



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



JOHN J. HOFFMAN
Acting Attorney General

KIM GUADAGNO
Lt. Governor

NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

STEVE C. LEE
Acting Director

PUBLIC SESSION MINUTES

January 26, 2016

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 January 26, 2016. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Beth Sarfaty, Chairperson of the Board**, called the meeting to order at 10:00 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Excused
JEAN BICKAL, ESQ	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
BETH SARFATY, P.T.	Present
RICHARD STONEKING, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **Nancy Costello-Miller, Deputy Attorney General; Lisa Tadeo, Executive Director**

Members of the public: Cathy Chin, representative of Select Medical; Daniel Klim, Executive Director of the American Physical Therapy Association - New Jersey Chapter

PUBLIC COMMENT

IV. APPROVAL OF THE MINUTES OF DECEMBER 8, 2015 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the December 8, 2015 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

V. NEW BUSINESS

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Jean Bickal and seconded by Karen Wilk to accept the course reviewers recommendations as presented. The 125 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Twenty four courses 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.

B. Inquiry from Education Resources
RE: Partial Credit

Education Resources inquired whether partial credit could be given to participants who complete a portion of an online course. Education Resources also asked if there was a renewal application for courses that have been approved for a previous renewal period.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to inform Education Resources that the courses are reviewed as new courses even if they were approved in the past, therefore, there is no renewal application. The Board will also ask Education Resources to explain how the partial credit would be assessed. A vote was taken and the motion carried by a unanimous vote.

C. Letter from Rajat Patel
RE: National Physical Therapy Exam
Appeal Form

Mr. Patel has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow her to register for the January, 2016 exam as he has exceeded the number of attempts to pass the NPTE. Mr. Patel provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

A motion was made by Karen Wilk and seconded by Jean Bickal to request that Mr. Patel provide the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the next NPTE and why he believes that he would achieve a different outcome. A vote was taken and the motion carried by a unanimous vote.

D. Inquiry from Michelle Peterson, PT
RE: Nerve Conduction Studies and EMG's

Ms. Peterson inquired whether New Jersey licensed physical therapists are permitted to conduct Nerve Conductin Studies and EMG's.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Peterson that pursuant to N.J.S.A. 45:9-5.2 Needle electromyography, interpretation restricted to physicians, surgeons states that only medical physicians and surgeons can perform electromyography. It also states that a person shall not interpret evoked potentials or nerve conduction studies unless that person is licensed to practice medicine and surgery. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Rosemary Peng, PT
RE: Documentation

Ms. Peng inquired about N.J.A.C. 13:39A-3.2 *Use of personal or other computer to prepare patient records*. Specifically, the use of home computers to prepare reports.

A motion was made by Nancy Kirsch and seconded by Karen Wilk to inform Ms. Peng that the computer or computers used to prepare a patient record must be in compliance with N.J.A.C. 13:39A-3.2. There may be other laws and regulations concerning the security of devices and patient records that will need to be adhere to also. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Susan M. Gray, PT
RE: Continuing Education

Ms. Gray asked the Board to grant her a waiver of the continuing education requirement due to financial hardship.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to request that Ms. Gray inform the Board of the number of continuing education credits that she completed from February 1, 2014 through January 31, 2016. A vote was taken and the motion carried by a unanimous vote.

- G. Letter from William J. Gilligan, PT
RE: Continuing Education

Mr. Gilligan asked the Board for an extension to complete the continuing education requirement due to his medical condition.

A motion was made by Cindy Moore and seconded by Richard Stoneking to grant Mr. Gilligan a four month extension to complete the continuing education requirement. A vote was taken and the motion carried by a unanimous vote.

- H. Board Discussion
RE: - Adopted Amendments
- Jurisprudence Assessment Module

The Board incorporated the adopted amendments into the Jurisprudence Assessment Module.

- I. Inquiry from Medical Minds in Motion
RE: Continuing Education

Medical Minds in Motion informed the Board that two of their seminars scheduled for January 23 and 24, 2016 were cancelled due to the weather. They inquired whether they could reschedule the seminars for February 6 and 7, 2016 and have the credits count for the licensure period expiring on January 31, 2016.

A motion was made by Karen Wilk and seconded by Barbara J. Behrens that they could reschedule the seminars for February 6 and 7, 2016. The Board will inform Medical Minds in Motion that they must include the old date on the certificates with an asterisk with the rescheduled date due to inclement weather. A vote was taken and the motion carried by a unanimous vote.

- J. Inquiry from Rebecca McCammitt
RE: physical therapy aides

Ms. McCammitt inquired whether aides could take vital signs on patients. Ms. McCammitt also asked if athletic training students are allowed to perform any duties differently from an aide if a licensed athletic trainer is not on site.

A motion was made by Karen Wilk and seconded by Barbara J. Behrens to inform Ms. McCammitt that the regulation, N.J.A.C. 13:39A-2.4, is quite specific as to what a licensed physical therapist can delegate to an unlicensed person. The regulation specifically precludes carrying out testing or evaluation procedures, limiting the unlicensed person to routine tasks. If vital signs are taken "routinely" how and to who are the findings disseminated? The aide cannot document in the patient record. If these tasks were to be delegated as a routine task to the aide, monitoring of heart rate, blood pressure, respiration and pain, the question must be asked, is the physical therapist confident that the information relayed to them is accurate. The physical therapist is ultimately the individual in control of the provision of care. The determination of what can be safely and legally delegated is their responsibility. Any task that an unlicensed person might do, the physical therapist must insure that they have the appropriate training to carry out the task and that the aide through the performance of that task is assisting and not compromising the care of the patient. When determining if a task is routine, or requires the skill of a licensed physical therapist or physical therapist assistant, the physical therapist must always be cognizant of patient safety first and be comfortable with the skills of the aide to perform a task that is legally permitted.

The Board will also advise Ms. McCammitt that she contact the Athletic Training Committee concerning athletic trainers or athletic trainer students. A vote was taken and the motion carried by a unanimous vote.

VI. OLD BUSINESS

- A. Response from Tommy Wong
RE: National Physical Therapy Exam
Appeal Form

Mr. Wong has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow him to register for the January, 2016 exam as he has exceeded the number of attempts to pass the NPTE. Mr. Wong provided the Board with a completed NPTE appeal form and asked that he be allowed to take the NPTE again.

Mr. Wong provided the Board with a detailed written explanation of what he has done since the last time he took the exam to prepare for the next NPTE.

A motion was made by Cindy Moore and seconded by Richard Stoneking to allow Mr. Wong to take the NPTE again. A vote was taken and the motion carried by a unanimous vote.

- B. Response from Nickie Parmar
RE: National Physical Therapy Exam
Appeal Form

Ms. Parmar has taken the National Physical Therapy Examination (NPTE) eight times and has not achieved a passing score. The Federation of State Boards of Physical Therapy will not allow her to register for the January, 2016 exam as she has exceeded the number of attempts to pass the NPTE. Ms. Parmar provided the Board with a completed NPTE appeal form and asked that she be allowed to take the NPTE again.

Ms. Parmar provided the Board with a detailed written explanation of what she has done since the last time she took the exam to prepare for the next NPTE.

A motion was made by Jean Bickal and seconded by Karen Wilk to allow Ms. Parmar to take the NPTE again. A vote was taken and the motion carried by a unanimous vote.

VII. INFORMATIONAL

- A. Division of Consumer Affairs
State Board of Physical Therapy Examiners
Adopted Amendments: N.J.A.C. 13:39A-3.1 and 3.2
- From the December 7, 2015 New Jersey Register

The Board reviewed the adopted amendments and considered them informational.

- B. Division of Consumer Affairs
State Board of Physical Therapy Examiners
Adopted Amendments: N.J.A.C. 13:39A-1.2, 2.3, 2.4, 3.1, 3.8, 3.10, 5.1, 5.2, 5.3, 5.5, 6.1, 8.7, 9.2, 9.3, and 9.4.
- From the December 7, 2015 New Jersey Register

The Board reviewed the adopted amendments and considered them informational.

- C. Federation of State Boards of Physical Therapy
Comment Summary and Candidate Satisfaction Survey Report

The Board reviewed the National Physical Therapy Examination Comment Summary and Candidate Satisfaction Survey Report and considered it informational.

- D. New Jersey Jurisprudence Assessment Module Statistic Report

The Board reviewed the report and considered it informational.

- E. New Jersey State Board of Physical Therapy Examiner's letter to John J. Hoffman, Acting Attorney General
RE: Dry Needling

The Board considered the letter informational.

Upon a motion made by Nancy Kirsch and seconded by Cindy Moore, 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. Fourteen 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. Eufrances Allameena O Uy
2. Shruthi Banjan
3. Kimberly Ann Baisa
4. Shashi Tank
5. Reuben M. Tano

APPLICATIONS NOT APPROVED BY THE BOARD

1. Rachelle Aparis
2. Mahekkumar Desai

ADJOURNMENT

The Board returned to Public Session and a motion was made by Karen Wilk and seconded by Barbara J. Behrens to adjourn the meeting at 1:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo
Executive Director