

Therapy Certification Commission or any other national organization that utilizes substantially similar certification standards consistent with the requirements of N.J.A.C. 13:44K-5.4(f).

(e) A licensed occupational therapist shall supervise the use of advanced physical agent modalities by a licensed occupational therapy assistant consistent with the following:

1. The supervising occupational therapist shall provide close supervision, as defined in N.J.A.C. 13:44K-1.2, of the licensed occupational therapy assistant, during which time the occupational therapist shall directly observe the occupational therapy assistant's application of each type of modality in a patient treatment setting no fewer than five times. Documentation of such supervision shall be maintained by the supervising occupational therapist consistent with the requirements of N.J.A.C. 13:44K-6.2(h) and by the licensed occupational therapy assistant consistent with the requirements of N.J.A.C. 13:44K-6.3(c);

2. Following the five instances of direct observation of the licensed occupational therapy assistant's application of a particular type of modality, the supervising occupational therapist shall determine the level of supervision required of the occupational therapy assistant, consistent with the requirements of N.J.A.C. 13:44K-6.2(e).

i. Notwithstanding (e)2 above, the occupational therapist shall continue to provide close supervision for any occupational therapy assistant who has been engaged in the practice of occupational therapy for less than one year on a full-time basis, consistent with the requirements of N.J.A.C. 13:44K-6.2(e); and

3. The supervising occupational therapist shall satisfy all supervisor responsibilities set forth in N.J.A.C. 13:44K-6.2.

(f) A supervising occupational therapist shall not delegate the close supervision of an occupational therapy assistant's use of advanced physical agent modalities, including the direct observation of the occupational therapy assistant's application of the modalities, to anyone other than a licensed occupational therapist who has met the requirements of (d) and (e) above.

(g) A licensed occupational therapy assistant shall retain documentation relating to his or her completion of the training course and shall make such documentation available to the Council upon request. The documentation shall include, if applicable:

1. The name and address of the person or organization presenting the course;

2. The name and address of the facility where the course was presented;

3. A copy of the course syllabus, which includes a detailed description of the learning objectives and teaching methods employed in the course and the qualifications of the instructor(s); and

4. A certificate of completion from the course sponsor.

(h) A licensed occupational therapy assistant may apply to the Council for approval of a course in the use of advanced physical agent modalities that has not been pre-approved by the Council. The licensee shall submit the documentation set forth in (g) above to the Council for review.

(i) A licensed occupational therapy assistant who uses advanced physical agent modalities without having satisfied the requirements of this section shall be deemed to have engaged in professional misconduct and may be subject to the penalties set forth in N.J.S.A. 45:1-21 et seq.

(j) Notwithstanding the fact that a licensed occupational therapy assistant is permitted to use advanced physical agent modalities because he or she has satisfied the training requirements of this section, a licensed occupational therapy assistant shall not use a specific advanced physical agent modality that he or she has not been trained to use until he or she is familiar with the device's proper use and contraindications, and until he or she has been directly observed under close supervision by a supervising occupational therapist in the application of the modality at least five times in a patient treatment setting. Following such direct observation, the licensed occupational therapy assistant may use the modality under the supervision of a licensed occupational therapist consistent with the requirements of (e)2 above. Failure to comply with this section shall be deemed professional misconduct and may subject a licensed occupational therapy assistant to the penalties set forth in N.J.S.A. 45:1-21 et seq.

(a)

NEW JERSEY RACING COMMISSION

Horse Racing

Medication and Testing Procedures

Adopted Amendment: N.J.A.C. 13:70-14A.9

Proposed: March 21, 2011 at 43 N.J.R. 727(a).

Adopted: July 29, 2011 by the New Jersey Racing Commission,

Frank Zanzuccki, Executive Director.

Filed: October 11, 2011 as R.2011 d.272, **without change.**

Authority: N.J.S.A. 5:5-30.

Effective Date: November 7, 2011.

Expiration Date: December 7, 2017.

Summary of Public Comment and Agency Response:

A written comment was received by Barbara Sachau of New Jersey.

COMMENT: Barbara Sachau e-mailed the Racing Commission indicating her opposition to the proposed amendment. The commenter believes that Phenylbutazone should be banned for reasons including that permitting race horses to compete with drugs is abusive. The commenter also believes that the administration of medication to a horse such as Flunixin while in a restrictive fashion allowed by this same rule, but not the subject of the proposed rule amendment, should be disallowed.

RESPONSE: The Racing Commission does not agree with the commenter. Phenylbutazone is an accepted medication for race horses and the proposed amendment's reduction of the permissible level is geared toward improving the rule and addressing the concerns surrounding the veterinarians' improved ability to evaluate the soundness of horses. Although the rule proposal does not seek to amend the rule concerning the administration of Flunixin, which the commenter also addresses, the Commission does not agree with her comment in that Flunixin is also widely accepted as a race day medication when properly regulated as per the rules of the New Jersey Racing Commission.

Federal Standards Statement

A Federal standards analysis is not required because the rules of racing are dictated by statute, N.J.S.A. 5:5-22 et seq., and the adopted amendment is not subject to any Federal requirements or standards.

Full text of the adoption follows:

13:70-14A.9 Administering medication to respiratory bleeders; standards for the administration of non-steroidal anti-inflammatory drugs (NSAID) and anti-ulcer medications; environmental contaminants

(a)-(e) (No change.)

(f) Notwithstanding anything to the contrary herein or in N.J.A.C. 13:70-14A.1, no penalty shall be imposed where on the day of the race a horse carries in its body either Phenylbutazone or Flunixin, both NSAID(s), under the following conditions:

1. The NSAID level does not exceed the following permitted serum or plasma threshold concentrations which are consistent with administration by a single intravenous injection that follows the FDA-approved dose regimen for each product(s) at least 24 hours before the post time for the race in which the horse is entered:

i. Phenylbutazone (or its metabolite oxphenylbutazone) - two micrograms per milliliter (two µg/mL);

ii. (No change.)

2.-3. (No change.)

(g)-(k) (No change.)