

November 15, 1966

LEGISLATIVE HISTORY OF R.S. 45:9-5.1
(Definition of medicine and surgery - deletion of "chiropractic")

- L. 1953, Chapter 233 - A456
Introduced February 16 by Mesdames Marggraff, Dwyer and Pilger
and Mr. Hoff.
Not amended during passage.
No statement on bill.

Previous bills introduced:

- 1952, S139
Introduced February 11 by Mr. Young.
Statement on bill.
Passed both houses.
Vetoed by Governor, May 27 (copy of bill, statement, and
Governor's Veto Message enclosed).
- 1953, S202
Introduced February 16 by Mr. Young.
Statement on bill.
Died in Senate Committee (A456 passed in lieu of S202).
(copy of S202 enclosed).

See the following newspaper articles (copies enclosed):

"Chiropractic bill pressed; Jersey backers reply to Medical Society
plea for veto." Newark Evening News, ^{April} February 27, 1952, 1:6,2:3.

"Chiropractor fight looming again in Legislature; Trenton may get
two bills on issue." Newark Evening News, December 28, 1952, p. 15.

"Chiropractor bills in; Measures offered in Legislature set stage
of show-down in 32-year-old squabble." Newark Evening News, February
17, 1953, 12:2-3.

Chiropractic board urged; Jersey group lobbies as bill it opposes
is reported." Newark Evening News, March 17, 1953, 21:5-6.

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STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1952

By Mr. YOUNG

Referred to Committee on Public Health

AN ACT creating a board of chiropractic examiners in the Department of Law and Public Safety, Division of Professional Boards, and providing for the examination, regulation, licensing and registration of chiropractors, and providing penalties for violation thereof.

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

1 1. There is hereby created a "Board of Chiropractic Examiners" in
2 the Department of Law and Public Safety, Division of Professional Boards,
3 to consist of five licensed chiropractors, each of whom shall be a resident of
4 this State and a graduate of an incorporated school or college of chiroprac-
5 tic and actively engaged in the practice of his profession in this State. No
6 member of the said board shall be connected in any way with the business
7 of conducting a school or college of chiropractic or other school of the heal-
8 ing arts. Not more than two members of the board shall be graduates of
9 one chiropractic school or college. The members of the original board, those
10 appointed to fill vacancies and all subsequent appointees shall be appointed
11 by the Governor from a list furnished within ten days of the effective date
12 of this act, the vacancy or the expiration of a member's term, whichever the
13 case may be, by the State Chiropractors' Society of New Jersey, Inc., and
14 from the names thus submitted the Governor shall appoint the member or
15 members within twenty days after submission of the list. Appointments to

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16 fill any vacancy shall be for the unexpired term only. Of the first members
17 one member shall be appointed for a term of one year; two for terms of
18 two years; and two for terms of three years; and upon expiration of the
19 term of each member a successor shall be appointed for a term of three
20 years.

21 Each person appointed to membership on the board shall, within thirty
22 days after his appointment, take and subscribe the oath or affirmation re-
23 quired by law and file the same in the office of the Secretary of State of New
24 Jersey.

1 2. The board shall elect a president, a secretary and a treasurer from
2 its membership and shall have a common seal of which all courts of the
3 State shall take judicial notice. Its president, or secretary, may issue sub-
4 pœnas to compel attendance of witnesses to testify before the board and
5 administer oaths in taking testimony in any matter pertaining to its duties,
6 which subpœnas shall issue under the seal of the board and shall serve in
7 the same manner as subpœnas issued out of any court of competent juris-
8 diction of this State, and every person who shall refuse or neglect to obey
9 the command of such subpoena, or who, after appearing, refuses to be
10 sworn and testify shall, in either event, be liable to a penalty of fifty dollars
11 (\$50.00) to be sued for in the name of the board in any court of competent
12 jurisdiction, which penalty when collected shall be paid to the treasurer of
13 said board. It shall make and adopt all necessary rules, regulations and by-
14 laws not inconsistent with the laws of the State or of the United States,
15 whereby to perform the duties and to transact the business required under
16 the provisions of this act.

1 3. The board shall have power from time to time to appoint such as-
2 sistants and employees as shall be necessary to the conduct of its affairs
3 and to fix their compensation to be paid from funds as hereinafter provided.

1 4. The board shall hold meetings once a month, and shall hold meetings
2 for examination on the fourth Tuesday of June and October of each year,
3 which shall be at the capital of this State, and at such other times and places

4 as it may deem expedient. The secretary of the board shall receive an an-
 5 nual salary to be fixed by the board, and each member thereof, including
 6 said secretary, shall receive the sum of fifty dollars (\$50.00) for each ex-
 7 amination held, which sum shall be paid from the receipts of the board be-
 8 fore any unused balances are paid over to the State Treasurer. The board
 9 shall keep an official record of all of its meetings and an official register
 10 of all applicants for a license to practice chiropractic in this State. The
 11 register shall show the name, age, nativity, last and intended place of
 12 residence of each applicant, the time he has spent in obtaining a competent
 13 academic and professional education as hereinafter provided, and the names
 14 and location of all professional schools or colleges, or examining and licens-
 15 ing boards which have granted the applicant any degree or certificate of at-
 16 tendance upon lectures upon chiropractic or State examinations. The regis-
 17 ter shall also show whether the applicant was licensed or rejected under this
 18 act; if licensed, whether the applicant was examined or licensed without ex-
 19 amination, and the register shall be prima facie evidence of all matters
 20 therein contained. All records and documents pertaining to the board shall
 21 be the property of the board and the secretary shall keep them at such place
 22 and under such conditions as shall be prescribed by the board. All existing
 23 records of chiropractors already licensed by this State, under prior acts, to
 24 practice chiropractic shall be immediately transferred to the first board ap-
 25 pointed under the provisions of this act.

1 5. The practice of chiropractic is defined as follows, "a system of adjust-
 2 ing the articulations of the spinal column, by hand only, for the correction
 3 of a cause of disease." A licensee under this act shall have a right in the
 4 examination of patients to use all scientific instruments and X-ray neces-
 5 sary for the purpose of analysis; *provided, however,* that a license to prac-
 6 tice chiropractic shall not permit the holder thereof to prescribe, administer
 7 or dispense drugs in the treatment of any human ailment, disease, pain,
 8 injury, deformity, mental or physical condition, or to perform surgical oper-
 9 ations, or to practice obstetrics, or to reduce or set fractures or disloca-
 10 tions.

11 All persons who shall be licensed under this act and all persons to whom
12 licenses to practice chiropractic have been granted under the provisions of
13 any prior act shall be subject to the provisions of this act and each such
14 person shall conduct his practice as required by this act of a licensee and
15 shall be subject to all the prohibitory features of this act. He shall also be
16 permitted to use the title "Doctor" in connection with his name when ac-
17 companied by the name chiropractor or D.C.; he shall be permitted to sign
18 any and all certificates required by law or any other healing profession the
19 practice of his profession, as herein defined, or by law. He shall be per-
20 mitted to advertise subject to the provisions of this act.

1 6. Any person holding a license to practice chiropractic heretofore
2 granted lawfully shall be authorized to continue to practice pursuant to said
3 license as though the act under which said license had been issued had not
4 been repealed; *provided*, (a) he registers and pays the registration fee as
5 hereinafter set forth, and (b) he shall comply with the rules and regula-
6 tions of the board appointed under the provisions of this act, and said per-
7 son shall be permitted to practice chiropractic in the manner provided for in
8 this act.

1 7. Any person not heretofore licensed by the State of New Jersey de-
2 siring to practice chiropractic in the State of New Jersey, shall make appli-
3 cation to the Board of Chiropractic Examiners for a license to do so. Such
4 application shall be filed with the secretary of the board not less than forty-
5 five days before the date of examination and upon blanks provided by the
6 board. Any person making such application shall submit with said application
7 the sum of twenty-five dollars (\$25.00) if he be a resident of New Jersey and
8 fifty dollars (\$50.00) if he be a nonresident, and said sum of money shall be
9 returned to an applicant who is not accepted by the board for examination.
10 Affidavits of two reputable citizens of the United States who are residents of
11 New Jersey, attesting the good moral character of the applicant shall be filed
12 with the application for examination, together with two recent photographs
13 of the applicant. Said applicant shall present his diploma which conferred

14 upon him the primary degree of doctor of chiropractic or a photostatic copy
15 of the same for the board's record. At such time and place designated by the
16 board the applicant shall appear before said board to be examined as to his
17 fitness to practice chiropractic in this State. Any person applying for an
18 examination before this board to practice chiropractic shall not be required
19 to take any other examination whatsoever.

20 Each applicant shall show to the satisfaction of the board that he is at
21 least twenty-one years of age, a citizen of the United States and shall pos-
22 sess a high school education, or its equivalent acceptable to the board, and
23 that he is a graduate of a legally incorporated school or college of chiro-
24 practie approved by the board. Such school shall teach a resident course of
25 not less than four years of nine months each and not less than three thousand
26 six hundred hours; *and provided further*, any applicant for a license to prac-
27 tice chiropractic, upon proving that he has been examined and licensed by the
28 examining and licensing board of chiropractic examiners of another State
29 of the United States may, in the discretion of the Board of Chiropractic Ex-
30 aminers of this State, be granted a license to practice chiropractic without
31 examination upon payment to the treasurer of the board of a license fee of
32 one hundred dollars (\$100.00); *provided*, such applicant shall furnish proof
33 that he can fulfill the requirements demanded in the other sections of this act
34 relating to applicants for admission to examination.

1 8. The provision of section seven to the contrary notwithstanding, any
2 person, who (1) is a resident of the State of New Jersey for one year prior to
3 the effective date of the act, and (2) is engaged actively in the practice of
4 chiropractic in this State on the effective date of the act, and (3) is a grad-
5 uate of any legally incorporated school or college of chiropractic approved
6 by the board, shall be entitled to apply to the Board of Chiropractic Exam-
7 iners for the purpose of taking an examination for a license to practice chiro-
8 practie upon the following further conditions: he is a citizen of the United
9 State and has furnished due proof of good moral character to the board
10 within six months after the organization of the first board appointed under

11 this act showing that the applicant comes under the special class herein con-
12 tained, then he shall, upon payment of a fee of twenty-five dollars (\$25.00),
13 be granted permission to take an examination before said board in the fol-
14 lowing subjects: anatomy, physiology, diagnosis, pathology, principles and
15 practice of chiropractic, and to give a demonstration of clinical vertebral
16 palpation, nerve tracing and adjusting so that said board may determine the
17 applicant's qualifications and right to a license under this special class.

18 Any person coming within the provisions of this section shall, before
19 making application for examination, give notice of intention to the Board of
20 Chiropractic Examiners to the effect that he meets the qualifications of this
21 section, presenting proof thereof, and that he intends to take the examina-
22 tion provided for in this section within twelve months of the filing of his
23 notice of intention. If the Board of Chiropractic Examiners is satisfied
24 upon the proofs presented that the applicant qualifies prima facie in the afore-
25 said special class he shall be granted a permit to practice chiropractic until
26 he has taken the examination provided for herein; *and provided further*, any
27 person who holds a license to practice chiropractic in any State of the United
28 States, district or territory thereof testifying to the certificate holder's pro-
29 ficiency in the practice of chiropractic, or is an honorably discharged veteran
30 of the armed forces of the United States of America having served in war
31 time, shall, upon payment of a fee of twenty-five dollars (\$25.00), be granted
32 a license to practice chiropractic; *provided*, the applicant meets the require-
33 ments of provisions (1), (2), (3), of this section.

1 9. The questions on all examinations given under this act shall be printed
2 and the answers shall be submitted in writing in the English language. All
3 regulations and provisions covering examinations shall be set out in the by-
4 laws of the board and copies of such provisions shall be made available to
5 all applicants. Each applicant examined shall be designated by a number
6 instead of his name written opposite his name, in a book kept for that pur-
7 pose by the secretary of the board, so that the identity of the applicant will
8 not be disclosed to the members of the board until after his examination
9 papers have been graded.

10 In the event of failure on examination of any applicant, the applicant
11 may without losing credits for subjects passed and without another fee,
12 again take the examination; *provided*, that the applicant shall, not less than
13 ten days before the date of the next examination, notify the board of his
14 intentions to take the examination.

15 No person shall be entitled to take more than two examinations on the
16 same application fee.

1 10. Each person to whom a license shall hereafter be issued under this
2 act and each person to whom a license to practice chiropractic in this State
3 has been issued under any prior act of the State of New Jersey shall regis-
4 ter with the board within sixty days of the enactment of this act and there-
5 after on or before the fifteenth day of January of each year, on a form
6 approved by the board, which form shall set forth the name and address of
7 the licensee, the address of his office and such other information as the
8 board shall deem proper. The secretary of the board shall mail a copy of
9 said form to each licensee who shall request the same in writing. Each
10 licensee shall pay to the board an annual registry fee of ten dollars (\$10.00),
11 which fee shall be payable to the board, shall accompany the aforesaid form
12 and shall be turned over to the treasurer of the board. Upon receipt of such
13 form and fee the annual certificate of registration shall be issued and trans-
14 mitted; *provided further*, that the licensee must attend a two days' post
15 graduate course approved by the board or in lieu thereof attend a similar
16 course held at a chiropractic school, college or convention approved by the
17 board.

1 11. The board by a majority vote may refuse to grant a license under
2 this act or it may revoke or suspend any license granted hereunder or any
3 license to practice chiropractic which shall have been granted under the pro-
4 visions of any act of this State for the following causes to a person who
5 (a) has failed to secure an annual certificate of registration at the time and
6 in the manner required in this act; or (b) has been adjudicated insane; or
7 (c) habitually uses drugs or intoxicants; or (d) has practiced criminal abor-

8 tion or been convicted of the crime of criminal abortion; or (e) has been con-
9 victed of a crime involving moral turpitude; or (f) has pleaded nolo con-
10 tendere, non vult contendere or non vult to an indictment, information or
11 complaint alleging the commission of the crime of criminal abortion or of
12 crime involving moral turpitude; or (g) has advertised falsely a special
13 ability to treat or cure chronic or incurable diseases; or (h) has presented
14 to this board for the purpose of procuring a license to practice chiropractic
15 in this State, any diploma, certificate or credentials of any kind which shall
16 have been signed or issued unlawfully or under fraudulent representation;
17 or (i) has procured a license to practice chiropractic in this State through
18 fraud of any kind. Before a license shall be revoked or suspended the
19 accused licensee shall be furnished with a copy of the charges against him
20 and given an opportunity to be heard before said board in person or by
21 attorney. Any person whose license shall have been revoked, or refused, or
22 suspended, and who practices chiropractic in this State, while such license
23 is so revoked, refused or suspended shall be deemed to be practicing without
24 a license and shall be subject to the penalties hereinafter set forth. Any
25 person whose license to practice chiropractic shall be suspended or revoked
26 under the authority of this act may, in the discretion of the board, be
27 relicensed at any time to practice without an examination as aforesaid on
28 application being made to the board.

1 12. The Board of Chiropractic Examiners is herewith empowered to fix,
2 from time to time, minimum requirements which must be met by chiropractic
3 schools and colleges and the board may approve such chiropractic schools
4 and colleges which meet these requirements and the board or any member
5 or members designated by the board may investigate and make personal
6 inspection of any chiropractic school or college to determine whether such
7 minimum requirements are being met.

1 13. All chiropractic institutions, clinics, sanitoriums, spinographic or
2 X-ray laboratories, rest rooms, adjusting rooms, offices and other places

3 where the practice of chiropractic is carried on must be in charge of and
4 under the direct supervision of a licensed chiropractor of this State.

1 14. The prohibitions contained in this act shall not be applicable to the
2 following:

3 (a) A person giving first aid, assistance or relief in emergency or acci-
4 dent cases pending the arrival of physician, surgeon or chiropractor.

5 (b) Licensed medical physicians, surgeons, osteopaths, masseurs, chirop-
6 odists, dentists, optometrists, nurses, physiotherapists, and druggists; *pro-*
7 *vided, however,* that each of the above classified practitioners does not prac-
8 tice or attempt to practice chiropractic as set forth in this act.

9 (c) Persons practicing healing by spiritual or religious means if no
10 material medicine is prescribed or used and no manipulation or material
11 means are used.

1 15. For the purpose of this act the practice of chiropractic is hereby
2 declared not to be a limited branch of medicine and surgery and the regu-
3 latory provisions of chapter nine of Title 45 of the Revised Statutes shall
4 not apply to the practice of chiropractic.

1 16. Any person who shall violate any of the provisions of this act shall
2 be liable to a penalty of not less than three hundred dollars (\$300.00), and
3 said penalty shall be sued for and recovered by and in the name of the board
4 and shall be paid over to the treasurer of the board.

1 17. In case a person shall, after conviction of any violation of this act,
2 be again convicted of another violation thereof or of continuing the viola-
3 tion of which he was previously convicted, he shall be liable to a penalty of
4 five hundred dollars (\$500.00) for each violation or continuation, to be sued
5 for and recovered in the name of the board in the manner above set forth.
6 In case any defendant against whom judgment has been recovered for a
7 penalty of five hundred dollars (\$500.00) shall fail or neglect to pay the
8 amount of said penalty, the court shall commit him to jail in the manner
9 provided in this act for a period of not less than thirty days and not more
10 than two hundred days.

1 18. Each district court and each County Court of this State is hereby 3
2 empowered, upon filing of a complaint in writing, duly verified, which said 4
3 verification, when made by any member of the board, may be made upon 5
4 information and belief alleging that any person has violated any provision 6
5 of this act, to issue process at the suit of the board as plaintiff. The process 7
6 shall be in the nature of a summons or a warrant and may issue without 8
7 an order of the court or judge first being obtained against the person so 9
8 charged. It shall be returnable in not less than five days and not more than 10
9 fifteen days, and state specifically what provisions of this act are alleged to 1
10 have been violated by the person so charged. In the event that the person 2
11 so charged shall fail to appear upon the return day of the summons, the 3
12 judge of the court shall make an order directing that a warrant for the 4
13 apprehension or arrest of said person shall issue, and, thereupon, such 5
14 warrant shall issue and shall be returnable forthwith. Such warrant shall 6
15 state specifically what provisions of this act are alleged to have been vio- 7
16 lated by the defendant. Any officer authorized to serve and execute process 8
17 in the court which shall have issued said summons or warrant is hereby 9
18 authorized to serve and execute all process herein referred to. 10

1 19. Upon the return of such process, or at any time to which trial shall 11
2 be adjourned, the court shall proceed in summary manner, without a jury, 12
3 to hear testimony and to determine and give judgment in the matter 13
4 without filing any pleadings in favor of the plaintiff for the recovery of such 14
5 penalty, with costs, or shall give judgment for the defendant. 15

1 20. If the judgment be rendered for the plaintiff in any penalty action 16
2 hereunder, the court shall cause any defendant who refuses or neglects to 1
3 pay the amount of the judgment rendered against him, with costs, to be com- 1
4 mitted to the county jail for a period of not less than ten nor more than one 1
5 hundred days. ;

1 21. The district court or County Court shall have power to adjourn the
2 hearing or trial on any such penalty suit from time to time; *provided*, that

3 the adjournment shall not exceed ninety days, except that in cases in which
 4 a warrant shall have been issued, it shall be the duty of the judge of said
 5 court to detain the defendant in safe custody, unless he shall enter into
 6 bond to the board with at least one sufficient surety in double the amount
 7 of penalty claimed, conditioned for his appearance on the day to which the
 8 hearing shall be adjourned, and thence from day to day until the case is dis-
 9 posed of, and to abide by the judgment of the court. The bond, if for-
 10 feited, may be prosecuted by the board.

1 22. The convictions in prosecutions under this act shall be in the follow-
 2 ing or similar form:

3 "State of New Jersey, }
 4 County of } ss.:

5 Be it remembered, that on this day of
 6 at in said court, C. D., defendant, was by (the
 7 district court of.....county or the County
 8 Court ofcounty, as the case may be) convicted
 9 of violating section..... of 'An act creating a board of
 10 chiropractic examiners and providing for the examination, regulations,
 11 licensing and registration of chiropractors, and providing penalties for
 12 violation thereof,' approved on..... 19....., in a summary
 13 proceeding at the suit of the New Jersey State Board of Chiropractic
 14 Examiners, upon a complaint made by.....; and
 15 further, that the witnesses in said proceedings who testified for the
 16 plaintiff wereand the
 17 witnesses who testified for the defendant were.....

18 Wherefor, the said court doth hereby give judgment that the plain-
 19 tiff recover of the defendant.....dollars, penalty, and
 20 other costs of this proceeding."

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1 23. Each conviction under this act shall be signed by the judge of the
2 court before whom the conviction was had. If the defendant is committed
3 to jail in default of the payment of the penalty, a commitment in the fol-
4 lowing form shall be added, beneath the judge's signature, to the conviction.

5 "And the said C. D., defendant, neglecting and refusing to pay the
6 amount of the penalty above mentioned, with costs, it is hereby ordered
7 that the said C. D., defendant, be and he hereby is committed to the
8 common jail of the county of..... for a period of.....days,
9 unless the said penalty and costs are sooner paid."

10 This commitment shall also be signed by the judge, and in case of com-
11 mitment of any defendant to jail, the conviction and commitment shall be
12 signed in duplicate, and one of the duplicate copies shall serve the purpose
13 of a warrant of commitment.

1 24. The clerk of any district court or of any County Court may sign
2 any process required to be issued under this act, except as otherwise stated
3 herein. The costs recovered in any such proceedings shall be assessed in the
4 same manner as costs taxed in actions in said courts, and shall be recovered
5 by the board in the event of the conviction of the defendant. A judgment re-
6 covered for the penalty under the provisions of this act in any district court
7 may be docketed in the same manner as judgments of said court are docketed
8 under provisions of article fourteen of chapter thirty-two of Title 2 of the
9 Revised Statutes. Execution may issue for the collection of any such judg-
10 ment and costs against the personal property and body of the defendant with-
11 out an order first obtained for that purpose.

1 25. Each member of the board shall be compensated for his reasonable
2 expenses and disbursements in performing the duties required of him under
3 the act in addition to compensation hereinbefore set forth. In no case shall
4 any expense of operating this board be paid by the State of New Jersey.
5 The board shall operate on funds taken in by the board through examination
6 fees of applicants, renewal of yearly licenses to practice chiropractic in this
7 State and penalties collected through violations of this act.

1 26. All moneys received by the board shall be paid to the treasurer of
 2 the board and all expenses incurred in the administration of this act by the
 3 appointment of the board of assistants and employees or otherwise shall be
 4 paid from the moneys so received. All expense vouchers shall be approved by
 5 a finance committee of the board before payment is made. At the end of each
 6 fiscal year which is hereby fixed as July first, the treasurer of the board shall
 7 pay over to the State Treasurer any balance remaining in this fund after all
 8 expenses incident to the administration of the act have been paid. All ex-
 9 penses incident to the proper functioning of said board shall be paid out of
 10 the fund of the State Board of Chiropractic Examiners and not otherwise.

1 27. All acts and parts of acts in conflict with this act are repealed.

1 28. If any section of this act should be declared unconstitutional, it shall
 2 not affect the validity or force of any other section or part thereof not
 3 declared to be unconstitutional.

1 29. This act shall take effect immediately.

S 139 (1952)

Sponsors

STATEMENT

Whereas, the State of New Jersey has at present no satisfactory regulation for the licensing of chiropractors, and whereas, it has become apparent that unsatisfactory persons have infiltrated the State of New Jersey to practice chiropractic, said persons not having been able to obtain chiropractic licenses in other States, and whereas, this may affect the public health of the State of New Jersey; now, therefore, it is the purpose of this bill to provide for the safety and general welfare of the public health of the people of the State of New Jersey by setting up proper rules and regulations for the licensing of chiropractors in the State of New Jersey under the supervision of the State Board of Chiropractic Examiners.

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

SENATE BILL No. 139

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 139 for the following reasons:

The problem of adequate examination and regulation of the practice of chiropractic has been a major concern of this Administration.

Since the passage of Senate Bill No. 139 by the Legislature on the closing day of its session, I have had numerous conferences on this subject with representatives of the chiropractic profession, the medical profession, public health officers and other interested citizens. As a result I am now confident that no phase of the problem has been overlooked. From all of my studies I am convinced that adequate provision for examination, supervision and regulation of the chiropractic profession is unquestionably required. There is, in my judgment, no doubt but that proper provision for licensing and supervision of this profession should be made as soon as possible.

In 1920, when the practice of chiropractic was relatively young, legislation (P. L. 1920, c. 4) establishing a State Board of Chiropractic Examiners, and authorizing the Board to examine and license chiropractors, was adopted. That law was discontinued in 1921 (P. L. 1921, c. 136). This latter legislation provided for limited licenses to be issued by the State Board of Medical Examiners, upon examination, and provided for a chiropractic member on the Board of Medical Examiners. The report of the Committee, appointed pursuant to A. C. R. No. 13 of the 172nd Legislature, to study the subject of licensing and regulating the practice of chiropractic shows that the Board of Chiropractic Examiners, during the time of its existence (1920-21), issued some 597 licenses to practice chiropractic. Further legislation was adopted in 1923 (P. L. 1923, c. 161), authorizing the Board of Medical Examiners to examine those who had graduated from chiropractic schools on or before March 31, 1921 (the effective date of the discontinuance of the 1920 law). Legislation adopted in 1925 (P. L. 1925, c. 126) provided certain exemptions for war veterans

who applied for licenses. In addition to the licenses issued under the 1920 law, 105 licenses were issued under the 1921 act and the 1923 amendment, and 26 licenses were issued under the 1925 legislation. Accordingly, the Committee reported a total of 728 licenses to practice chiropractic in New Jersey have been issued.

It is a matter of common knowledge that many persons presently engaged in the practice of chiropractic in this State are unlicensed. There are many instances where unlicensed practitioners, after investigation by the Board of Medical Examiners, are tried and convicted of violating the Medical Practice Act and immediately return to their unlicensed practices.

From both a public health and law enforcement viewpoint the present situation is neither practical, desirable nor realistic. It is fully apparent that the qualified chiropractor has established himself in the American community. There are many citizens in this State who desire to avail themselves of his services. For his protection and, more particularly for the protection of the public, there should be adequate legislation whereby those men and women who can qualify to practice this profession are permitted to do so and those who cannot so qualify are effectively prevented from continuing their activities in this field. The apparent object of Senate Bill No. 139 was to accomplish this constructive purpose.

An examination of the bill, however, clearly demonstrates that this measure falls far short of its objective. It contains provisions that are in direct conflict with constitutional limitations; provisions which go beyond anything required to achieve reasonable objectives; provisions which are vague and inconsistent; and provisions which are in direct conflict with the administrative reorganization program of 1948. A few are enumerated below:

1. This bill has been drafted without any regard to the reorganization program of 1948. It contains no restrictions with respect to preparation and approval of budgets of the proposed board, such as those in Chapter 439 of the Laws of 1948 with respect to the other professional boards in the Division of Professional Boards in the Department of Law and Public Safety. The bill contains no provision regarding removal of members of the board; and the power of appointment of personnel of the board is placed in the board

itself, without restriction. These provisions are also in direct conflict with P. L. 1948, c. 439. In fact, the head of the Department of Law and Public Safety, the Attorney General, is given no authority or supervision with respect to this proposed board. This is in open conflict with the spirit and intent of Article V, Section IV, of the State Constitution.

2. The provisions of section 4 of the bill, authorizing payment of compensation to members of the board "from the receipts of the board before any unused balances are paid over to the State Treasurer," are in direct conflict with the provisions of section 22 of the bill and with the provisions of Article VIII, Section II, paragraph 2, of the State Constitution, which states: "All moneys for the support of the State Government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year;"

3. The practice of chiropractic is defined in the bill as "a system of adjusting the articulations of the spinal column, by hand only, for the correction of a cause of disease." However, a person who would be licensed under the bill, is given the specific right in the examination of patients to use all scientific instruments and X-ray necessary for the purpose of analysis. No limitation is placed upon the type of scientific instruments which may be used nor the scope of the examination. The bill would prohibit a licensee from prescribing, administering, or dispensing drugs in the *treatment* of any human ailment, disease, pain, injury, deformity, mental or physical condition. No provision is contained in the measure prohibiting the licensee from using drugs for examination purposes.

4. The bill specifically permits a licensee "to sign any and all certificates required by law or any other healing profession the practice of his profession, as herein defined, or by law." The language of this provision is indeed obscure. In any event no limitation is placed on the type or character of the certificates to be signed. This provision could, for example, refer to birth certificates, although another provision of the bill prohibits the licensee from practicing obstetrics.

5. An applicant for a license is required, among other things, to show to the satisfaction of the board that he

"shall possess a high school education, or its equivalent acceptable to the board". This provision would impose upon the board the duty of examining and investigating as to academic standings of high schools and the extent of equivalent education. This is a matter which is properly for determination by the State Department of Education as in the case of other professions.

6. License by reciprocity (without examination) is authorized where the qualifications to practice chiropractic are "substantially equal" to those of this State. No reference is made to the time when such qualifications are to be "substantially equal." If the bill in this respect intends that the "substantially equal" qualifications must have existed at the time of application in this State, and not at the time of licensing in another State, it would authorize the licensing of persons who may not be as competent or qualified as those applying from this State.

7. The bill creates a special class for special examination, covering those engaged actively in the practice of chiropractic in this State since July 1, 1951. Persons qualifying under this provision (section 8) may be granted a permit to practice chiropractic until the examination is taken, but no specific limitation is placed upon the duration of the "permit to practice chiropractic."

8. The type of examination to be given to applicants not in the "special class" is specified in the bill. The measure requires that "questions on all examinations given under this act shall be printed and the answers shall be submitted in writing" The bill contains no specific provision authorizing the board to conduct any other type of examination. Since the practice of chiropractic is defined as "a system of adjusting the articulations of the spinal column . . ." it would appear that demonstrations of the applicant's ability may reasonably be required to determine his fitness to practice.

These are a few of the objections to Senate Bill No. 139. It is obvious that the measure does not adequately provide for the examination, regulation, licensing and registration of chiropractors. I have been assured by representatives of the medical profession that they will co-operate completely in a sincere and determined effort to find a fair, equitable and workable solution to a problem that has plagued this State for too many years. Thus, thanks to the

introduction of this bill and its consideration by the Legislature a very useful purpose appears to have been well served. We have reconciled the difference that once existed between the osteopaths and the medical doctors. By a patient and consistent application of good will and reason, I am confident that we can find the right answer to the licensing of chiropractors.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:

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

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

SENATE BILL No. 149

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 149 for the following reasons:

This amendment to R. S. 40:67-1 is intended to clarify the powers delegated to municipalities under paragraph "1" of that section to regulate the use of highways and streets of the municipality. The amendment enlarges the power to cover not only processions and parades (as currently included), but also "block dances, coaster derby races, automobile road races and other races, sporting, recreational and public events" and to close off temporarily such streets and highways to other traffic.

The amendment is entirely too broad and certainly will contribute nothing to the public safety and welfare by permitting municipalities to allow automobile road races along municipal streets and highways. Under the proposed amendment it will be entirely possible for a municipality to permit commercial sporting events to be conducted on public streets in conflict with the public trust in which such streets are held.

Only one year ago there was passed and approved what is now Chapter 23 of the Laws of 1951, the revised and

SENATE, No. 202

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 16, 1953

By Mr. YOUNG

Referred to Committee on Public Health

AN ACT creating a board of chiropractic examiners in the Department of Law and Public Safety, Division of Professional Boards, providing for the examination, regulation, licensing and registration of chiropractors, providing penalties for violation thereof, and supplementing the "Department of Law and Public Safety Act of 1948," approved October fifteenth, one thousand nine hundred and forty-eight (P. L. 1948, c. 439).

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

1 1. There is hereby created a "Board of Chiropractic Examiners" in
2 the Department of Law and Public Safety, Division of Professional Boards,
3 hereinafter designated as the "board", to consist of five chiropractors, each
4 of whom shall be a resident of this State and a graduate of an incorporated
5 school or college of chiropractic and actively engaged in the practice of his
6 profession in this State. No member of the said board shall be connected in
7 any way with the business of conducting a school or college of chiropractic
8 or other school of the healing arts. Not more than two members of the board
9 shall be graduates of one chiropractic school or college. The members of the
10 original board, those appointed to fill vacancies and all subsequent appoint-
11 ees, shall be persons of recognized ability and honor and shall be appointed by
12 the Governor with the advice and consent of the Senate. The Governor may
13 make such appointments from lists furnished to him, within 30 days after the

14 enactment of this act or the occurrence of any vacancy in the membership of
 15 the board, by any incorporated Chiropractic Society or organization of New
 16 Jersey. Appointments to fill any vacancy shall be for the unexpired term
 17 only. Of the first members one member shall be appointed for a term of one
 18 year; two for terms of two years; and two for terms of three years; and upon
 19 expiration of the term of each member a successor shall be appointed for a
 20 term of three years.

21 Any member of the board may be removed from office by the Governor,
 22 for cause, upon notice and opportunity to be heard.

23 Each person appointed to membership on the board shall, within thirty
 24 days after his appointment, take and subscribe the oath or affirmation re-
 25 quired by law and file the same in the office of the Secretary of State of New
 26 Jersey.

1 2. The board shall elect a president, a secretary and a treasurer from
 2 its membership and shall have a common seal of which all courts of the
 3 State shall take judicial notice. Its president, or secretary, may issue sub-
 4 pœnas to compel attendance of witnesses to testify before the board and
 5 administer oaths in taking testimony in any matter pertaining to its duties,
 6 which subpœnas shall issue under the seal of the board and shall serve in
 7 the same manner as subpœnas issued out of any court of competent juris-
 8 diction of this State, and every person who shall refuse or neglect to obey
 9 the command of such subpœna, or who, after appearing, refuses to be
 10 sworn and testify shall, in either event, be liable to a penalty of fifty dollars
 11 (\$50.00) to be sued for in the name of the board in any court of competent
 12 jurisdiction, which penalty when collected shall be paid to the treasurer of
 13 said board. It shall make and adopt, subject to the approval of the Attorney-
 14 General, all necessary rules, regulations and by-laws not inconsistent with
 15 the laws of the State or of the United States, for the performance of its duties
 16 and the transaction of its business required under the provisions of this act.

1 3. The board shall have power from time to time to appoint and remove
 2 such officers, assistants and employees, subject to the approval of the At-

3 torney-General, as shall be necessary to the conduct of its affairs and to fix
4 their compensation within the limits of available appropriations therefor.

1 4. The board shall hold meetings once a month, and shall hold meetings
2 for examination on the fourth Tuesday of June and October of each year,
3 which shall be at the capital of this State, and at such other times and places
4 as it may deem expedient. The secretary of the board shall receive an an-
5 nual salary to be fixed by the board, subject to the approval of the Attorney-
6 General, and each member thereof, including said secretary, shall receive the
7 sum of fifty dollars (\$50.00) for each examination held, all to the extent that
8 funds are available from the license fees prescribed herein and within the
9 limits of available appropriations therefor. The board shall keep an official
10 record of all of its meetings and an official register of all applicants for a li-
11 cense to practice chiropractic in this State. The register shall show the
12 name, age, nativity, last and intended place of residence of each applicant,
13 the time he has spent in obtaining a competent academic and professional
14 education as hereinafter provided, and the names and location of all profes-
15 sional schools or colleges, or examining and licensing boards which have
16 granted the applicant any degree or certificate of attendance upon lectures
17 upon chiropractic or State examinations. The register shall also show whe-
18 ther the applicant was licensed or rejected under this act and if licensed,
19 whether the applicant was examined or licensed without examination. The
20 register shall be prima facie evidence of all matters therein contained. All
21 records and documents pertaining to the board shall be the property of the
22 board and the secretary shall keep them at such place and under such con-
23 ditions as shall be prescribed by the board, subject to the approval of the
24 Attorney-General. All existing records of chiropractors already licensed by
25 this State, under prior acts, to practice chiropractic shall be immediately
26 transferred to the first board appointed under the provisions of this act.

1 5. The practice of chiropractic is a separate and distinct science, not
2 allied to the practice of medicine and surgery. Chiropractic is defined as fol-
3 lows, "a system of adjusting the articulations of the spinal column, by hand

4 only, for the correction of a cause of disease." A licensee under this act
5 shall have a right in the examination of patients to use all scientific instru-
6 ments and X-ray necessary for the purpose of chiropractic spinal analysis;
7 *provided, however,* that a license to practice chiropractic shall not permit
8 the holder thereof to prescribe, administer or dispense drugs in the examina-
9 tion of a patient or in the treatment of any human ailment, disease, pain,
10 injury, deformity, mental or physical condition, or to perform surgical oper-
11 ations, or to practice obstetrics, or to reduce or set fractures or disloca-
12 tions.

13 All persons who shall be licensed under this act and all persons to whom
14 licenses to practice chiropractic have been granted under the provisions of
15 any prior act shall be subject to the provisions of this act and each such
16 person shall conduct his practice as required of a licensee by this act and
17 shall be subject to all the prohibitory features of this act. He shall be per-
18 mitted to use the title "Doctor" in connection with his name when accom-
19 panied by the word "chiropractor" or he may use the initials "D.C." He
20 shall be permitted to sign any and all certificates required by law and per-
21 mitted in the practice of his profession. He shall be permitted to advertise
22 subject to the provisions of this act.

1 6. Any person holding a license to practice chiropractic heretofore
2 lawfully granted shall be authorized to continue to practice pursuant to said
3 license as though the act under which said license had been issued had not
4 been repealed; *provided,* (a) he registers and pays the registration fee as
5 hereinafter set forth, (b) he complies with the rules and regulations of the
6 board appointed under the provisions of this act; and (c) he practices chiro-
7 practic in the manner provided for in this act.

1 7. Any person not heretofore licensed by the State of New Jersey de-
2 siring to practice chiropractic in the State of New Jersey, shall make appli-
3 cation to the Board of Chiropractic Examiners for a license to do so. Such
4 application shall be filed with the secretary of the board not less than forty-
5 five days before the date of examination and upon blanks provided by the

6 board. Any person making such application shall submit with said application
7 the sum of twenty-five dollars (\$25.00) if he be a resident of New Jersey and
8 fifty dollars (\$50.00) if he be a nonresident. Such application fee shall be
9 returned to an applicant who is not accepted by the board for examination.
10 Affidavits of two reputable citizens of the United States who are residents of
11 New Jersey, attesting to the good moral character of the applicant, shall be filed
12 with the application for examination, together with two recent photographs
13 of the applicant. Said applicant shall present his diploma which conferred
14 upon him the primary degree of doctor of chiropractic or a photostatic copy
15 of the same for the board's record. At such time and place designated by the
16 board the applicant shall appear before said board to be examined as to his
17 fitness to practice chiropractic in this State. Any person applying for an
18 examination before this board to practice chiropractic shall not be required
19 to take any other examination whatsoever.

20 Each applicant shall show to the satisfaction of the board that he is at
21 least twenty-one years of age, a citizen of the United States, and a graduate of
22 a legally incorporated school or college of chiropractic qualified as provided
23 in this act and approved by the board. He shall, in addition, present to said
24 board a certificate from the Commissioner of Education of this State showing
25 that he has obtained an academic education consisting of a four years' course
26 of study in an approved public or private high school, or the equivalent there-
27 of. Each applicant applying for a license to practice chiropractic after July
28 first, one thousand nine hundred and fifty-eight, shall show in addition and
29 in a like manner that he has had two years of general college education. Any
30 applicant for a license to practice chiropractic, upon proving that he has
31 been examined and licensed by the examining and licensing board of chiro-
32 practic examiners of another State of the United States wherein the qualifi-
33 fications to practice chiropractic were substantially equal at the time of such
34 examination to those provided for by this act may, in the discretion of the
35 Board of Chiropractic Examiners of this State, be granted a license to prac-
36 tice chiropractic without examination upon payment to the treasurer of the

37 board of a license fee of one hundred dollars (\$100.00); *provided*, such appli-
38 cant shall furnish proof that he can fulfill the requirements demanded in the
39 other sections of this act relating to applicants for admission to examination.

1 8. The provision of section seven to the contrary notwithstanding, any
2 person, who (1) is a resident of the State of New Jersey for one year prior
3 to the effective date of this act, and (2) has been actively engaged in the prac-
4 tice of chiropractic in this State for one year prior to the effective date of this
5 act, and (3) is a graduate of a legally incorporated school or college of chiro-
6 practice, and (4) holds a license to practice chiropractic in another State,
7 which license was issued by a chiropractic board of examiners in said State
8 after a written examination, and (5) is a citizen of the United States, shall
9 take an examination before the Chiropractic Board of Examiners in a clinical
10 demonstration of (a) vertebral palpation, (b) vertebral adjusting, and (c)
11 nerve tracing, to demonstrate his proficiency in the practice of the science of
12 chiropractic. Upon receiving a general average of 70 per centum in such
13 examination, said applicant shall be issued a license to practice chiropractic
14 as defined in this act.

15 Any other person, practicing chiropractic in the State of New Jersey as
16 of the date of passage of this act, who is (1) a citizen of the United States,
17 and (2) a graduate of a legally incorporated school or college of chiroprac-
18 tic approved by the board, and has participated in at least 2800 hours of cur-
19 ricula hours of study, which may have post-graduate work, shall be exam-
20 ined as follows: Class A. those practicing five years or less shall take a written
21 examination in the following subjects: (1) Anatomy, (2) Physiology, (3)
22 Symptomatology, (4) Hygiene, (5) Jurisprudence, 6) Principles and Prac-
23 tice of Chiropractic; Class B, those practicing five to fifteen years shall take
24 take a written examination in the following subjects:: (1) Anatomy, (2)
25 Physiology, (3) Symptomatology, (4) Jurisprudence, (5) Principles and
26 Practice of Chiropractic; Class C, those practicing fifteen years or more shall
27 take an examination in a clinical demonstration of (1) Vertebral Palpation,
28 (2) Vertebral Adjusting, (3) Nerve Tracing. Upon receiving a general

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29 average of 70 per centum in such examination the applicant shall be issued
 30 a license to practice chiropractic as defined in this act, under this special
 31 class.

32 Any applicant who holds a license by examination in another State,
 33 but does not qualify under section seven but does qualify under section eight
 34 of this act, may, in the discretion of the board, be issued a license to practice
 35 chiropractic in this State; *provided, however,* that the examination he took
 36 to obtain the license in another State covered subjects stipulated in this sec-
 37 tion.

38 Any person coming within the provisions of this section shall, before
 39 making application for examination, give notice of intention to the Board of
 40 Chiropractic Examiners, within six months after the enactment of this act,
 41 to the effect that he meets the qualifications of this section, presenting proof
 42 thereof, and that he intends to take the examination provided for in this sec-
 43 tion within six months of the filing of his notice of intention. If the Board of
 44 Chiropractic Examiners is satisfied upon the proofs presented that the ap-
 45 plicant qualifies *prima facie* in any of the aforesaid special classes, he shall
 46 be granted a permit valid for a six months' period to practice chiropractic
 47 and he shall take the examination provided for herein within such six months'
 48 period.

1 9. The questions on all written examinations given under this act shall
 2 be printed and the answers shall be submitted in writing in the English lan-
 3 guage. Applicants, except where otherwise provided, shall be examined in
 4 all branches of Anatomy, Physiology, Pathology, Bacteriology, Bio-chem-
 5 istry, Organic Chemistry, Inorganic Chemistry, Symptomatology, Chiroprac-
 6 tic Philosophy and shall give a demonstration of clinical vertebral palpation,
 7 nerve tracing and adjusting. All regulations and provisions covering exam-
 8 inations shall be set out in the by-laws of the board and copies of such pro-
 9 visions shall be made available to all applicants. Each applicant examined
 10 shall be designated by a number, instead of his name, written opposite his
 11 name in a book kept for that purpose by the secretary of the board, so that

12 the identity of the applicant will not be disclosed to the members of the board
13 until after his examination papers have been graded. A general average
14 of 70 per centum in all examinations shall constitute a passing grade.

15 In the event of failure on examination of any applicant, the applicant
16 may without losing credits for subjects passed and without another fee,
17 again take the examination; *provided*, that the applicant shall, not less than
18 ten days before the date of the next examination, notify the board of his
19 intentions to take the examination.

19 No person shall be entitled to take more than two examinations on the
20 same application fee.

1 10. Each person to whom a license to practice chiropractic in this State
2 has been issued under any prior act of the State of New Jersey shall regis-
3 ter with the board within sixty days of the enactment of this act and there-
4 after such person and each person to whom a license shall be issued under
5 this act shall register with the board on or before the fifteenth day of Jan-
6 uary of each year, on a form approved by the board, which form shall set
7 forth the name and address of the licensee, the address of his office and such
8 other information as the board shall deem proper. The secretary of the
9 board shall mail a copy of said form to each licensee at least 60 days before
10 January fifteenth of each year. Each licensee shall pay to the board an an-
11 nual registry fee of ten dollars (\$10.00), which fee shall be payable to the
12 board, shall accompany the aforesaid form and shall be turned over to the
13 treasurer of the board. Upon receipt of such form and fee the annual certi-
14 ficate of registration shall be issued and transmitted; *provided further*, that
15 the licensee must attend a two days' post graduate course approved by the
16 board or in lieu thereof attend a similar course held at a chiropractic school,
17 college or convention approved by the board.

1 11. The board by a majority vote may refuse to grant a license under
2 this act or it may revoke or suspend any license granted hereunder or under
3 the provisions of any other act of this State, to any person for the following
4 causes: (a) failure to secure an annual certificate of registration at the time

5 and in the manner required in this act; or (b) has been adjudicated insane; or
 6 (c) habitually uses drugs or intoxicants; or (d) has practiced criminal abor-
 7 tion or been convicted of the crime of criminal abortion; or (e) has been con-
 8 victed of a crime involving moral turpitude; or (f) has pleaded nolo con-
 9 tendere, non vult contendere or non vult to an indictment, information or
 10 complaint alleging the commission of the crime of criminal abortion or of a
 11 crime involving moral turpitude; or (g) has advertised falsely a special
 12 ability to treat or cure chronic or incurable diseases; or (h) has presented
 13 fraudulent information of any kind to this board for the purpose of procur-
 14 ing a license to practice chiropractic in this State. Before a license shall be
 15 revoked or suspended the accused licensee shall be furnished with a copy of
 16 the charges against him and given an opportunity to be heard before said
 16 board in person or by attorney. Any person whose license shall have been
 17 revoked, or refused, or suspended, and who practices chiropractic in this
 18 State while such license is so revoked, refused or suspended, shall be deemed
 19 to be practicing without a license and shall be subject to the penalties here-
 20 inafter set forth. Any person whose license to practice chiropractic shall be
 21 suspended or revoked under the authority of this act may, in the discretion
 21 of the board, be relicensed at any time thereafter without further examina-
 22 tion.

1 12. A qualified school or college of chiropractic for the purposes of this
 2 act shall be one having a competent teaching staff of not less than seven
 3 chiropractors and, in addition, one bacteriologist, one laboratory technician
 4 and one anatomist. Of the teaching staff, the anatomist and one of the chir-
 5 opractors shall be full-time teachers. The other chiropractic members of the
 6 said teaching staff shall be active practitioners of chiropractic.

7 Every such school or college of chiropractic shall own, or enjoy the as-
 8 sured use of, sufficient space in a modern fireproof building or buildings with
 9 adequate lecture rooms, laboratories, library and administrative and faculty
 10 offices.

11 Every such school or college shall have and maintain a well-ordered
12 clinic for men and women out-patients, supervised by such members of the
13 teaching staff as are especially qualified in the department for which the clinic
14 is conducted and, in connection with the clinic, they shall have access to ade-
15 quate laboratory equipment.

1 13. The admission of students to any such school or college shall be in
2 charge of a responsible committee or examiner and adequate records relat-
3 ing to all applicants for such admission shall be carefully maintained and
4 shall be open to inspection by the board. The said records shall include docu-
5 mentary evidence of the applicant's preliminary education. The minimum
6 entrance requirements shall be an academic education, consisting of a four
7 years course in an approved public or private high school or equivalent there-
8 of. Each such school or college shall have courses of four years, consisting
9 of a minimum of four thousand class hours of not less than forty-five minutes
10 each. The curriculum shall include the following subjects: (1) Anatomy, in-
11 cluding dissection wherever possible, embryology and histology; (2) Princi-
12 ples of Chiropractic; (3) Physiology; (4) Diagnosis and Symptomatology;
13 (5) Pathology, Bacteriology and Laboratory Technique; (6) Chemistry; (7)
14 Neurology; (8) Hygiene; (9) Jurisprudence; (10) Gynecology, Obstetrics;
15 Spinography, Endocrinology, Dermatology, Pediatrics, Special Senses.

1 14. The Board of Chiropractic Examiners is empowered to fix, from
2 time to time, additional reasonable minimum requirements which must be met
3 by chiropractic schools and colleges. The board may approve such chiroprac-
4 tic schools and colleges which meet the requirements provided for by this act.
5 The board or any member or members designated by the board may investi-
6 gate and make personal inspection of any chiropractic school or college to de-
7 termine whether such minimum requirements are being met.

1 15. All chiropractic institutions, clinics, sanitoriums, spinographic or
2 X-ray laboratories, rest rooms, adjusting rooms, offices or other places,
3 where the practice of chiropractic is carried on, shall be in charge of, and
4 under the direct supervision of, a licensed chiropractor of this State.

1 16. The prohibitions contained in this act shall not be applicable to the
2 following:

3 (a) A person giving first aid, assistance or relief in emergency or acci-
4 dent cases pending the arrival of physician, surgeon or chiropractor.

5 (b) Licensed medical physicians, surgeons, osteopaths, masseurs, chirop-
6 odists, dentists, optometrists, nurses, physiotherapists and druggists; *pro-*
7 *vided, however,* that each of the above classified practitioners does not prac-
8 tice or attempt to practice chiropractic as set forth in this act.

9 (c) Persons practicing healing by spiritual or religious means if no ma-
10 terial medicine is prescribed or used and no manipulation or material means
11 are used.

1 17. For the purpose of this act the practice of chiropractic is hereby
2 declared not to be a limited branch of medicine and surgery and the regu-
3 latory provisions of chapter nine of Title 45 of the Revised Statutes shall
4 not apply to the practice of chiropractic.

1 18. Any person who shall violate any of the provisions of this act shall
2 be liable to a penalty of not less than three hundred dollars (\$300.00), and
3 said penalty shall be sued for and recovered by and in the name of the board
4 and shall be paid over to the treasurer of the board. Any action for a pen-
5 alty under this act shall be heard by the court without a jury.

1 19. In case a person shall, after conviction of any violation of this act,
2 be again convicted of another violation thereof or of continuing the viola-
3 tion of which he was previously convicted, he shall be liable to a penalty of
4 five hundred dollars (\$500.00) for each violation or continuation, to be sued
5 for and recovered in the name of the board in the manner above set forth.
6 In case any defendant against whom judgment has been recovered for a
7 penalty shall fail or neglect to pay the amount of the penalty, the court shall
8 commit him to jail for a period of not less than ten days and not more than
9 two hundred days.

1 20. Every county court and every county district court within their re-
2 spective territorial jurisdiction shall have jurisdiction of actions for penal-

3 ties under this act. The procedure in any such action shall be as in the case
 4 of other actions to recover penalties brought by the State or by a State
 5 agency or board.

1 21. Each member of the board shall be compensated for his reasonable
 2 expenses and disbursements in performing the duties required of him under
 3 the act in addition to compensation hereinbefore set forth and within the lim-
 4 its of available appropriations therefor. In no case shall any expense of
 5 operating this board be paid by the State of New Jersey. The board shall
 6 operate on funds taken in by the board through examination fees of appli-
 7 cants, renewal of yearly licenses to practice chiropractic in this State and
 8 penalties collected through violations of this act.

1 22. All moneys received by the board, or any officer thereof, pursuant to
 2 any provision of this act, shall be paid into the State treasury through the At-
 3 torney-General. Such moneys so paid shall be placed to the credit of the
 4 board, and no part thereof may be disbursed or expended by the board for
 5 any purpose except in accordance with appropriations made by law, and
 6 then only upon warrant of the Director of the Division of Budget and Ac-
 7 counting in the Department of the Treasury on vouchers certified or approved
 8 by the president of the board.

9 All such moneys so paid into the State treasury prior to July first, one
 10 thousand nine hundred and fifty-four, are hereby appropriated to the board
 11 created by this act for the administration of this act, subject to the approval
 12 of the Director of the Division of Budget and Accounting.

1 23. On or before the fifteenth day of September, in each year, the board
 2 shall prepare and submit to the Attorney General a budget request for ap-
 3 propriations for the board for the ensuing fiscal year. The budget request
 4 so prepared shall, upon approval of the Attorney General, be submitted to the
 5 State Treasurer.

1 24. Any surplus remaining in any year to the credit of the board, after
 2 annual appropriations made as provided herein, shall be paid into and be-
 3 come part of the General Fund of the State.

1 25. All acts and parts of acts in conflict with this act are repealed.

1 26. If any section of this act should be declared unconstitutional, it shall
2 not affect the validity or force of any other section or part thereof not
3 declared to be unconstitutional.

1 27. This act shall take effect immediately.

S202 (1953)

Sponsor's
STATEMENT

This bill sets up a separate board of chiropractic examiners and regulates the practice of chiropractic in this State.

Among other things, it sets up standards for schools teaching chiropractic to be met in order to become approved schools under the bill. Those standards are based primarily on the qualifications of the Palmer School of Chiropractic. The following comparison is helpful in determining the adequacy of such qualifications.

REFERENCE:

JOHNS HOPKINS:

Johns Hopkins University Circular New Series 1951, number 1 whole number 609, published by University of Baltimore 18, Maryland.

PALMER SCHOOL:

1. January, 1952, "The Chiropractic Profession Guide to a Career" (International Chiropractic Association).

2. "Chiropractic As a Career," by Wilfred E. Belleau, Life Advertisement Department. Boy's Technical High School, Milwaukee, Wisconsin. Park Publishing House, 4141 West Vhet Street, Milwaukee, Wisconsin.

COMPARISON SUBJECTS AND CLASS HOURS

JOHNS HOPKINS MEDICAL SCHOOL

THE PALMER SCHOOL OF CHIROPRACTIC

Subject	Johns Hopkins Class Hours	Johns Hopkins % of Total	P. S. C. Class Hours	Palmer School % of Total
Anatomy	508	15.0	520	11.6
Physiology	256	7.3	520	11.6
Pathology	401	11.8	195	4.4
Chemistry	200	5.9	325	7.2
Bacteriology	114	3.4	130	3.0
Diagnosis	224	6.6	520	11.6
Neurology	112	3.3	130	3.0
X-Ray	48	1.4	292	6.5
Psychiatry	144	4.3	65	1.4
Obstetrics and Gynecology	198	5.8	65	11.4
Pharmacology	80	2.4	0	....
Psychology	16	.5	0	....
Medicine	656	19.3	0	....
Pediatrics	72	2.1	0	....
Surgery	352	10.4	0	....
Therapeutics	16	.5	0	....
Clinic	0	....	585	13.0
Hygiene	0	....	65	1.4
Chiropractic Technic	0	....	553	12.3
Chiropractic Philosophy	0	....	195	4.4
Public Speaking	0	....	65	1.4
NCM and NCGH	0	....	65	1.4
Principle and Practice	0	130	3.0
Ethics and Jurisprudence	0	65	1.4
Total.....	3,397	100%	4,485	100%

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SUBJECTS TAUGHT BY BOTH CURRICULA

	Johns Hopkins Class Hours	P. S. C. Class Hours
Anatomy	508	520
Physiology	256	520
Pathology	401	195
Chemistry	200	325
Bacteriology	114	130
Diagnosis	224	520
Neurology	112	130
X-Ray	48	292
Psychiatry	144	65
Obstetrics and Gynecology	198	65
Total Hours.....	2,205	2,762

SUBJECTS NOT TAUGHT AT P. S. C.

Pharmacology	80
Psychology	16
Medicine	656
Pediatrics	72
Surgery	352
Therapeutics	16
Nonchiropractic Total Hours	1,192

SUBJECTS NOT TAUGHT AT JOHNS HOPKINS

Clinical Practice	585
Hygiene	65
Chiropractic Technic	553
Chiropractic Philosophy	195
Public Speaking	65
Neurocalometer and Neurocalograph	65
Principles and Practice, Chiropractic.....	130
Ethics and Jurisprudence	65
Nonmedical Total Hours	1,723

Almer School
% of Total
11.6
11.6
4.4
7.2
3.0
11.6
3.0
6.5
1.4
11.4
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13.0
1.4
2.3
4.4
1.4
1.4
3.0
.4
10%

SUMMARY:	Johns Hopkins Class Hours	P. S. C. Class Hours
Total Basic Hours	2,205	2,762
Nonchiropractic Hours	1,192	....
Nonmedical Hours .....	....	1,723
Total	<u>3,397</u>	<u>4,485</u>

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. - 1 p

1895, Chapter 238, § 1.

1903, Chapter 228, § 3.

1925, Chapter 271, § 6 & 7.

1921, Chapter 221, § 3 & 4.

1935, Chapter 226.

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
chiropractors 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 - 336
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 Margraff, Deyer,
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 Fanaro & Brady.
No statement.
February 11 - Passed Assembly, amended (changed 15 to 21 (a)
from "2 years" to "5 years".)
April 29 - Passed Senate.
May 8 - Approved.

L. 1963, Chapter 169, 1.

No hearings or reports on these bills were made.

See 48/10/63
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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 - Chap. 286 (A956)

corrects errors

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May 1, 1969

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

(page 8)

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.
S198 - Introduced (pre-filed) by Guarini.

RSL/PC

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Assembly Bill 210 of 1939

21

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

3 45:9-21. The prohibitory provisions of this chapter shall not apply to
4 the following:

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

11 b. A lawfully qualified [physicians] physician or [surgeons] surgeon
12 residing in [other States] another State or foreign [countries] country
13 meeting a registered [physicians] physician [and surgeons] or surgeon of
14 this State in consultation, or for the purpose of operating, diagnosing, pre-
15 scribing, or otherwise treating, in conjunction with a regularly licensed phy-
16 sician or surgeon of this State;

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

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

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

Note: [] ITEMS NOT PART OF ACT AS
ENACTED INTO LAW.

32 thousand nine hundred and thirty-nine, shall apply only to persons who have
33 been issued certificates under provisions contained in section 45:9-8 of this
34-36 Title;

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

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

42 [h.] g. The practice of optometry by any legally qualified and regis-
43 tered optometrist;

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

45 [j.] i. A person claiming the right to practice medicine and surgery in
46 this State who has been practicing therein since before July fourth, one thou-
47 sand eight hundred and ninety, if said right or title was obtained upon a duly
48 registered diploma, of which the holder and applicant was the lawful pos-
49 sessor, issued by a legally chartered medical institution which, in the opin-
50 ion of the board, was in good standing at the time the diploma was issued;

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

56 l. The practice of pharmacy by a legally licensed and registered phar-
57 macist of this State, but this exception shall not be extended to give to said
58 licensed pharmacist the right and authority to carry on the business of a dis-
59 pensary, unless the dispensary shall be in charge of a legally licensed and
60 registered physician and surgeon of this State;

61 m. The practice of veterinary medicine, surgery or dentistry in any of
62 its branches by a legally licensed and registered veterinary physician, sur-
63 geon or dentist of this State;

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

70 [o.] k. A person while giving aid, assistance or relief in emergency or
 71 accident cases pending the arrival of a regularly licensed physician or sur-
 72 geon.

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

3 45:9-22. Any person commencing or continuing the practice of medicine
 4 and/or surgery [in any of its branches] in this State without first having
 5 obtained [and filed the] a license [required therefor], as provided in this
 6 article, or contrary to any of the provisions of this [chapter] article, or
 7 who practices medicine and/or surgery under a false or assumed name, or
 8 falsely impersonates another practitioner of a like or different name, or
 9 buys, sells or fraudulently obtains a diploma as a doctor of medicine and/or
 10 surgery or any branch thereof, or method of treatment of human ailment,
 11 disease, pain, injury, deformity, mental or physical condition or a [medi-
 12 cal] license to practice medicine and/or surgery, record or registration per-
 13 taining to the same, or any person, company or association who shall em-
 14 ploy for a stated salary or otherwise, or [give] aid or assist any person
 15 not regularly licensed to practice medicine and/or surgery in this State, to
 16 practice medicine and/or surgery therein, or who violates any of the pro-
 17 visions of this chapter, shall be liable to a penalty of two hundred dollars,
 18 which penalty shall be [sued for and recovered by and in the name of the
 19 board] recovered in the manner hereinafter provided. No person shall prac-
 20 tice or continue to practice medicine and/or surgery under any firm name
 21 or trade name or under any name other than his true name; provided, that
 22 nothing herein contained shall prohibit the practice of medicine and/or

23 surgery by a partnership under a firm name containing nothing but the sur-
24 name of every member of said partnership; and provided, further, that noth-
25 ing contained herein shall prohibit a licensed physician or surgeon from
26 practicing under his own name or under a firm name containing only the sur-
27 names of each member of such firm. Every person violating any of the
28 foregoing provisions of this section shall be subject to a penalty of two
29 hundred dollars for the first offense. Every person practicing medicine
30 and/or surgery under a firm name as herein authorized and every person
31 practicing medicine and/or surgery or as an employee of another shall cause
32 his name to be conspicuously displayed and kept in a conspicuous place at
33 the entrance of the place where such practice shall be conducted, and any
34 person who shall neglect to cause his name to be displayed as herein re-
35 quired, shall be liable to a penalty of one hundred dollars. The penalties
36 provided for by this section shall be sued for and recovered by and in the
37 name of the State Board of Medical Examiners of New Jersey. Every dis-
38 trict court and every court of common pleas is hereby empowered, upon fil-
39 ing of a complaint in writing duly verified, which said verification when made
40 by any member of the board, or by any member of any incorporated med-
41 ical society of this State or of any county thereof, may be made upon infor-
42 mation and belief, that any person has violated any provision of this chap-
43 ter, to issue process at the suit of the board as plaintiff. The process shall
44 be either in the nature of a summons or a warrant, which process may
45 issue without an order of the court or judge first being obtained against the
46 person so charged, which process, when in the nature of a warrant, shall be
47 returnable forthwith, and when in the nature of a summons shall be return-
48 able in not less than five nor more than fifteen entire days; and such proc-
49 ess shall state what provision or provisions of the law [is] are alleged to
50 have been violated by the defendant. The officers to serve and execute all
51 process under this chapter shall be the officers authorized to serve and exe-
52 cute process in said courts.

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

1 36. All acts and parts of acts, general or special, inconsistent with the
2 provisions of this act, are hereby repealed to the extent of such inconsis-
3 tencies only.

1 37. If any part or parts of this act shall be held to be invalid or un-
2 constitutional the validity of the other parts hereof shall not thereby be af-
3 fected or impaired.

1 38. This act shall take effect on July thirty-first, one thousand nine
2 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 erier 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.

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 prin-

ciple, 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 Chiroprody Society, rectifying some minor errors in the present chiroprody 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 chiroprody, 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.

Pollak

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 Gulon
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 Slea
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. Flischells, 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 Blen, H. Roy Van Ness, Watson B. Morris, Robert M. Grler, 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.

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

1 1. Section 45:9-22 of the Revised Statutes is amended to read as follows:
2 45:9-22. Any person commencing or continuing the practice of medicine
3 and/or surgery in this State without first having obtained a license, as pro-
4 vided in this article, or contrary to any of the provisions of this article,
5 or who practices medicine and/or surgery under a false or assumed name,
6 or falsely impersonates another practitioner of a like or different name, or
7 buys, sells or fraudulently obtains a diploma as a doctor of medicine and/or
8 surgery or any branch thereof, or method of treatment of human ailment,
9 disease, pain, injury, deformity, mental or physical condition or a license to
10 practice medicine and/or surgery, record or registration pertaining to the
11 same, or any person, company or association who shall employ for a stated
12 salary or otherwise, or aid or assist any person not regularly licensed to
13 practice medicine and/or surgery in this State, to practice medicine and/or
14 surgery therein, or who violates any of the provisions of this chapter, shall
15 be liable to a penalty of not less than fifty dollars (\$50.00) and not more
16 than two hundred dollars (\$200.00), which penalty shall be recovered in the
17 manner hereinafter provided. Every person violating any of the foregoing

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

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

2 45:9-26. In case a person shall, after conviction of any violation of this
3 chapter, be again convicted of another violation thereof or of continuing the
4 violation for which such offender was previously convicted, such offender
5 shall be liable to a penalty of not less than two hundred and fifty dollars
6 (\$250.00) and not more than five hundred dollars (\$500.00) for each such

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

1 3. This act shall take effect immediately.

SENATE BILL No. 28

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 F. DRISCOLL,
Attest: Governor.
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.

July 1953

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 Committee 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 Committee, 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

15

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.

1 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,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
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]
Attest:

ALFRED E. DRISCOLL,
Governor.

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.

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

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

2 45:9-21. The prohibitory provisions of this chapter shall not apply to the
3 following:

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

9 b. A lawfully qualified physician or surgeon of another State taking
10 charge temporarily, on written permission of the board, of the practice of a
11 lawfully qualified physician or surgeon of this State during his absence from
12 the State, upon written request to the board for permission so to do. Before
13 such permission is granted by the board and before any person may enter
14 upon such practice he must submit proof that he can fulfill the requirements
15 demanded in the other sections of this article relating to applicants for ad-
16 mission 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 6. Each initial application under this act shall be accompanied by a fee of
38 \$25.00. Registrations under this act shall expire on January 31 of each
39 calendar year and shall be renewed upon application and payment of a fee of
40 \$10.00.

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

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

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

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

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

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

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

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

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

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

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

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

4 of practice and last known place of residence, and the date and number of
5 his registration. The board shall compile annually a list of registered physi-
6 cal therapists authorized to practice physical therapy in the State and shall
7 make such list available, upon request, to the superintendent of every hos-
8 pital and to every person authorized to practice medicine, surgery, chiro-
9 practic, osteopathy and physical therapy in this State.

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

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

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

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

26 reimbursement of the members of the advisory committee for their actual ex-
27 penses incurred in connection with the performance of their duties as mem-
28 bers of the committee.

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

1 11. Any person who willfully makes a false oath or affirmation in any
2 case in which an oath is required by this act or who obtains or attempts to
3 obtain registration by any false statement or fraudulent representation and
4 any person who shall violate any of the provisions of this act or any rule
5 or regulation adopted hereunder shall be liable to a penalty of not less than
6 \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor
7 more than \$200.00 for the second offense, and not less than \$200.00 nor more
8 than \$500.00 for the third and each subsequent offense, to be sued for and
9 recovered, in a summary manner, pursuant to the Penalty Enforcement Law
10 (N. J. S. 2A :58-1 et seq.).

1 12. This act shall take effect immediately but section 3 thereof shall re-
2 main 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".

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.

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

1 1. Section 45:9-21 of the Revised Statutes is amended to read as follows:
2 45:9-21. The prohibitory provisions of this chapter shall not apply to the
3 following:

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

9 b. A lawfully qualified physician or surgeon of another State taking
10 charge temporarily, on written permission of the board, of the practice of a
11 lawfully qualified physician or surgeon of this State during his absence from
12 the State, upon written request to the board for permission so to do. Before
13 such permission is granted by the board and before any person may enter
14 upon such practice he must submit proof that he can fulfill the requirements
15 demanded in the other sections of this article relating to applicants for ad-
16 mission 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 6. Each initial application under this act shall be accompanied by a fee of
2 \$25.00. Registrations under this act shall expire on January 31 of each
3 calendar year and shall be renewed upon application and payment of a fee of
4 \$10.00.

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

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

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

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

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

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

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

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

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

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

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

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

4 of practice and last known place of residence, and the date and number of
5 his registration. The board shall compile annually a list of registered physi-
6 cal therapists authorized to practice physical therapy in the State and shall
7 make such list available, upon request, to the superintendent of every hos-
8 pital and to every person authorized to practice medicine, surgery, chiro-
9 practic, osteopathy and physical therapy in this State.

1 10. (a) There is hereby created in the Division of Professional Boards
2 of the Department of Law and Public Safety, under the State Board of Medi-
3 cal Examiners, a physical therapy advisory committee. The committee shall
4 consist of 3 members who shall be, except for the initial members of the com-
5 mittee, registered physical therapists of this State having at least 5 years
6 experience in the practice of physical therapy *in the State of New Jersey im-*
7 *mediately* prior to appointment. The members of the committee shall be ap-
8 pointed by the Governor. The initial appointments to the committee shall be
9 one member for a term of 1 year; one member for a term of 2 years; and one
10 member for a term of 3 years. Members shall thereafter be appointed for
11 terms of 3 years. Each member shall hold office after the expiration of his
12 term until his successor shall be duly appointed and qualified. *A vacancy*
13 *shall exist in the term of any member who ceases to be actively engaged in*
14 *the practice of physical therapy in the State of New Jersey.* A vacancy in
14A the office of member shall be filled in the same manner as original apointments
14B and shall be filled for the unexpired term only.

15 The persons initially appointed to the office of member of the advisory
16 committee need not be registered physical therapists at the time of appoint-
17 ment but shall satisfy the qualifications set forth in section 4 of this act and
18 shall have at least 5 years experience in the practice of physical therapy *in*
18A *the State of New Jersey immediately prior to the appointment.*

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

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

25 The board, with the approval of the Attorney General, may authorize
26 reimbursement of the members of the advisory committee for their actual ex-
27 penses incurred in connection with the performance of their duties as mem-
28 bers of the committee.

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

1 11. Any person who willfully makes a false oath or affirmation in any
2 case in which an oath is required by this act or who obtains or attempts to
3 obtain registration by any false statement or fraudulent representation and
4 any person who shall violate any of the provisions of this act or any rule
5 or regulation adopted hereunder shall be liable to a penalty of not less than
6 \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor
7 more than \$200.00 for the second offense, and not less than \$200.00 nor more
8 than \$500.00 for the third and each subsequent offense, to be sued for and
9 recovered, in a summary manner, pursuant to the Penalty Enforcement Law
10 (N. J. S. 2A:58-1 et seq.).

1 12. This act shall take effect immediately but section 3 thereof shall re-
2 main 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 I, 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

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 173

- 2 -

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

Senate Bill No. 173

- 3 -

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".

Amend 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."

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

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

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".

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.

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

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

2 45:9-21. The prohibitory provisions of this chapter shall not apply to the
3 following:

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

9 b. A lawfully qualified physician or surgeon of another State taking
10 charge temporarily, on written permission of the board, of the practice of a
11 lawfully qualified physician or surgeon of this State during his absence from
12 the State, upon written request to the board for permission so to do. Before
13 such permission is granted by the board and before any person may enter
14 upon such practice he must submit proof that he can fulfill the requirements
15 demanded in the other sections of this article relating to applicants for ad-
16 mission 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 6. Each initial application under this act shall be accompanied by a fee of
2 \$25.00. Registrations under this act shall expire on January 31 of each
3 calendar year and shall be renewed upon application and payment of a fee of
4 \$10.00.

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

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

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

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

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

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

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

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

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

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

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

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

1 9. The board shall keep a record of its proceedings under this act and
2 a register of all persons registered under it. The register shall show the
3 name of every living person registered under this act, his last known place
4 of practice and last known place of residence, and the date and number of
5 his registration. The board shall compile annually a list of registered physi-
6 cal therapists authorized to practice physical therapy in the State and shall
7 make such list available, upon request, to the superintendent of every hos-
8 pital and to every person authorized to practice medicine, surgery, chiro-
9 practic, osteopathy and physical therapy in this State.

1 10. (a) There is hereby created in the Division of Professional Boards
2 of the Department of Law and Public Safety, under the State Board of Medi-
3 cal Examiners, a physical therapy advisory committee. The committee shall
4 consist of 【3】 5 members 【who】, 3 of whom shall be, except for the initial
5 members of the committee, registered physical therapists of this State having
6 at least 5 years experience in the practice of physical therapy *in the State*
7 *of New Jersey immediately* prior to appointment. The members of the com-
8 mittee shall be appointed by the Governor. The initial appointments to the
9 committee shall be one member for a term of 1 year; one member for a term
10 of 2 years; and one member for a term of 3 years. Members shall thereafter
11 be appointed for terms of 3 years. Each member shall hold office after the
12 expiration of his term until his successor shall be duly appointed and quali-
13 fied. *A vacancy shall exist in the term of any 【member】 of the 3 registered*
14 *physical therapist members who ceases to be actively engaged in the practice*
15 *of physical therapy in the State of New Jersey.* A vacancy in the office of
16 *any* member shall be filled in the same manner as original 【appointments】 ap-
17 *pointments* and shall be filled for the unexpired term only.

18 [The person] *The 3 physical therapists* initially appointed to the office
18A of member of the advisory committee need not be registered physical thera-
18B pists at the time of appointment but shall satisfy the qualifications set forth
18C in section 4 of this act and shall have at least 5 years experience in the prac-
18D tice of physical therapy *in the State of New Jersey immediately prior to the*
18E *appointment.*

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

25 The board, with the approval of the Attorney General, may authorize
26 reimbursement of the members of the advisory committee for their actual ex-
27 penses incurred in connection with the performance of their duties as mem-
28 bers of the committee.

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

1 11. Any person who willfully makes a false oath or affirmation in any
2 case in which an oath is required by this act or who obtains or attempts to
3 obtain registration by any false statement or fraudulent representation and
4 any person who shall violate any of the provisions of this act or any rule
5 or regulation adopted hereunder shall be liable to a penalty of not less than
6 \$50.00 nor more than \$100.00 for the first offense, not less than \$100.00 nor
7 more than \$200.00 for the second offense, and not less than \$200.00 nor more
8 than \$500.00 for the third and each subsequent offense, to be sued for and

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

1 12. This act shall take effect immediately but section 3 thereof shall re-
2 main inoperative until 180 days after the approval of this act.