deal with matters related to the practice of physical therapy...". The material submitted had content that was not consistent with post entry-level education for physical therapists or physical therapist assistants. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from At Home Seminars
RE: Courses, "Clinical Examination of the Shoulder: Module 1-4"
Course, "Manual Correction and Treatment of the SI Joint"
Course, "Manual Interventions for Thoracic Outlet Syndrome"

Dennise Krencicki and Nancy Kirsch were recused and did not participate in the discussion.

Jeffrey McCamman, PT, wrote the Board concerning seven courses that At Home Seminars submitted and were approved by the Board for less credit. At Home Seminars applied for eight credits each for the following courses: Clinical Examination of the Shoulder and Physical Therapy of the Shoulder: Module 1, Module 2, Module 3 and Module 4. The Board approved these five courses for three credits each. At Home Seminars applied for four credits each for the following courses: Manual Correction and Treatment of the Sacrioliac Joint and Manual Interventions for Thoracic Outlet Syndrome. The Board approved the two courses for two credits each.

Mr. McCamman asked the Board to re-evaluate these courses and approve them for the amount of credit that was requested. Mr. McCamman informed the Board that At Home Seminars is bound by the method used by the Texas Physical Therapy Board as they are approved continuing education providers for Texas licensees.

A motion was made by Mary Browne and seconded by Barbara J. Behrens to reaffirm the amount of credits approved for these courses. The Board will inform Mr. McCamman that the Board understands that the New Jersey standards and Texas standards are different, however, the New Jersey State Board of Physical Therapy must be consistent in their course approvals and apply the same standards to all courses. A vote was taken and the motion carried by a unanimous vote.

- D. Inquiry from Kelly Lease, PT
RE: Prescriptions

Ms. Lease inquired whether a physical therapist can perform a treatment that is not listed on a patient's prescription.

A motion was made by Nancy Kirsch and seconded by Dennise Krencicki to advise Ms. Lease 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 physical therapist is responsible for determining the appropriate interventions. The Board will also advise Ms. Lease 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.

- E. Inquiry from Alexander Zwick, PT
RE: Continuing Education

Karen Wilk recused herself and did not participate in the discussion.

Mr. Zwick informed the Board that he and his wife are licensed physical therapists in the State of New Jersey and were flood victims in the recent storms. Mr. Zwick informed the Board that all of their continuing education certificates were destroyed and inquired if the Board has a record of the courses that they have already completed. Mr. Zwick also asked if he and his wife could be granted an extension to complete their remaining continuing education credits.

A motion was made Jean Bickal and seconded by Mary Browne to deny Mr. Zwick's extension request as he and his wife have three months to complete the continuing education requirement. The Board will advise Mr. Zwick that the Board does not have a record of the courses that he and his wife had completed. The Board will also advise Mr. Zwick that he should contact the sponsors of the courses that they attended and try to verify their attendance. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Mary-Margaret Gray, PT
RE: Charity Care

Ms. Gray inquired whether there were laws concerning the scheduling of charity care patients.

A motion was made by Nancy Kirsch and seconded by Mary Browne to advise Ms. Gray that the New Jersey State Board of Physical Therapy Examiners laws and regulations do not address this issue but there may be other laws and regulations in the State of New Jersey that pertain to charity care requirements. A vote was taken and the motion carried by a unanimous vote.

- G. Inquiry from U.S. Department of Labor's Office of Apprenticeship
RE: Apprenticability for the Occupation of Physical Therapist Aide

The Board received an inquiry from the U.S. Department of Labor's Office of Apprenticeship concerning the occupation of a physical therapist aide.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to advise the U.S. Department of Labor's Office of Apprenticeship of N.J.A.C. 13:39A-2.4(a) and (b) *Delegation by a licensed physical therapist to unlicensed persons*. A vote was taken and the motion carried by a unanimous vote.

- H. Letter from Maitland Australian Physiotherapy Seminars
RE: Course, "MT-1 Seminar"
- New Instructor

Dennise Krencicki and Nancy Kirsch were recused and did not participate in the discussion.

Meghan Rodriguez advised the Board that the approved course, "MT-O Seminar" will be given with a new course lecturer, Marrow Burnette, PT, Ms. Rodriguez provided the Board with a copy of Mr. Burnette's Curriculum Vitae for its review.

A motion was made by Cindy Moore and seconded by Jean Bickal to acknowledge that the qualifications of Marrow Burnette, PT, as lecturer for the course "MT-O 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.

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

Dennise Krencicki and Nancy Kirsch were recused and did not participate in the discussion.

Meghan Rodriguez advised the Board that the approved course, "MT-O Seminar" will be given with a new course lecturer, Stephen Nestor, PT, Ms. Rodriguez provided the Board with a copy of Mr. Nestor's Curriculum Vitae for its review.

A motion was made by Cindy Moore and seconded by Jean Bickal to acknowledge that the qualifications of Stephen Nestor, PT, as lecturer for the course "MT-O 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.

J. Board Discussion

RE: N.J.A.C. 13:39A-5.3(a)

Examination standards for applicants for licensure as physical therapists and physical therapist assistants

N.J.A.C. 13:39A-5.3(a), "Applicants for licensure as a physical therapist and physical therapist assistant submitting proof of educational credentials as set forth in N.J.A.C. 13:39A-5.1 and 5.2, respectively, shall be approved to take the National Physical Therapy Examination or the National Physical Therapist Assistant Examination, as applicable, administered by the Federation of State Boards of Physical Therapy and the State jurisprudence examination."

In order for the Board to authorize an applicant to take the National Physical Therapy Examination or the National Physical Therapist Assistant Examination, the New Jersey State Board of Physical Therapy Examiners' office must be in receipt of the individual's application and a transcript sent directly from the school(s) that the applicant attended with the applicant's degree conferred on the transcript.

If an applicant has a special circumstance, the Board will consider accepting a certificate of completion directly from the school that the applicant attended. A letter must be written to the Board explaining the special circumstance and the school should send a certificate of completion to the Board. The Board will consider authorizing the applicant to take the National Physical Therapy Examination or the National Physical Therapist Assistant Examination after review of the explanation and certificate of completion at the next available Board meeting.

K. Letter from Don Ludwig, PT

RE: CPR

Mr. Ludwig informed the Board that he completed the American Red Cross CPR training two times within the biennial renewal period as the certification is only good for one year. Mr. Ludwig asked the Board if he could count both CPR courses which would equal four credits.

A licensee can obtain two credits for successfully completing an initial CPR course or a re-certification CPR course.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to advise Mr. Ludwig that he could count the two credits from each CPR course toward the 30 continuing education requirement provided the courses were completed within the February 1, 2010 through January 31, 2012 renewal period. At the present time there is nothing to preclude a licensee from receiving credit for taking a CPR course more than one time in a biennial renewal period. A vote was taken and the motion carried by a unanimous vote.

L. 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 Carolanne Aaron to accept the course reviewers' recommendations as presented. The 63 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. A vote was taken and the motion carried by a unanimous vote.

M. Applicant M.M.

RE: National Physical Therapy Examination Score

Applicant M.M. informed the Board that he received a score of 596 on the National Physical Therapy Examination. Applicant M.M. asked the Board to consider licensing him because his score was close to a passing score which is 600.

A motion was made by Dennise Krencicki and seconded by Nancy Kirsch to advise applicant M.M. that it is a requirement for licensure that each applicant achieve a passing score of 600 on the National Physical Therapy Examination. Applicant M.M. must achieve a score of at least 600 on the National Physical Therapy Examination in order to satisfy the requirement of N.J.A.C. 13:39A-5.3. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

A. Response 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.

The Board requested that Ms. Thomas advise it of the number of continuing education credits that she has taken from February 1, 2010 through the present.

Ms. Thomas informed the Board that she did not complete any continuing education credits and provided the Board with a list of courses that she is registered to take.

A motion was made by Nancy Kirsch and seconded by Mary Browne to permit Ms. Thomas to complete the required 30 continuing education credits by January 31, 2012 from internet and home study courses due to her medical condition. A vote was taken and the motion carried by a unanimous vote.

- B. Board Discussion with Charles Manning, Regulatory Analyst
RE: Regulations - Credit hour requirements
Documentation of continuing education credit

Charles Manning, Regulatory Analyst, met with the Board regarding additional language for N.J.A.C. 13:39A-9.2 Credit hour requirements and N.J.A.C. 13:39A-9.4 Documentation of continuing education credit.

A motion was made by Nancy Kirsch and seconded by Carolanne Aaron to approve the amended language in N.J.A.C. 13:39A-5.5 Endorsement. The regulation with the amended language will be forwarded to the Regulatory Department for promulgation. A vote was taken and the motion carried by a unanimous vote.

- C. Response 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.

In response to Ms. Vajifdar's letter, the Board advised her 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.

Ms. Vajifdar informed the Board that FCCPT does not have her TOEFL scores. Ms. Vajifdar provided the Board with her personal copy of her TOEFL scores.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Vajifdar that the Board cannot accept a copy of her TOEFL scores, therefore, she must take and pass the TOEFL examination. A vote was taken and the motion carried by a unanimous vote.

V. FOR YOUR INFORMATION

- A. American Physical Therapy Association of New Jersey
Fall 2011 issue of the *Jersey Jargon*

The Board reviewed the American Physical Therapy Association of New Jersey Fall 2011 issue of the *Jersey Jargon* and considered it informational.

- B. Board of Chiropractic Examiners
October 27, 2011 Public Session Agenda

The Board reviewed the Board of Chiropractic Examiners October 27, 2011 Public Session Agenda and considered it informational.

- C. Board of Chiropractic Examiners
July 28, 2011 Public Session Minutes

The Board reviewed the Board of Chiropractic Examiners July 28, 2011 Public Session Minutes and considered it informational.

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

APPLICATIONS APPROVED BY THE BOARD

1. Krupa Doshi
2. Johnson Pocclihon
3. Sneha Jigar Shah

APPLICATIONS NOT APPROVED BY THE BOARD

1. Nandini Prasad
2. Paul Calinog

ADJOURNMENT

The Board returned to Public Session and a motion was made by Nancy Kirsch and seconded by Barbara J. Behrens 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