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PUBLIC SESSION MINUTES TUESDAY, MARCH 26, 2024 (9:30 A.M)

The New Jersey State Board of Physical Therapy Examiners held a meeting remotely on March 26, 2024 due to the current state of emergency. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. David Bertone, **Chairperson of the Board**, called the meeting to order at 9:30 A.M. and a roll call was taken and the following attendance was recorded:

DAVID BERTONE, P.T.	Present
JACLYN FULOP, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
RICHARD STONEKING, P.T.	Present

Also present were: **Joseph Donofrio, Deputy Attorney General, John Passante, Deputy Attorney General, LisaTadeo, Executive Director, and Amy Giovanetti, Government Representative**

I. STATEMENT CONCERNING THE ANNUAL NOTICE OF PUBLIC MEETINGS

The requirements of the “Open Public Meetings Act” were satisfied by notice of this meeting given in the annual notice adopted by the New Jersey State Board of Physical Therapy Examiners which was transmitted to the Secretary of State, Atlantic City Press, Star Ledger, Courier Post, Asbury Park Press, Trenton Times and the Bergen Record via email.

II. PUBLIC COMMENT

Daniel Klim, Executive Director of the APTA-NJ, asked for a copy of the Board’s comment concerning Assembly Bill 1446, Senate Bill 317.

III. APPROVAL OF THE PUBLIC MINUTES

A. February 27, 2024

A motion was made by Nancy Kirsch and seconded by Richard Stoneking to accept the minutes of the February 27, 2024 Board meeting as amended. A vote was taken and the motion passed 5-0.

IV. NEW BUSINESS

A. Continuing Education Course Approvals

The continuing education committee of the Board monitors the approval process of submitted continuing education courses. The committee consists of David Bertone and Cindy Moore.

The committee reported that 86 continuing education courses were submitted for approval between March 1, 2024 and March 15, 2024.

A motion was made by Jaclyn Fulop and seconded by Nancy Kirsch to approve 86 continuing education courses that were submitted by sponsors between March 1, 2024 and March 15, 2024. A vote was taken and the motion passed 5-0.

B. Board Review for Approval Dry Needling competency courses/programs

1. International Academy of Orthopedic Medicine

Dry Needling Level 1

A motion was made by Jaclyn Fulop and seconded by Cindy Moore to request that International Academy of Orthopedic Medicine (IAOM) provide the Curriculum Vitae of each speaker, a more detailed course outline that provides a specific breakdown of the total continuing education hours into academic/theory and practical/hands-on and an attendance sheet that has sign-in and sign-out sections. The Board will also remind IAOM that only live, in-person instruction will be counted toward continuing education hours based on the requirements outlined in the law, N.J.S.A. 45:9-37.34b 1 and 10. Online (asynchronous learning such as pre-video conference), video module and pre-conference reading will not be approved and not be counted toward educational requirements. A vote was taken and the motion passed 5-0.

2. Myopain Seminars

Dry Needling Clinical Pearls & Review

A motion was made by Cindy Moore and seconded by Nancy Kirsch to approve the above dry needling competency course/program submitted by Myopain Seminars as the supporting documents for Dry Needling Clinical Pearls & Review course comply with the law. The Board will ask Myopain Seminars to have a separate sign-in and sign-out attendance sheet for day one and day two of the course that includes the hour breakdown. A vote was taken and the motion passed 5-0.

Fu Subcutaneous Needling

A motion was made by Cindy Moore and seconded by Nancy Kirsch to deny the course as the instructor is an acupuncturist and pursuant to N.J.S.A. 45:9-37.34j(c), only a licensed physical therapist who has a minimum of five years of clinical experience in the performance of dry needling or a physician licensed to practice medicine or surgery in this State can teach dry needling continuing education and competency program. A vote was taken and the motion passed 5-0.

3. Summit Professional Education

Dry Needling (Handschumacher – Online)

A motion was made by Jaclyn Fulop and seconded by Nancy Kirsch to inform Summit Professional Education that the Board approved the course as a regular continuing education course. The Dry Needling (Handschumacher-Online) course cannot be counted towards the dry needling qualification hours as it does not comply with N.J.S.A. 45:9-37.34j. The Board will inform Summit Professional Education that they must provide a disclaimer that the course does not count towards dry needling qualifications. A vote was taken and the motion passed 5-0.

4. Total Motion Release (TMR) Seminars

Dry Needling Master Class (Online course)

A motion was made by Nancy Kirsch and seconded by Richard Stoneking to request that Total Motion Release Seminars resubmit the Curriculum Vitae of each speaker which includes the speaker's professional development over the past 5 years. A vote was taken and the motion passed 5-0.

C. Inquiry from Amanda Olson, PT RE: Pelvic Health

Amanda Olson informed the Board that she is a licensed Physical Therapist specializing in Pelvic Health in Oregon and also is President of Intimate Rose, a company dedicated to providing a range of pelvic health tools, including vaginal dilators.

Ms. Olson also informed the Board that the FDA is requiring Intimate Rose to collect prescriptions to sell vaginal dilators and asked the Board to clarify if licensed physical therapists in New Jersey are authorize to prescribe DME, such as vaginal dilators for their patients.

A motion was made by Nancy Kirsch and seconded by Cindy Moore to inform Ms. Olson that in accordance with N.J.A.C. 13:39A-2.2(e)2, a New Jersey licensed physical therapist can conduct a pelvic floor evaluation. New Jersey licensed physical therapists cannot prescribe but can recommend equipment, when appropriate, such as vaginal dilators. A vote was taken and the motion passed 5-0.

D. Inquiry from Jennifer Dobbins, PT
RE: Supervision

Ms. Dobbins asked the Board for clarification regarding documentation of progress notes by the physical therapist and physical therapist assistant for patient care. Ms. Dobbins inquired if it is within the scope of practice for a physical therapist assistant to upgrade short term goals for their designated supervising physical therapist which includes writing the assessments/justification for continuing patient care. Ms. Dobbins informed the Board that she has been instructed to complete the whole note when her designated supervising physical therapist has been absent on the day the progress note is due.

Ms. Dobbins also inquired if a payer can determine if a physical therapist assistant is allowed to complete the entire patient progress report as she was informed that private pay patients do not follow the same guideline as a Med A, Med B or commercial insurance plan of care and that a PTA can complete the entire note.

Ms. Dobbins further inquired if a physical therapist and physical therapist assistant are required to follow the same guidelines regarding making on-site visits and participating in patient treatment at least every six visits regardless of payer source. Ms. Dobbins informed the Board she was told that private pay patients do not have to follow the same guidelines that Med A, Med B and commercial insurance patients follow.

A motion was made by Nancy Kirsch and seconded by Richard Stoneking to inform Ms. Dobbins that physical therapist assistants cannot perform a physical therapy examination, evaluation, diagnosis or prognosis, develop a plan of care, modify a plan of care, or independently engage in physical therapy instruction pursuant N.J.A.C. 13:39-A 2.3 (d). The physical therapist assistant cannot update goals or change/update plan of care regardless of payor. A vote was taken and the motion passed 5-0.

E. Inquiry from Kasie McLeod, PTA
RE: Supervision

Kasie McLeod asked the Board for clarification regarding supervision and N.J.A.C. 13:39A-7.3. Ms. McLeod informed the Board that she is a licensed physical therapist assistant working for Salem County Special Services School District. Ms. McLeod inquired if it is in the scope of practice for a physical therapist assistant to complete re-evaluations.

A motion was made by Nancy Kirsch and seconded Cindy Moore to inform Ms. McLeod that a physical therapist assistant cannot complete an evaluation or a re-evaluation. The supervising physical therapist must review and co-sign contemporaneously the licensed physical therapist assistant's entries into the patient record. The computer program must permit the supervising physical therapist to sign the physical therapist assistant's notes. A motion was made and the motion passed 5-0.

ADJOURNMENT

A motion was made by Richard Stoneking and seconded by Nancy Kirsch to adjourn the public meeting at 10:30 A.M. A vote was taken and the motion passed 5-0.

Upon a motion made by Richard Stoneking and seconded by Nancy Kirsch, the Board voted to go into Executive Session to discuss matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations. The motion passed 5-0.

Respectfully submitted,

Lisa Tadeo
Executive Director