

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS
PUBLIC SESSION MINUTES
April 22, 2008

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 April 22, 2008. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. Nancy Kirsch, 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 Present
KAREN WILK, P.T. Present

Also present were: Carmen Rodriguez, Deputy Attorney General; Lisa Petrowski, Assistant to the Executive Director; Susan Gartland, representative of the Division of Consumer Affairs; Members of the public: Jennifer Durboraw, PT, Heather Murray Miller, PT, representative of the APTA-NJ, Kenneth Maily, PT, Nancy Shirbani Gupta, OT and Shani Zelinger-Bernhaut, PTA.

I. APPROVAL OF THE MINUTES OF MARCH 25, 2008 BOARD MEETING

Upon a motion made by Barbara J. Behrens and seconded by Mary Browne, the Board voted to accept the minutes of the March 25, 2008 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

II. NEW BUSINESS

A. Letter from Emma Magierski, PT
RE: Prescriptions for physical therapy

Ms. Magierski inquired whether a prescription from an advanced practice nurse for physical therapy evaluation and treatment needed to be co-signed by a supervising physician.

The Board will advise Ms. Magierski that a prescription is not required for physical therapy treatment, but other state and Federal statutes and regulations may require a prescription or referral for physical therapy treatment for reimbursement purposes. The Board will advise her to contact the New Jersey Board of Nursing concerning her question as to whether a prescription from an advanced practice nurse needs to be co-signed by a supervising physician.

B. Letter from Thomas M. Briody, Esq.
RE: Physical Therapist Assistant Licensure Requirements

Mr. Briody wrote the Board on behalf of Joseph Gerald Brandt who is an applicant for licensure as a physical therapist assistant. Mr. Briody requested that Mr. Brandt be issued a New Jersey physical therapist assistant license without examination pursuant to N.J.S.A. 45:9-37.28 on the basis that the education and experience requirements for New Jersey and New York are substantially equivalent. Mr. Briody provided the Board with a copy of the requirements for certification as a physical therapist assistant in New York which states, "Education:

have received an education including completion of a two-year college program in a physical therapist assistant program or equivalent in accordance with the commissioner's regulations".

The Board noted that Mr. Brandt graduated with a two year degree majoring in Medical Tech.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to deny Joseph Gerald Brandt's application for licensure. He does not meet the licensing requirements as set forth in N.J.A.C. 13:38A-5.2 . He did not complete a two-year physical therapist assistant program from an accredited college or university approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council on Post Secondary Accreditation and the United States Department of Education and did not take and pass the National Physical Therapist Assistant Examination. The Board does not recognize a substitute education for the physical therapist assistant education. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Cheryl Wishing, PT
RE: Continuing Education

Ms. Wishing wrote the Board concerning the Board's lack of communication with its licensees, specifically notifying its licensees of the new continuing education requirements.

The Board will advise Ms. Wishing that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations are available on its website www.state.nj.us/lps/ca/medical/pt.htm. The Board will also advise Ms. Wishing that in 2006 the Board held 6 continuing education seminars throughout New Jersey concerning all of the amendments to its statutes and regulations including the new continuing education requirements. Licensees were notified of the seminars in advance and licensees who were unable to attend any of the seminars and asked for a copy of the amended statutes and new regulations were mailed the information.

D. Letter from Zunilda Valdes, PT
RE: Reinstatement Process

Ms. Valdes' physical therapy license expired on January 31, 2008. Ms. Valdes advised the Board that she submitted a paper renewal and paid the \$110.00 renewal fee. Ms. Valdes asked the Board to waive the reinstatement fee and the reinstatement process.

The Board noted that Ms. Valdes' check in the amount of \$110.00 was dated February 4, 2008 which is after the January 31, 2008 expiration date. Licensees are able to renew their license within 30 days immediately following the expiration date provided they pay a renewal late fee. Ms. Valdes was notified that she needed to pay a renewal late fee in addition to the renewal fee in order to renew her license within 30 days immediately following January 31, 2008. Ms. Valdes did not pay the renewal late fee, therefore, her license was not renewed.

A motion was made by Jean Bickal and seconded by Mary Browne to deny Ms. Valdes' request for a waiver of the reinstatement fee and the reinstatement process. A vote was taken and the motion carried by a unanimous vote.

E. Letter from Harriet Surdi, PT
RE: Direct Access

Ms. Surdi wrote the Board concerning her inability to locate information on "Direct Access" in New Jersey.

The Board will advise Ms. Surdi that the New Jersey State Board of Physical Therapy Examiners' statutes and regulations are available on its website www.state.nj.us/lps/ca/medical/pt.htm. The Board will also advise Ms. Surdi that she will not find the words, "direct access" in the statutes or regulations. The language requiring physician referral for physical therapy treatment has been removed from the statute; therefore, a prescription or referral is not required for physical therapy treatment.

F. Letter from Donna Stone

RE: Continuing Education

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

Ms. Stone advised the Board that the Council of Hospital Physical Therapy Directors would like to sponsor a multi-hospital continuing education seminar. Ms. Stone inquired whether a course could be eligible for approval if the course is given with the use of telemedicine technology.

The Board will provide Ms. Stone with an application for continuing education approval for course sponsors. The Board will also advise Ms. Stone that courses submitted for approval must meet the requirements set forth in N.J.A.C. 13:38A-9 et seq.

G. Letter from Shani Zelinger-Bernhaut, PTA

RE: Reinstatement

Ms. Bernhaut attended the Public Session meeting.

Ms. Bernhaut's physical therapist assistant license expired on January 31, 2008. Ms. Bernhaut advised the Board that she was licensed on October 12, 2007 and was not aware that she needed to renew her license on January 31, 2008. Ms. Bernhaut is currently in the process of completing the requirements in order to reinstate her license and asked the Board if her license could be effective as of February 1, 2008 once she completes the reinstatement requirements.

The Board advised Ms. Bernhaut that her license will be placed on active status again once she meets all the reinstatement requirements. The Board also advised Ms. Bernhaut that her license cannot reflect that she was active as of February 1, 2008 because her license was expired at that time and the Board does not issue licenses retroactively to the expiration date.

H. Letter from Andrew Prokop, PT

RE: Continuing Education

Mr. Prokop wrote the Board concerning the course, "Adult and Pediatric Therapeutic Taping", which is sponsored by Achievement Seminars. Mr. Prokop advised the Board that men were being excluded from attending this course which is scheduled for May 18-19, 2008.

A motion was made by Barbara J. Behrens and seconded by Cindy Moore to advise Achievement Seminars that the Board approved this course based on the fact that they indicated during the course review process that it would offer this course to men separately on another course date in order to comply with N.J.A.C. 13:38A-9.3(h), "Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis".

The Board will request that Achievement Seminars provide it with the dates it is planning to offer this course to men and Mr. Prokop will be advised of these dates. A vote was taken and the motion carried by a unanimous vote.

I. Continuing Education Course Reviewers' Recommendations

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 Dennise Krencicki and seconded by Jean Bickal to accept the course reviewers' recommendations as presented. The 58 approved courses and the 2 denied courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Course, Foundation MAT sponsored by Pilates Institute of America, and course, Wheelchair and Bed Positioning for the Geriatric Clients sponsored by Edlantis Seminars, were 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.

III. OLD BUSINESS

A. Letter from Deborah Searle, PT
RE: Continuing Education

The Board granted Ms. Searle an extension to June 1, 2008 to complete the remaining 9 continuing education credits due to her medical condition. The Board also permitted Ms. Searle to obtain the remaining 9 continuing education credits by internet or home study courses due to her specific medical condition.

Ms. Searle provided the Board with 9 continuing education credits that she took during the Board's granted extension period. The Board now considers this matter to be concluded.

B. Letter from Diana Schott, PT
RE: Pulse Oximetry

Ms. Schott inquired whether a physical therapist could utilize pulse oximetry without the referral of a physician.

The Board will advise Ms. Schott that the utilization of pulse oximetry does not require a physician referral and is within the scope of practice of a physical therapist.

C. Letter from Jeannie Evenson of Cross Country Education
RE: Course, "Developing and Implementing Restorative Programs"

Ms. Evenson wrote the Board concerning its denial of a course they submitted titled, "Developing and Implementing Restorative Programs" The Board denied the course because the bibliography did not include at least five references from peer reviewed journals published within five years. Ms. Evenson provided the Board with an amended bibliography.

A motion was made by Dennise Krencicki and seconded by Mary Browne to reaffirm its denial of the course, "Developing and Implementing Restorative Programs" as the amended bibliography did not include at least five references from peer reviewed journals published within five years. A vote was taken and the motion carried by a unanimous vote.

D. Board Discussion with Charles Manning, Regulatory Analyst
RE: Regulations - Continuing Education

Charles Manning, Regulatory Analyst, met with the Board regarding additional language for N.J.A.C. 13:38A-9.3 Acceptable course offerings; credit hour calculation. The Board will review a draft of the additional language at a future Board meeting.

E. Draft letter to Continuing Education Sponsors
RE: Jurisprudence course

The Board reviewed and approved the letter that will be sent to continuing education sponsors notifying them that New Jersey licensed physical therapists and physical therapist assistants must complete four credits of jurisprudence and professional ethics during the 2008-2010 biennial renewal period as part of the required thirty credit hours of continuing education in order to renew their license pursuant to N.J.A.C. 13:38A-9.2(a).

The letter also advises the continuing education sponsors that the Board will review for approval jurisprudence courses concerning other laws that relate to the general practice of physical therapy such as Medicare laws, Stark laws, Federal laws, etc.

IV. FOR YOUR INFORMATION

A. Division of Consumer Affairs

State Board of Physical Therapy Examiners
Patient Records; Acceptable Course Offerings; Credit Hour Calculation
Proposed Amendments: N.J.A.C. 13:39A-3.1 and 9.3
From the April 7, 2008 New Jersey Register

The Board reviewed Proposed Amendments: N.J.A.C. 13:38A-3.1 and 9.3 and considered it informational.

B. Arizona State Board of Physical Therapy
January 2008 Newsletter

The Board reviewed Arizona State Board of Physical Therapy's January 2008 Newsletter and considered it informational.

C. New Jersey State Board of Medical Examiners
April 9, 2008 Open Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' April 9, 2008 Open Agenda and considered it informational.

D. New Jersey State Board of Medical Examiners
March 19, 2008 Open Agenda

The Board reviewed the New Jersey State Board of Medical Examiners' March 19, 2008 Open Agenda and considered it informational.

E. New Jersey State Board of Medical Examiners
February 13, 2008 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' February 13, 2008 Open Board Minutes and considered it informational.

F. New Jersey State Board of Medical Examiners
February 13, 2008 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' February 13, 2008 Open Minutes of Disciplinary Matters Pending Conclusion and considered it informational.

APPLICATIONS APPROVED BY THE BOARD

1. Michelle Encabo
2. Sheri L. Clemiss
3. Jonathan Gonzaga
4. Juwan Hong

APPLICATIONS NOT APPROVED BY THE BOARD

1. Helen A. Abat
2. Sharon Encarguez

Upon a motion made by Jean Bickal and seconded by Karen Wilk, 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. Eleven matters filed with the Board, which require review and additional recommendation with regard to investigations and/or actions.

2. Two matters where additional information has been submitted to the Board concerning pending investigations.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Jean Bickal and seconded by Carolanne Aaron to adjourn the meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Nancy Kirsch, PT
Board President