

45: 5-11.1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 45:5-11.1 et al

(Physicians,
Chiropractors,
podiatrists--unlicensed
employees--prohibit
administering of
physical
modalities)

LAWS OF: 1990

CHAPTER: 68

Bill No: A546

Sponsor(s): Impreveduto and Doria

Date Introduced: Pre-filed

Com mittee: Assembly: Commerce and Regulated Professions

Senate: Labor, Industry & Professions

A mended during passage: No

Date of Passage: Assembly: March 22, 1990

Senate: June 28, 1990

Date of Approval: July 17, 1990

Following statements are attached if available:

Sponsor statement: Yes

Com mittee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen IMPREVEDUTO and DORIA

1 AN ACT concerning the application of physical modalities to the
2 patients of physicians, chiropractors ², physical therapists² and
3 podiatrists and supplementing chapters 5 and 9 of Title 45 of
4 the Revised Statutes.

5
6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. a. A podiatrist licensed pursuant to chapter 5 of Title 45 of
9 the Revised Statutes shall not use an employee to administer
10 physical modalities to patients unless that employee is a health
11 care provider licensed in this State.

12 As used in this subsection, physical modalities mean ultraviolet
13 (B and C bands) and electromagnetic rays including, but not
14 limited to, deep heating agents, microwave diathermy, shortwave
15 diathermy, and ultrasound.

16 b. Nothing in this section shall be construed to prohibit any
17 person licensed to practice in this State under any other law from
18 engaging in the practice for which he is licensed.

19 2. a. A physician ¹[or chiropractor]¹ licensed pursuant to
20 chapter 9 of Title 45 of the Revised Statutes shall not use an
21 employee to administer physical modalities to patients unless
22 that employee is a health care provider licensed in this State.

23 As used in this subsection, physical modalities mean ultraviolet
24 (B and C bands) and electromagnetic rays including, but not
25 limited to, deep heating agents, microwave diathermy, shortwave
26 diathermy, and ultrasound.

27 b. Nothing in this section shall be construed to prohibit any
28 person licensed to practice in this State under any other law from
29 engaging in the practice for which he is licensed.

30 ¹³. a. A chiropractor licensed pursuant to P.L.1989, c.153
31 (C.45:9-41.17 et seq.) or chapter 9 of Title 45 of the Revised
32 Statutes shall not use an employee to administer physical
33 modalities to patients unless that employee is a health care
34 provider licensed in this State.

35 As used in this subsection, physical modalities mean ultraviolet
36 (B and C bands) and electromagnetic rays including, but not
37 limited to, deep heating agents, microwave diathermy, shortwave
38 diathermy, and ultrasound.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly ACP committee amendments adopted February 8, 1990.

² Assembly floor amendments adopted March 8, 1990.

1 b. Nothing in this section shall be construed to prohibit any
2 person licensed to practice in this State under any other law from
3 engaging in the practice for which he is licensed.¹

4 ¹4. a. A physical therapist licensed pursuant to P.L.1983,
5 c.296 (C.45:9-37.11) shall not use an employee to administer
6 physical modalities to patients unless that employee is a health
7 care provider licensed in this State.

8 As used in this subsection, physical modalities mean ultraviolet
9 (B and C bands) and electromagnetic rays including, but not
10 limited to, deep heating agents, microwave diathermy, shortwave
11 diathermy, and ultrasound.

12 b. Nothing in this section shall be construed to prohibit any
13 person licensed to practice in this State under any other law from
14 engaging in the practice for which he is licensed.¹

15 ¹[3.] 5.¹ This act shall take effect immediately.

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REGULATED PROFESSIONS

19

20 Prohibits the use of unlicensed employees to administer physical
21 modalities to patients of physicians, chiropractors, physical
22 therapists or podiatrists.

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ASSEMBLY, No. 546

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen IMPREVEDUTO and DORIA

1 AN ACT concerning the application of physical modalities to the
2 patients of physicians, chiropractors and podiatrists and
3 supplementing chapters 5 and 9 of Title 45 of the Revised
4 Statutes.

5

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

8 1. a. A podiatrist licensed pursuant to chapter 5 of Title 45 of
9 the Revised Statutes shall not use an employee to administer
10 physical modalities to patients unless that employee is a health
11 care provider licensed in this State.

12 As used in this subsection, physical modalities mean ultraviolet
13 (B and C bands) and electromagnetic rays including, but not
14 limited to, deep heating agents, microwave diathermy, shortwave
15 diathermy, and ultrasound.

16 b. Nothing in this section shall be construed to prohibit any
17 person licensed to practice in this State under any other law from
18 engaging in the practice for which he is licensed.

19 2. a. A physician or chiropractor licensed pursuant to chapter
20 9 of Title 45 of the Revised Statutes shall not use an employee to
21 administer physical modalities to patients unless that employee is
22 a health care provider licensed in this State.

23 As used in this subsection, physical modalities mean ultraviolet
24 (B and C. bands) and electromagnetic rays including, but not
25 limited to, deep heating agents, microwave diathermy, shortwave
26 diathermy, and ultrasound.

27 b. Nothing in this section shall be construed to prohibit any
28 person licensed to practice in this State under any other law from
29 engaging in the practice for which he is licensed.

30 3. This act shall take effect immediately.

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STATEMENT

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35 This bill provides that a physician, chiropractor or podiatrist
36 shall not use an employee to administer physical modalities to
37 patients unless that employee is a health care provider licensed in
38 this State. Under the bill's provisions, physical modalities mean
39 ultraviolet (B and C bands) and electromagnetic rays including,
40 but not limited to, deep heating agents, microwave diathermy,
41 shortwave diathermy, and ultrasound.

1 The bill stipulates that nothing within its provisions shall be
2 construed to prohibit any person licensed to practice in this State
3 under any other law from engaging in the practice from which he
4 is licensed.

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REGULATED PROFESSIONS

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9 Prohibits the use of unlicensed employees to administer physical
10 modalities to patients of physicians, chiropractors or podiatrists.

ASSEMBLY COMMERCE AND REGULATED PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 546

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1990

The Assembly Commerce and Regulated Professions Committee reports favorably Assembly Bill No. 546 with committee amendments.

As amended, the bill provides that a physician, chiropractor, physical therapist or podiatrist shall not use an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State. Under the bill's provisions, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy, and ultrasound.

The bill stipulates that nothing within its provisions shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice from which he is licensed.

The committee amended the bill to include physical therapists, as well as physicians, chiropractors and podiatrists under its provisions. In addition, amendments were adopted to reflect that pursuant to P.L.1989, c.153 (C.45:9-41.17 et seq.), the State Board of Chiropractic Examiners has jurisdiction over the licensing of chiropractors.

This bill was pre-filed for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 546

STATE OF NEW JERSEY

DATED: MAY 17, 1990

The Senate Labor, Industry and Professions Committee reports without recommendation Assembly Bill No. 546 (2R).

This bill prohibits a physician, chiropractor, physical therapist or podiatrist from using an employee to administer physical modalities to patients unless that employee is a health care provider licensed in this State. Under the bill's provisions, physical modalities mean ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shortwave diathermy and ultrasound.

The bill stipulates that nothing in the bill shall be construed to prohibit any person licensed to practice in this State under any other law from engaging in the practice for which he is licensed.