

45:9-37.11 to 45:9-37.34

LEGISLATIVE HISTORY CHECKLIST

NJSA: 45:9-37.11 to 45:9-37.34

("Physical Therapist Licensing Act")

LAWS OF: 1983

CHAPTER: 296

Bill No: A2057

Sponsor(s): Doria and others

Date Introduced: October 25, 1982

Committee: Assembly: Higher Education and Regulated Professions

Senate: Labor, Industry and Professions

Amended during passage:

Yes

Substituted for S1859 (not attached since identical to A2057).

Amendments during passage denoted by asterisks.

Date of Passage:

Assembly: January 31, 1983

Senate: June 16, 1983

Date of Approval: August 4, 1983

Following statements are attached if available:

Sponsor statement:

Yes

Committee statement:

Assembly

Yes

Senate

Yes

Fiscal Note:

Yes

Veto Message:

No

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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[FOURTH OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2057

STATE OF NEW JERSEY

INTRODUCED OCTOBER 25, 1982

By Assemblymen DORIA, WOLF, ROCCO, KELLY, BOCCHINI,
Assemblywoman GARVIN, Assemblymen T. GALLO, COWAN,
CHARLES, DEVERIN, DOYLE and JANISZEWSKI

AN ACT providing for the licensing of physical therapists and
physical therapist assistants and repealing certain sections of
P. L. 1963, c. 169 and P. L. 1975, c. 185.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Physical
2 Therapist Licensing Act of ****[1982]** **1983**."**

1 2. The Legislature finds and declares that the public interest
2 requires the regulation of the practice of physical therapy and
3 the establishment of clear licensure standards for physical thera-
4 pists; and that the health and welfare of the citizens of this State
5 will be protected by identifying to the public those individuals
6 who are qualified and legally authorized to practice physical
7 therapy.

1 3. As used in this act:

2 a. "Board" means the State Board of Physical Therapy estab-
3 lished pursuant to section 5 of this act.

4 b. "Physical therapist" means a person who is licensed to practice
5 physical therapy pursuant to the provisions of this act. ****A**
5A *physical therapist shall provide physical therapy treatment to an*
5B *individual upon *****[consultation with]*** *****the direction of********
5C *a licensed physician, dentist or other health care practitioner autho-*
5D *rized to prescribe treatment.***

6 c. "Physical therapist assistant" means a person who is licensed
7 pursuant to the provisions of this act and who assists a licensed

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted December 13, 1982.**

****—Assembly amendments adopted January 27, 1983.**

*****—Assembly amendments adopted January 31, 1983.**

******—Senate committee amendments adopted April 25, 1983.**

8 physical therapist under his direct supervision in accordance with
9 this act.

10 d. "Physical therapy" means the health specialty concerned with
11 the prevention of physical disability and the habilitation or re-
12 habilitation of congenital or acquired physical disabilities resulting
13 from, or secondary to, injury or disease.

1 4. *a.* The practice of physical therapy shall include examination,
2 treatment, or instruction to detect, assess, prevent, correct, alleviate
3 and limit physical disability, bodily malfunction and pain from
4 injury, disease or ***[any]*** other physical ***[or mental]*** condition.

5 Physical therapy shall also include the evaluation, administra-
6 tion and modification of treatment and instruction, including, but
7 not limited to, the use of physical measures, activities, agents and
8 devices for preventive and therapeutic purposes; ****[prescription**
9 **and fabrication of assistive devices;]**** neurodevelopmental pro-
10 cedures; the performance and evaluation of tests and measure-
11 ments; and the provision of consultative, educational and other
12 advisory services for the purpose of preventing or reducing the
13 incidence and severity of physical disability, bodily ***[or mental]***
14 malfunction and pain **consistent with the practice of physical*
14A *therapy.**

15 **b. Nothing in this section shall authorize the diagnosis of disease*
16 *or the practice of medicine and surgery ****or chiropractic**** by any*
17 *person not licensed to do so pursuant to chapter 9 of Title 45 of the*
17A *Revised Statutes.*

18 *c. Nothing in this section shall authorize the practice of dentistry*
19 *by any person not licensed to do so pursuant to chapter 6 of Title 45*
20 *of the Revised Statutes.**

1 5. There is created within the Division of Consumer Affairs in
2 the Department of Law and Public Safety the State Board of
3 Physical Therapy. The board shall consist of ***[eight]***
4 *****[*nine*]*** *****11***** members who are residents of the State,**
5 two of whom shall be public members and one of whom shall be a
6 State executive department member appointed pursuant to the
7 provisions of P. L. 1971, c. 60 (C. 45:1-2.1 et seq.). ***[The]*** **Of*
8 *the** remaining ***[five]*** *****[*six*]*** *****eight***** members**
9 *****[*five*]*** *****six***** shall be licensed physical therapists who**
10 have been actively engaged in the practice of physical therapy in
10A this State for at least five years immediately preceding their
10B appointment *****[*and]*** *****,****** *one shall be the administrator*
10C *of a hospital licensed pursuant to P. L. 1971, c. 136 (C. 26:2H-1*
10D *et seq.)* *****and one shall be a physician licensed to practice***
10E *medicine and surgery pursuant to chapter 9 of Title 45 of the*
10F *Revised Statutes***.***

11 The Governor shall appoint members to the board with the
 12 advice and consent of the Senate. The Governor shall appoint each
 13 member for a term of three years, except that of the physical
 14 therapist members first appointed, two shall serve for terms of three
 15 years, two shall serve for terms of two years and ****[one]****
 16 ****two**** shall serve for a term of one year. Each member shall
 17 hold office until his successor has been qualified. Any vacancy in
 18 the membership of the board shall be filled for the unexpired term
 19 in the manner provided for the original appointment. No member
 20 of the board may serve more than two successive terms in addition
 21 to any unexpired term to which he has been appointed.

1 6. Members of the board shall be compensated and reimbursed
 2 for expenses and provided with office and meeting facilities pursu-
 3 ant to section 2 of P. L. 1977, c. 285 (C. 45:1-2.5).

1 7. The board shall annually elect from among its members a
 2 chairman, vice-chairman and a secretary. The board shall meet
 3 *[biannually]* **twice per year** and may hold additional meetings
 4 as necessary to discharge its duties.

1 8. The board shall:

- 2 a. Review the qualifications of applicants for licensure;
- 3 b. Insure the proper conduct and standards of examinations;
- 4 c. Issue and renew licenses to physical therapists and physical
 5 therapist assistants pursuant to this act;
- 6 d. Suspend, revoke or fail to renew the license of a physical
 7 therapist or physical therapist assistant pursuant to the provisions
 8 of P. L. 1978, c. 73 (C. 45:1-14 et seq.);
- 9 e. Maintain a record of every physical therapist and physical
 10 therapist assistant licensed in this State, his place of business, his
 11 place of residence, and the date and number of his license; and,
- 12 f. Promulgate rules and regulations necessary for the perform-
 13 ance of its duties and the implementation of this act.

1 9. No person shall practice physical therapy or act as a physical
 2 therapist assistant, whether or not compensation is received or
 3 expected, unless he holds a valid license to practice in this State;
 4 however, nothing in this section shall be construed to:

- 5 a. Prohibit any student enrolled in a school or post-graduate
 6 course of physical therapy recognized by the board, from perform-
 7 ing physical therapy which is necessary to his *[court]* **course**
 7A of study;
- 8 b. Prohibit any person licensed to practice in this State under
 9 any other law from engaging in the practice for which he is li-
 10 censed; or,
- 11 c. Prohibit any person employed by an agency, bureau or division

12 of the Federal Government from practicing physical therapy within
13 the scope of his official duties.

1 10. No physical therapist shall supervise more physical therapist
2 assistants at any one time than in the opinion of the board can
3 be adequately supervised. Under usual circumstances the maximum
4 number of physical therapist assistants that may be supervised
5 by a physical therapist shall be two, except that, upon application,
6 the board may permit the supervision of a greater number of
7 physical therapist assistants if it feels there would be adequate
8 supervision and the public health and safety would be served.

1 11. No physical therapist or physical therapist assistant shall
2 engage directly or indirectly in the division, transferring, assigning,
3 rebating or refunding of fees received for professional services or
4 shall profit by means of a credit or other valuable consideration
5 as an unearned commission, discount or gratuity with any person
6 who refers a patient or with any relative or business associate
7 of the referring person; however, nothing in this section shall be
8 construed to prohibit physical therapists who are members of a
9 business entity, properly organized pursuant to law, from making
10 a division of fees among themselves as determined by contract to
11 be necessary to defray joint operating costs.

1 12. To be eligible for licensure as a physical therapist or physical
2 therapist assistant, an applicant shall submit to the board satis-
3 factory evidence that:

4 ***[a.** He is of good moral character;]**]***

5 ***[b.]** **a.* He has graduated from a program in physical therapy
6 which has been approved for the education and training of physical
7 therapists or physical therapist assistants by an accrediting agency
8 recognized by the Council on Post Secondary Accreditation ***[or]***
9 **and** the United States ***[Commission]*** **Department** of Educa-
10 tion; and,

11 ***[c.]** **b.* He has successfully completed a written examination
12 administered by the board to determine his competence to practice
13 physical therapy or to act as a physical therapist assistant.

1 13. An applicant for licensure who is a graduate of a foreign
2 school of physical therapy, shall furnish evidence satisfactory to
3 the board that:

4 a. He has completed a course of study in physical therapy which
5 is **substantially** equivalent to that provided in an accredited
6 program as described in section ***[12b]*** **12a** of this act; **and,**

7 b. He has successfully completed a written examination as pro-
8 vided for in section ***[12c]*** **12b** of this act***[; and,]*** *.*

9 ***[c.** Upon passing the written examination, he completes a period

10 of service as determined by the board not to exceed one year under
11 the direct supervision of a licensed physical therapist in a physical
12 therapy setting which has been approved by the board. If the
13 period of service has not been completed to the satisfaction of the
14 supervising physical therapist, then the board may require the
15 applicant to complete an oral examination.】*

1 14. A fee shall accompany each application for licensure. Licenses
2 shall expire biennially on January 31 and may be renewed upon
3 submission of a renewal application provided by the board and
4 payment of a fee. If the renewal fee is not paid by that date, the
5 license shall automatically expire; but may be renewed within
6 *~~five~~* *two* years of its expiration date on payment to the board
7 of a sum determined by it for each year or part thereof during
8 which the license was expired and an additional restoration fee.
9 After a *~~five~~* *two* year period, a license may only be renewed
10 by complying with the provisions of this act regarding initial
11 licensure.

1 15. The written examination provided for in sections 12 and 13
2 of this act, shall test the applicant's knowledge of basic and clinical
3 sciences as they relate to physical therapy and physical therapy
4 theory and procedures and any other subjects the board may deem
5 useful to test the applicant's fitness to practice physical therapy
6 or act as a physical therapist assistant. Examinations shall be
7 held within the State at least twice per year at a time and place
8 to be determined by the board. The board shall give adequate
9 written notice of the exam to applicants for licensure and exam-
10 ination.

11 If an applicant fails his first examination, he may take a second
12 exam not less than six months or more than two years from the
13 date of his initial exam. Additional examinations shall be in
14 accordance with standards set by the board.

1 16. The board may establish alternate standards for the exam-
2 ination of an applicant as a physical therapist assistant.

1 17. The board shall issue a license to each applicant for licensure
2 as a physical therapist or physical therapist assistant who qualifies
3 pursuant to this act and any rules and regulations promulgated
4 by the board and who is not disqualified for licensure pursuant
5 to the provisions of P. L. 1978, c. 73 (C. 45:1-14 et seq.).

1 18. Upon payment to the board of a fee and the submission of
2 a written application on forms provided by it, the board shall issue
3 without examination a license to a physical therapist or physical
4 therapist assistant who holds a valid license issued by another
5 state or possession of the United States or the District of Columbia

6 which has education and experience requirements substantially
 7 equivalent to the requirements of this act; provided, however, the
 8 applicant has not previously failed the board exam referred to in
 9 section 15 of this act, in which case licensing shall be at the dis-
 10 cretion of the board.

1 19. a. Upon submission of a written application on forms pro-
 2 vided by it, the board shall issue a temporary license to a person
 3 who has applied for licensure pursuant to this act and who, in the
 4 judgment of the board, is eligible for examination. A temporary
 5 license shall be available to an applicant with his initial application
 6 for examination and he may practice only under the direct super-
 7 vision of a licensed physical therapist. A temporary license shall
 8 expire automatically upon failure of the licensure exam but may be
 9 renewed for an additional six month period until the date of the
 10 next exam at which time it shall automatically expire and be
 11 surrendered to the board.

12 b. Upon payment to the board of a fee and the submission of a
 13 written application on forms provided by it, the board may issue
 14 without examination a temporary license to practice physical
 15 therapy in this State to a person who provides evidence that he
 16 is in the State on a temporary basis to assist in a medical emer-
 17 gency or to engage in a special project or teaching assignment
 18 relating to physical therapy practice. A temporary license shall
 19 expire one year from its date of issue, however, it may be renewed
 20 by the board for an additional one year period. A temporary
 21 license shall be surrendered to the board upon its expiration.

1 20. ****[No person, business entity or its employees, agents or
 2 representatives shall use the words "physical therapy," "physical
 3 therapist," "physiotherapy," "physiotherapist," "registered physical
 4 therapist," "licensed physical therapist," or the abbreviations "PT,"
 5 "LPT," "RPT" or any other title, designation, words, letters,
 6 abbreviation or insignia indicating that physical therapy is pro-
 7 vided in any manner, or provide physical therapy services, or
 8 charge for physical therapy services unless the services are pro-
 9 vided by a physical therapist licensed and practicing in accordance
 10 with this act]****
 11 *No person, business entity or its employees, agents or representatives shall use the titles "physical therapist,"*
 12 *"physiotherapist," "registered physical therapist," "licensed physi-*
 13 *cal therapist," "physical therapist assistant," "registered physical*
 14 *therapist assistant," "licensed physical therapist assistant," "physi-*
 15 *cal therapy assistant," or the abbreviations "PT," "RPT," "LPT,"*
 16 *"PTA," "RPTA," "LPTA," or any other title, designation, words,*
 17 *letters, abbreviations, or insignia indicating the practice of physical*

18 *therapy unless licensed to practice physical therapy under the pro-*
 19 *visions of this act****.*

1 21. Any person who holds a license as a physical therapist pur-
 2 suant to this act may use the title "physical therapist," or
 3 "licensed physical therapist," or the abbreviations "PT" or
 4 "LPT." Any person who holds a license as a physical therapist
 5 assistant pursuant to this act may use the title "physical therapist
 6 assistant" or the abbreviations "PTA" or "****[RPTA]****
 7 ****LPTA****".

1 22. Any person who is registered in this State as a physical
 2 therapist or a physical therapist assistant on the effective date
 3 of this act may continue to practice physical therapy under his
 4 current registration until its expiration, and to obtain a license
 5 under this act without examination upon payment of a fee.

1 23. This act shall not affect the orders, rules and regulations
 2 regarding physical therapists or physical therapist assistants made
 3 or promulgated by the New Jersey State Board of Medical Ex-
 4 aminers consistent with the purposes and provisions of this act
 5 which shall continue with full force and effect until amended,
 6 modified or repealed by the board established pursuant to this act.

1 24. The provisions of P. L. 1978, c. 73 (C. 45:1-14 et seq.) and
 2 P. L. 1974, c. 46 (C. 45:1-3.1 et seq.) shall apply to this act.

1 25. The following are repealed:

2 P. L. 1963, c. 169, §§ 2-7, 9, 10 (C. 45:9-37.1 through C. 45:9-37.6,
 3 C. 45:9-37.8, C. 45:9-37.9); P. L. 1975, c. 185, §§ 5-8 (C. 45:9-37.4a
 4 to C. 45:9-37.4d).

1 26. This act shall take effect on the one hundred and eightieth
 2 day following enactment.

STATEMENT

This bill, the "Physical Therapist Licensing Act of 1982," establishes a procedure for the licensing of physical therapists and physical therapist assistants. The bill's major provisions include the following:

1. A definition of what is included in the practice of physical therapy;
2. The establishment of an eight member State Board of Physical Therapy within the Division of Consumer Affairs to be appointed by the Governor. The board is charged with the overall regulation of the practice of physical therapy in this State and in particular the examination and licensure of qualified applicants;
3. The establishment of criteria for licensure for graduates of both United States and foreign schools of physical therapy;
4. The establishment of reciprocal licensing for an individual from another State with similar educational and experience requirements; and,
5. The establishment of a mechanism for the temporary licensure or registration of certain qualified individuals.

The purpose of this bill is to protect the health and welfare of the citizens of New Jersey by establishing clear standards for the practice of physical therapy and by identifying those professionals trained and qualified to safely render physical therapy services.

A2057 (1983)

ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2057

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1982

The committee favorably report Assembly Bill No. 2057 ACA, the "Physical Therapist Licensing Act of 1982," which establishes a new procedure for the regulation of the practice of physical therapy and the licensure of physical therapists and physical therapist assistants. The bill repeals the current statutes regarding the regulation of physical therapists (P. L. 1963, c. 169 and P. L. 1975, c. 185).

PROVISIONS:

The bill's major provisions do the following:

1. Define the practice of physical therapy (section 3);
2. Establish a nine member State Board of Physical Therapy in the Department of Law and Public Safety to regulate the practice of physical therapy and to examine and license physical therapists and physical therapist assistants (section 5);
3. Prohibit fee splitting (section 11);
4. Establish criteria for licensure as a physical therapist or physical therapist assistant for graduates of both United States and foreign schools of physical therapy (sections 12 and 13);
5. Provide for licensure reciprocity with states that have education and experience requirements substantially similar to New Jersey (section 18);
6. Allow the temporary licensure of an applicant pending examination, or of an out-of-state physical therapist temporarily on assignment in this State (section 19); and,
7. Allow the licensure without examination of currently registered physical therapists and physical therapist assistants (section 22).

AMENDMENTS:

The committee amended the bill to:

1. Increase membership on the State Board of Physical Therapy to nine members by the addition of a hospital administrator; and
2. Decrease from five years to two years, the period of time during which an expired license may be renewed without regard to initial licensure provisions.

3. Clarify that the act does not authorize the practice of medicine, surgery or dentistry by persons not licensed pursuant to chapters 9 and 6 of Title 45 of the Revised Statutes.

The committee also made a number of technical amendments to the bill.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2057

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 25, 1983

The bill, as amended, establishes a new procedure for the regulation of the practice of physical therapy and the licensure of physical therapists and physical therapist assistants. The bill repeals the current statutes regarding the regulation and licensure of physical therapists and physical therapist assistants.

The practice of physical therapy is defined in sections 3 and 4 of the bill. A physical therapist would be permitted to provide physical therapy treatment to patients upon the direction of a physician, dentist or other qualified health professional. Nothing in the bill authorizes a physical therapist or physical therapist assistant to practice medicine, surgery, chiropractic or dentistry.

The bill establishes the State Board of Physical Therapy in the Division of Consumer Affairs to regulate the practice of physical therapy and to examine and license physical therapists and physical therapist assistants. The membership of the board consists of six physical therapists, a hospital administrator, a physician, an executive department member, and two public members.

To become licensed as a physical therapist or physical therapist assistant a candidate must:

1. Have graduated from a program in physical therapy which is approved for the education and training of physical therapists or physical therapist assistants; and
2. Have successfully completed a written examination to determine his competence to practice.

A candidate for licensure who is a graduate of a foreign school of physical therapy must have completed a substantially equivalent course of study and must successfully complete the same examination.

The bill allows the licensure without examination of currently registered physical therapist and physical therapist assistants.

A physical therapist or physical therapist assistant licensed in another state may be issued a license without an examination under certain circumstances if the other state has substantially equivalent education and experience requirements.

The bill also provides for the temporary licensure of an applicant pending examination and for the temporary licensure of an out-of-state physical therapist temporarily on assignment in this State.

The bill prohibits both physical therapists and physical therapist assistants from engaging in fee splitting.

Under most circumstances a physical therapist would be allowed by the board to supervise two physical therapist assistants at one time. Supervision of more than two physical therapist assistants at a time would require special approval of the board.

FISCAL NOTE TO
ASSEMBLY, No. 2057

[THIRD OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 23, 1983

Assembly Bill No. 2057 (Third OCR) Sca, of 1982, would establish a State Board of Physical Therapy. The board would establish standards for: (a) the practice of physical therapy; (b) applications, examinations and license renewals; to protect the health and welfare of the citizens of New Jersey.

The Division of Consumer Affairs in the Department of Law and Public Safety estimated the following revenue and expenditures pursuant to application fees, examination fees, license renewals and general operating costs:

	FY 1984	FY 1985	FY 1986
Revenue	\$90,750	\$90,750	\$90,750
Costs	—\$71,588	—\$78,636	—\$86,285
Net Surplus	\$19,162	\$12,114	\$4,465

The board would be self-supporting for at least three years. Eighteen licensing boards in New Jersey are self-supporting.

The fee schedule *recommended* by the Division of Consumer Affairs was:

Application:	Phys. Therapist	\$120
	Phys. Ther. Asst.	100
Examination:	Phys. Therapist	\$85
	Phys. Ther. Asst.	75
License:	Phys. Therapist	\$30 (Annual)
	Phys. Ther. Asst.	20 (Annual)

The Office of Legislative Services concurs with the Division of Consumer Affairs, however, with the following notes. The number of board members has been increased in subsequent versions of the bill whereby adjustments were made to the appropriate accounts. Additionally, the Division stated that a 10% inflation rate was used for annual figures. Office of Legislative Services feels that an inflation factor of 5% would be more appropriate, which results in the following surplus amounts:

FY 1984	FY 1985	FY 1986
\$19,162	\$15,583	\$11,825

At the lower inflation rate, the board could continue for approximately three more years beyond FY 1986 without increasing fees to remain self-supporting.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1980, c. 67.
