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NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS

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PUBLIC SESSION MINUTES

March 23, 2010

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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 March 23, 2010. 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 9:40 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 and Lisa Affinito, Executive Director**

Members of the public: Brian Mason, PT, representative of the APTA-NJ; Kenneth Mailly, PT; Ben Burton, PT; Robert DeMarino; Chris Daul; Madhurani Mahajan and Niranjan Mulay

I. PUBLIC COMMENT

II. APPROVAL OF PUBLIC SESSION MINUTES

A. January 26, 2010 Board Meeting

Upon a motion made by Nancy Kirsch and seconded by Barbara J. Behrens, the Board voted to accept the minutes of the January 26, 2010 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

B. February 23, 2010 Board Meeting

Upon a motion made by Nancy Kirsch and seconded by Carolanne Aaron, the Board voted to accept the minutes of the February 23, 2010 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

III. NEW BUSINESS

- A. Inquiry from the American Physical Therapy Association of New Jersey
RE: Temporary visiting license for out of state continuing education speaker

The American Physical Therapy Association of New Jersey inquired whether it was necessary for physical therapists or physical therapist assistants who are licensed in another state to obtain a temporary visiting license in order to provide an education program in New Jersey when the program does not include actual demonstration on a patient/client.

A motion was made by Cindy Moore and seconded by Nancy Kirsch to advise the American Physical Therapy Association of New Jersey that it is not necessary for a physical therapist or physical therapist assistant to obtain a temporary visiting license if the continuing education program does not include actual demonstration on a patient/client. A vote was taken and the motion carried by a unanimous vote.

- B. Letter from Centra State Medical Center
RE: Courses, "Functional Movement Screen" and "Selective Functional Movement Assessment"

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Paul Gorman advised the Board that the approved courses, "Functional Movement Screen" and "Selective Functional Movement Assessment" will be given with a new course lecturer, Behnad Honarbakhsh. Mr. Gorman provided the Board with a copy of Mr. Honarbakhsh's Curriculum Vitae for their review.

A motion was made by Cindy Moore and seconded by Mary Browne to acknowledge that the qualifications of Behnad Honarbakhsh as the lecturer for the courses, "Functional Movement Screen" and "Selective Functional Movement Assessment" were supported by his Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

- C. Memorandum from the Acupuncture Examining Board
RE: Request for Joint Committee meeting
- Dry needling

The Acupuncture Examining Board requested a joint committee meeting with the New Jersey State Board of Physical Therapy Examiners to discuss dry needling.

A committee of the New Jersey State Board of Physical Therapy Examiners will meet with a committee of the Acupuncture Examining Board concerning this issue.

- D. Inquiry from Walter Burbella, PT
RE: Dry needling

The Board tabled this matter until they have the joint committee meeting with the Acupuncture Examining Board.

- E. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch and Dennise Krencicki were recused and did not participate in the discussion.

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 Mary Browne and seconded by Barbara J. Behrens to accept the course reviewers' recommendations as presented. The 71 approved courses and the 1 denied course will be posted on the New Jersey State Board of Physical Therapy Examiners' website. The course, *Differential Diagnosis*, sponsored by Drayer Physical Therapy Institute was denied as it 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.

The Board discussed whether advertising a continuing education course solely on a sponsor's website would satisfy the requirement of N.J.A.C. 13:39A-9.3(h), "Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing education courses, programs and seminars for dues-paying member".

Upon a motion made by Barbara J. Behrens and seconded by Jean Bickal, it was determined that advertising a continuing education course solely on a sponsor's website would not satisfy the requirement of N.J.A.C. 13:39A-9.3(h). A vote was taken and the motion carried by a unanimous vote.

The Board discussed whether a course covering material that was at a very basic level would be an acceptable continuing education course. A motion was made by Carolanne Aaron and seconded by Cindy Moore to accept courses that are covering basic level topics and material. A vote was taken and the motion carried by a unanimous vote.

- F. Letter from Nachum Loss, PT
RE: Patient Records

Mr. Loss advised the Board that his basement was flooded and some of the patient records stored in his basement were destroyed by the flood.

The Board will advise Mr. Loss that he should make an effort to salvage patient records that were not completely damaged. The Board will also advise Mr. Loss that if he disposes the patient records that were completely damaged, he must properly dispose of the patient records as they contain confidential information. The Board will further advise Mr. Loss that in the future he should keep a log of the patient records that he has in storage.

- G. Inquiry from Jodi Brenden
RE: Continuing Education

Ms. Brenden inquired what the requirements were for an instructor of a continuing education course.

The Board will advise Ms. Brenden that the instructor must be qualified to teach the subject matter of the continuing education course.

- H. Inquiry from Lynn Van Ost, PT
RE: Continuing Education

Ms. Ost inquired whether she could receive continuing education credit for writing a textbook.

The Board will advise Ms. Ost that she cannot receive continuing education credit for writing a textbook. Pursuant to N.J.A.C. 13:39A-9.3(c)4, a licensee can receive three continuing education credit for preparation of an educational or scientific article authored and published in a professional refereed journal.

- I. Letter from Summit Professional Education
RE: Course, "Sensory Integration and Neurodevelopmental Treatment"

Nancy Kirsch and Dennise Krencicki recused themselves and did not participate in the discussion.

Randy Tatel advised the Board that the approved course, "Sensory Integration and Neurodevelopmental Treatment" will be given with a new course lecturer, Doreit Bialer. Mr. Tatel provided the Board with a copy of Ms. Bialer's Curriculum Vitae for their review.

A motion was made by Cindy Moore and seconded by Barbara J. Behrens to acknowledge that the qualifications of Doreit Bialer as the lecturer for the course, "Sensory Integration and Neurodevelopmental Treatment" were supported by her Curriculum Vitae. The Board approved the substitute lecturer. A vote was taken and the motion carried by a unanimous vote.

IV. OLD BUSINESS

- A. Letter from the New Jersey Association of Acupuncture and Oriental Medicine
RE: Dry Needling

The Board tabled this matter until they have the joint committee meeting with the Acupuncture Examining Board.

- B. Letter from Prime Rehabilitation Services
RE: Course, "Interdisciplinary Cognitive Approach for Sub-acute and Long Term Care Clients"

The Board tabled this matter until its April 27, 2010 Board meeting.

- C. Madhurani Mahajan
RE: Licensure

Ms. Mahajan previously wrote and advised the Board that she graduated after January of 2003 and has a bachelor's degree in physical therapy. Ms. Mahajan advised the Board that she noted that transitional-DPT (Doctor in Physical Therapy) programs are not CAPTE (Commission on Accreditation in Physical Therapy Education) accredited programs. Ms. Mahajan inquired what she would need to do to in order to satisfy the educational requirements of N.J.S.A. 45:9-37.22(c), "an applicant must possess at least a master's degree from an accredited college or university in order to be eligible for licensure as a physical therapist in New Jersey, except for an applicant who prior to January 1, 2003 possessed a minimum of a bachelor's degree from an accredited college or university" to become eligible for licensure in New Jersey.

In response to Ms. Mahajan's letter, the Board advised Ms. Mahajan that she would need to complete an entry level master's or an entry level doctorate of physical therapy degree from a CAPTE accredited college or university physical therapy program in order to satisfy the requirements of N.J.S.A. 45:9-37.22 (c) and N.J.A.C. 13:39A-4.1(a).

Ms. Mahajan attended the public session meeting and discussed with the Board her educational background and the requirements for licensure.

V. FOR YOUR INFORMATION

- A March 4, 2010 Notice from the New Jersey Foundation for Aging
RE: New law to protect vulnerable seniors

The Board reviewed the March 4, 2010 notice from the New Jersey Foundation for Aging regarding a new law to protect vulnerable seniors and considered it informational.

- B. Federation of State Boards of Physical Therapy
RE: Announcement concerning ProBe-PT 2010

The Board reviewed the Federation of State Boards of Physical Therapy's announcement concerning ProBe-PT 2010 and considered it informational.

- C. Maryland Board of Physical Therapy
Winter 2010 Newsletter

The Board reviewed the Maryland Board of Physical Therapy's Winter 2010 Newsletter and considered it informational.

- D. Kentucky Board of Physical Therapy
January 2010 Newsletter

The Board reviewed the Kentucky Board of Physical Therapy's January 2010 Newsletter and considered it informational.

- E. New Jersey Board of Medical Examiners'
March 10, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' March 10, 2010 Open Board Agenda and considered it informational.

- F. New Jersey Board of Medical Examiners'
March 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' March 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- G. New Jersey Board of Medical Examiners'
February 10, 2010 Open Board Agenda

The Board reviewed the New Jersey Board of Medical Examiners' February 10, 2010 Open Board Agenda and considered it informational.

- H. New Jersey Board of Medical Examiners'
February 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' February 10, 2010 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

- I. New Jersey Board of Medical Examiners'
December 9, 2009 Open Board Minutes

The Board reviewed the New Jersey Board of Medical Examiners' December 9, 2009 Board Minutes and considered them informational.

- J. New Jersey Board of Medical Examiners'
December 9, 2009 Open Minutes of Disciplinary Matters Pending Conclusion

The Board reviewed the New Jersey Board of Medical Examiners' December 9, 2009 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

- K. Signed Settlement letter
- William Flynn, PTA

The Board is in receipt of a signed Settlement letter from William Flynn, PTA. The Board found the physical therapist assistant in violation of N.J.S.A. 45:9-37.34 and N.J.A.C. 13:39A-9.1 et seq. as he did not obtain the thirty (30) continuing education credits prior to or by January 31, 2008. The physical therapist assistant was issued a \$100.00 civil penalty. The Board considers this matter to be concluded.

APPLICATIONS APPROVED BY THE BOARD

1. Ann Bernadette Banting

APPLICATIONS NOT APPROVED BY THE BOARD

1. Marife Rodrigo

Upon a motion made by Barbara J. 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. Seven matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Six 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 Mary Browne and seconded by Susan Quick to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director