



**CHRIS CHRISTIE**  
Governor

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## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
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### NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

### PUBLIC SESSION MINUTES

**February 25, 2014**

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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 February 25, 2014. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Karen Wilk, Chairperson of the Board**, called the meeting to order at 9:45 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.	Present
JEAN BICKAL, ESQ	Present
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Present
SUSAN M. QUICK	Excused
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director; Gerard Tobia, Board Staff**

**Members of the public: Cathy Chin, representative of Select Medical; Brian Mason, PT, representative of the APTA-NJ; Daniel Klim, Executive Director of the APTA-NJ; Vincent Buttaci, Esq.**

#### I. APPROVAL OF THE MINUTES OF DECEMBER 17, 2013 BOARD MEETING

A motion was made by Nancy Kirsch and seconded by Jean Bickal to accept the minutes of the December 17, 2013 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

#### V. OLD BUSINESS

- A. Revised Jurisprudence Education and Examination  
RE: Continuing Education Course

The Board reviewed a draft document prepared by Nancy Kirsch to advise the public that the New Jersey State Board of Physical Therapy Examiners is now accepting proposals to develop, design and launch a jurisprudence learning assessment that will be case-based and designed to be 90 minutes long.

A motion was made by Nancy Kirsch and seconded by David Bertone to accept the document prepared by Nancy Kirsch. The Board will notify the sponsors in its database, the New Jersey Chapter of the American Physical Therapy Association and the Federation of State Boards of Physical Therapy that it is now accepting proposals to develop, design and launch a jurisprudence learning assessment that will be case-based and designed to be 90 minutes long. A vote was taken and the motion carried by a unanimous vote.

- B. Discussion with Charles Manning, Regulatory Analyst  
RE: - Permissible Business Structures  
- Veteran Education

A motion was made by David Bertone and seconded by Nancy Kirsch to withdraw the draft permissible business structures regulation. The Board is not satisfied with the draft language as it does not protect the public. A vote was taken and the motion carried by a unanimous vote.

A motion was made by Nancy Kirsch and seconded by David Bertone to accept the language of the draft regulation regarding veterans receiving credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces. A vote was taken and the motion carried by a unanimous vote.

Mr. Manning informed the Board that the following draft regulations which were approved by the Board are currently under review with the Division of Law: Continuing competence (approved 4/23/13); breast and pelvic examination prohibition (approved 10/23/12); limitations on retaking the licensing examination (approved 1/24/12); record keeping (approved 5/22/12) and maintenance of health (approved 12/17/13).

- C. Inquiry from Shawn Mollin, PT  
RE: Telemedicine

Mr. Mollin wrote the Board to inquire about the feasibility of practicing physical therapy via telemedicine. He indicated that he would like to develop software that would allow a therapist to teach self-management principles to patients via telemedicine.

A motion was made by David Bertone and seconded by Mary Browne to advise Mr. Mollin that practicing physical therapy via telemedicine is not permitted by the New Jersey State Board of Physical Therapy Examiners statutes and regulations. A vote was taken and the motion carried by a unanimous vote.

- D. Letter from Deborah Vastano, PT  
RE: Myofascial Course

Karen Wilk recused herself because the course is offered at her place of employment.

North American Seminars wrote the Board concerning the denial of their myofascial course. North American Seminars provided the Board with additional information concerning their course.

A motion was made by Jean Bickal and seconded by Cindy Moore to approve this course based on the additional information. A vote was taken and the motion carried by a unanimous vote.

## **VI. 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, formerly 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 Cindy Moore and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 106 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Fifteen 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. YTTW Letter to Employers and Response RE: Youth Transition Apprenticeship**

The Board reviewed a letter concerning a youth transition apprenticeship and considered it informational.

### **C. Inquiry from FSBPT RE: Eligibility Criteria**

The Board reviewed the Federation of State Boards of Physical Therapy eligibility criteria survey and considered it informational.

### **D. Inquiry from Manisha Gulati, PT RE: Waiver of Continuing Education Requirements**

Beth Sarfaty recused herself as Ms. Gulati discussed this matter with her.

Ms. Gulati asked the Board for a waiver of the continuing education requirements due to her medical condition.

A motion was made by Barbara J. Behrens and seconded by David Bertone to request that Ms. Gulati provide the Board with a letter from her treating physician concerning the status of her medical condition. The Board will also request that Ms. Gulati inform them of the total continuing education credits that she has completed. Upon receipt of a letter from her treating physician, the Board may allow Ms. Gulati 60 days to complete the remaining continuing education credits by distance learning courses. A vote was taken and the motion carried by a unanimous vote.

- E. Inquiry from Luke DeLorenzo, PT  
RE: Scope of Practice

Mr. DeLorenzo inquired whether a chiropractor could refer for physical therapy if the referring chiropractor is the owner of the clinic. Mr. DeLorenzo also inquired if a chiropractor writes a prescription for physical therapy would the physical therapist have any restrictions. Mr. DeLorenzo further inquired if a physical therapist is allowed to perform any treatments or modalities if a patient does not have a referral and/or initial evaluation.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Mr. DeLorenzo that a chiropractor can refer for physical therapy even if the chiropractor is the owner of the clinic. The Board will also advise that a physical therapist must abide by the statutes and regulations governing the practice of physical therapy. The Board will further advise Mr. DeLorenzo that it is required that a physical therapist perform an initial evaluation prior to an intervention. A vote was taken and the motion carried by a unanimous vote.

- F. Inquiry from Irene Borgen, PT  
RE: Continuing Education

Ms. Borgen informed the Board that she is having difficulty obtaining 20 continuing education credits. Ms. Borgen informed the Board that she is pursuing a Masters degree in Nursing and asked the Board if some of her academic credits can be used towards the continuing education requirement.

A motion was made by David Bertone and seconded by Nancy Kirsch to advise Ms. Borgen that licensees who are selected to participate in the continuing education audit can submit courses that have not been pre-approved by the Board and the Board will determine at that time on a case by case basis whether the courses meet the requirements as set forth in N.J.A.C. 13:39A-9. et seq and may be granted credit. The Board will also advise Ms. Borgen of N.J.A.C. 13:39A-9.3(b)2, "Successful completion of a course in an academic program related to the practice of physical therapy provided that such course is not part of the physical therapy program completed by the licensee to meet the educational requirements for initial licensure under N.J.A.C. 13:39A-5.1: 15 credits for each course credit awarded". The Board will further advise Ms. Borgen that she can place her license on inactive status if she is not currently practicing. A vote was taken and the motion carried by a unanimous vote.

- G. Inquiry from Danielle Spagnolo, PT  
RE: Scope of Practice

Ms. Spagnolo informed the Board that she is interested in beginning a program at her facility to treat individuals with diabetic associated complications, impairments, and functional limitations. Ms. Spagnolo informed the Board that these services would be provided by licensed physical therapists and would be given on both an individual and small group basis. Ms. Spagnolo inquired if the small group exercise sessions were within the scope of practice in New Jersey.

A motion was made by Barbara J. Behrens and seconded by David Bertone to advise Ms. Spagnolo that the small group exercise sessions are within the scope of practice provided an initial evaluation is performed for each individual and patient records are maintained for each individual. A vote was taken and the motion carried by a unanimous vote.

H. Letter from Sorelis Rosa, PT  
RE: Continuing Education

Ms. Rosa informed the Board that she completed 13 credits in April of 2012 and was licensed in New Jersey in May of 2013. Ms. Rosa asked if the 13 credits could be used towards her continuing education requirement. Ms. Rosa asked the Board for an extension to complete the ethics and jurisprudence credits as she was unable to register for these courses as they were all full.

A motion was made by Nancy Kirsch and seconded by Jean Bickal to advise Ms. Rosa that the 13 credits could be used towards her continuing education requirement as they were completed during the biennial renewal period. The Board will also advise Ms. Rosa that she must complete an ethics and jurisprudence course within 30 days. A vote was taken and the motion carried by a unanimous vote.

I. Letter from Svetlana Malkin, DPT  
RE: Continuing Education

Ms. Malkin informed the Board that she completed 20 continuing education credits, 10 of which are from internet courses and 10 from live courses. Ms. Malkin informed the Board that she is a new mother and she nurses her baby every three hours. Ms. Malkin asked the Board if they would allow her to complete the remaining 10 credits from distance learning courses due to her nursing schedule.

A motion was made by Barbara J. Behrens and seconded by Mary Browne to allow Ms. Malkin to complete the remaining 10 continuing education credits from distance learning courses. A vote was taken and Beth Sarfaty opposed while all others voted in favor. The motion passed by a majority vote.

J. Letter from Stephen Newman, MSPT  
RE: Continuing Education

Mr. Newman asked the Board for a waiver of the continuing education requirements due to his medical condition.

A motion was made by Barbara J. Behrens and seconded by Jean Bickal to request that Mr. Newman provide the Board with a letter from his treating physician concerning the status of his medical condition. The Board will also request that Mr. Newman inform them of the total continuing education credits that he has completed. Upon receipt of a letter from his treating physician, the Board may allow Mr. Newman 60 days to complete the remaining continuing education credits by distance learning courses. A vote was taken and the motion carried by a unanimous vote.

- K. Letter from Barmak and Associates, LLC  
RE: Matthew Cifelli, PT

The Board reviewed documentation of Mr. Cifelli's successful completion of the ProBE course that he was required to complete in accordance with the Modified Consent Order that was filed on May 30, 2013. The Board considered this informational.

- L. Letter from Nan Gallagher-Auferio, Esq. on behalf of Michael Murray, PTA  
RE: Consent Order filed July 23, 2013  
- ProBE Program

The Board reviewed documentation of Mr. Murray's successful completion of the ProBE course that he was required to complete in accordance with the Consent Order that was filed on July 23, 2013. The Board considered this informational.

Upon a motion made by Barbara Behrens and seconded by Nancy Kirsch, 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 recommendations with regard to investigations and/or disciplinary actions.
2. Four matters where additional information has been submitted to the Board concerning pending investigations.

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

1. Sheetal P. Vichare
2. Hetal Desai
3. Hinal Patel
4. Maureen Desepepeda
5. Nikesh Almeida
6. Banumathi Visweswaran

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

1. Urvi H. Desai

#### **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Cindy Moore and seconded by Jean Bickel to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo  
Executive Director

