

**NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS  
PUBLIC SESSION MINUTES  
April 26, 2005**

A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Hudson Room, 6th Floor, on Tuesday, April 26, 2005. 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 9:32 a.m. and a roll call was taken and the following attendance was recorded:

BARBARA BEHRENS, P.T.A. Present  
JEAN M. BICKAL, ESQ. Excused  
MARY B. BROWNE, P.T. Present  
JEFFREY ERICKSON, P.T. Present  
BARRY INGLETT, P.T. Present  
NANCY R. KIRSCH, P.T. Present  
IVETTE P. MARTINEZ Present  
SUSAN M. QUICK Present  
GARY SAVANDER, P.T. Present  
KAREN E. WILK, P.T. Present

Also present were: Susan H. Gartland, Executive Director; Carmen A. Rodriguez, Deputy Attorney General; Lora Sellmeyer, Assistant to the Executive Director; Dwayne Williams, Government Representative Members of the public; Kenneth Mailly, PT; Patty Brick, PT, Director of Practice APTA-NJ

**PUBLIC COMMENT:**

**I. APPROVAL OF THE MINUTES OF THE MARCH 22, 2005 BOARD MEETING**

Upon a motion made by Mary Browne and seconded by Barbara Behrens, the Board voted to accept the minutes of the March 22, 2005 Board meeting as amended. The motion carried by a unanimous vote.

**II . OLD BUSINESS:**

**A. RULES AND REGULATIONS**

The Rules and Regulations were published in the April 4th New Jersey Register. The Board will review all comments submitted at the June 28, 2005 Board meeting.

**B. VETERINARY PHYSICAL THERAPY**

Gary Savander drafted a policy on Veterinary Physical Therapy. The Board accepts the proposal with the understanding that it will be updated pending the Board of Veterinary Medical Examiners comments.

**POLICY ON VETERINARY PHYSICAL THERAPY**

The Board of Physical Therapy Examiners is aware of the growing interest of some licensees to provide services to patients of veterinary medicine.

The provision of such services cannot be considered within the scope of practice of a physical therapist until the profession develops an educational standard for veterinary physical therapy that is accepted by the Board.

Upon a motion made by Barry Inglett and seconded by Ivette Martinez, the Board voted to accept the policy on Veterinary Physical Therapy drafted by Gary Savander. The motion carried by a unanimous vote.

**C. RULES AND REGULATIONS COMMITTEE- TERMINATION OF THE PHYSICAL THERAPIST- PATIENT RELATIONSHIP**

The Board reviewed draft language on the termination of a patient from physical therapy care. This matter is tabled until the May 24, 2005 Board meeting for further consideration.

**III . INFORMATIONAL:**

**A. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS- PUBLIC SESSION AGENDA APRIL 21, 2005**

This matter was considered informational.

**B. NEW JERSEY STATE BOARD OF CHIROPRACTIC EXAMINERS- PUBLIC SESSION MINUTES FEBRUARY 17, 2005**

This matter was considered informational.

**C. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD AGENDA APRIL 13, 2005**

This matter was considered informational.

**D. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN BOARD MINUTES FEBRUARY 9, 2005**

This matter was considered informational.

**E. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN AGENDA DISCIPLINARY MATTERS PENDING CONCLUSION MARCH 9, 2005 (LISTED AS MARCH 9 BUT IS FOR THE APRIL 13, 2005 BOARD MEETING)**

This matter was considered informational.

**F. NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS- OPEN MINUTES DISCIPLINARY MATTERS PENDING CONCLUSION FEBRUARY 8, 2005**

This matter was considered informational.

**G. ARTICLE ON DEEP VEIN THROMBOSIS**

This matter was considered informational.

**H. APTANJ- JERSEY JARGON SPRING 2005**

This matter was considered informational.

**I. LOUISIANA STATE BOARD OF PHYSICAL THERAPY EXAMINERS NEWSLETTER**

This matter was considered informational.

**J. FSBPT QUARTERLY FACULTY NEWSLETTER**

This matter was considered informational.

**K. FEDERATION NEWS BRIEFS APRIL 2005**

This matter was considered informational.

#### **IV . APPEARANCES:**

##### **T.O.E.F.L. WAIVERS:**

###### **1. DONABEL CINCO**

Donabel Cinco appeared before the Board to request a waiver of the TOEFL requirement for foreign-educated individuals applying for licensure. Ms. Santiago is applying for licensure as a physical therapist by endorsement in the State of New Jersey. She was educated in the Phillipines and received her professional as well as undergraduate education in the English language. Ms. Cinco is licensed in Indiana.

Upon a motion made by Mary Browne and seconded by Gary Savander, the Board voted to grant Ms. Cinco a waiver of the TOEFL requirement based upon the fact that her professional as well as her undergraduate education was conducted in the English language and she demonstrated proficiency. The motion carried by a unanimous vote.

#### **V. NEW BUSINESS:**

##### **A. PROPOSED RULES AND REGULATIONS FOR BOARD OF ORTHOTICS AND PROSTHETICS**

The Board has no comment on this proposal.

##### **B. INQUIRY FROM DR. ALBERT CAMPANA, D.C.**

The Board reviewed an inquiry from Albert Campana, D.C. who is forming an L.L.C. and will be hiring a physical therapist. The Board will advise Mr. Campana that the Board does not have any corporate structure regulations at this time but is planning on having something in the future.

##### **C. INQUIRY FROM RICHARD P. CONSOLE, JR.**

The Board reviewed correspondence from attorney Richard P. Console who inquired as to whether a physical therapist could hire a chiropractor to work in his facility. The Board will advise Mr. Console that there is no specific statutory or regulatory language prohibiting a physical therapist from hiring a chiropractor but the physical therapist has to keep in mind that there are specific regulations and statutes that are applicable to this.

##### **D. INQUIRY FROM FERDINAND QUIJANO, PT**

The Board reviewed an inquiry from Ferdinand Quijano, PT who would like to know if he is able to offer a "free consultation" which would not involve an assessment, evaluation or treatment. The Board is unclear as to what the "free consultation" consists of and will request more information from Mr. Quijano.

##### **E. INQUIRY FROM MARK SZYMCZAK, PT**

The Board reviewed an inquiry from Mark Szymczak, PT who wanted information on direct access. The Board will send a copy of the statutes and regulations and a copy of the proposed regulations which were published in the April 4, 2005 New Jersey Register.

##### **F. ARTICLE ON DIRECT ACCESS FOR REVIEW**

The Board reviewed an article on Direct Access posted on the New Jersey Nurse's website. Nancy Kirsch will draft a letter to the New Jersey Nurse's Association regarding the details of direct access in New Jersey.

##### **G. SIGNED SETTLEMENT LETTER - JERRY MASANQUE, PT**

The Board is in receipt of a signed Settlement Letter from Jerry Masanque, PT for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.6 (a) in that he failed to be aware of the fees and billing procedures that were charged by the facility. Mr. Masanque is also in violation of N.J.A.C. 13:39A-3.4 which arose from his failure to be aware of fees and billing procedures.

#### H. SIGNED SETTLEMENT LETTER - MELODY SANTOS, PT

The Board is in receipt of a signed Settlement Letter from Melody Santos, PT for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.4 in that she failed to be aware of the fees and billing procedures that were charged by the facility. Ms. Santos is also in violation of N.J.A.C. 13:39A-3.6 (a) which arose from her failure to be aware of fees and billing procedures.

#### I. SIGNED SETTLEMENT LETTER - ELAINE MANALANSAN SANTOS PT

The Board is in receipt of a signed Settlement Letter from Elaine Manalansan-Santos, PT for violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:39A-3.4 in that she failed to be aware of the fees and billing procedures that were charged by the facility.

#### J. SIGNED CONSENT ORDER- LUPE AMY GONZALEZ, PT

The Board is in receipt of a signed Consent Order from Lupe Amy Gonzalez, PT for violation of N.J.S.A. 45:9-37-13 unauthorized practice of physical therapy; N.J.A.C. 13:39A-3.6(a) charging excessive fees and billing for services not provided; N.J.A.C. 13:39A-3.6(c) overutilization of services; and N.J.A.C. 13:39A-3.8 professional misconduct.

#### K. INQUIRY FROM REGINA FRENCH, PT

The Board reviewed an inquiry from Regina French, PT who contacted the Board regarding the treatment of a patient who is not showing any improvement. The Board will direct Ms. French to the following New Jersey Regulation N.J.A.C. 13:39A-3.8 Violative acts; professional misconduct; (a) 6, rendering an intervention when, in the exercise of his or her professional judgement, the physical therapist may deem such treatment to be unnecessary. The physical therapist shall notify the referring professional in writing that treatment is to be terminated and the reason (s) for such termination.

#### **APPLICATIONS APPROVED BY THE BOARD:**

1. Ritchie Garcia
2. Blessy Gabatin
3. Wilson Marquez
4. Angela Mendoza
5. Armie Medrano
6. Adel Pascual
7. Katherine Caubalejo
8. Ma Fatima Caubalejo
9. Chan Cajegas
10. Donabel Cinco
11. Yuki Echaorre
12. Alfa Rose Coronado
13. Roxanne Figueroa

#### **APPLICATIONS NOT APPROVED BY THE BOARD:**

- I. Samuel Immanuel
- II. Shanta Sambasivan

**ADJOURNMENT:**

Upon a motion made by Karen Wilk and seconded by Jeffrey Erickson, the Board voted to adjourn Public Session and to go into Executive Session to discuss the following matters involving investigations or violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

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

Respectfully submitted,

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Susan H. Gartland, Executive Director