January 2, 1960

45:9-21+22

LEGISLATIVE NOTES ON R.S. 45:9-21 & 22
(Medicine and surgery - certain persons exempted - Illegal practice)

L. 1894, Chapter 306, § 9 & 10.

1895, Chapter 238, § 1.

1903, Chapter 228, § 3.

1915, Chapter 271, § 6 & 7.

1921, Chapter 221, § 3 & 4.

1935, Chapter 226.

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L. 1939, Chapter 115, § 28 & 29 - A210
Introduced February 20 by McClave.
Bill had statement (copy of state on original bill and p. 21 through 24 of original bill enclosed).
April 7 - Passed Assembly - Amended (copy of amendments enclosed).
June 12 - Passed Senate - Amended (copy of amendments enclosed).
June 26 - Senate amendment passed Assembly.
July 1 - Approved.

L. 1943, Chapter 74, § 1 - 194
Introduced February 8 by Wegrocki.
Not amended during passage.
Bill had statement:

> The purpose of this act is to require that any doctor who takes charge temporarily of the practice of a physician or surgeon of this State during his absence shall be a doctor having the same qualifications as a duly license doctor of this State.

This enactment is mentioned at 40 Journal of Medical Society of N.J. 175 (copy enclosed).

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L. 1944, Chapter 167, § 1 - A135
Introduced February 21 by Nelson.
Not amended during passage.
Bill had statement:

> The purpose of this act is to exempt chiropodists from the operation of the statute while operating under the specific direction of a regularly licensed physician or surgeon.

This enactment is mentioned at 41 Journal of Medical Society of N.J. 54 (copy enclosed).

* — See page 3

L. 1953, Chapter 43, § 40 - S36
Introduced January 13 by Senator Clapp.
Not amended.
No statement.
One of large series of bills making technical amendments to statutes to conform to new constitution.

L. 1953, Chapter 233, § 17 - A456
Introduced February 16 by Marggraff, Dwyer, Pilger & Hoff.
Not amended during passage.
No statement.
This bill is mentioned at 50 Journal of the Medical Society of N.J. 312 (copy enclosed).

L. 1953, Chapter 420, § 28 - A380
Introduced March 16 by Saiber.
No statement.
March 25 - Passed Assembly.
June 22 - Passed Senate amended (does not affect Sect. 28).
June 25 - Senate amendment passed Assembly (copy of p. 15 of 2d OCR enc.)
August 17 - Conditional Veto by Governor (copy of Veto Message encl.)
September 10 - Re-enacted in both houses.
September 18 - Approved.

L. 1963, Chapter 30, §1 - A243
Introduced January 21 by Panaro & Brady.
No statement.
February 11 - Passed Assembly, amended (changed [illegible] 21(d) from "2 years" to "5 years".)
April 29 - Passed Senate.
May 8 - Approved.

See [illegible]

L. 1963, Chapter 169, 1.

No hearings or reports on these bills were located.

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L. 1952, Chapter 300, 1 - S28
Introduced January 14 by Bodine.
No statement # (copy of original bill enclosed).
March 31 - Passed Senate.
April 4 - Passed Assembly.
May 27 - Veto by Governor. (copy of Veto Message enclosed).
June 9 - Re-enacted by both houses.
June 12 - Approved.

1967 - Ch. 286 - I (A 456)

Corrects errors

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[redacted]

May 1, 1969

LEGISLATIVE HISTORY OF R.S. 45:9-21 and 22

(page 1)

L. 1952, Chapter 300, § 1 - S28
Introduced January 14 by Bodine.
No statement (copy of original bill enclosed).
March 31 - Passed Senate.
April 4 - Passed Assembly.
May 27 - Veto by Governor (copy of Veto Message enclosed).
June 9 - Re-enacted by both houses.
June 12 - Approved.

L. 1963, Chapter 169, 1 - S173
Introduced February 11 by Bowkley.
No statement on the bill.
March 25 - amended in Senate.
December 9 - Governor conditionally vetoed.
December 9 - Governor amendments accepted.
December 16 - Approved.

L. 1967, Chapter 286 - A956
Introduced November 20 by Hauser & Beadleston.
Dec. 21 - Amended by Senate.
January 23, 1968 - Approved.

1968 bills to amend R.S. 45:9-21(n):
S655 - Introduced April 8 by Guarini.
Died in Committee.

1969 bills to amend R.S. 45:9-21(n):
A448 - Introduced February ~~11~~ 10 by Dickey and Raymond;
A448 approved December 5, 1969 as L. 1969, c. 223

S198 - Introduced (pre-filed) by Guarini.

RSL/PC

May 1, 1969

LEGISLATIVE HISTORY OF R.S. 45:9-21 and 22

(page 4)

L. 1952, Chapter 300, § 1 - S28
Introduced January 14 by Bodine.
No statement (copy of original bill enclosed).
March 31 - Passed Senate.
April 4 - Passed Assembly.
May 27 - Veto by Governor (copy of Veto Message enclosed).
June 9 - Re-enacted by both houses.
June 12 - Approved.

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No statement on the bill.
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A448 - Introduced February 11.

S198 - Introduced (pre-filed) by Guarini.

RSL/PC

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Assembly Bill 210 of 1939

28. Section 45:9–21 of the Revised Statutes is hereby amended to read as follows:

45:9–21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned [surgeons] surgeon or physician of the regular United States army, navy or marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States army, navy or marine corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified [physicians] physician or [surgeons] surgeon residing in [other States] another State or foreign [countries] country meeting a registered [physicians] physician [and surgeons] or surgeon of this State in consultation, or for the purpose of operating, diagnosing, prescribing, or otherwise treating, in conjunction with a regularly licensed physician or surgeon of this State;

c. A lawfully qualified [physicians] physician or [surgeons] surgeon of another State taking charge temporarily of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do;

[d. A physician or surgeon of another State or foreign country and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;]

[e.] d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of two years, and such exemption of resident physicians, except with respect to persons who shall have commenced service as resident physicians prior to July first, one

Note: [ ] items not part of act as enacted into law.

thousand nine hundred and thirty-nine, shall apply only to persons who have been issued certificates under provisions contained in section 45:9-8 of this Title;

[f.] e. The practice of dentistry by any legally qualified and registered dentist;

[g.] f. The ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

[h.] g. The practice of optometry by any legally qualified and registered optometrist;

[i.] h. The practice of chiropody by any legally licensed chiropodist;

[j.] i. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July fourth, one thousand eight hundred and ninety, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

[k. The giving of treatment by electricity by a person resident of this State who has been continuously engaged in giving treatment by electricity herein since the year one thousand eight hundred and eighty-eight, if the person has graduated from a legally incorporated electro-therapeutic school in good standing;

l. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

m. The practice of veterinary medicine, surgery or dentistry in any of its branches by a legally licensed and registered veterinary physician, surgeon or dentist of this State;

n.] j. A professional nurse or a regularly licensed physio-therapist, masseur, electro-therapist, or hydro-therapist, [or electrician] while operating in each particular case under the specific direction of a regularly licensed physician or surgeon[;]. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses; or

[o.] k. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon.

29. Section 45:9-22 of the Revised Statutes is hereby amended to read as follows:

45:9-22. Any person commencing or continuing the practice of medicine and/or surgery [in any of its branches] in this State without first having obtained [and filed the] a license [required therefor], as provided in this article, or contrary to any of the provisions of this [chapter] article, or who practices medicine and/or surgery under a false or assumed name, or falsely impersonates another practitioner of a like or different name, or buys, sells or fraudulently obtains a diploma as a doctor of medicine and/or surgery or any branch thereof, or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition or a [medical] license to practice medicine and/or surgery, record or registration pertaining to the same, or any person, company or association who shall employ for a stated salary or otherwise, or [give] aid or assist any person not regularly licensed to practice medicine and/or surgery in this State, to practice medicine and/or surgery therein, or who violates any of the provisions of this chapter, shall be liable to a penalty of two hundred dollars, which penalty shall be [sued for and recovered by and in the name of the board] recovered in the manner hereinafter provided. No person shall practice or continue to practice medicine and/or surgery under any firm name or trade name or under any name other than his true name; *provided,* that nothing herein contained shall prohibit the practice of medicine and/or

surgery by a partnership under a firm name containing nothing but the surname of every member of said partnership; *and provided, further,* that nothing contained herein shall prohibit a licensed physician or surgeon from practicing under his own name or under a firm name containing only the surnames of each member of such firm. Every person violating any of the foregoing provisions of this section shall be subject to a penalty of two hundred dollars for the first offense. Every person practicing medicine and/or surgery under a firm name as herein authorized and every person practicing medicine and/or surgery or as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice shall be conducted, and any person who shall neglect to cause his name to be displayed as herein required, shall be liable to a penalty of one hundred dollars. The penalties provided for by this section shall be sued for and recovered by and in the name of the State Board of Medical Examiners of New Jersey. Every district court and every court of common pleas is hereby empowered, upon filing of a complaint in writing duly verified, which said verification when made by any member of the board, or by any member of any incorporated medical society of this State or of any county thereof, may be made upon information and belief, that any person has violated any provision of this chapter, to issue process at the suit of the board as plaintiff. The process shall be either in the nature of a summons or a warrant, which process may issue without an order of the court or judge first being obtained against the person so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen entire days; and such process shall state what provision or provisions of the law [is] are alleged to have been violated by the defendant. The officers to serve and execute all process under this chapter shall be the officers authorized to serve and execute process in said courts.

A210 (1939)

35. Article three of chapter nine of Title 45 of the Revised Statutes is hereby repealed.

36. All acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed to the extent of such inconsistencies only.

37. If any part or parts of this act shall be held to be invalid or unconstitutional the validity of the other parts hereof shall not thereby be affected or impaired.

38. This act shall take effect on July thirty-first, one thousand nine hundred and thirty-nine.

Sponsors

STATEMENT

The purpose of this act is to clarify the present act and to make uniform the requirements for the practice of medicine and for surgery, in any of its branches, in this State and to raise the standard of requirements for admission to the practice of medicine and for surgery, in any of its branches, in this State.

Mr. McClave asked for the record on Assembly Bill No. 210, which was furnished by the Clerk.

Mr. McClave asked unanimous consent of the House to amend Assembly Bill No. 210 on third reading.

There being no objection consent was granted.

Mr. McClave offered the following amendments to Assembly Bill No. 210, which were read by the Clerk:

Amendments to Assembly Bill No. 210.

Page 5, section 5, line 24, amend after the comma after the word "college" by striking out the words "and in all instances, unless otherwise provided, such school or college shall be approved by the board" and inserting in lieu thereof the following words: "*provided, however,* that as to any applicant for a license under the provisions of this chapter who, prior to October first, one thousand nine hundred and thirty-five, matriculated in such a school or college, a professional school or college shall, for the purposes of the provisions contained in sections 45:9–6 to 45:9–11, inclusive, be taken to mean a medical school or college which required the study of medicine and surgery in all of its branches. In all instances, unless otherwise provided, such school or college shall be approved by the board."

Page 21, section 28, line 11, amend by striking out subsection b, lines 11 to 16 inclusive.

Page 21, section 28, line 17, amend at the beginning of line 17 by striking out the letter "c" and inserting in lieu thereof the letter "b".

Page 21, section 28, line 21, amend by the addition of a new paragraph to read as follows:

"c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;"

Page 8, section 8, line 24, amend after the word "such" on line 24 by striking out the word "degree,".

Page 18, section 26, line 27, amend after the word "has" by striking out the word "publicly" and by inserting after the word "advertised" the word "fraudulently" and by

striking out the words on lines 27 and 28 "special ability to treat or cure chronic or incurable diseases,".

Page 18, section 26, line 28, amend after the word "or" by striking out the following words: "(e) has advertised his services or the price or charge to be made or the character or effectiveness of his services or products or any thing identical to any of the foregoing, whether by means of circular, card, sign, poster, advertising matches, mirrors, or other articles, or by projections by means of light or by crier or radio broadcasting or by use of advertising solicitors or publicity agents; or has permitted the use of his name as a physician, surgeon, homeopath, eclectic, osteopath, chiropractor, or doctor as the case may be, by others in the sale or advertisement of products, or".

Page 19, section 26, line 36, amend after the word "or" by striking out the letter "f" and inserting in lieu thereof the letter "e".

Page 19, section 26, line 38, amend after the word "advertises" by striking out the words "in any of the manners or by any of the means hereinbefore set forth," and inserting in lieu thereof the word "fraudulently".

Page 19, section 26, line 39, amend after the word "or" by striking out the letter "g" and inserting in lieu thereof the letter "f".

Page 19, section 26, line 43, amend after the word "or" by striking out the letter "h" and inserting in lieu thereof the letter "g".

Page 19, section 26, line 45, amend after the word "or" by striking out the letter "i" and inserting in lieu thereof the letter "h".

Page 19, section 26, line 48, amend after the word "or" by striking out the letter "j" and inserting in lieu thereof the letter "i".

Page 22, section 28, at the end of line 44, amend by the insertion of a new paragraph to read as follows:

"i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;"

Page 22, section 28, line 45, amend at the beginning of line 45 by striking out the letter "i" and inserting in lieu thereof the letter "j".

Page 23, section 28, line 64, amend at the beginning of line 64 by striking out the letter "j" and inserting in lieu thereof the letter "k".

Page 23, section 28, line 70, amend at the beginning of line 70 by striking out the letter "k" and inserting in lieu thereof the letter "l".

Page 23, section 45:9–21, line 64, amend by striking out the words "regularly licensed" and substituting in place thereof the word "graduate".

Mr. McClave moved the adoption of the amendments to Assembly Bill No. 210.

Which motion was adopted.

Mr. McClave moved that Assembly Bill No. 210, as amended, lie over.

Which motion was adopted.

Mr. McClave, Chairman of the Committee on Introduction of Bills, reported that consent has been given to introduce Assembly Bills Nos. 516, 517, 518, 519, 520, 521, 522, 523, 525, Assembly Concurrent Resolution No. 8 and Assembly Joint Resolutions Nos. 10 and 11.

The following bills were introduced, were read for the first time by their title, ordered to have a second reading, and were referred to committees as follows:

By Mr. Farley,

Assembly Bill No. 521, entitled "An act concerning alcoholic beverages, and supplementing chapter one of Title 33 of the Revised Statutes,"

Referred to the Committee on Alcoholic Beverage Control.

By Mr. Farley,

Assembly Bill No. 522, entitled "An act concerning county and municipal finances, amending section 40:2–22 and supplementing chapter two of Title 40 of the Revised Statutes,"

Without reference.

Mr. Taggart offered the following Senate amendments to Assembly Bill No. 210.

Senate amendments proposed to Assembly Bill No. 210:

Amend section 26, page 17, lines 36, 37 and 38 by deleting therefrom the following: "(h) has been convicted of practicing medicine under any firm or trade name or under any name other than his true name in violation of the provisions of this chapter (45:9–1, et seq.), or (i)"; and by inserting in lieu thereof the following expression: "(h)".

Amend section 28, page 20, subsection k, line 65, by inserting after the comma following the word "hydrotherapist" the following: "or other assistant".

Amend section 28, page 20, subsection 1, line 72, by striking out the period at the end of the line and adding the following: "or under the direction thereof."

Amend section 29, page 21, lines 18-27, inclusive, by deleting the following words: "No person shall practice or continue to practice medicine and/or surgery under any firm name or trade name or under any name other than his true name; provided, that nothing herein contained shall prohibit the practice of medicine and/or surgery by a partnership under a firm name containing nothing but the surname of every member of said partnership; and provided, further, that nothing contained herein shall prohibit a licensed physician or surgeon from practicing under his own name or under a firm name containing only the surname of each member of such firm."

Amend section 29, page 21, line 30, by eliminating therefrom the following: "as herein authorized".

Mr. Taggart moved the adoption of the proposed Senate amendments to Assembly Bill No. 210.

Which motion was adopted.

Assembly Bill No. 210, entitled "An act concerning the regulation of the practice of medicine and surgery, the licensing of physicians and surgeons, the punishment of persons violating the provisions thereof, and making uniform the requirements for license for all persons who practice any branch of medicine or surgery or use any method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition, except as to those

persons legally holding or obtaining licenses under chapters five and twelve of Title 45 of the Revised Statutes, and preserving the right to practice of all those persons holding limited licenses under chapter thirteen of Title 45 of the Revised Statutes, and under articles two and three of chapter nine of Title 45 of the Revised Statutes, or any acts superseded thereby, and amending sections 45:9–1 to 45:9–3, inclusive, 45:9–5 to 45:9–14.1, inclusive, 45:9–15 to 45:9–17, inclusive, 45:9–21 to 45:9–23, inclusive, and 45:9–26 of the Revised Statutes, and supplementing article one of chapter nine of Title 45 of the Revised Statutes by adding thereto sections 45:9–5.1, 45:9–14.3 to 45:9–14.10, inclusive, and 45:9–27.1, and repealing chapter thirteen of Title 45 of the Revised Statutes, and articles two and three of chapter nine of Title 45 of the Revised Statutes and section 45:9–14.2 of the Revised Statutes,"

With Senate amendments,

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading.

Mr. Van Winkle moved that the rules be suspended and that Assembly Bill No. 210, with Senate amendments, be taken up on third reading and final passage.

Assembly Bill No. 210, with Senate amendments, was taken up on third reading and laid over on motion of Mr. Van Winkle.

Mr. Taggart, Chairman of the Committee on Public Health, reported

Assembly Bill No. 267,

Favorably, without amendment.

Signed—Thomas D. Taggart, I. Grant Scott, Frank S. Kelley.

Assembly Bill No. 267, entitled "An act concerning the practice of pharmacy, and amending sections 45:14–7, 45:14–33 and 45:14–34 of the Revised Statutes,"

Was taken up, read a second time, considered by sections, agreed to, and ordered to have a third reading.

Journal of the Medical Society of New Jersey

VOLUME 40
NUMBER 5

May 1943

The only two bills that the Society sponsored this year were A-93 and A-94. A-93, which extends the time for alien physicians licensed prior to 1939 to complete their citizenship, has been enacted into law. A-94, strengthening the section of the Medical Practice Act granting temporary permission to practice, which passed the Assembly without opposition, passed the Senate without dissent April 1st and was promptly signed by the Governor. A-93 was subjected to considerable delay; and, after its passage by the Assembly, to a great deal of opposition in the Senate. Apparently this opposition stemmed mainly from the fact that its beneficiaries are aliens. Also, we have been advised by two or three Senators that several physicians in their counties had written or spoken to them in opposition to the passage of the bill.

Senate Bill 20, which would permit nurses, who graduated from approved schools prior to 1925, to be registered as R.N.'s *without examination,* which was disapproved by this Committee, is in the Public Health Committee of the Senate. A hearing upon this bill was held on April 2nd and the Executive Secretary of the Committee, on behalf of the Society, spoke against its passage.

Three bills which provoked a great deal of controversy, all of which were approved by this Committee, were Senate 68, to make vaccination and revaccination of teachers and pupils in public schools *compulsory;* S-72, to make compulsory the immunization against diphtheria as a prerequisite to school attendance (both of these bills were sponsored by the State Department of the American Legion and were introduced by Senator Littell of Sussex); and S-143, sponsored by the Department of Health, to permit state and local boards of health to require persons suspected to be infected with communicable disease or to be carriers of such disease to submit to medical examination. S-68 and S-72 passed the Senate with an amendment exempting Christian Scientists. When these bills reached the Assembly they were referred to the Judiciary Committee instead of the Committee on Public Health. It was the feeling of the Department of Health and this Committee that the bills with the Christian Science amendment were unacceptable, and our opposition to their passage in this form was made known to the Chairman of the Judiciary Committee. As the Legislature will have only one more meeting during its main session we doubt that these bills will be reported. Because of the very strong opposition to S-143, after having been reported out of committee it was recommitted.

While these three bills were sound in principle, we believe that if they are to be reintroduced next year, it is essential that a well-thought-out educational campaign should precede their introduction.

Several bills affecting the Workmen's Compensation Act were introduced, and the Committee took action in respect to two only, approving S-95 and A-227. These bills were almost identical and would have created an elective system of workmen's compensation for silicosis and asbestosis; they also provided a procedure for determination of liability and compensation. Neither of these bills was reported out of committee.

Apropos of bills affecting the Workmen's Compensation Act the state labor leaders have expressed a desire to make a survey of the Workmen's Compensation Act in conjunction with representatives of industry and medicine, with the thought of incorporating desirable and needed changes.

A-148, sponsored by the New Jersey Chiropody Society, rectifying some minor errors in the present chiropody act and strengthening the sections dealing with illegal practice, which was approved by this Committee, passed both Houses after having been amended in the Senate so that corporations may continue to practice chiropody, and was signed by the Governor.

A-41, introduced in behalf of the chiropractors, and identical with bills introduced in the 1941 and 1942 Sessions, by Assemblyman (Dr.) Browne, which would have repealed in toto the Uniform Medical Practice Act of 1939, was first referred to the Committee on Ways and Means, subsequently transferred to the Committee on Public Health, and finally to the Committee on Miscellaneous Business—"the morgue".

It should be noted here that while chiropractors have not made much legislative headway in this State in the last three years, in our neighbor State, New York, which has heretofore been successful in withholding recognition of this group, a bill to legalize chiropractic in that State very nearly passed at the recent session of that Legislature. While the chiropractors were not successful in enacting their bill they were able to have a concurrent Senate Resolution passed providing for the appointment of a Legislative Commission of three Senators and four Assemblymen to investigate chiropractic laws in other states and to report their recommendations at their next legislative session, including in their report such legislation as is necessary for the practice of chiropractic in the State of New York. An appropriation of $10,000 was voted for the expenses of the Commission.

Vol 41

WELFARE COMMITTEE MEETING

Following the meetings of the four subcommittees in the morning, and luncheon at noon, on Sunday, January 16, 1944, the Welfare Committee met at 2:15 p. m. in the Hotel Hildebrecht, Trenton, N. J.

Those present were:

Herschel S. Murphy, Chairman, presiding
Chester I. Ulmer, Vice-Chairman
Ralph K. Hollinshed, Ex-Officio
Alfred Stahl, Ex-Officio

Atlantic County—Edward Guion
Bergen County—Joseph R. Morrow
Camden County—H. Wesley Jack
Cumberland County—H. Burton Walker
Essex County—C. Wright MacMillan, Royal A. Schaaf
Gloucester County—Wendell J. Burkett
Hudson County—Reeve L. Ballinger, J. Lawrence Evans, B. S. Pollak
Mercer County—D. Leo Haggerty, L. Samuel Sica
Middlesex County—Ralph J. Faulkingham
Monmouth County—Stanley Nichols
Ocean County—William E. Dodd
Passaic County—Sigurd W. Johnsen
Salem County—Harry F. Suter
Somerset County—Frank L. Field
Sussex County—Leo B. Drake
Union County—Frederic W. Lathrop, Walter F. Phelan
Technical Advisers—R. P. Fischelis, Frederic J. Quigley
Officers of State Society—Joseph F. Londrigan
Visitors—Joseph E. Raycroft, Abraham E. Jaffin, Norman M. Scott, William G. Herrman, Samuel Alexander, Walter B. Mount, S. William Kalb, J. M. Carlisle, Frank Bien, H. Roy Van Ness, Watson B. Morris, Robert M. Grier, R. Manning Clarke, Carl Wiegel.

PRESIDENT'S REMARKS

President Hollinshed outlined the efforts of the Welfare Committee and its various branches, which have given much time and thought to the problems confronting the profession this administrative year, as follows:

1. To bring about a better understanding between the Medical Profession, the Allied Professions, the State Department of Health, the Legislators, and the Public;
2. To create a coherent and effective Medical Society;
3. To present to the Legislators the attitude of the Profession on pending legislation;
4. To endeavor to bring to the attention of the Public the dangers of Socialized Medicine;
5. To establish certain principles and recommendations for the post-war period.

ANNUAL REPORTS

President Hollinshed stressed the importance of saving words and paper in preparing the annual reports and urged all committees to make their reports as concise as possible.

Annual Reports are due in the Executive Offices on or before March 1st, 1944.

Chairman Murphy announced March 12th as the date for the final meeting of the Welfare Committee, at which time printed proofs of reports will be ready for final approval.

REPORTS OF SUBCOMMITTEES

Legislation—Dr. Pollak, Chairman

For the past twenty-five years there has been a fair number of medical men in the State Legislature, at times as high as six, and this, of course, has been of great value to our Society. This year we have only one, Dr. Hill from Essex County.

Five amendments to the Medical Practice Act were presented and approved individually, the first four unanimously (1) to make the plea of "nolo contendere" ground for revocation or suspension of license to practice medicine and surgery; (2) to make the payment for any violation of the Act equivalent to a conviction of the violation for which such penalty was claimed; (3) relates to the examination of candidates for licensure; (4) relates to hospital internships. The fifth amendment, relating to the definition of chiropody, was passed on a vote of 16 to 14.

All five amendments to the Medical Practice Act were referred to the Board of Trustees for approval before introduction into the Legislature.

Dr. Pollak spoke briefly on the Revision of the State Constitution and our concern with the position that the State Health Department shall occupy and the proposed place for the State Board of Medical Examiners.

The Committee voted that the matter be left in the hands of the Legislative Committee until further information becomes available.

From the recent articles appearing in the press, we may assume that some chiropractic legislation may be proposed again this year.

In view of the recent conference in Washington on Obstetrics and Pediatric Care for Wives and Children of Servicemen, and the decisions made, any idea of remedial legislation is precluded, but we still oppose the present method of payment for medical services.

SENATE, No. 28

STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1952

By Mr. BODINE

Referred to Committee on Public Health

AN ACT concerning the practice of medicine and surgery, and amending sections 45:9–22 and 45:9–26 of the Revised Statutes.

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

1. Section 45:9–22 of the Revised Statutes is amended to read as follows:

45:9–22. Any person commencing or continuing the practice of medicine and/or surgery in this State without first having obtained a license, as provided in this article, or contrary to any of the provisions of this article, or who practices medicine and/or surgery under a false or assumed name, or falsely impersonates another practitioner of a like or different name, or buys, sells or fraudulently obtains a diploma as a doctor of medicine and/or surgery or any branch thereof, or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition or a license to practice medicine and/or surgery, record or registration pertaining to the same, or any person, company or association who shall employ for a stated salary or otherwise, or aid or assist any person not regularly licensed to practice medicine and/or surgery in this State, to practice medicine and/or surgery therein, or who violates any of the provisions of this chapter, shall be liable to a penalty of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00), which penalty shall be recovered in the manner hereinafter provided. Every person violating any of the foregoing

provisions of this section shall be subject to a penalty of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00) for the first offense. Every person practicing medicine and/or surgery under a firm name and every person practicing medicine and/or surgery or as an employee of another shall cause his name to be conspicuously displayed and kept in a conspicuous place at the entrance of the place where such practice shall be conducted, and any person who shall neglect to cause his name to be displayed as herein required, shall be liable to a penalty of one hundred dollars ($100.00). The penalties provided for by this section shall be sued for and recovered by and in the name of the State Board of Medical Examiners of New Jersey. Every district court and every county court [of common pleas] is hereby empowered, upon filing of a complaint in writing duly verified, which said verification when made by any member of the board, or by any member of any incorporated medical society of this State or of any county thereof, may be made upon information and belief, that any person has violated any provision of this chapter, to issue process at the suit of the board as plaintiff. The process shall be either in the nature of a summons or a warrant, which process may issue without an order of the court or judge first being obtained against the person so charged, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen entire days; and such process shall state what provision or provisions of the law are alleged to have been violated by the defendant. The officers to serve and execute all process under this chapter shall be the officers authorized to serve and execute process in said courts.

2. Section 45:9–26 of the Revised Statutes is amended to read as follows:

45:9–26. In case a person shall, after conviction of any violation of this chapter, be again convicted of another violation thereof or of continuing the violation for which such offender was previously convicted, such offender shall be liable to a penalty of not less than two hundred and fifty dollars ($250.00) and not more than five hundred dollars ($500.00) for each such

violation or continuation, to be sued for and recovered in the manner above set forth. In case any defendant against whom judgment has been recovered for a penalty of five hundred dollars ($500.00) shall fail or neglect to forthwith pay the amount of said penalty, the court shall commit him to jail in the manner above set forth, for a period of not less than thirty days and not exceeding two hundred days. A penalty recovered for any violation of this chapter shall be paid to the State Board of Medical Examiners. In case any such proceeding is brought in any county court [of common pleas], the trial thereof shall proceed in a summary manner, without a jury, as above set forth, immediately upon the arrest under warrant of the defendant, or on the return day of the summons, or on any day to which the court shall continue said trial, either during the terms of said court or in vacation.

3. This act shall take effect immediately.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 28

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 28.

This bill further regulates the penalties for the illegal practice of medicine and surgery. In order to carry out its purpose effectively, a number of technical amendments are required.

Accordingly, I am returning herewith Senate Bill No. 28 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 16, strike out ", which penalty shall be recovered in the".

On page 1, section 1, line 17, strike out all of said line.

On page 2, section 1, lines 18 and 19, strike out all of said lines and insert "for the".

On page 2, section 1, line 28, strike out the entire line and insert "of New Jersey, in a summary manner, pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.)."

On page 2, section 1, lines 29 through 42, strike out all of said lines.

On page 3, section 2, lines 7 and 8, strike out the words "in the manner above set forth" and insert in lieu thereof the words "by and in the name of the State Board of Medical Examiners of New Jersey, in a summary manner, pursuant to the penalty enforcement law (N. J. S. 2A:58–1 et seq.)".

On page 3, section 2, line 9, strike out "of five hundred dollars ($500.00)" and insert "under this section".

On page 3, section 2, lines 10 and 11, strike out "commit him to jail in the manner above set forth," and insert "adjudge him a disorderly person and may commit him to imprisonment in the county workhouse, penitentiary or jail".

On page 3, section 2, lines 13 through 18, strike out "In case" in line 13 and all of lines 14 through 18.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 27, 1952.

SENATE BILL No. 80

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 80.

This bill provides that the minimum amount of the official bond required of any municipal magistrate or municipal court clerk shall be fixed by the Local Government Board according to a classification system to be established by it. The bill sets forth the methods and standards to be used by the board in establishing the classification system and prescribes the minimum amount of any bond as $1,000. The existing authority of any municipal governing body to fix the amount of such bond in excess of the minimum amount is expressly reserved.

The measure is a sound one and is similar to the procedure established for fixing the minimum amount of bonds to be given by municipal tax collectors. Experience has shown that the bonds of municipal magistrates and municipal court clerks have often been inadequate. In some cases, no bond at all has been furnished.

STATE ACTIVITIES

TRUSTEES' MEETING

APRIL 12, 1953

A regular meeting of the Board of Trustees was held on Sunday, April 12, at the Executive Offices, Trenton. The following is a summary of the principal actions taken by the Board at this meeting:

In recognition of the fact that Mrs. Edith L. Madden, Administrative Secretary, is this year completing twenty years of service to the Society, the Board authorized the president to purchase an appropriate gift to be presented to Mrs. Madden as an expression of appreciation.

A motion that the Society establish the custom of presenting a key to each past-president of the Woman's Auxiliary as a token of honored service to the Society was approved, with the direction that all living past-presidents be made recipients of a key at an appropriate time during the coming annual meeting.

Approval was given to the nomination of Lloyd N. Yepsen, Ph.D., Director of the Division of Mental Deficiency of the New Jersey State Department of Institutions and Agencies, for honorary membership in the State Society.

The Board approved a motion extending the appointment of Dr. Rowland D. Goodman, 2d as acting editor of THE JOURNAL to the end of the fiscal year.

A motion authorizing the appointment of a qualified parliamentarian, other than an M.D., to serve at the 1953 sessions of the House of Delegates was approved.

The Medical-Surgical Plan of New Jersey has asked the cooperation of the Society in determining whether six private hospitals in the State fall into the emergency category which makes them eligible to participate under the Hospital Service Plan and makes patients treated in those hospitals eligible for Medical-Surgical Plan benefits. Pending the determination of the status of these institutions which has been referred to the county societies involved, the Board approved a motion to continue payment under Blue Cross and Blue Shield to the six hospitals in question, on the basis of local emergencies, until November 1, 1953, or such earlier date as the determination of their status may indicate.

With reference to the report of the Finance and Budget Committee the Board approved the following recommendations:

1. That the present method of transfer of supplies and telephone costs be eliminated and that such charges as exceed the A-3 budget be prorated to other accounts by the Executive Officer and the Administrative Secretary.

2. That fire and extended insurance coverage on the property of the Society be increased to $120,000 on the main building, $15,000 on the garage apartment, and $25,000 on the furniture and fixtures.

3. That the Owner's, Landlord's, and Tenant's Liability coverage be increased from $25/$50,000 to $50/$100,000.

The Board further recommended that the account of the president be made sufficient to include the expenses of other officers of the State Society in the performance of their official duties, and it further directed that the account be titled "President and Other Officers."

The Board approved a libel and slander insurance policy in the amount of $300,000 covering the officers and official spokesmen of the Society and embracing all the various official media of publication of the Society. It further instructed that all county societies be notified of the availability of such policies.

Approval was given to the recommendation of the Finance and Budget Committee that legal counsel to the Society be no longer engaged on a retainer basis, but rather on a fee for service basis, effective at the beginning of the next fiscal year.

The committee submitted a proposed amendment to the charter of the Society which would delete the limitation dealing with annual income. The Board approved the proposed amendment and referred it to the Subcommittee on Legislation for introduction into the Legislature at the proper time. The report of the Finance and Budget Committee was then approved as a whole.

In conjunction with the report of the Welfare Committee the Board approved the following recommendations with reference to the business of the subcommittees:

A. *Legislation*

1. That approval be given to the work done by the Subcommittee on Legislation in advising Assemblyman Saiber concerning the preparation of A-120, to permit certain New Jersey resident physicians not graduates of approved medical schools to sit for state board licensure.

2. That because of the complex nature of the matters involved, the Subcommittee on Legislation further study the problem of admission of graduates of foreign medical schools to examination for licensure in New Jersey, with a view toward making constructive suggestions for the preparation of satisfactory legislation.

3. That approval be given to the action of the subcommittee in its endeavors to make clear to the legislators that The Medical Society of New Jersey strongly opposes S-202, and, though not approving, does not oppose A-456.

4. That the recommendation of the subcommittee favoring the principle of mandatory licensing for nurses be approved, and that the subcommittee be given authority to study further the details of the bill, A-623.

B. *Public Health*

1. That the plan of education outlined by the Advisory Committee on Rehabilitation be approved, whereby a series of articles on various phases of rehabilitation in the State would be prepared and published in THE JOURNAL, each article to be followed by the names of the members of the advisory committee.

2. That the recommendation of the Advisory Committee on Maternal Welfare that the State Department of Health continue the printing and distribution of prenatal history cards, available to physicians upon request, be approved.

3. That approval be given for a pilot study of neonatal mortality in New Jersey, and that the Advisory Committee on Maternal Welfare be requested to consult with the Medical-Hospital Liaison Committee concerning means of implementing the program. The forms to be used in conducting the study are to be printed by the Medical Society and distributed through the hospitals.

4. That the recommendation of the Advisory Committee on School Health for the establishment of a school record card be approved in principle, pending receipt of more detailed information.

5. That the study concerning "standards for vision and hearing testing of school children" being made by the Advisory Committee on the Conservation of Vision and Hearing be approved in principle, pending receipt of detailed information.

6. That the following recommendations from the Advisory Committee on the Chronically Ill be approved:

(a) That each county medical society which has not already done so establish a Committee on the Chronically Ill;

(b) That liaison be established with other committees within county medical societies concerned with aspects of the program of the chronically ill;

(c) That the county Committee on the Chronically Ill be responsible for establishing cooperation among existing health and welfare agencies, and participate with such agencies in the formation of local health councils;

(d) That such county committees be known as "the Committee on the Chronically Ill" rather than "the Committe on the Care of the Chronically Ill."

7. In response to a request from the Advisory Committee on Mental Hygiene for approval and endorsement of the work of the New Jersey Association for Mental Health, the recommendation that The Medical Society of New Jersey do not endorse any organization in the determination of whose policies it does not have a voice, but that after consideration of the program, principles, and policies of such organization, the Society be free to appoint some of its members to function in an advisory capacity, such appointment in no way to imply endorsement of any program.

8. That the conclusions of the Conference on the Use, Availability, and Distribution of Gamma Globulin, as recommended by the Subcommittee on Public Health, be accepted and used for purposes of publicity and information as representing the conclusions of The Medical Society of New Jersey.

9. That approval be given the proposed routine health maintenance program suggested by the subcommittee, and that it be further studied and developed; moreover, that in the field of chronic illness an educational program for physicians and the public be considered and explored.

10. That the request from the American National Red Cross for approval to dispense ferrous sulphate and molybdenum oxide to women blood donors be denied, and the following statement made: "That we do not approve of the free distribution of medication by the Red Cross as part of the blood donor program."

C. *Public Relations*

1. That each of the twenty-one component county societies appoint an Orientation Committe, if one such does not already exist, the specific purpose of which will be to indoctrinate new members in the accepted concepts of organized medicine as regards their rights, privileges, and responsibilities.

Under the heading of correspondence the following matters were dealt with:

1. The Board approved a recommendation of the Subcommittee on Medical Practice that the Society concur in the fee schedule estab-

Assembly Bill 380 of 1953

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July fourth, one thousand eight hundred and ninety, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A chiropodist, professional nurse, or a graduate physio-therapist, masseur, electro-therapist, or hydro-therapist, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses; or

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon or under the direction thereof.

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

29. This act shall take effect immediately.

Amend page 1, section 1, lines 2, 3 and 4 by striking out the words "in dispute in such action does not exceed, exclusive of cost, the sum or value of one thousand dollars ($1,000.00)," and insert in lieu thereof the words "is one within the jurisdiction of the county district court,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 380

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 380.

This measure provides for the registration with the State Board of Medical Examiners of bio-analytical laboratories and the licensing by the board of the directors of such laboratories.

One of the sections of the bill (Section 26) would amend Section 45:9-1 of the Revised Statutes relating to the composition of the State Board of Medical Examiners. This same section was amended in other respects by the Legislature this year when it adopted Assembly Bill No. 456, which I approved and which is now Chapter 233 of the Laws of 1953. Approval of Assembly Bill No. 380 in its present form would nullify the amendments to R. S. 45:9–1 made by Assembly Bill No. 456. To preclude this result, Section 26 of Assembly Bill No. 380 should be amended to incorporate the amendments to R. S. 45:9–1 made by Assembly Bill No. 456.

The bill in its present form, also fails to cover out-of-State laboratories which establish pick-up points in New Jersey and thereby compete with laboratories in this State, as well as expose our people to the same dangers as an unregistered laboratory of this State. The penal provisions of the bill, as passed, also come into effect before the licensing sections could be operative.

Accordingly, I am returning Assembly Bill No. 380 herewith for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 8, section 21, line 5, by inserting after the word "director," the following: "or who solicits, receives, accepts or delivers material originating from the human body on behalf of any bio-analytical laboratory located without this State and which is not under the direction of a licensed bio-analytical laboratory director and registered under this act, or similarly licensed and registered under the laws of the State in which it is located,".

On page 10, section 22, line 47, after the words "three hundred" delete the comma.

On page 10, section 22, line 49, after the words "five hundred" delete the comma.

On page 11, section 26, line 13, delete the word "term" and insert in lieu thereof the word "terms".

On page 11, section 26, line 15, delete the words "each of whom shall be licensed" and insert in lieu thereof the words "and shall possess a license".

On page 11, section 26, line 15, after the words "his or her" insert the word "respective".

On page 11, section 26, line 15A, delete the words "this State" and insert in lieu thereof the words "New Jersey".

On page 12, section 26, line 23, before the word "board" insert the word "said".

On page 12, section 26, line 26, before the word "board" delete the word "the" and insert in lieu thereof the word "said".

On page 12, section 26, immediately following line 37, insert the following new paragraph:

"The Governor shall appoint two chiropractors who are licensed to practice chiropractic in the State of New Jersey to serve for a term of three years each and until their successors are appointed and qualify, who shall be available to assist the board in the administration of sections four, five, six, seven, eight, nine, twelve, fifteen and sixteen of chapter two hundred thirty-three of the laws of one thousand nine hundred and fifty-three which act supplements chapter nine of Title 45 of the Revised Statutes, and contains this amendment to this section. Within the limits of available appropriations therefor each such chiropractor shall be paid a fee of ten dollars ($10.00) for each applicant assigned to him for examination and when designated and authorized by the board to do business on behalf of the board outside of the State shall receive fifty dollars ($50.00) per day and when performing authorized official duties in or out of the State shall be reimbursed for all proper expenses incurred in the performance of such duties."

On page 15, section 28, line 58, delete the word "or".

On page 15, section 28, line 61, after the word "thereof" delete the period and insert in lieu thereof "; or".

On page 15, section 29, line 1, after the word "immediately" insert ", except that Section 21 hereof shall take effect January 1, 1954.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1963

By Senators BOWKLEY and GROSSI

(Without Reference)

AN ACT providing for the registration of physical therapists, prescribing penalties for violations, and amending section 45:9–21 of the Revised Statutes.

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

1. Section 45:9–21 of the Revised Statutes is amended to read as follows:

45:9–21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or indorsement from another State. Such permission

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

may be granted for a period of not less than 2 weeks nor more than 4 months upon payment of a fee of $25.00. The board in its discretion may extend such permission for further periods of 2 weeks to 4 months but not to exceed in the aggregate 1 year;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of 2 years, and such exemption of resident physicians, except with respect to persons who shall have commenced service as resident physicians prior to July 1, 1939, shall apply only to persons who have been issued certificates under provisions contained in section 45:9–8 of this Title;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of chiropody by any legally licensed chiropodist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right

or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A chiropodist, professional nurse, or a [graduate physio-therapist] *registered physicial therapist,* masseur, [electro-therapist, or hydro-therapist,] while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon or under the direction thereof; or

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

2. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners.

(b) "Physical therapy" shall mean and include physiotherapy, electro-therapy or hydro-therapy.

3. (a) It shall be a violation of this act for any person who is not registered under this act as a physical therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, to render physical therapy services within this State or to use in connection with his name the words or letters "R. P. T.," "Registered Physical Therapist," "P. T.," "Physical Therapist," or "Physiotherapist," "Physical Therapy Technician," "P. T. T.," or any other letters, words or insignia indicating or implying that he is a registered physical therapist, or, in any way, orally or in writing or in print or by sign or by implication, to

present or hold himself out as a registered physical therapist or a physical therapist.

(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act.

4. An applicant for registration as a physical therapist shall submit to the board evidence, in such form as the board may prescribe, that the applicant (1) has attained his or her twenty-first birthday; (2) is a citizen of the United States; (3) is of good moral character; (4) is a graduate of a high school approved by the New Jersey Department of Education or has equivalent education acceptable to the board; (5) has completed satisfactorily a course of study of physical therapy at a school, hospital or other institution having a program of education and instruction in physical therapy approved by the board.

The board, in establishing, altering or amending the standards for approving such programs of education and instruction, shall consult with the physical therapy advisory committee and may take into consideration the standards suggested by the appropriate council of the American Medical Association, the American Physical Therapy Association, and the New Jersey Physical Therapy Society.

5. The board shall register as a physical therapist any person who applies for such registration within 1 year after this act takes effect, and who meets the qualifications prescribed in section 4 of this act or who submits to the board evidence that the applicant has qualifications (1) and (3) provided in section 4 of this act and has rendered physical therapy services for 2 years or more in the State of New Jersey prior to the date this act was approved.

6. Each initial application under this act shall be accompanied by a fee of $25.00. Registrations under this act shall expire on January 31 of each calendar year and shall be renewed upon application and payment of a fee of $10.00.

7. Records of patients, the name of the referring physician, the prescription, if any, or records of oral direction and such other records as the board may require, shall be kept by all physical therapists for at least 5 years.

8. The board, after due notice and hearing, may refuse to register any applicant, or may refuse to renew the registration of any registered person, or may suspend or revoke the registration of any registered person:

(a) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(b) Who has been convicted of violating any State or Federal narcotic law;

(c) Who the board shall find to be guilty of immoral or unprofessional conduct;

(d) Who has been convicted of any crime involving moral turpitude;

(e) Who the board shall find to be guilty of gross negligence as a physical therapist, or whose conduct as a registered physical therapist is detrimental to the best interests of the public; except that said person shall have the right of appeal on all matters of law and fact to the appropriate courts of this State;

(f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Who has been declared insane by a court of competent jurisdiction and who has not thereafter been lawfully declared sane;

(h) Who has treated or undertaken to treat ailments of human beings otherwise then by physical therapy and as authorized by this act, or who has undertaken to practice independently of the prescription or oral direction of a duly licensed physician; or

(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder.

9. The board shall keep a record of its proceedings under this act and a register of all persons registered under it. The register shall show the name of every living person registered under this act, his last known place

of practice and last known place of residence, and the date and number of his registration. The board shall compile annually a list of registered physical therapists authorized to practice physical therapy in the State and shall make such list available, upon request, to the superintendent of every hospital and to every person authorized to practice medicine, surgery, chiropractic, osteopathy and physical therapy in this State.

10. (a) There is hereby created in the Division of Professional Boards of the Department of Law and Public Safety, under the State Board of Medical Examiners, a physical therapy advisory committee. The committee shall consist of 3 members who shall be, except for the initial members of the committee, registered physical therapists of this State having at least 5 years experience in the practice of physical therapy prior to appointment. The members of the committee shall be appointed by the Governor. The initial appointments to the committee shall be one member for a term of 1 year; one member for a term of 2 years; and one member for a term of 3 years. Members shall thereafter be appointed for terms of 3 years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. A vacancy in the office of member shall be filled in the same manner as original appointments and shall be filled for the unexpired term only.

The persons initially appointed to the office of member of the advisory committee need not be registered physical therapists at the time of appointment but shall satisfy the qualifications set forth in section 4 of this act and shall have at least 5 years experience in the practice of physical therapy.

(b) The advisory committee shall meet at least twice a year and shall also meet upon the call of the board or of the Attorney General. The advisory committee shall carry out the responsibilities assigned to it under this act and such matters as the board may require. The Attorney General shall provide the advisory committee with such facilities and personnel as shall be required for the proper conduct of its business.

The board, with the approval of the Attorney General, may authorize

reimbursement of the members of the advisory committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

(c) There is hereby appropriated to the Department of Law and Public Safety, for the purposes of administering this act, all fees and revenues received by the board from the effective date of this act until June 30, 1964. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

11. Any person who willfully makes a false oath or affirmation in any case in which an oath is required by this act or who obtains or attempts to obtain registration by any false statement or fraudulent representation and any person who shall violate any of the provisions of this act or any rule or regulation adopted hereunder shall be liable to a penalty of not less than $50.00 nor more than $100.00 for the first offense, not less than $100.00 nor more than $200.00 for the second offense, and not less than $200.00 nor more than $500.00 for the third and each subsequent offense, to be sued for and recovered, in a summary manner, pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

12. This act shall take effect immediately but section 3 thereof shall remain inoperative until 180 days after the approval of this act.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 173

STATE OF NEW JERSEY

ADOPTED MARCH 18, 1963

Amend page 3, section 3, line 1, delete "(a)".

Amend page 4, section 3, delete lines 12, 13, 14 and 15.

Amend page 4, section 4, line 14, after "New Jersey", add "State".

Amend page 4, section 4, line 15, after "Society", and before the period insert ", Incorporated".

Amend page 5, section 8, line 23, after "physician", omit "; or", insert ".".

Amend page 5, section 8, lines 24-25, delete entire lines.

Amend page 6, section 10, line 6, after "therapy", insert "in the State of New Jersey immediately".

Amend page 6, section 10, line 12, after the period insert "A vacancy shall exist in the term of any member who ceases to be actively engaged in the practice of physicial therapy in the State of New Jersey.".

Amend page 6, section 10, line 18, before the period insert "in the State of New Jersey immediately prior to the appointment".

Returned with Gov's Recommendations 12/9/63

[OFFICIAL COPY REPRINT]

SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1963

By Senators BOWKLEY and GROSSI

(Without Reference)

AN ACT providing for the registration of physical therapists, prescribing penalties for violations, and amending section 45:9–21 of the Revised Statutes.

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

1. Section 45:9–21 of the Revised Statutes is amended to read as follows:

45:9–21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or indorsement from another State. Such permission

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

may be granted for a period of not less than 2 weeks nor more than 4 months upon payment of a fee of $25.00. The board in its discretion may extend such permission for further periods of 2 weeks to 4 months but not to exceed in the aggregate 1 year;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of 2 years, and such exemption of resident physicians, except with respect to persons who shall have commenced service as resident physicians prior to July 1, 1939, shall apply only to persons who have been issued certificates under provisions contained in section 45:9–8 of this Title;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of chiropody by any legally licensed chiropodist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right

or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A chiropodist, professional nurse, or a [graduate physio-therapist] *registered physicial therapist,* masseur, [electro-therapist, or hydro-therapist,] while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon or under the direction thereof; or

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

2. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners.

(b) "Physical therapy" shall mean and include physiotherapy, electro-therapy or hydro-therapy.

3. [(a)] It shall be a violation of this act for any person who is not registered under this act as a physical therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, to render physical therapy services within this State or to use in connection with his name the words or letters "R. P. T.," "Registered Physical Therapist," "P. T.," "Physical Therapist," or "Physiotherapist," "Physical Therapy Technician," "P. T. T.," or any other letters, words or insignia indicating or implying that he is a registered physical therapist, or, in any way, orally or in writing or in print or by sign or by implication, to

present or hold himself out as a registered physical therapist or a physical therapist.

[(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act.]

4. An applicant for registration as a physical therapist shall submit to the board evidence, in such form as the board may prescribe, that the applicant (1) has attained his or her twenty-first birthday; (2) is a citizen of the United States; (3) is of good moral character; (4) is a graduate of a high school approved by the New Jersey Department of Education or has equivalent education acceptable to the board; (5) has completed satisfactorily a course of study of physical therapy at a school, hospital or other institution having a program of education and instruction in physical therapy approved by the board.

The board, in establishing, altering or amending the standards for approving such programs of education and instruction, shall consult with the physical therapy advisory committee and may take into consideration the standards suggested by the appropriate council of the American Medical Association, the American Physical Therapy Association, and the New Jersey *State* Physical Therapy Society, *Incorporated.*

5. The board shall register as a physical therapist any person who applies for such registration within 1 year after this act takes effect, and who meets the qualifications prescribed in section 4 of this act or who submits to the board evidence that the applicant has qualifications (1) and (3) provided in section 4 of this act and has rendered physical therapy services for 2 years or more in the State of New Jersey prior to the date this act was approved.

6. Each initial application under this act shall be accompanied by a fee of $25.00. Registrations under this act shall expire on January 31 of each calendar year and shall be renewed upon application and payment of a fee of $10.00.

7. Records of patients, the name of the referring physician, the prescription, if any, or records of oral direction and such other records as the board may require, shall be kept by all physical therapists for at least 5 years.

8. The board, after due notice and hearing, may refuse to register any applicant, or may refuse to renew the registration of any registered person, or may suspend or revoke the registration of any registered person:

(a) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(b) Who has been convicted of violating any State or Federal narcotic law;

(c) Who the board shall find to be guilty of immoral or unprofessional conduct;

(d) Who has been convicted of any crime involving moral turpitude;

(e) Who the board shall find to be guilty of gross negligence as a physical therapist, or whose conduct as a registered physical therapist is detrimental to the best interests of the public; except that said person shall have the right of appeal on all matters of law and fact to the appropriate courts of this State;

(f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Who has been declared insane by a court of competent jurisdiction and who has not thereafter been lawfully declared sane;

(h) Who has treated or undertaken to treat ailments of human beings otherwise then by physical therapy and as authorized by this act, or who has undertaken to practice independently of the prescription or oral direction of a duly licensed physician.[; or

(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder.]

9. The board shall keep a record of its proceedings under this act and a register of all persons registered under it. The register shall show the name of every living person registered under this act, his last known place

of practice and last known place of residence, and the date and number of his registration. The board shall compile annually a list of registered physical therapists authorized to practice physical therapy in the State and shall make such list available, upon request, to the superintendent of every hospital and to every person authorized to practice medicine, surgery, chiropractic, osteopathy and physical therapy in this State.

10. (a) There is hereby created in the Division of Professional Boards of the Department of Law and Public Safety, under the State Board of Medical Examiners, a physical therapy advisory committee. The committee shall consist of 3 members who shall be, except for the initial members of the committee, registered physical therapists of this State having at least 5 years experience in the practice of physical therapy *in the State of New Jersey immediately* prior to appointment. The members of the committee shall be appointed by the Governor. The initial appointments to the committee shall be one member for a term of 1 year; one member for a term of 2 years; and one member for a term of 3 years. Members shall thereafter be appointed for terms of 3 years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. *A vacancy shall exist in the term of any member who ceases to be actively engaged in the practice of physical therapy in the State of New Jersey.* A vacancy in the office of member shall be filled in the same manner as original apointments and shall be filled for the unexpired term only.

The persons initially appointed to the office of member of the advisory committee need not be registered physical therapists at the time of appointment but shall satisfy the qualifications set forth in section 4 of this act and shall have at least 5 years experience in the practice of physical therapy *in the State of New Jersey immediately prior to the appointment.*

(b) The advisory committee shall meet at least twice a year and shall also meet upon the call of the board or of the Attorney General. The advisory committee shall carry out the responsibilities assigned to it under this

act and such matters as the board may require. The Attorney General shall provide the advisory committee with such facilities and personnel as shall be required for the proper conduct of its business.

The board, with the approval of the Attorney General, may authorize reimbursement of the members of the advisory committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

(c) There is hereby appropriated to the Department of Law and Public Safety, for the purposes of administering this act, all fees and revenues received by the board from the effective date of this act until June 30, 1964. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

11. Any person who willfully makes a false oath or affirmation in any case in which an oath is required by this act or who obtains or attempts to obtain registration by any false statement or fraudulent representation and any person who shall violate any of the provisions of this act or any rule or regulation adopted hereunder shall be liable to a penalty of not less than $50.00 nor more than $100.00 for the first offense, not less than $100.00 nor more than $200.00 for the second offense, and not less than $200.00 nor more than $500.00 for the third and each subsequent offense, to be sued for and recovered, in a summary manner, pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

12. This act shall take effect immediately but section 3 thereof shall remain inoperative until 180 days after the approval of this act.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 9, 1963

SENATE BILL NO. 173

To the Senate:

Pursuant to Article V, Section 1, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 173, with my objections, for reconsideration.

This bill would provide for the registration of physical therapists by the State Board of Medical Examiners and would establish, to assist the Board, an advisory committee made up of professional physical therapists. As originally introduced, the bill authorized the State Board to issue rules and regulations establishing standards governing the practice of physical therapy and provided a penalty for violation of the provisions of the act or such rules and regulations. During the legislative process, however, both of these features were deleted.

The public generally attaches a high degree of significance to the fact that a person performing functions in the healing arts, such as a physical therapist, is licensed by the State. By virtue of such license, the qualifications and performance of the practitioner have impliedly received the imprimatur of the State. It is natural and proper for the public to assume that the act of licensing brings to bear on the licensee an effective system of regulation and control. The failure in this instance to give the Board of Medical Examiners the authority to establish and enforce appropriate standards renders Senate Bill No. 173 purposeless. Absent such authority, the licensee may receive a benefit but the public does not.

An additional opportunity for advancing the public's welfare is presented here. Throughout the years, groups interested in securing the advantages of State licensing and centralized regulation have submitted, and secured passage of, legislation providing for the establishment of regulatory boards and advisory committees composed entirely of members actively engaged in the profession, trade or occupation to be regulated. In the past, some of these boards and

committees have given the appearance of representing the group to be regulated rather than the interests of the general public. While it is without question true that the State and the people owe a debt of gratitude to the many dedicated board and commission members who give unselfishly of their time and effort, this experience has indicated the wisdom of requiring the inclusion of impartial public membership wherever possible. In this fashion the vital public interest in effective functioning by regulatory bodies should be more adequately reflected.

Accordingly, I am returning Senate Bill No. 173 for reconsideration, with the recommendation that the bill be amended as follows:

On page 3, section 3, line 1, after "3." insert "(a)".

On page 4, section 3, following line 11, insert a new paragraph as follows:

"(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act."

On page 5, section 8, line 23, after the word "physician" delete the period and insert "; or".

On page 5, section 8, following line 23, insert a new subsection as follows:

"(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder."

On page 6, section 10, line 4, delete "3" and insert in lieu thereof "5".

On page 6, section 10, line 4, delete "who" and insert in lieu thereof ", 3 of whom".

On page 6, section 10, line 13, delete "member" and insert in lieu thereof "of the 3 registered physical therapist members".

On page 6, section 10, line 14A, after the word "of" insert "any".

On page 6, section 10, line 14A, delete "apointments" and insert in lieu thereof "appointments".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

On page 6, section 10, line 15, delete "The persons" and insert in lieu thereof "The 3 physical therapists".

Respectfully,

RICHARD J. HUGHES

GOVERNOR

[SEAL]

Attest:

LAWRENCE BILDER

Acting Secretary to the Governor

SENATE AMENDMENTS TO

SENATE, No. 173

STATE OF NEW JERSEY

ADOPTED DECEMBER 9, 1963

Amend page 3, section 3, line 1, after "3." insert "(a)".

Amend page 4, section 3, following line 11, insert a new paragraph as follows:

"(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act."

Amend page 5, section 8, line 23, after the word "physician" delete the period and insert "; or".

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Amend page 6, section 10, line 13, delete "member" and insert in lieu thereof "of the 3 registered physical therapist members".

Amend page 6, section 10, line 14A, after the word "of" insert "any".

Amend page 6, section 10, line 14A, delete "apointments" and insert in lieu thereof "appointments".

Amend page 6, section 10, line 15, delete "The persons" and insert in lieu thereof "The 3 physical therapists".

CHAPTER 169 LAWS OF N. J. 1963

APPROVED DEC. 16, 1963

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 173

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1963

By Senators BOWKLEY and GROSSI

(Without Reference)

AN ACT providing for the registration of physical therapists, prescribing penalties for violations, and amending section 45:9–21 of the Revised Statutes.

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

1. Section 45:9–21 of the Revised Statutes is amended to read as follows:

45:9–21. The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any State or of the United States;

b. A lawfully qualified physician or surgeon of another State taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or indorsement from another State. Such permission

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

may be granted for a period of not less than 2 weeks nor more than 4 months upon payment of a fee of $25.00. The board in its discretion may extend such permission for further periods of 2 weeks to 4 months but not to exceed in the aggregate 1 year;

c. A physician or surgeon of another State of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of 2 years, and such exemption of resident physicians, except with respect to persons who shall have commenced service as resident physicians prior to July 1, 1939, shall apply only to persons who have been issued certificates under provisions contained in section 45:9–8 of this Title;

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug or material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of chiropody by any legally licensed chiropodist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right

or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A chiropodist, professional nurse, or a [graduate physio-therapist] *registered physicial therapist,* masseur, [electro-therapist, or hydro-therapist,] while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician or surgeon or under the direction thereof; or

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director.

2. As used in this act, unless the context otherwise requires, the following words shall have the following meanings:

(a) "Board" means the State Board of Medical Examiners.

(b) "Physical therapy" shall mean and include physiotherapy, electro-therapy or hydro-therapy.

3. [(a)] *(a)* It shall be a violation of this act for any person who is not registered under this act as a physical therapist, or whose registration has been suspended or revoked, or whose registration has lapsed and has not been revived, to render physical therapy services within this State or to use in connection with his name the words or letters "R. P. T.," "Registered Physical Therapist," "P. T.," "Physical Therapist," or "Physiotherapist," "Physical Therapy Technician," "P. T. T.," or any other letters, words or insignia indicating or implying that he is a registered physical therapist, or, in any way, orally or in writing or in print or by sign or by implication, to

present or hold himself out as a registered physical therapist or a physical therapist.

[(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act.]

(b) The board, by rules and regulations and after consultation with the physical therapy advisory committee, shall establish standards governing the practice of physical therapy which standards shall be adhered to by persons registered under this act.

4. An applicant for registration as a physical therapist shall submit to the board evidence, in such form as the board may prescribe, that the applicant (1) has attained his or her twenty-first birthday; (2) is a citizen of the United States; (3) is of good moral character; (4) is a graduate of a high school approved by the New Jersey Department of Education or has equivalent education acceptable to the board; (5) has completed satisfactorily a course of study of physical therapy at a school, hospital or other institution having a program of education and instruction in physical therapy approved by the board.

The board, in establishing, altering or amending the standards for approving such programs of education and instruction, shall consult with the physical therapy advisory committee and may take into consideration the standards suggested by the appropriate council of the American Medical Association, the American Physical Therapy Association, and the New Jersey *State* Physical Therapy Society, *Incorporated.*

5. The board shall register as a physical therapist any person who applies for such registration within 1 year after this act takes effect, and who meets the qualifications prescribed in section 4 of this act or who submits to the section 4 of this act and has renderes qualifications (1) and (3) provided in board evidence that the applicant had physical therapy services for 2 years or more in the State of New Jersey prior to the date this act was approved.

6. Each initial application under this act shall be accompanied by a fee of $25.00. Registrations under this act shall expire on January 31 of each calendar year and shall be renewed upon application and payment of a fee of $10.00.

7. Records of patients, the name of the referring physician, the prescription, if any, or records of oral direction and such other records as the board may require, shall be kept by all physical therapists for at least 5 years.

8. The board, after due notice and hearing, may refuse to register any applicant, or may refuse to renew the registration of any registered person, or may suspend or revoke the registration of any registered person:

(a) Who is habitually drunk or who is addicted to the use of narcotic drugs;

(b) Who has been convicted of violating any State or Federal narcotic law;

(c) Who the board shall find to be guilty of immoral or unprofessional conduct;

(d) Who has been convicted of any crime involving moral turpitude;

(e) Who the board shall find to be guilty of gross negligence as a physical therapist, or whose conduct as a registered physical therapist is detrimental to the best interests of the public; except that said person shall have the right of appeal on all matters of law and fact to the appropriate courts of this State;

(f) Who has obtained or attempted to obtain registration by fraud or material misrepresentation;

(g) Who has been declared insane by a court of competent jurisdiction and who has not thereafter been lawfully declared sane;

(h) Who has treated or undertaken to treat ailments of human beings otherwise then by physical therapy and as authorized by this act, or who has undertaken to practice independently of the prescription or oral direction of a duly licensed physician[.]*; or* [; or

(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder.]

(i) Who has violated the provisions of this act or the rules or regulations adopted hereunder.

9. The board shall keep a record of its proceedings under this act and a register of all persons registered under it. The register shall show the name of every living person registered under this act, his last known place of practice and last known place of residence, and the date and number of his registration. The board shall compile annually a list of registered physical therapists authorized to practice physical therapy in the State and shall make such list available, upon request, to the superintendent of every hospital and to every person authorized to practice medicine, surgery, chiropractic, osteopathy and physical therapy in this State.

10. (a) There is hereby created in the Division of Professional Boards of the Department of Law and Public Safety, under the State Board of Medical Examiners, a physical therapy advisory committee. The committee shall consist of [3] *5* members [who], *3 of whom* shall be, except for the initial members of the committee, registered physical therapists of this State having at least 5 years experience in the practice of physical therapy *in the State of New Jersey immediately* prior to appointment. The members of the committee shall be appointed by the Governor. The initial appointments to the committee shall be one member for a term of 1 year; one member for a term of 2 years; and one member for a term of 3 years. Members shall thereafter be appointed for terms of 3 years. Each member shall hold office after the expiration of his term until his successor shall be duly appointed and qualified. *A vacancy shall exist in the term of any [member] of the 3 registered physical therapist members who ceases to be actively engaged in the practice of physical therapy in the State of New Jersey.* A vacancy in the office of *any* member shall be filled in the same manner as original [apointments] *appointments* and shall be filled for the unexpired term only.

[The person] *The 3 physical therapists* initially appointed to the office of member of the advisory committee need not be registered physical therapists at the time of appointment but shall satisfy the qualifications set forth in section 4 of this act and shall have at least 5 years experience in the practice of physical therapy *in the State of New Jersey immediately prior to the appointment.*

(b) The advisory committee shall meet at least twice a year and shall also meet upon the call of the board or of the Attorney General. The advisory committee shall carry out the responsibilities assigned to it under this act and such matters as the board may require. The Attorney General shall provide the advisory committee with such facilities and personnel as shall be required for the proper conduct of its business.

The board, with the approval of the Attorney General, may authorize reimbursement of the members of the advisory committee for their actual expenses incurred in connection with the performance of their duties as members of the committee.

(c) There is hereby appropriated to the Department of Law and Public Safety, for the purposes of administering this act, all fees and revenues received by the board from the effective date of this act until June 30, 1964. The expenditure of such appropriation shall be authorized by the Attorney General with the approval of the Director of the Division of Budget and Accounting.

11. Any person who willfully makes a false oath or affirmation in any case in which an oath is required by this act or who obtains or attempts to obtain registration by any false statement or fraudulent representation and any person who shall violate any of the provisions of this act or any rule or regulation adopted hereunder shall be liable to a penalty of not less than $50.00 nor more than $100.00 for the first offense, not less than $100.00 nor more than $200.00 for the second offense, and not less than $200.00 nor more than $500.00 for the third and each subsequent offense, to be sued for and

recovered, in a summary manner, pursuant to the Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.).

12. This act shall take effect immediately but section 3 thereof shall remain inoperative until 180 days after the approval of this act.