



**PHILIP D. MURPHY**  
Governor

**SHEILA Y. OLIVER**  
Lt. Governor

# New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark NJ 07102



**MATTHEW J. PLATKIN**  
Acting Attorney General

**CARI FAIS**  
Acting Director

**Mailing Address:**  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

## **BOARD OF PHYSICAL THERAPY EXAMINERS 124 HALSEY STREET NEWARK, NEW JERSEY**

### **PUBLIC SESSION MINUTES TUESDAY, JUNE 28, 2022 (9:30 A.M.)**

The New Jersey State Board of Physical Therapy Examiners held a meeting remotely on June 28, 2022 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 9:50 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.	Excused
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Excused
RICHARD STONEKING, P.T.	Present

Also present were: **Carmen Rodriguez, Deputy Attorney General and Lisa Tadeo, Executive Director**

#### **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**

Brian Foley, Esq., Cynthia Templeton and Matthew Lasky, PT, attended the meeting and provided a verbal summary of the services provided at Push to Walk and the services that they are interested in providing in the future which is why they inquired about whether a New Jersey licensed physical therapist can be employed by a nonprofit corporation.

### **III. APPROVAL OF THE PUBLIC MINUTES**

#### **A. May 24, 2022**

A motion was made by Richard Stoneking and seconded by Jaclyn Fulop to accept the minutes of the May 24, 2022 Board meeting as amended. A vote was taken and the motion passed 4-0.

### **VI. 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, Cindy Moore and Beth Sarfaty.

The committee reported that 78 continuing education courses were submitted for approval between May 20, 2022 and June 10, 2022.

A motion was made by Jaclyn Fulop and seconded by Richard Stoneking to approve 78 continuing education courses that were submitted by sponsors between May 20, 2022 and June 10, 2022. A vote was taken and the motion passed 4-0.

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

##### **1. Intricate Art Spines & Body Solutions**

Dry Needling 1

Dry Needling 2

Dry Needling 3

Lumbopelvic Dry Needling

A motion was made by Richard Stoneking and seconded by Jaclyn Fulop to approve the above three dry needling competency courses/program submitted by Intricate Art Spines & Body Solutions as the supporting documents for these dry needling competency courses comply with the law. If a licensee completes all four courses, they will have completed 40 hours in academic/theory and 40 hours in practical/hand-on in accordance with the law, N.J.S.A. 45:9-37.34b 1 and 10. A vote was taken and the motion passed 4-0.

##### **2. Evidence in Motion**

Functional Dry Needling Level 1

A motion was made by Cindy Moore and seconded by Jaclyn Fulop to request that Evidence in Motion provide a more detailed course outline that provides a specific breakdown of the total continuing education hours into academic/theory and practical/hands-on. The Board will also remind Evidence in Motion 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 prevideo conference learning dry needling educational requirements), video modules, pre-conference reading will not be approved and will not be counted toward educational requirements. A vote was taken and the motion passed 4-0.

C. Inquiry from Kent Mayhew  
RE: Continuing Education

Kent Mayhew, from Stockton University, inquired about how many years continuing education sponsors need to keep files from continuing education course.

A motion was made by Cindy Moore and seconded by Jaclyn Fulop to inform Mr. Mayhew that continuing education sponsors should keep continuing education course files for at least 4 years as licensees must retain their continuing education record of attendance at least four years following the license renewal pursuant to N.J.A.C. 13:39A-9.4(a). A vote was taken and the motion passed 4-0.

D. Inquiry from Kalpana Patel  
RE: Test of English as a Foreign Language

Kalpana Patel asked the Board for a waiver of the TOEFL requirement. Ms. Patel informed the Board that her entire education was taught in English, she has lived and practiced physical therapy in the United States since 2000.

A motion was made by Cindy Moore and seconded by Richard Stoneking to deny Ms. Patel's waiver request. Ms. Patel must take and pass all the sections of the TOEFL pursuant to N.J.A.C. 13:39A-5.7 as she received her entry level physical therapy degree from a foreign educational program that is not accredited by the Commission on Accreditation in Physical Therapy Education. A vote was taken and the motion passed 4-0.

E. Inquiry from Brian M. Foley, Esq.  
RE: Employment

Brian M. Foley, Esq. informed the Board that Schenck Price Smith & King, LLP represent a New Jersey nonprofit corporation that provides individualized workouts and resources for people with spinal cord injuries and other forms of paralysis. Mr. Foley inquired if a New Jersey licensed physical therapist can be employed by a nonprofit corporation.

A motion was made by Cindy Moore and seconded by Richard Stoneking to inform Mr. Foley that a physical therapist can be employed by a nonprofit corporation. The physical therapist must act independently 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 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 including but not

limited to N.J.S.A. 45:9-37.21 Division of fees, payment for referrals and N.J.S.A. 45:9-37.34 ©Permitted licensees, natural person; regulations and N.J.S.A. 14A:17-I Professional Service Corporation Act. A vote was taken and the motion passed 4-0.

F. Inquiry from Ahmed Abdel-Hady, PT  
RE: Telemedicine

Ahmed Abdel-Hady, PT, inquired if he can provide telemedicine while he is overseas and also supervise a physical therapist assistant remotely.

A motion was made by Cindy Moore and seconded by Richard Stoneking to inform Mr. Abdel-Hady that there is nothing to preclude him from providing telemedicine in New Jersey as long as the patient is located in New Jersey and he complies with the statutes and regulations governing the practice of physical therapy in New Jersey including but not limited to those that relate to supervision. A vote was taken and the motion passed 4-0.

G. Inquiry from Khaled J. Klele, Esq.  
RE: Permissible Business Structures

Khaled J. Klele, Esq. asked the Board to confirm that a non-licensee may employ a licensed physical therapist and/or physical therapists can be employed by a corporation owned by a non-licensee.

A motion was made by Cindy Moore and seconded by Richard Stoneking to inform Mr. Foley that a physical therapist can be employed by an unlicensed person. The physical therapist must act independently 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 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 including but not limited to N.J.S.A. 45:9-37.21 Division of fees, payment for referrals and N.J.S.A. 45:9-37.34€ Permitted licensees, natural person; regulations and N.J.S.A. 14A:17-I Professional Service Corporation Act. A vote was taken and the motion passed 4-0.

H. Inquiry from Mary Ellen Moore, PT  
RE: Documentation

Mary Ellen Moore, PT, inquired about the documentation requirement in an academic setting. Specifically signing of patient records and Individualized Education Programs (IEP) electronically.

A motion was made by Cindy Moore and seconded by Jaclyn Fulop to refer Ms. Moore to N.J.A.C. 13:39A-3.2(a)3 *Use of Personal or Other Computer to Prepare Patient Records*. A vote was taken and the motion passed 4-0.

## **VI. INFORMATIONAL**

### **A. Signed Settlement letters.**

#### **1. Jason Fahs, PT**

The Board considered the signed Settlement letter dated May 23, 2022 in the matter of Jason Fahs, PT, informational. The Settlement letter is posted on the Board's website under Actions (Discipline & Other).

#### **2. Amy Ro, PT**

The Board considered the signed Settlement letter dated May 23, 2022 in the matter of Amy Ro, PT, informational. The Settlement letter is posted on the Board's website under Actions (Discipline & Other).

#### **3. Neha Dalal Mehta, PT**

The Board considered the signed Settlement letter dated May 23, 2022 in the matter of Neha Dalal Mehta, PT, informational. The Settlement letter is posted on the Board's website under Actions (Discipline & Other).

## **ADJOURNMENT**

A motion was made by Richard Stoneking and seconded by Jaclyn Fulop to adjourn the public meeting at 11:13 A.M. A vote was taken and the motion passed 4-0.

Upon a motion made by Jaclyn Fulop and seconded by Richard Stoneking, 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 4-0.

Respectfully submitted,

Lisa Tadeo  
Executive Director