

45:9-37.34g et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 121

NJSA: 45:9-37.34g et al. (Revises statutes regarding practice of physical therapy.)

BILL NO: S1315 (Substituted for A1839)

SPONSOR(S) Vitale and others

DATE INTRODUCED: 2/8/2016

COMMITTEE: **ASSEMBLY:** ---

SENATE: Commerce

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 6/22/2017

SENATE: 6/29/2017

DATE OF APPROVAL: 7/21/2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Second Reprint enacted) Yes

S1315

SPONSOR'S STATEMENT: (Begins on page 10 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes 6/1/2017
6/27/2017

A1839

SPONSOR'S STATEMENT: (Begins on page 11 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

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FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
FOLLOWING WERE PRINTED:	
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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

RWH/JA

P.L.2017, CHAPTER 121, *approved July 21, 2017*
Senate, No. 1315 (*Second Reprint*)

1 AN ACT concerning the practice of physical therapy, amending
2 P.L.2003, c.18, and amending and supplementing P.L.1983,
3 c.296.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1983, c.296 (C.45:9-37.13) is amended to
9 read as follows:

10 3. As used in ¹**[this act]** P.L.1983, c.296 (C.45:9-37.11 et
11 seq.)¹:

12 ¹**["Animal physical therapy" means the evaluation and treatment**
13 **of non-human clients in physical therapy by an individual licensed**
14 **under this act in collaboration with the client's veterinarian of**
15 **record licensed under chapter 16 of Title 45 of the Revised**
16 **Statutes.]**¹

17 "Board" means the State Board of Physical Therapy Examiners
18 established pursuant to section 5 of ¹**[this act]** P.L.1983, c.296
19 (C.45:9-37.15)¹.

20 **["Direct supervision" means the presence of the supervising**
21 **physical therapist on site, available to respond to any consequence**
22 **occurring during any treatment procedure.]** ¹**"Direct supervision"**
23 **means the presence of the supervising physical therapist on site,**
24 **available to respond to any consequence occurring during any**
25 **treatment procedure.**¹

26 **"General supervision" means supervision by a physical therapist**
27 **in which: the physical therapist** ¹**[must]** **shall**¹ **be available at all**
28 **times by telecommunications but is not required to be on-site for**
29 **direction and supervision; and the supervising physical therapist**
30 **assesses on an ongoing basis the ability of the physical** ²**[therapy]**
31 **therapist**² **assistant to perform the selected interventions as directed.**

32 "Physical therapist" means a natural person who holds a current,
33 valid license to practice physical therapy pursuant to the provisions
34 of ¹**[this act]** P.L.1983, c.296 (C.45:9-37.11 et seq.)¹ and in
35 accordance with regulations of the board.

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**Senate SCM committee amendments adopted February 27, 2017 .**

²**Assembly floor amendments adopted June 8, 2017.**

1 "Physical therapist assistant" means a natural person who is
2 licensed pursuant to the provisions of ¹**["this act"] P.L.1983, c.296**
3 **(C.45:9-37.11 et seq.)¹** and who assists a licensed physical therapist
4 under his direct ¹**or general¹** supervision in accordance with ¹**["this**
5 **act"] P.L.1983, c.296 (C.45:9-37.11 et seq.)¹** and regulations of the
6 board.

7 "Physical therapy" and "physical therapy practice" mean the
8 identification of physical impairment, **["or"]** movement-related
9 functional limitation, **or balance disorder** that occurs as a result of
10 injury or congenital or acquired disability, or other physical
11 dysfunction through examination, evaluation and diagnosis of the
12 physical impairment or movement-related functional limitation and
13 the establishment of a prognosis for the resolution or amelioration
14 thereof, and treatment of the physical impairment or movement-
15 related functional limitation, which shall include, but is not limited
16 to, the alleviation of pain, physical impairment and movement-
17 related functional limitation by therapeutic intervention, including
18 treatment by means of manual therapy techniques and massage,
19 ¹**["intramuscular techniques,]¹** electro-therapeutic modalities,
20 ¹**["integumentary protection, repair and management,] wound**
21 **debridement and care,¹** the use of physical agents, mechanical
22 modalities, hydrotherapy, therapeutic exercises with or without
23 assistive devices, neurodevelopmental procedures, joint
24 mobilization, movement-related functional training in self-care,
25 providing assistance in community and work integration or
26 reintegration, providing training in techniques for the prevention of
27 injury, impairment, movement-related functional limitation, or
28 dysfunction, providing consultative, educational, other advisory
29 services, and collaboration with other health care providers in
30 connection with patient care, ²**["utilization review,]²** and such other
31 treatments and functions as may be further defined by the board by
32 regulation.

33 "Physical therapy" and "physical therapy practice" also include
34 the screening, examination, evaluation, and application of
35 interventions for the promotion, improvement, and maintenance of
36 fitness, health, wellness, and prevention services in populations of
37 all ages ¹exclusively¹ related to physical therapy practice ¹[" and
38 animal physical therapy]¹.

39 ¹"Wound debridement and care" means the removal of loosely
40 adhered necrotic and nonviable tissue, by a physical therapist, to
41 promote healing, done in conjunction with a physician or podiatric
42 physician.¹

43 (cf: P.L.2003, c.18, s.1)

44
45 2. Section 8 of P.L.1983, c.296 (C.45:9-37.18) is amended to
46 read as follows:

47 8. a. The board shall:

- 1 (1) Administer and enforce the provisions of P.L.1983,
2 c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et
3 al.);
- 4 (2) Establish procedures for application for licensure;
- 5 (3) Establish standards for, and adopt and administer
6 examinations for licensure;
- 7 (4) Review and pass upon the qualifications of applicants for
8 licensure;
- 9 (5) Insure the proper conduct and standards of examinations;
- 10 (6) Issue and renew licenses to physical therapists and physical
11 therapist assistants pursuant to ¹【this act】 P.L.1983, c.296 (C.45:9-
12 37.11 et seq.)¹;
- 13 (7) Establish disciplinary measures, including but not limited to,
14 suspending, revoking, or refusing to renew the license of a physical
15 therapist or physical therapist assistant pursuant to the provisions of
16 P.L.1978, c.73 (C.45:1-14 et seq.);
- 17 (8) Maintain a record of every physical therapist and physical
18 therapist assistant licensed in this State, his place of business, his
19 place of residence, and the date and number of his license;
- 20 (9) Conduct hearings into allegations of misconduct by
21 licensees;
- 22 (10) Establish requirements and standards for continuing
23 **【education and approve courses that are eligible to meet the**
24 **requirements】** professional ¹education and¹ competency ¹and
25 approve courses that are eligible to meet these requirements and
26 standards.¹ as provided in section 25 of P.L.2003, c.18 (C.45:9-
27 37.34f);
- 28 (11) Conduct hearings pursuant to the "Administrative
29 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that
30 the board shall have the right to administer oaths to witnesses, and
31 shall have the power to issue subpoenas for the compulsory
32 attendance of witnesses and the production of pertinent books,
33 papers or records;
- 34 (12) Conduct proceedings before any board, agency or court of
35 competent jurisdiction for the enforcement of the provisions of
36 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-
37 37.34b et al.);
- 38 (13) Conduct investigations as necessary and have the
39 enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14
40 et seq.);
- 41 (14) **【Within 180 days of the effective date of P.L.2003, c.18,**
42 **establish standards in accordance with the provisions of section 22**
43 **of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with the State**
44 **Board of Medical Examiners and other appropriate professional**
45 **licensing boards established pursuant to Title 45 of the Revised**
46 **Statutes, setting forth the conditions under which a physical**
47 **therapist is required to refer an individual being treated by a**
48 **physical therapist to or consult with a practitioner licensed to**

1 practice dentistry, podiatry or medicine and surgery in this State, or
2 other appropriate licensed health care professional. Pending
3 adoption of the standards: (a) a physical therapist shall refer any
4 individual who has failed to demonstrate reasonable progress within
5 30 days of the date of initial treatment to a licensed health care
6 professional; and (b) a physical therapist, not more than 30 days
7 from the date of initial treatment of functional limitation or pain,
8 shall consult with the individual's licensed health care professional
9 of record as to the appropriateness of the treatment, or, in the event
10 that there is no identified licensed health care professional of
11 record, recommend that the individual consult with a licensed
12 health care professional of the individual's choice ¹ ~~[(Deleted by~~
13 ~~amendment, P.L. , c. (C.) (pending before the Legislature as~~
14 ~~this bill)]~~ Within 180 days of the effective date of P.L.2003, c.18,
15 establish standards in accordance with the provisions of section 22
16 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with the State
17 Board of Medical Examiners and other appropriate professional
18 licensing boards established pursuant to Title 45 of the Revised
19 Statutes, setting forth the conditions under which a physical
20 therapist is required to refer an individual being treated by a
21 physical therapist to or consult with a practitioner licensed to
22 practice dentistry, podiatry or medicine and surgery in this State, or
23 other appropriate licensed health care professional. Pending
24 adoption of the standards: (a) a physical therapist shall refer any
25 individual who has failed to demonstrate reasonable progress within
26 30 days of the date of initial treatment to a licensed health care
27 professional; and (b) a physical therapist, not more than 30 days
28 from the date of initial treatment of functional limitation or pain,
29 shall consult with the individual's licensed health care professional
30 of record as to the appropriateness of the treatment, or, in the event
31 that there is no identified licensed health care professional of
32 record, recommend that the individual consult with a licensed
33 health care professional of the individual's choice¹;

34 (15) Establish mechanisms to assure that the public has access to
35 physical therapists' services, and report back to the Senate Health,
36 Human Services and Senior Citizens and Assembly Regulated
37 Professions ~~and Independent Authorities~~ Committees, or their
38 successors, regarding this access; and

39 (16) Promulgate rules and regulations necessary for the
40 performance of its duties and the implementation of ¹ ~~[this act]~~
41 P.L.1983, c.296 (C.45:9-37.11 et seq.)¹.

42 b. In addition to the provisions of subsection a. of this section,
43 the board may establish standards of professional behavior.
44 (cf: P.L.2003, c.18, s.4)

45
46 3. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to
47 read as follows:

1 9. No person shall practice physical therapy or act as a physical
2 therapist or physical therapist assistant, ¹[or render a utilization
3 management decision that limits, restricts, or curtails a course of
4 physical therapy care.]¹ whether or not compensation is received or
5 expected, unless the person holds a valid license to practice in this
6 State; however, nothing in this section shall be construed to:

7 a. Prohibit any student enrolled in a school or post-graduate
8 course of physical therapy or in a course of study for training as a
9 physical therapist assistant that is approved or recognized by the
10 board from performing physical therapy or acting as a physical
11 therapist assistant, as appropriate, which is necessary to his course
12 of study;

13 b. Prohibit any person licensed to practice in this State under
14 any other law from engaging in the practice for which the person is
15 licensed, provided that: the procedures or duties performed by that
16 person are within the scope of that person's practice as established
17 by law and the accepted standards of practice of the profession for
18 which the person is licensed; and the person does not represent
19 himself as a physical therapist or physical therapist assistant **[.or]** ;

20 c. Prohibit any person employed by an agency, bureau or
21 division of the federal government from practicing physical therapy
22 within the scope of his official duties **[.]** ;

23 d. With the exception of the provisions of section 20 of
24 P.L.1983, c.296 (C.45:9-37.30), prohibit any person licensed to
25 practice in this State under any other law from engaging in the
26 practice for which the person is licensed, provided that: the
27 procedures or duties performed by that person are within the scope
28 of that person's practice as established by law and the accepted
29 standards of practice of the profession for which the person is
30 licensed; and the person does not represent himself as a physical
31 therapist, or physical therapist assistant;

32 e. Prohibit any student enrolled in a school or post-graduate
33 course of physical therapy or in a course of study for training as a
34 physical therapist assistant that is approved or recognized by the
35 board from performing physical therapy or acting as a physical
36 therapist assistant, as appropriate, which is necessary to his course
37 of study or as part of a pro bono community-based service project
38 under the supervision of a physical therapist licensed by the board;

39 f. Prohibit an individual who is licensed as a physical therapist
40 in another jurisdiction of the United States or credentialed to
41 practice physical therapy in another country, from teaching,
42 demonstrating or providing physical therapy services in connection
43 with teaching or participating in an educational seminar for no more
44 than ²**[60]** 30² days in a calendar year;

45 g. Prohibit an individual who is licensed as a physical therapist
46 in a jurisdiction of the United States or credentialed in another
47 country from performing physical therapy or acting as a physical
48 therapist assistant, if that individual by contract or employment is

1 providing physical therapy to patients affiliated with or employed
2 by established athletic teams, athletic organizations or performing
3 arts companies temporarily practicing, competing or performing in
4 the State for no more than ²**[60]** ²30² days in a calendar year;

5 h. Prohibit an individual who is licensed as a physical therapist
6 in another jurisdiction of the United States from entering this State
7 to provide physical therapy during a declared local, State or
8 national disaster or emergency ², including a public health
9 emergency declared by the Governor pursuant to the “Emergency
10 Health Powers Act, P.L.2005, c.222 (C.26:13-1 et seq.)². This
11 exemption applies for no longer than ²**[60]** ²30² days following the
12 declaration of the emergency. In order to be eligible for this
13 exemption the physical therapist shall notify the board of his intent
14 to practice;

15 i. Prohibit an individual who is licensed as a physical therapist
16 in another jurisdiction of the United States who is forced to leave
17 his residence or place of employment due to a declared local, State
18 or national disaster or emergency and due to such displacement
19 seeks to practice physical therapy. This exemption applies for no
20 more than ²**[60]** ²30² days following the declaration of the
21 emergency. In order to be eligible for this exemption the physical
22 therapist shall notify the board of his intent to practice; or

23 j. Prohibit an individual who is licensed or certified as a
24 physical therapist assistant in a jurisdiction of the United States and
25 is assisting a licensed physical therapist engaged specifically in
26 activities related to subsections d., e., f., g. and h. of this section.

27 ¹k. Nothing in this section shall be construed to prohibit an
28 individual who is licensed to practice medicine and surgery in this
29 State from rendering a utilization management decision that limits,
30 restricts or curtails a course of physical therapy care.¹

31 (cf: P.L.2003, c.18, s.5)

32
33 4. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to
34 read as follows:

35 10. a. No physical therapist shall supervise more physical
36 therapist assistants at any one time than in the opinion of the board
37 can be adequately supervised. Under usual circumstances the
38 maximum number of physical therapist assistants that may be
39 supervised by a physical therapist shall be two, except that, upon
40 application, the board may permit the supervision of a greater
41 number of physical therapist assistants if it feels there would be
42 adequate supervision and the public health and safety would be
43 served.

44 b. A licensed physical therapist assistant may initiate patient
45 physical therapy treatment consistent with the role of a physical
46 therapist assistant, as defined by the board or otherwise provided in
47 P.L.1983, c.296, (C.45:9-37.11 et seq.) or P.L.2003, c.18 (C.45:9-
48 37.34b et al.), only at the discretion of, and under the **[direct]**

1 ¹direct or¹ general supervision of, a licensed physical therapist ², as
 2 specified in P.L. , c. (C.)(pending before the Legislature as
 3 this bill)². ¹A licensed physical therapist shall make an onsite visit
 4 and actively participate in the treatment of the patient at least every
 5 six patient visits or every 14 days, whichever occurs first¹.

6 c. When supervising a physical therapist assistant in any off-
 7 site setting, the following requirements shall be observed:

8 (1) A physical therapist ¹【must】 shall¹ be accessible by
 9 telecommunications to the physical therapist assistant at all times
 10 while the physical therapist assistant is treating patients.

11 (2) There ¹【must】 shall¹ be regularly scheduled and
 12 documented conferences ¹or communications¹ between the physical
 13 therapist and the physical therapist assistant regarding patients, the
 14 frequency of which is determined by the needs of the patient and
 15 the needs of the physical therapist assistant.

16 (3) In those situations in which a physical therapist assistant is
 17 involved in the care of a patient, a supervisory visit by the physical
 18 therapist is to be made: upon the physical therapist assistant's
 19 request for a reexamination; when a change in the plan of care is
 20 needed; prior to any planned discharge; and in response to a change
 21 in the patient's medical status.

22 d. Within 180 days following the enactment of P.L. ,
 23 c. (C.) (pending before the Legislature as this bill), the board
 24 shall establish guidelines concerning the ²general² supervision of
 25 physical therapist assistants, including, but not limited to:

26 (1) On-site review of the plan of care with appropriate revision
 27 or termination ¹, completed during a regular physical therapist
 28 visit¹; and

29 (2) Evaluation of the need for, and a recommendation regarding,
 30 utilization of outside resources.

31 (cf: P.L.2003, c.18, s.6)

32

33 5. Section 15 of P.L.1983, 296 (C.45:9-37.25) is amended to
 34 read as follows:

35 15. The written examination provided for in sections 12 and 13
 36 of ¹【this act】 P.L.1983, c.296 (C.45:9-37.22 and C.45:9-37.23)¹
 37 and section 21 of P.L.2003, c.18 (C.45:9-37.34b) shall test the
 38 applicant's knowledge of basic and clinical sciences as they relate to
 39 physical therapy and physical therapy theory and procedures and
 40 any other subjects the board may deem useful to test the applicant's
 41 fitness to practice physical therapy or act as a physical therapist
 42 assistant. Examinations shall be held within the State at a time and
 43 place to be determined by the board. The board shall give adequate
 44 written notice of the examination to applicants for licensure and
 45 examination.

46 If an applicant fails his first examination, the applicant may take
 47 a second examination no more than two years from the date of the

1 initial examination. Additional examinations may be given at the
2 discretion of the board.

3 The board shall allow a student enrolled in an accredited
4 physical therapist or physical therapist assistant education program
5 and who has completed all the required didactic coursework, to take
6 the National Physical Therapy Examination prior to graduation,
7 provided the student submits with the application a letter on the
8 official letterhead of the accredited educational institution where
9 the applicant is completing an accredited educational program that
10 includes the signature of the program director, the department
11 chairperson or a similarly authorized person of the university or
12 college that states:

13 a. The applicant is a candidate for a degree as a physical
14 therapist or physical therapist assistant at the next scheduled
15 graduation date;

16 b. The date the national examination for licensure is to be taken
17 by the applicant is the one nearest to and before the applicant's
18 expected graduation date and is not more than 120 days before the
19 date of the applicant's expected graduation date; and

20 c. The applicant meets any other established requirements of
21 the accredited educational program, if applicable.

22 (cf: P.L. 2003, c.18, s.11)

23

24 6. Section 17 of P.L.1983, c.296 (c.45:9-37.27) is amended to
25 read as follows:

26 17. The board shall issue a license to each applicant for
27 licensure as a physical therapist or physical therapist assistant who,
28 in the judgment of the board, qualifies for licensure pursuant to
29 ¹[this act] P.L.1983, c.296 (C.45:9-37.11 et seq.)¹ and P.L.2003,
30 c.18 (C.45:9-37.34b et al.).

31 Every licensee shall ensure the following notices are
32 conspicuously displayed in a public area in all offices and health
33 care facilities at which the licensee practices physical therapy:

34 a. "Physical therapists and physical therapist assistants are
35 licensed by the State Board of Physical Therapy Examiners, an
36 agency of the Division of Consumer Affairs. Any member of the
37 public may notify the board of any complaint relative to the practice
38 conducted by a physical therapist or physical therapist assistant."
39 The notice shall include the current address and phone number for
40 the New Jersey Division of Consumer Affairs, State Board of
41 Physical Examiners.

42 b. "INFORMATION ON PROFESSIONAL FEES IS
43 AVAILABLE TO YOU ON REQUEST."

44 The licensee shall not be required to publicly post his biennial
45 registration, but an original biennial registration shall be maintained
46 on site and all licensees shall be required to provide their name,
47 professional designation and license number to any patient upon

1 request.

2 (cf: P.L.2003, c.18, s.12)

3

4 7. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
5 read:

6 20. No person, business entity or its employees, agents or
7 representatives shall place an advertisement that uses or otherwise
8 use the titles "physical therapist," "physiotherapist," "registered
9 physical therapist," "licensed physical therapist," "physical therapist
10 assistant," "registered physical therapist assistant," "licensed
11 physical therapist assistant," "student physical therapist," "physical
12 therapy assistant," "student physical therapist assistant," or the
13 abbreviations "PT," "DPT," **[or]** "RPT," "LPT," "PTA," "RPTA,"
14 "LPTA," "SPT," "SPTA," or the terms "physical therapy," or
15 "physiotherapy," or any other title, designation, words, letters,
16 abbreviations, or insignia indicating the practice of physical therapy
17 unless licensed to practice as a physical therapist or physical
18 therapist assistant under the provision of **¹[this act]** P.L.1983, c.296
19 (C.45:9-37.11 et seq.)¹.

20 (cf: P.L.2003, c.18, s.15)

21

22 8. Section 23 of P.L.2003, c.18 (C.45:9-37.34d) is amended to
23 read as follows:

24 23. An applicant for licensure or renewal as a physical therapist
25 or a physical therapist assistant shall:

26 a. Execute and submit a sworn statement on a form prescribed
27 by the board that neither the license for which renewal is sought nor
28 any similar license or other authority issued by another jurisdiction
29 has been revoked, suspended or not renewed; and

30 b. Present satisfactory evidence that any continuing
31 **[education]** professional ¹education and¹ competency requirements
32 established by P.L.2003, c.18 (C.45:9-37.34b et al.) or the board,
33 have been completed.

34 (cf: P.L.2003, c.18, s.23)

35

36 9. Section 25 of P.L.2003, c.18 (C.45:9-37.34f) is amended to
37 read as follows:

38 25. The board shall establish continuing professional
39 **[education]** ¹education and¹ competency requirements for physical
40 therapists and physical therapist assistants, which requirements
41 shall be a condition of retaining licensure. As used in this section,
42 "continuing professional ¹education and¹ competency" means the
43 lifelong process of maintaining and documenting the application of
44 knowledge, skills and behaviors required to function effectively,
45 safely, ethically and legally, through ongoing self-assessment,
46 development, and implementation of a personal learning plan and
47 subsequent reassessment. The board shall:

- 1 a. Approve only such continuing professional **[education]**
2 'education and' competency programs as are available to all
3 physical therapists and physical therapist assistants in this State on
4 a nondiscriminatory basis;
- 5 b. Establish standards for continuing professional
6 **[educational]** 'education and' competency programs;
- 7 c. Accredite educational programs offering credits towards the
8 continuing professional **[educational]** 'education and' competency
9 requirements; and
- 10 d. Establish the number of credits of continuing professional
11 **[education]** 'education and' competency required of each applicant
12 for license renewal. Each credit shall represent or be equivalent to
13 one hour of actual course attendance, or in the case of those electing
14 an alternative method of satisfying the requirements of P.L.2003,
15 c.18 (C.45:9-37.34b et al.), shall be approved by the board and
16 certified pursuant to procedures established for that purpose.
17 (cf: P.L.2003, c.18, s.25)

18
19 10. (New section) A person is guilty of a crime of the third
20 degree if he knowingly does not possess a license to practice
21 physical therapy, or knowingly has had such license suspended,
22 revoked or otherwise limited by an order entered by the State Board
23 of Physical Therapy, and he:

- 24 a. engages in the practice of physical therapy;
- 25 b. exceeds the scope of practice permitted by the board order;
- 26 c. holds himself out to the public, or any person as being
27 eligible to engage in the practice of physical therapy;
- 28 d. engages in any activity for which a license to practice
29 physical therapy is a necessary prerequisite; or
- 30 e. practices physical therapy under a false or assumed name or
31 falsely impersonates another person licensed by the board.

32 The provisions of this section shall not be construed to limit the
33 activities permitted in section 9 of P.L.1983, c.296 (C.45:9-37.19).

34
35 11. This act shall take effect on the 180th day next following
36 enactment.

37
38
39 _____
40
41 Revises statutes regarding practice of physical therapy.

SENATE, No. 1315

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Revises statutes regarding practice of physical therapy.

CURRENT VERSION OF TEXT

As introduced.



S1315 VITALE

2

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18 **physical therapist on site, available to respond to any consequence**
19 **occurring during any treatment procedure.]**

20 “General supervision” means supervision by a physical therapist
21 in which: the physical therapist must be available at all times by
22 telecommunications but is not required to be on-site for direction
23 and supervision; and the supervising physical therapist assesses on
24 an ongoing basis the ability of the physical therapy assistant to
25 perform the selected interventions as directed.

26 "Physical therapist" means a natural person who holds a current,
27 valid license to practice physical therapy pursuant to the provisions
28 of this act and in accordance with regulations of the board.

29 "Physical therapist assistant" means a natural person who is
30 licensed pursuant to the provisions of this act and who assists a
31 licensed physical therapist under his direct supervision in
32 accordance with this act and regulations of the board.

33 "Physical therapy" and "physical therapy practice" mean the
34 identification of physical impairment, **[or]** movement-related
35 functional limitation, or balance disorder that occurs as a result of
36 injury or congenital or acquired disability, or other physical
37 dysfunction through examination, evaluation and diagnosis of the
38 physical impairment or movement-related functional limitation and
39 the establishment of a prognosis for the resolution or amelioration
40 thereof, and treatment of the physical impairment or movement-
41 related functional limitation, which shall include, but is not limited
42 to, the alleviation of pain, physical impairment and movement-
43 related functional limitation by therapeutic intervention, including
44 treatment by means of manual therapy techniques and massage,

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.

1 intramuscular techniques, electro-therapeutic modalities,
2 integumentary protection, repair and management, the use of
3 physical agents, mechanical modalities, hydrotherapy, therapeutic
4 exercises with or without assistive devices, neurodevelopmental
5 procedures, joint mobilization, movement-related functional
6 training in self-care, providing assistance in community and work
7 integration or reintegration, providing training in techniques for the
8 prevention of injury, impairment, movement-related functional
9 limitation, or dysfunction, providing consultative, educational, other
10 advisory services, and collaboration with other health care
11 providers in connection with patient care, utilization review, and
12 such other treatments and functions as may be further defined by
13 the board by regulation.

14 “Physical therapy” and “physical therapy practice” also include
15 the screening, examination, evaluation, and application of
16 interventions for the promotion, improvement, and maintenance of
17 fitness, health, wellness, and prevention services in populations of
18 all ages related to physical therapy practice, and animal physical
19 therapy.

20 (cf: P.L.2003, c.18, s.1)

21

22 2. Section 8 of P.L.1983, c.296 (C.45:9-37.18) is amended to
23 read as follows:

24 8. a. The board shall:

25 (1) Administer and enforce the provisions of P.L.1983,
26 c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et
27 al.);

28 (2) Establish procedures for application for licensure;

29 (3) Establish standards for, and adopt and administer
30 examinations for licensure;

31 (4) Review and pass upon the qualifications of applicants for
32 licensure;

33 (5) Insure the proper conduct and standards of examinations;

34 (6) Issue and renew licenses to physical therapists and physical
35 therapist assistants pursuant to this act;

36 (7) Establish disciplinary measures, including but not limited to,
37 suspending, revoking, or refusing to renew the license of a physical
38 therapist or physical therapist assistant pursuant to the provisions of
39 P.L.1978, c.73 (C.45:1-14 et seq.);

40 (8) Maintain a record of every physical therapist and physical
41 therapist assistant licensed in this State, his place of business, his
42 place of residence, and the date and number of his license;

43 (9) Conduct hearings into allegations of misconduct by
44 licensees;

45 (10) Establish requirements and standards for continuing
46 **【education and approve courses that are eligible to meet the**
47 **requirements】** professional competency as provided in section 25 of
48 P.L.2003, c.18 (C.45:9-37.34f);

1 (11) Conduct hearings pursuant to the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that
3 the board shall have the right to administer oaths to witnesses, and
4 shall have the power to issue subpoenas for the compulsory
5 attendance of witnesses and the production of pertinent books,
6 papers or records;

7 (12) Conduct proceedings before any board, agency or court of
8 competent jurisdiction for the enforcement of the provisions of
9 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-
10 37.34b et al.);

11 (13) Conduct investigations as necessary and have the
12 enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14
13 et seq.);

14 (14) **【**Within 180 days of the effective date of P.L.2003,
15 c.18, establish standards in accordance with the provisions of
16 section 22 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with
17 the State Board of Medical Examiners and other appropriate
18 professional licensing boards established pursuant to Title 45 of the
19 Revised Statutes, setting forth the conditions under which a
20 physical therapist is required to refer an individual being treated by
21 a physical therapist to or consult with a practitioner licensed to
22 practice dentistry, podiatry or medicine and surgery in this State, or
23 other appropriate licensed health care professional. Pending
24 adoption of the standards: (a) a physical therapist shall refer any
25 individual who has failed to demonstrate reasonable progress within
26 30 days of the date of initial treatment to a licensed health care
27 professional; and (b) a physical therapist, not more than 30 days
28 from the date of initial treatment of functional limitation or pain,
29 shall consult with the individual's licensed health care professional
30 of record as to the appropriateness of the treatment, or, in the event
31 that there is no identified licensed health care professional of
32 record, recommend that the individual consult with a licensed
33 health care professional of the individual's choice**】** (Deleted by
34 amendment, P.L. , c. (C.) (pending before the Legislature as
35 this bill);

36 (15) Establish mechanisms to assure that the public has access to
37 physical therapists' services, and report back to the Senate Health,
38 Human Services and Senior Citizens and Assembly Regulated
39 Professions **【**and Independent Authorities**】** Committees, or their
40 successors, regarding this access; and

41 (16) Promulgate rules and regulations necessary for the
42 performance of its duties and the implementation of this act.

43 b. In addition to the provisions of subsection a. of this section,
44 the board may establish standards of professional behavior.
45 (cf: P.L.2003, c.18, s.4)

46

47 3. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to
48 read as follows:

1 9. No person shall practice physical therapy or act as a physical
2 therapist or physical therapist assistant, or render a utilization
3 management decision that limits, restricts, or curtails a course of
4 physical therapy care, whether or not compensation is received or
5 expected, unless the person holds a valid license to practice in this
6 State; however, nothing in this section shall be construed to:

7 a. Prohibit any student enrolled in a school or post-graduate
8 course of physical therapy or in a course of study for training as a
9 physical therapist assistant that is approved or recognized by the
10 board from performing physical therapy or acting as a physical
11 therapist assistant, as appropriate, which is necessary to his course
12 of study;

13 b. Prohibit any person licensed to practice in this State under
14 any other law from engaging in the practice for which the person is
15 licensed, provided that: the procedures or duties performed by that
16 person are within the scope of that person's practice as established
17 by law and the accepted standards of practice of the profession for
18 which the person is licensed; and the person does not represent
19 himself as a physical therapist or physical therapist assistant **[.or]** ;

20 c. Prohibit any person employed by an agency, bureau or
21 division of the federal government from practicing physical therapy
22 within the scope of his official duties **[.]** ;

23 d. With the exception of the provisions of section 20 of
24 P.L.1983, c.296 (C.45:9-37.30), prohibit any person licensed to
25 practice in this State under any other law from engaging in the
26 practice for which the person is licensed, provided that: the
27 procedures or duties performed by that person are within the scope
28 of that person's practice as established by law and the accepted
29 standards of practice of the profession for which the person is
30 licensed; and the person does not represent himself as a physical
31 therapist, or physical therapist assistant;

32 e. Prohibit any student enrolled in a school or post-graduate
33 course of physical therapy or in a course of study for training as a
34 physical therapist assistant that is approved or recognized by the
35 board from performing physical therapy or acting as a physical
36 therapist assistant, as appropriate, which is necessary to his course
37 of study or as part of a pro bono community-based service project
38 under the supervision of a physical therapist licensed by the board;

39 f. Prohibit an individual who is licensed as a physical therapist
40 in another jurisdiction of the United States or credentialed to
41 practice physical therapy in another country, from teaching,
42 demonstrating or providing physical therapy services in connection
43 with teaching or participating in an educational seminar for no more
44 than 60 days in a calendar year;

45 g. Prohibit an individual who is licensed as a physical therapist
46 in a jurisdiction of the United States or credentialed in another
47 country from performing physical therapy or acting as a physical
48 therapist assistant, if that individual by contract or employment is

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6

1 providing physical therapy to patients affiliated with or employed
2 by established athletic teams, athletic organizations or performing
3 arts companies temporarily practicing, competing or performing in
4 the State for no more than 60 days in a calendar year;

5 h. Prohibit an individual who is licensed as a physical therapist
6 in another jurisdiction of the United States from entering this State
7 to provide physical therapy during a declared local, State or
8 national disaster or emergency. This exemption applies for no
9 longer than 60 days following the declaration of the emergency. In
10 order to be eligible for this exemption the physical therapist shall
11 notify the board of his intent to practice;

12 i. Prohibit an individual who is licensed as a physical therapist
13 in another jurisdiction of the United States who is forced to leave
14 his residence or place of employment due to a declared local, State
15 or national disaster or emergency and due to such displacement
16 seeks to practice physical therapy. This exemption applies for no
17 more than 60 days following the declaration of the emergency. In
18 order to be eligible for this exemption the physical therapist shall
19 notify the board of his intent to practice; or

20 j. Prohibit an individual who is licensed or certified as a
21 physical therapist assistant in a jurisdiction of the United States and
22 is assisting a licensed physical therapist engaged specifically in
23 activities related to subsections d., e., f., g. and h. of this section.

24 (cf: P.L. 2003, c.18, s.5)

25

26 4. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to
27 read as follows:

28 10. a. No physical therapist shall supervise more physical
29 therapist assistants at any one time than in the opinion of the board
30 can be adequately supervised. Under usual circumstances the
31 maximum number of physical therapist assistants that may be
32 supervised by a physical therapist shall be two, except that, upon
33 application, the board may permit the supervision of a greater
34 number of physical therapist assistants if it feels there would be
35 adequate supervision and the public health and safety would be
36 served.

37 b. A licensed physical therapist assistant may initiate patient
38 physical therapy treatment consistent with the role of a physical
39 therapist assistant, as defined by the board or otherwise provided in
40 P.L.1983, c.296, (C.45:9-37.11 et seq.) or P.L.2003, c.18 (C.45:9-
41 37.34b et al.), only at the discretion of, and under the **[direct]**
42 general supervision of, a licensed physical therapist.

43 c. When supervising a physical therapist assistant in any off-
44 site setting, the following requirements shall be observed:

45 (1) A physical therapist must be accessible by
46 telecommunications to the physical therapist assistant at all times
47 while the physical therapist assistant is treating patients.

1 (2) There must be regularly scheduled and documented
2 conferences between the physical therapist and the physical
3 therapist assistant regarding patients, the frequency of which is
4 determined by the needs of the patient and the needs of the physical
5 therapist assistant.

6 (3) In those situations in which a physical therapist assistant is
7 involved in the care of a patient, a supervisory visit by the physical
8 therapist is to be made: upon the physical therapist assistant's
9 request for a reexamination; when a change in the plan of care is
10 needed; prior to any planned discharge; and in response to a change
11 in the patient's medical status.

12 d. Within 180 days following the enactment of P.L. _____,
13 c. (C.) (pending before the Legislature as this bill), the board
14 shall establish guidelines concerning the supervision of physical
15 therapist assistants, including, but not limited to:

16 (1) On-site review of the plan of care with appropriate revision
17 or termination; and

18 (2) Evaluation of the need for, and a recommendation regarding,
19 utilization of outside resources.

20 (cf: P.L.2003, c.18, s.6)

21

22 5. Section 15 of P.L.1983, 296 (C.45:9-37.25) is amended to
23 read as follows:

24 15. The written examination provided for in sections 12 and 13
25 of this act and section 21 of P.L.2003, c.18 (C.45:9-37.34b) shall
26 test the applicant's knowledge of basic and clinical sciences as they
27 relate to physical therapy and physical therapy theory and
28 procedures and any other subjects the board may deem useful to test
29 the applicant's fitness to practice physical therapy or act as a
30 physical therapist assistant. Examinations shall be held within the
31 State at a time and place to be determined by the board. The board
32 shall give adequate written notice of the examination to applicants
33 for licensure and examination.

34 If an applicant fails his first examination, the applicant may take
35 a second examination no more than two years from the date of the
36 initial examination. Additional examinations may be given at the
37 discretion of the board.

38 The board shall allow a student enrolled in an accredited
39 physical therapist or physical therapist assistant education program
40 and who has completed all the required didactic coursework, to take
41 the National Physical Therapy Examination prior to graduation,
42 provided the student submits with the application a letter on the
43 official letterhead of the accredited educational institution where
44 the applicant is completing an accredited educational program that
45 includes the signature of the program director, the department
46 chairperson or a similarly authorized person of the university or
47 college that states:

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- 1 a. The applicant is a candidate for a degree as a physical
2 therapist or physical therapist assistant at the next scheduled
3 graduation date;
4 b. The date the national examination for licensure is to be taken
5 by the applicant is the one nearest to and before the applicant's
6 expected graduation date and is not more than 120 days before the
7 date of the applicant's expected graduation date; and
8 c. The applicant meets any other established requirements of
9 the accredited educational program, if applicable.
10 (cf: P.L. 2003, c.18, s.11)

11
12 6. Section 17 of P.L.1983, c.296 (c.45:9-37.27) is amended to
13 read as follows:

14 17. The board shall issue a license to each applicant for
15 licensure as a physical therapist or physical therapist assistant who,
16 in the judgment of the board, qualifies for licensure pursuant to this
17 act and P.L.2003, c.18 (C.45:9-37.34b et al.).

18 Every licensee shall ensure the following notices are
19 conspicuously displayed in a public area in all offices and health
20 care facilities at which the licensee practices physical therapy:

21 a. "Physical therapists and physical therapist assistants are
22 licensed by the State Board of Physical Therapy Examiners, an
23 agency of the Division of Consumer Affairs. Any member of the
24 public may notify the board of any complaint relative to the practice
25 conducted by a physical therapist or physical therapist assistant."
26 The notice shall include the current address and phone number for
27 the New Jersey Division of Consumer Affairs, State Board of
28 Physical Examiners.

29 b. "INFORMATION ON PROFESSIONAL FEES IS
30 AVAILABLE TO YOU ON REQUEST."

31 The licensee shall not be required to publicly post his biennial
32 registration, but an original biennial registration shall be maintained
33 on site and all licensees shall be required to provide their name,
34 professional designation and license number to any patient upon
35 request.

36 (cf: P.L.2003, c.18, s.12)

37

38 7. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
39 read:

40 20. No person, business entity or its employees, agents or
41 representatives shall place an advertisement that uses or otherwise
42 use the titles "physical therapist," "physiotherapist," "registered
43 physical therapist," "licensed physical therapist," "physical therapist
44 assistant," "registered physical therapist assistant," "licensed
45 physical therapist assistant," "student physical therapist," "physical
46 therapy assistant," "student physical therapist assistant," or the
47 abbreviations "PT," "DPT," [or] "RPT," "LPT," "PTA," "RPTA,"
48 "LPTA," "SPT," "SPTA," or the terms "physical therapy," or

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1 “physiotherapy,” or any other title, designation, words, letters,
2 abbreviations, or insignia indicating the practice of physical therapy
3 unless licensed to practice as a physical therapist or physical
4 therapist assistant under the provision of this act.

5 (cf: P.L.2003, c.18, s.15)

6

7 8. Section 23 of P.L.2003, c.18 (C.45:9-37.34d) is amended to
8 read as follows:

9 23. An applicant for licensure or renewal as a physical therapist
10 or a physical therapist assistant shall:

11 a. Execute and submit a sworn statement on a form prescribed
12 by the board that neither the license for which renewal is sought nor
13 any similar license or other authority issued by another jurisdiction
14 has been revoked, suspended or not renewed; and

15 b. Present satisfactory evidence that any continuing
16 **【education】** professional competency requirements established by
17 P.L.2003, c.18 (C.45:9-37.34b et al.) or the board, have been
18 completed.

19 (cf: P.L.2003, c.18, s.23)

20

21 9. Section 25 of P.L.2003, c.18 (C.45:9-37.34f) is amended to
22 read as follows:

23 25. The board shall establish continuing professional
24 **【education】** competency requirements for physical therapists and
25 physical therapist assistants, which requirements shall be a
26 condition of retaining licensure. As used in this section,
27 “continuing professional competency” means the lifelong process of
28 maintaining and documenting the application of knowledge, skills
29 and behaviors required to function effectively, safely, ethically and
30 legally, through ongoing self-assessment, development, and
31 implementation of a personal learning plan and subsequent
32 reassessment. The board shall:

33 a. Approve only such continuing professional **【education】**
34 competency programs as are available to all physical therapists and
35 physical therapist assistants in this State on a nondiscriminatory
36 basis;

37 b. Establish standards for continuing professional
38 **【educational】** competency programs;

39 c. Accredit educational programs offering credits towards the
40 continuing professional **【educational】** competency requirements;
41 and

42 d. Establish the number of credits of continuing professional
43 **【education】** competency required of each applicant for license
44 renewal. Each credit shall represent or be equivalent to one hour of
45 actual course attendance, or in the case of those electing an
46 alternative method of satisfying the requirements of P.L.2003,
47 c.18 (C.45:9-37.34b et al.), shall be approved by the board and

1 certified pursuant to procedures established for that purpose.
2 (cf: P.L.2003, c.18, s.25)

3

4 10. (New section) A person is guilty of a crime of the third
5 degree if he knowingly does not possess a license to practice
6 physical therapy, or knowingly has had such license suspended,
7 revoked or otherwise limited by an order entered by the State Board
8 of Physical Therapy, and he:

9 a. engages in the practice of physical therapy;

10 b. exceeds the scope of practice permitted by the board order;

11 c. holds himself out to the public, or any person as being
12 eligible to engage in the practice of physical therapy;

13 d. engages in any activity for which a license to practice
14 physical therapy is a necessary prerequisite; or

15 e. practices physical therapy under a false or assumed name or
16 falsely impersonates another person licensed by the board.

17 The provisions of this section shall not be construed to limit the
18 activities permitted in section 9 of P.L.1983, c.296 (C.45:9-37.19).

19

20 11. This act shall take effect on the 180th day next following
21 enactment.

22

23

24

STATEMENT

25

26 This bill revises the “Physical Therapist Licensing Act of 1983”
27 by expanding the scope of practice of physical therapists to include:
28 identification of balance disorders; treatment by means of
29 intramuscular techniques, integumentary protection, repair and
30 management; utilization review; screening, examination, evaluation,
31 and application of interventions for the promotion, improvement,
32 and maintenance of fitness, health, wellness, and prevention
33 services in populations of all ages related to physical therapy
34 practice; and animal physical therapy.

35 Under current law, physical therapist assistants are under the
36 direct supervision of licensed physical therapists. The bill provides,
37 instead, for general supervision of physical therapist assistants. As
38 defined in the bill, “general supervision” means supervision by a
39 physical therapist in which: the physical therapist must be available
40 at all times by telecommunications but is not required to be on-site
41 for direction and supervision; and the supervising physical therapist
42 assesses on an ongoing basis the ability of the physical therapy
43 assistant to perform the selected interventions as directed. The bill
44 further provides that the State Board of Physical Therapy
45 Examiners shall establish guidelines concerning the supervision of
46 physical therapist assistants including, but not limited to: on-site
47 review of the plan of care with appropriate revision or termination;

1 and evaluation of the need for, and a recommendation regarding,
2 utilization of outside resources.

3 The bill also permits physical therapists licensed in other
4 jurisdictions, under certain conditions as enumerated in the bill, to
5 participate in educational activities occurring in New Jersey and to
6 assist in providing services in this State during emergency
7 situations. In addition, the bill changes the current references
8 concerning continuing education requirements to continuing
9 professional competency requirements. "Continuing professional
10 competency" is defined as the lifelong process of maintaining and
11 documenting the application of knowledge, skills and behaviors
12 required to function effectively, safely, ethically and legally,
13 through ongoing self-assessment, development, and implementation
14 of a personal learning plan and subsequent reassessment.

15 Furthermore, this bill provides that a person is guilty of a crime
16 of the third degree if the person knowingly does not possess a
17 license to practice physical therapy or knowingly has had such
18 license suspended, revoked or otherwise limited by an order entered
19 by the State Board of Physical Therapy Examiners, and he:

- 20 -- engages in the practice of physical therapy;
- 21 -- exceeds the scope of practice permitted by the board order;
- 22 -- holds himself out to the public or any person as being
23 eligible to engage in the practice of physical therapy;
- 24 -- engages in any activity for which a license to practice
25 physical therapy is a necessary prerequisite; or
- 26 -- practices physical therapy under a false or assumed name or
27 falsely impersonates another person licensed by the board. Under
28 the bill, however, these provisions would not apply to a person
29 practicing physical therapy without a license if that person's
30 activities are permitted under section 9 of P.L.1983, c.296 (C.45:9-
31 37.19).

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1315

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1315.

As amended, this bill revises the “Physical Therapist Licensing Act of 1983” by expanding the scope of practice of physical therapists to include: identification of balance disorders; wound debridement and care; utilization review; screening, examination, evaluation, and application of interventions for the promotion, improvement, and maintenance of fitness, health, wellness, and prevention services in populations of all ages exclusively related to physical therapy practice.

Under current law, physical therapist assistants are under the direct supervision of licensed physical therapists. The amended bill provides, instead, for general or direct supervision of physical therapist assistants. The amended bill requires the licensed physical therapist to make an onsite visit and actively participate in the treatment of the patient at least every six patient visits or every 14 days, whichever occurs first. In addition, when supervising a physical therapist assistant in any off-site setting, there must be regularly scheduled and documented conferences or communications between the physical therapist and the physical therapist assistant regarding patients.

As defined in the amended bill, “general supervision” means supervision by a physical therapist in which: the physical therapist must be available at all times by telecommunications but is not required to be on-site for direction and supervision; and the supervising physical therapist assesses on an ongoing basis the ability of the physical therapy assistant to perform the selected interventions as directed.

As amended, the bill further provides that the State Board of Physical Therapy Examiners shall establish guidelines concerning the supervision of physical therapist assistants including, but not limited to: on-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and evaluation of the need for, and a recommendation regarding, utilization of outside resources.

The amended bill also permits physical therapists licensed in other jurisdictions, under certain conditions as enumerated in the bill, to participate in educational activities occurring in New Jersey and to

assist in providing services in this State during emergency situations. In addition, the bill changes the current references concerning continuing education requirements to continuing professional education and competency requirements. “Continuing professional education and competency” is defined as the lifelong process of maintaining and documenting the application of knowledge, skills and behaviors required to function effectively, safely, ethically and legally, through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment.

Furthermore, this amended bill provides that a person is guilty of a crime of the third degree if the person knowingly does not possess a license to practice physical therapy or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy Examiners, and he:

- engages in the practice of physical therapy;
- exceeds the scope of practice permitted by the board order;
- holds himself out to the public or any person as being eligible to engage in the practice of physical therapy;
- engages in any activity for which a license to practice physical therapy is a necessary prerequisite; or
- practices physical therapy under a false or assumed name or falsely impersonates another person licensed by the board. Under the bill, however, these provisions would not apply to a person practicing physical therapy without a license if that person’s activities are permitted under section 9 of P.L.1983, c.296 (C.45:9-37.19).

Committee Amendments:

The committee amended the bill to:

- Remove animal physical therapy from the definition of “physical therapy.”
- Revise the definition of “physical therapy” to remove intramuscular techniques and integumentary protection, repair and management, and to include wound debridement and care. The definition is further clarified to include the screening, examination, evaluation, and application of interventions for the promotion, improvement, and maintenance of fitness, health, wellness, and prevention services in populations of all ages exclusively related to physical therapy practice.
- Reinstate the definition of “direct supervision,” deleted from the current law in the bill as introduced.
- Define “wound debridement and care.”
- Revise the requirements concerning professional competency to include “professional education and competency,” and define that term.
- Reinsert certain language in the current law that was removed under the bill as introduced.
- Remove language prohibiting any person from rendering a utilization management decision that limits, restricts, or curtails

a course of physical therapy care unless they are a licensed physical therapist.

- Clarify that the bill shall not be construed to prohibit an individual who is licensed to practice medicine and surgery in this State from rendering a utilization management decision that limits, restricts or curtails a course of physical therapy care.
- Allow a licensed physical therapist assistant to initiate patient physical therapy treatment under the direct or general supervision of a licensed physical therapist and require the licensed physical therapist to make an onsite visit and actively participate in the treatment of the patient at least every six patient visits or every 14 days, whichever occurs first.
- Clarify that when supervising a physical therapist assistant in any off-site setting, there must be regularly scheduled and documented conferences or communications between the physical therapist and the physical therapist assistant regarding patients.
- As part of the supervision of physical therapist assistants, require that the on-site review of the plan of care must be completed during a regular physical therapist visit.

STATEMENT TO
[First Reprint]
SENATE, No. 1315

with Assembly Floor Amendments
(Proposed by Assemblyman GIBLIN)

ADOPTED: JUNE 8, 2017

These Assembly amendments:

- Remove utilization review from among the collaborative aspects of the practice of physical therapy which may be provided with other health care providers.
- Change, from 60 days to 30 days, the length of time certain persons licensed in another jurisdiction, under certain circumstances, may temporarily perform physical therapy or act as a physical therapist assistant in New Jersey.
- Include a reference to a specific public health emergency in the types of declared emergencies during which certain persons licensed in another jurisdiction may practice in New Jersey.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1315 STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 1, 2017

SUMMARY

- Synopsis:** Revises statutes regarding practice of physical therapy.
- Type of Impact:** Indeterminate Annual State Expenditure and Revenue Increases.
- Agencies Affected:** Department of Law and Public Safety. Administrative Office of the Courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs	Indeterminate – See comments below.		
Annual Increase in State Revenue	Indeterminate – See comments below.		

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts.
- The OLS estimates that the State Board of Physical Therapy Examiners will experience recurring workload increases from: a) changes in the licensing requirements for physical therapists which may require additional guidelines, review, and enforcement by the board; b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board; and c) regulating the new practice of permitting physical therapists who are only licensed in another jurisdiction to operate in the State for 60 days for educational purposes or following a declaration of an emergency. Depending on the board's resource allocation policies, however, the added workload may or may not augment State administrative expenditures.
- The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine

of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree.

- Additional indeterminate annual State revenue will accrue from fine and penalty payments from persons convicted of the new third degree crimes related to the practice of physical therapy without a proper license. Convictions of crimes of the third degree result in a fine of up to \$15,000.

BILL DESCRIPTION

Senate Bill No. 1315 (1R) of 2016 revises the “Physical Therapist Licensing Act of 1983” by expanding the scope of practice of physical therapists and physical therapist assistants.

In addition, the bill requires the State Board of Physical Therapy Examiners in the Division of Consumer Affairs to establish guidelines concerning the supervision of physical therapist assistants by physical therapists, including, but not limited to: on-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and evaluation of the need for, and a recommendation regarding, utilization of outside resources.

The bill also permits physical therapists licensed in other jurisdictions, under certain conditions, to participate in educational activities occurring in New Jersey and to assist in providing services in this State during emergency situations.

Moreover, the bill provides that a person is guilty of a crime of the third degree if the person knowingly does not possess a license to practice physical therapy or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy Examiners, and engages in certain practices of physical therapy as outlined in the bill. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts. In addition, the State will realize indeterminate recurring revenue gains.

Expenditure Increases: The OLS estimates that the bill’s provisions will produce indeterminate annual expenditure increases to the State from the additional workload created by the new provisions.

The State Board of Physical Therapy Examiners will experience a recurring workload increase, as the bill newly requires: a) changes in the licensing requirements for physical therapists and physical therapist assistants which may necessitate additional guidelines, review,

and enforcement by the board; and b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board.

The bill also establishes a new practice of permitting physical therapists who are licensed in another jurisdiction, to operate in the State for 60 days for educational purposes or following a declaration of an emergency. In the case of a declaration of emergency, the board is to be notified of the intent to practice in this state. It is the OLS's assumption that the board will be required to establish guidelines to effectuate this component of the bill.

The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will also increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are adjudicated by the Superior Court and are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree. The OLS, however, cannot project the number of future prosecutions and trials related to crimes of the third degree established by the bill.

Revenue Gains: Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

In establishing the new third degree crime offenses, the bill creates the potential for recurring State revenue gains. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. The OLS cannot determine the number of convictions of the bill's newly created crimes, and by extension the total of any resultant fine, fee, and assessment collections. The OLS additionally notes that due to financial constraints many penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 1315 STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 27, 2017

SUMMARY

- Synopsis:** Revises statutes regarding practice of physical therapy.
- Type of Impact:** Annual State Expenditure and Revenue Increases.
- Agencies Affected:** Department of Law and Public Safety. Administrative Office of the Courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs	Indeterminate – See comments below.		
Annual Increase in State Revenue	Indeterminate – See comments below.		

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts.
- The OLS estimates that the State Board of Physical Therapy Examiners will experience recurring workload increases from: a) changes in the licensing requirements for physical therapists which may require additional guidelines, review, and enforcement by the board; b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board; and c) regulating the new practice of permitting physical therapists who are only licensed in another jurisdiction to operate in the State for 30 days for educational purposes or following a declaration of an emergency. Depending on the board's resource allocation policies, however, the added workload may or may not augment State administrative expenditures.
- The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine

of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree.

- Additional indeterminate annual State revenue will accrue from fine and penalty payments from persons convicted of the new third degree crimes related to the practice of physical therapy without a proper license. Convictions of crimes of the third degree result in a fine of up to \$15,000.

BILL DESCRIPTION

Senate Bill No. 1315 (2R) of 2016 revises the “Physical Therapist Licensing Act of 1983” by expanding the scope of practice of physical therapists and physical therapist assistants.

In addition, the bill requires the State Board of Physical Therapy Examiners in the Division of Consumer Affairs to establish guidelines concerning the supervision of physical therapist assistants by physical therapists, including, but not limited to: on-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and evaluation of the need for, and a recommendation regarding, utilization of outside resources.

The bill also permits physical therapists licensed in other jurisdictions, under certain conditions, to participate in educational activities occurring in New Jersey and to assist in providing services in this State during emergency situations.

Moreover, the bill provides that a person is guilty of a crime of the third degree if the person knowingly does not possess a license to practice physical therapy or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy Examiners, and engages in certain practices of physical therapy as outlined in the bill. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts. In addition, the State will realize indeterminate recurring revenue gains.

Expenditure Increases: The OLS estimates that the bill’s provisions will produce indeterminate annual expenditure increases to the State from the additional workload created by the new provisions.

The State Board of Physical Therapy Examiners will experience a recurring workload increase, as the bill requires: a) changes in the licensing requirements for physical therapists and physical therapist assistants which may necessitate additional guidelines, review, and

enforcement by the board; and b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board.

The bill also establishes a new practice of permitting physical therapists who are licensed in another jurisdiction, to operate in the State for 30 days for educational purposes or following a declaration of an emergency. In the case of a declaration of emergency, the board is to be notified of the intent to practice in this state. It is the OLS' assumption that the board will be required to establish guidelines to effectuate this component of the bill.

The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will also increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are adjudicated by the Superior Court and are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree. The OLS, however, cannot project the number of future prosecutions and trials related to the crimes established by the bill.

Revenue Gains: Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

In establishing the new third degree crime offenses, the bill creates the potential for recurring State revenue gains. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. The OLS cannot determine the number of convictions of the bill's newly created crimes, and by extension the total of any resultant fine, fee, and assessment collections. The OLS additionally notes that due to financial constraints many penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 1839

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Co-Sponsored by:

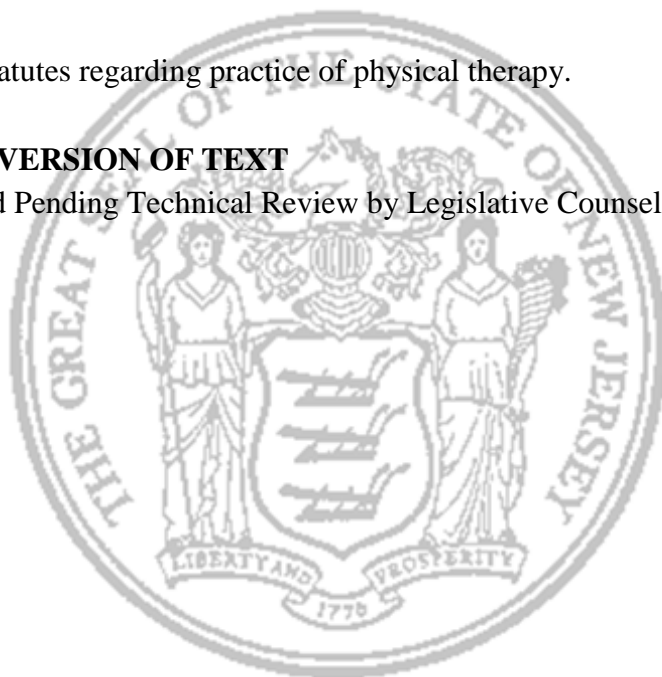
**Assemblywoman Jasey, Assemblymen O'Scanlon, Ciattarelli, Diegnan,
Rible and Assemblywoman Jimenez**

SYNOPSIS

Revises statutes regarding practice of physical therapy.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the practice of physical therapy, amending
2 P.L.2003, c.18, and amending and supplementing P.L.1983,
3 c.296.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 3 of P.L.1983, c.296 (C.45:9-37.13) is amended to
9 read as follows:

10 3. As used in **[this act]** P.L.1983, c.296 (C.45:9-37.11 et seq.):
11 "Board" means the State Board of Physical Therapy Examiners
12 established pursuant to section 5 of **[this act]** P.L.1983,
13 c.296 (C.45:9-37.15).

14 **["Direct supervision"** means the presence of the supervising
15 physical therapist on site, available to respond to any consequence
16 occurring during any treatment procedure.] "Direct supervision"
17 means the presence of the supervising physical therapist on site,
18 available to respond to any consequence occurring during any
19 treatment procedure.

20 "General supervision" means supervision by a physical therapist
21 in which: the physical therapist must be available at all times by
22 telecommunications but is not required to be on-site for direction
23 and supervision; and the supervising physical therapist assesses on
24 an ongoing basis the ability of the physical therapy assistant to
25 perform the selected interventions as directed.

26 "Intramuscular manual therapy" means a physical intervention
27 performed by a physical therapist to treat myofacial pain that uses a
28 dry, filiform needle, without medication or other deliverable, that is
29 inserted into a trigger point with the goal of inactivating the trigger
30 point and relieving pain. Intramuscular manual therapy does not
31 include stimulation of auricular or distal points, or the practice of
32 acupuncture pursuant to P.L.1983, c.7 (C.45:2C-1 et seq.).

33 "Physical therapist" means a natural person who holds a current,
34 valid license to practice physical therapy pursuant to the provisions
35 of **[this act]** P.L.1983, c.296 (C.45:9-37.11 et seq.) and in
36 accordance with regulations of the board.

37 "Physical therapist assistant" means a natural person who is
38 licensed pursuant to the provisions of **[this act]** P.L.1983,
39 c.296 (C.45:9-37.11 et seq.) and who assists a licensed physical
40 therapist under his direct supervision in accordance with **[this act]**
41 P.L.1983, c.296 (C.45:9-37.11 et seq.) and regulations of the board.

42 "Physical therapy" and "physical therapy practice" mean the
43 identification of physical impairment, **[or]** movement-related
44 functional limitation, or balance disorder that occurs as a result of

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.

1 injury or congenital or acquired disability, or other physical
2 dysfunction through examination, evaluation and diagnosis of the
3 physical impairment or movement-related functional limitation and
4 the establishment of a prognosis for the resolution or amelioration
5 thereof, and treatment of the physical impairment or movement-
6 related functional limitation, which shall include, but is not limited
7 to, the alleviation of pain, physical impairment and movement-
8 related functional limitation by therapeutic intervention, including
9 treatment by means of manual therapy techniques and massage,
10 intramuscular manual therapy, electro-therapeutic modalities,
11 wound debridement and care, the use of physical agents,
12 mechanical modalities, hydrotherapy, therapeutic exercises with or
13 without assistive devices, neurodevelopmental procedures, joint
14 mobilization, movement-related functional training in self-care,
15 providing assistance in community and work integration or
16 reintegration, providing training in techniques for the prevention of
17 injury, impairment, movement-related functional limitation, or
18 dysfunction, providing consultative, educational, other advisory
19 services, and collaboration with other health care providers in
20 connection with patient care, and such other treatments and
21 functions as may be further defined by the board by regulation.

22 “Physical therapy” and “physical therapy practice” also include
23 the screening, examination, evaluation, and application of
24 interventions for the promotion, improvement, and maintenance of
25 fitness, health, wellness, and prevention services in populations of
26 all ages exclusively related to physical therapy practice.

27 “Wound debridement and care” means the removal of loosely
28 adhered necrotic and nonviable tissue, by a physical therapist, to
29 promote healing, done in conjunction with a physician or podiatric
30 physician.

31 (cf: P.L.2003, c.18, s.1)

32

33 2. Section 8 of P.L.1983, c.296 (C.45:9-37.18) is amended to
34 read as follows:

35 8. a. The board shall:

36 (1) Administer and enforce the provisions of P.L.1983,
37 c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et
38 al.);

39 (2) Establish procedures for application for licensure;

40 (3) Establish standards for, and adopt and administer
41 examinations for licensure;

42 (4) Review and pass upon the qualifications of applicants for
43 licensure;

44 (5) Insure the proper conduct and standards of examinations;

45 (6) Issue and renew licenses to physical therapists and physical
46 therapist assistants pursuant to **[this act]** P.L.1983, c.296 (C.45:9-
47 37.11 et seq.);

- 1 (7) Establish disciplinary measures, including but not limited to,
2 suspending, revoking, or refusing to renew the license of a physical
3 therapist or physical therapist assistant pursuant to the provisions of
4 P.L.1978, c.73 (C.45:1-14 et seq.);
- 5 (8) Maintain a record of every physical therapist and physical
6 therapist assistant licensed in this State, his place of business, his
7 place of residence, and the date and number of his license;
- 8 (9) Conduct hearings into allegations of misconduct by
9 licensees;
- 10 (10) Establish requirements and standards for continuing
11 **【education and approve courses that are eligible to meet the**
12 **requirements】** professional education and competency, and approve
13 courses that are eligible to meet these requirements and standards,
14 as provided in section 25 of P.L.2003, c.18 (C.45:9-37.34f);
- 15 (11) Conduct hearings pursuant to the "Administrative Procedure
16 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board
17 shall have the right to administer oaths to witnesses, and shall have
18 the power to issue subpoenas for the compulsory attendance of
19 witnesses and the production of pertinent books, papers or records;
- 20 (12) Conduct proceedings before any board, agency or court of
21 competent jurisdiction for the enforcement of the provisions of
22 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-
23 37.34b et al.);
- 24 (13) Conduct investigations as necessary and have the
25 enforcement powers provided pursuant to P.L.1978, c.73 (C.45:1-14
26 et seq.);
- 27 (14) **【Within 180 days of the effective date of P.L.2003,**
28 **c.18, establish standards in accordance with the provisions of**
29 **section 22 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with**
30 **the State Board of Medical Examiners and other appropriate**
31 **professional licensing boards established pursuant to Title 45 of the**
32 **Revised Statutes, setting forth the conditions under which a**
33 **physical therapist is required to refer an individual being treated by**
34 **a physical therapist to or consult with a practitioner licensed to**
35 **practice dentistry, podiatry or medicine and surgery in this State, or**
36 **other appropriate licensed health care professional. Pending**
37 **adoption of the standards: (a) a physical therapist shall refer any**
38 **individual who has failed to demonstrate reasonable progress within**
39 **30 days of the date of initial treatment to a licensed health care**
40 **professional; and (b) a physical therapist, not more than 30 days**
41 **from the date of initial treatment of functional limitation or pain,**
42 **shall consult with the individual's licensed health care professional**
43 **of record as to the appropriateness of the treatment, or, in the event**
44 **that there is no identified licensed health care professional of**
45 **record, recommend that the individual consult with a licensed**
46 **health care professional of the individual's choice】** Within 180
47 days of the effective date of P.L.2003, c.18, establish standards in
48 accordance with the provisions of section 22 of P.L.2003, c.18

1 (C.45:9-37.34c), in collaboration with the State Board of Medical
2 Examiners and other appropriate professional licensing boards
3 established pursuant to Title 45 of the Revised Statutes, setting
4 forth the conditions under which a physical therapist is required to
5 refer an individual being treated by a physical therapist to or consult
6 with a practitioner licensed to practice dentistry, podiatry or
7 medicine and surgery in this State, or other appropriate licensed
8 health care professional. Pending adoption of the standards: (a) a
9 physical therapist shall refer any individual who has failed to
10 demonstrate reasonable progress within 30 days of the date of initial
11 treatment to a licensed health care professional; and (b) a physical
12 therapist, not more than 30 days from the date of initial treatment of
13 functional limitation or pain, shall consult with the individual's
14 licensed health care professional of record as to the appropriateness
15 of the treatment, or, in the event that there is no identified licensed
16 health care professional of record, recommend that the individual
17 consult with a licensed health care professional of the individual's
18 choice;

19 (15) Establish mechanisms to assure that the public has access to
20 physical therapists' services, and report back to the Senate Health,
21 Human Services and Senior Citizens and Assembly Regulated
22 Professions **【and Independent Authorities】** Committees, or their
23 successors, regarding this access; **【and】**

24 (16) Promulgate rules and regulations necessary for the
25 performance of its duties and the implementation of **【this act】**
26 P.L.1983, c.296 (C.45:9-37.11 et seq.); and

27 (17) Within 180 days of the effective date of P.L. , c. (C.)
28 (pending before the Legislature as this bill), establish standards for
29 the provision of intramuscular manual therapy by a physical
30 therapist, in collaboration with the State Board of Medical
31 Examiners.

32 b. In addition to the provisions of subsection a. of this section,
33 the board may establish standards of professional behavior.
34 (cf: P.L.2003, c.18, s.4)

35
36 3. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to
37 read as follows:

38 9. No person shall practice physical therapy or act as a physical
39 therapist or physical therapist assistant, whether or not
40 compensation is received or expected, unless the person holds a
41 valid license to practice in this State; however, nothing in this
42 section shall be construed to:

43 a. Prohibit any student enrolled in a school or post-graduate
44 course of physical therapy or in a course of study for training as a
45 physical therapist assistant that is approved or recognized by the
46 board from performing physical therapy or acting as a physical
47 therapist assistant, as appropriate, which is necessary to his course
48 of study;

- 1 b. Prohibit any person licensed to practice in this State under
2 any other law from engaging in the practice for which the person is
3 licensed, provided that: the procedures or duties performed by that
4 person are within the scope of that person's practice as established
5 by law and the accepted standards of practice of the profession for
6 which the person is licensed; and the person does not represent
7 himself as a physical therapist or physical therapist assistant **[.or]** ;
- 8 c. Prohibit any person employed by an agency, bureau or
9 division of the federal government from practicing physical therapy
10 within the scope of his official duties **[.]** ;
- 11 d. With the exception of the provisions of section 20 of
12 P.L.1983, c.296 (C.45:9-37.30), prohibit any person licensed to
13 practice in this State under any other law from engaging in the
14 practice for which the person is licensed, provided that: the
15 procedures or duties performed by that person are within the scope
16 of that person's practice as established by law and the accepted
17 standards of practice of the profession for which the person is
18 licensed; and the person does not represent himself as a physical
19 therapist, or physical therapist assistant;
- 20 e. Prohibit any student enrolled in a school or post-graduate
21 course of physical therapy or in a course of study for training as a
22 physical therapist assistant that is approved or recognized by the
23 board from performing physical therapy or acting as a physical
24 therapist assistant, as appropriate, which is necessary to his course
25 of study or as part of a pro bono community-based service project
26 under the supervision of a physical therapist licensed by the board;
- 27 f. Prohibit an individual who is licensed as a physical therapist
28 in another jurisdiction of the United States or credentialed to
29 practice physical therapy in another country, from teaching,
30 demonstrating or providing physical therapy services in connection
31 with teaching or participating in an educational seminar for no more
32 than 30 days in a calendar year;
- 33 g. Prohibit an individual who is licensed as a physical therapist
34 in a jurisdiction of the United States or credentialed in another
35 country from performing physical therapy or acting as a physical
36 therapist assistant, if that individual by contract or employment is
37 providing physical therapy to patients affiliated with or employed
38 by established athletic teams, athletic organizations or performing
39 arts companies temporarily practicing, competing or performing in
40 the State for no more than 30 days in a calendar year;
- 41 h. Prohibit an individual who is licensed as a physical therapist
42 in another jurisdiction of the United States from entering this State
43 to provide physical therapy during a declared local, State or
44 national disaster or emergency, including a public health emergency
45 declared by the Governor pursuant to the "Emergency Health
46 Powers Act, P.L.2005, c.222 (C.26:13-1 et seq.). This exemption
47 applies for no longer than 30 days following the declaration of the

1 emergency. In order to be eligible for this exemption the physical
2 therapist shall notify the board of his intent to practice;

3 i. Prohibit an individual who is licensed as a physical therapist
4 in another jurisdiction of the United States who is forced to leave
5 his residence or place of employment due to a declared local, State
6 or national disaster or emergency and due to such displacement
7 seeks to practice physical therapy. This exemption applies for no
8 more than 30 days following the declaration of the emergency. In
9 order to be eligible for this exemption the physical therapist shall
10 notify the board of his intent to practice; or

11 j. Prohibit an individual who is licensed or certified as a
12 physical therapist assistant in a jurisdiction of the United States and
13 is assisting a licensed physical therapist engaged specifically in
14 activities related to subsections d., e., f., g. and h. of this section.

15 k. Nothing in this section shall be construed to prohibit an
16 individual who is licensed to practice medicine and surgery in this
17 State from rendering a utilization management decision that limits,
18 restricts or curtails a course of physical therapy care.

19 (cf: P.L. 2003, c.18, s.5)

20
21 4. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to
22 read as follows:

23 10. a. No physical therapist shall supervise more physical
24 therapist assistants at any one time than in the opinion of the board
25 can be adequately supervised. Under usual circumstances the
26 maximum number of physical therapist assistants that may be
27 supervised by a physical therapist shall be two, except that, upon
28 application, the board may permit the supervision of a greater
29 number of physical therapist assistants if it feels there would be
30 adequate supervision and the public health and safety would be
31 served.

32 b. A licensed physical therapist assistant may initiate patient
33 physical therapy treatment consistent with the role of a physical
34 therapist assistant, as defined by the board or otherwise provided in
35 P.L.1983, c.296, (C.45:9-37.11 et seq.) or P.L.2003, c.18 (C.45:9-
36 37.34b et al.), only at the discretion of, and under the direct or
37 general supervision of, a licensed physical therapist, as specified in
38 P.L. , c. (C.) (pending before the Legislature as this bill). A
39 physical therapist shall provide direct supervision of a physical
40 therapy assistant for at least 50 percent of the hours worked by the
41 physical therapy assistant during each calendar week.

42 c. When supervising a physical therapist assistant in any off-
43 site setting, the following requirements shall be observed:

44 (1) When not providing direct supervision, a physical therapist
45 must be accessible by telecommunications to the physical therapist
46 assistant at all times while the physical therapist assistant is treating
47 patients.

1 (2) There must be regularly scheduled and documented
2 conferences between the physical therapist and the physical
3 therapist assistant regarding patients, the frequency of which is
4 determined by the needs of the patient and the needs of the physical
5 therapist assistant.

6 (3) In those situations in which a physical therapist assistant is
7 involved in the care of a patient, a supervisory visit by the physical
8 therapist is to be made: upon the physical therapist assistant's
9 request for a reexamination; when a change in the plan of care is
10 needed; prior to any planned discharge; and in response to a change
11 in the patient's medical status.

12 d. Within 180 days following the enactment of P.L. _____,
13 c. (C.) (pending before the Legislature as this bill), the board
14 shall establish guidelines concerning the general supervision of
15 physical therapist assistants, including, but not limited to:

16 (1) On-site review of the plan of care with appropriate revision
17 or termination; and

18 (2) Evaluation of the need for, and a recommendation regarding,
19 utilization of outside resources.

20 (cf: P.L.2003, c.18, s.6)

21
22 5. Section 15 of P.L.1983, 296 (C.45:9-37.25) is amended to
23 read as follows:

24 15. The written examination provided for in sections 12 and 13
25 of **[this act]** P.L.1983, c.296 (C.45:9-37.22 and C.45:9-37.23) and
26 section 21 of P.L.2003, c.18 (C.45:9-37.34b) shall test the
27 applicant's knowledge of basic and clinical sciences as they relate to
28 physical therapy and physical therapy theory and procedures and
29 any other subjects the board may deem useful to test the applicant's
30 fitness to practice physical therapy or act as a physical therapist
31 assistant. Examinations shall be held within the State at a time and
32 place to be determined by the board. The board shall give adequate
33 written notice of the examination to applicants for licensure and
34 examination.

35 If an applicant fails his first examination, the applicant may take
36 a second examination no more than two years from the date of the
37 initial examination. Additional examinations may be given at the
38 discretion of the board.

39 The board shall allow a student enrolled in an accredited
40 physical therapist or physical therapist assistant education program
41 and who has completed all the required didactic coursework, to take
42 the National Physical Therapy Examination prior to graduation,
43 provided the student submits with the application a letter on the
44 official letterhead of the accredited educational institution where
45 the applicant is completing an accredited educational program that
46 includes the signature of the program director, the department
47 chairperson or a similarly authorized person of the university or
48 college that states:

1 a. The applicant is a candidate for a degree as a physical
2 therapist or physical therapist assistant at the next scheduled
3 graduation date;

4 b. The date the national examination for licensure is to be taken
5 by the applicant is the one nearest to and before the applicant's
6 expected graduation date and is not more than 120 days before the
7 date of the applicant's expected graduation date; and

8 c. The applicant meets any other established requirements of
9 the accredited educational program, if applicable.

10 (cf: P.L. 2003, c.18, s.11)

11
12 6. Section 17 of P.L.1983, c.296 (c.45:9-37.27) is amended to
13 read as follows:

14 17. The board shall issue a license to each applicant for
15 licensure as a physical therapist or physical therapist assistant who,
16 in the judgment of the board, qualifies for licensure pursuant to
17 **[this act]** P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18
18 (C.45:9-37.34b et al.).

19 Every licensee shall ensure the following notices are
20 conspicuously displayed in a public area in all offices and health
21 care facilities at which the licensee practices physical therapy:

22 a. "Physical therapists and physical therapist assistants are
23 licensed by the State Board of Physical Therapy Examiners, an
24 agency of the Division of Consumer Affairs. Any member of the
25 public may notify the board of any complaint relative to the practice
26 conducted by a physical therapist or physical therapist assistant."
27 The notice shall include the current address and phone number for
28 the New Jersey Division of Consumer Affairs, State Board of
29 Physical Examiners.

30 b. "INFORMATION ON PROFESSIONAL FEES IS
31 AVAILABLE TO YOU ON REQUEST."

32 The licensee shall not be required to publicly post his biennial
33 registration, but an original biennial registration shall be maintained
34 on site and all licensees shall be required to provide their name,
35 professional designation and license number to any patient upon
36 request.

37 (cf: P.L.2003, c.18, s.12)

38
39 7. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
40 read:

41 20. No person, business entity or its employees, agents or
42 representatives shall place an advertisement that uses or otherwise
43 use the titles "physical therapist," "physiotherapist," "registered
44 physical therapist," "licensed physical therapist," "physical therapist
45 assistant," "registered physical therapist assistant," "licensed
46 physical therapist assistant," "student physical therapist," "physical
47 therapy assistant," "student physical therapist assistant," or the
48 abbreviations "PT," "DPT," [or] "RPT," "LPT," "PTA," "RPTA,"

1 "LPTA," "SPT," "SPTA," or the terms "physical therapy," or
2 "physiotherapy," or any other title, designation, words, letters,
3 abbreviations, or insignia indicating the practice of physical therapy
4 unless licensed to practice as a physical therapist or physical
5 therapist assistant under the provision of **[this act]** P.L.1983,
6 c.296 (C.45:9-37.11 et seq.).
7 (cf: P.L.2003, c.18, s.15)

8
9 8. Section 23 of P.L.2003, c.18 (C.45:9-37.34d) is amended to
10 read as follows:

11 23. An applicant for licensure or renewal as a physical therapist
12 or a physical therapist assistant shall:

13 a. Execute and submit a sworn statement on a form prescribed
14 by the board that neither the license for which renewal is sought nor
15 any similar license or other authority issued by another jurisdiction
16 has been revoked, suspended or not renewed; and

17 b. Present satisfactory evidence that any continuing
18 **[education]** professional education and competency requirements
19 established by P.L.2003, c.18 (C.45:9-37.34b et al.) or the board,
20 have been completed.

21 (cf: P.L.2003, c.18, s.23)

22
23 9. Section 25 of P.L.2003, c.18 (C.45:9-37.34f) is amended to
24 read as follows:

25 25. The board shall establish continuing professional
26 **[education]** education and competency requirements for physical
27 therapists and physical therapist assistants, which requirements
28 shall be a condition of retaining licensure. As used in this section,
29 "continuing professional education and competency" means the
30 lifelong process of maintaining and documenting the application of
31 knowledge, skills and behaviors required to function effectively,
32 safely, ethically and legally, through ongoing self-assessment,
33 development, and implementation of a personal learning plan and
34 subsequent reassessment. The board shall:

35 a. Approve only such continuing professional **[education]**
36 education and competency programs as are available to all physical
37 therapists and physical therapist assistants in this State on a
38 nondiscriminatory basis;

39 b. Establish standards for continuing professional
40 **[educational]** education and competency programs;

41 c. Accredite educational programs offering credits towards the
42 continuing professional **[educational]** education and competency
43 requirements; and

44 d. Establish the number of credits of continuing professional
45 **[education]** education and competency required of each applicant
46 for license renewal. Each credit shall represent or be equivalent to
47 one hour of actual course attendance, or in the case of those electing

1 an alternative method of satisfying the requirements of P.L.2003,
2 c.18 (C.45:9-37.34b et al.), shall be approved by the board and
3 certified pursuant to procedures established for that purpose.
4 (cf: P.L.2003, c.18, s.25)

5
6 10. (New section) A person is guilty of a crime of the third
7 degree if he knowingly does not possess a license to practice
8 physical therapy, or knowingly has had such license suspended,
9 revoked or otherwise limited by an order entered by the State Board
10 of Physical Therapy, and he:

- 11 a. engages in the practice of physical therapy;
12 b. exceeds the scope of practice permitted by the board order;
13 c. holds himself out to the public, or any person as being
14 eligible to engage in the practice of physical therapy;
15 d. engages in any activity for which a license to practice
16 physical therapy is a necessary prerequisite; or
17 e. practices physical therapy under a false or assumed name or
18 falsely impersonates another person licensed by the board.

19 The provisions of this section shall not be construed to limit the
20 activities permitted in section 9 of P.L.1983, c.296 (C.45:9-37.19).

21
22 11. This act shall take effect on the 180th day next following
23 enactment.

24
25
26 STATEMENT

27
28 This bill revises the “Physical Therapist Licensing Act of 1983”
29 by expanding the scope of practice of physical therapists to include:
30 identification of balance disorders; treatment by means of
31 intramuscular manual therapy, wound debridement and care;
32 screening, examination, evaluation, and application of interventions
33 for the promotion, improvement, and maintenance of fitness, health,
34 wellness, and prevention services in populations of all ages
35 exclusively related to physical therapy practice.

36 Under current law, physical therapist assistants are under the
37 direct supervision of licensed physical therapists. The bill provides,
38 instead, for general supervision of physical therapist assistants
39 under certain circumstances. The bill stipulates that a physical
40 therapist shall provide direct supervision of a physical therapy
41 assistant for at least 50 percent of the hours worked by the physical
42 therapy assistant during each calendar week. As defined in the bill,
43 “general supervision” means supervision by a physical therapist in
44 which: the physical therapist must be available at all times by
45 telecommunications but is not required to be on-site for direction
46 and supervision; and the supervising physical therapist assesses on
47 an ongoing basis the ability of the physical therapy assistant to
48 perform the selected interventions as directed. The bill further

1 provides that the State Board of Physical Therapy Examiners shall
2 establish guidelines concerning the general supervision of physical
3 therapist assistants including, but not limited to: on-site review of
4 the plan of care with appropriate revision or termination; and
5 evaluation of the need for, and a recommendation regarding,
6 utilization of outside resources.

7 The bill also permits physical therapists licensed in other
8 jurisdictions, under certain conditions as enumerated in the bill, to
9 participate in educational activities occurring in New Jersey and to
10 assist in providing services in this State during emergency
11 situations. In addition, the bill changes the current references
12 concerning continuing education requirements to continuing
13 professional education and competency requirements. "Continuing
14 professional education and competency" is defined as the lifelong
15 process of maintaining and documenting the application of
16 knowledge, skills and behaviors required to function effectively,
17 safely, ethically and legally, through ongoing self-assessment,
18 development, and implementation of a personal learning plan and
19 subsequent reassessment.

20 Furthermore, this bill provides that a person is guilty of a crime
21 of the third degree if the person knowingly does not possess a
22 license to practice physical therapy or knowingly has had such
23 license suspended, revoked or otherwise limited by an order entered
24 by the State Board of Physical Therapy Examiners, and he:

- 25 -- engages in the practice of physical therapy;
- 26 -- exceeds the scope of practice permitted by the board order;
- 27 -- holds himself out to the public or any person as being eligible
28 to engage in the practice of physical therapy;
- 29 -- engages in any activity for which a license to practice
30 physical therapy is a necessary prerequisite; or
- 31 -- practices physical therapy under a false or assumed name or
32 falsely impersonates another person licensed by the board. Under
33 the bill, however, these provisions would not apply to a person
34 practicing physical therapy without a license if that person's
35 activities are permitted under section 9 of P.L.1983, c.296 (C.45:9-
36 37.19).

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1839

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2016

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 1839.

As amended, this bill revises the “Physical Therapist Licensing Act of 1983” by expanding the scope of practice of physical therapists to include: identification of balance disorders; treatment by means of wound debridement and care; screening, examination, evaluation, and application of interventions for the promotion, improvement, and maintenance of fitness, health, wellness, and prevention services in populations of all ages exclusively related to physical therapy practice.

Under current law, physical therapist assistants are under the direct supervision of licensed physical therapists. The bill provides, instead, for general supervision of physical therapist assistants under certain circumstances. The bill stipulates that a physical therapist shall provide direct supervision of a physical therapy assistant for at least 50 percent of the hours worked by the physical therapy assistant during each calendar week. As defined in the bill, “general supervision” means supervision by a physical therapist in which: the physical therapist must be available at all times by telecommunications but is not required to be on-site for direction and supervision; and the supervising physical therapist assesses on an ongoing basis the ability of the physical therapy assistant to perform the selected interventions as directed. The bill further provides that the State Board of Physical Therapy Examiners shall establish guidelines concerning the general supervision of physical therapist assistants including, but not limited to: on-site review of the plan of care with appropriate revision or termination; and evaluation of the need for, and a recommendation regarding, utilization of outside resources.

The bill also permits physical therapists licensed in other jurisdictions, under certain conditions as enumerated in the bill, to participate in educational activities occurring in New Jersey and to assist in providing services in this State during emergency situations. In addition, the bill changes the current references concerning continuing education requirements to continuing professional education and competency requirements. “Continuing professional education and competency” is defined as the lifelong process of

maintaining and documenting the application of knowledge, skills and behaviors required to function effectively, safely, ethically and legally, through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment.

Furthermore, this bill provides that a person is guilty of a crime of the third degree if the person knowingly does not possess a license to practice physical therapy or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy Examiners, and he:

- engages in the practice of physical therapy;
- exceeds the scope of practice permitted by the board order;
- holds himself out to the public or any person as being eligible to engage in the practice of physical therapy;
- engages in any activity for which a license to practice physical therapy is a necessary prerequisite; or
- practices physical therapy under a false or assumed name or falsely impersonates another person licensed by the board. Under the bill, however, these provisions would not apply to a person practicing physical therapy without a license if that person's activities are permitted under section 9 of P.L.1983, c.296 (C.45:9-37.19).

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to change the scope of practice of physical therapists pursuant to the bill by removing all references to "intramuscular manual therapy."

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1839

with Assembly Floor Amendments
(Proposed by Assemblyman GIBLIN)

ADOPTED: JUNE 8, 2017

These Assembly amendments:

- Allow for the direct or general supervision of a physical therapist assistant by a physical therapist.
- When treatment is being rendered by a physical therapist assistant consistent with the role of a physical therapist assistant, require the licensed physical therapist supervising that assistant to make an onsite visit and actively participate in the treatment of the patient at least every six patient visits or every 14 days, whichever occurs first, rather than provide direct supervision of the assistant at least 50% of the hours worked each week by the assistant, as the bill currently provides.
- Clarify that when supervising a physical therapist assistant in any off-site setting, there must be regularly scheduled and documented conferences or communications between the physical therapist and the physical therapist assistant regarding patients.
- As part of the supervision of physical therapist assistants, require that the on-site review of the plan of care must be completed during a regular physical therapist visit.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 1839

**STATE OF NEW JERSEY
217th LEGISLATURE**

DATED: JUNE 27, 2017

SUMMARY

- Synopsis:** Revises statutes regarding practice of physical therapy.
- Type of Impact:** Annual State Expenditure and Revenue Increases.
- Agencies Affected:** Department of Law and Public Safety. Administrative Office of the Courts.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Annual Increase in State Costs	Indeterminate – See comments below.		
Annual Increase in State Revenue	Indeterminate – See comments below.		

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts.
- The OLS estimates that the State Board of Physical Therapy Examiners will experience recurring workload increases from: a) changes in the licensing requirements for physical therapists which may require additional guidelines, review, and enforcement by the board; b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board; and c) regulating the new practice of permitting physical therapists who are only licensed in another jurisdiction to operate in the State for 30 days for educational purposes or following a declaration of an emergency. Depending on the board's resource allocation policies, however, the added workload may or may not augment State administrative expenditures.
- The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine

of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree.

- Additional indeterminate annual State revenue will accrue from fine and penalty payments from persons convicted of the new third degree crimes related to the practice of physical therapy without a proper license. Convictions of crimes of the third degree result in a fine of up to \$15,000.

BILL DESCRIPTION

Assembly Bill No. 1839 (2R) of 2016 revises the “Physical Therapist Licensing Act of 1983” by expanding the scope of practice of physical therapists and physical therapist assistants.

In addition, the bill requires the State Board of Physical Therapy Examiners in the Division of Consumer Affairs to establish guidelines concerning the supervision of physical therapist assistants by physical therapists, including, but not limited to: on-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and evaluation of the need for, and a recommendation regarding, utilization of outside resources.

The bill also permits physical therapists licensed in other jurisdictions, under certain conditions, to participate in educational activities occurring in New Jersey and to assist in providing services in this State during emergency situations.

Moreover, the bill provides that a person is guilty of a crime of the third degree if the person knowingly does not possess a license to practice physical therapy or knowingly has had such license suspended, revoked or otherwise limited by an order entered by the State Board of Physical Therapy Examiners, and engages in certain practices of physical therapy as outlined in the bill. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, the Division of Criminal Justice in the Department of Law and Public Safety, and the Administrative Office of the Courts. In addition, the State will realize indeterminate recurring revenue gains.

Expenditure Increases: The OLS estimates that the bill’s provisions will produce indeterminate annual expenditure increases to the State from the additional workload created by the new provisions.

The State Board of Physical Therapy Examiners will experience a recurring workload increase, as the bill requires: a) changes in the licensing requirements for physical therapists and physical therapist assistants which may necessitate additional guidelines, review, and

enforcement by the board; and b) additional notices posted by the licensees of the board's phone number which may increase the number of complaints requiring investigation and enforcement action by the board.

The bill also establishes a new practice of permitting physical therapists who are licensed in another jurisdiction, to operate in the State for 30 days for educational purposes or following a declaration of an emergency. In the case of a declaration of emergency, the board is to be notified of the intent to practice in this state. It is the OLS' assumption that the board will be required to establish guidelines to effectuate this component of the bill.

The bill's establishment of new crimes of the third degree for persons who knowingly perform certain physical therapy services without a proper license will also increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety and the Administrative Office of the Courts, as defendants will be prosecuted and tried. Crimes of the third degree are adjudicated by the Superior Court and are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. A presumption of non-incarceration applies to first-time offenders of crimes of the third degree. The OLS, however, cannot project the number of future prosecutions and trials related to the crimes established by the bill.

Revenue Gains: Additional indeterminate annual State revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

In establishing the new third degree crime offenses, the bill creates the potential for recurring State revenue gains. Crimes of the third degree are punishable by a term of imprisonment of up to three to five years, a fine of up to \$15,000, or both. The OLS cannot determine the number of convictions of the bill's newly created crimes, and by extension the total of any resultant fine, fee, and assessment collections. The OLS additionally notes that due to financial constraints many penalties go unpaid by those persons convicted of crimes.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action on Pending Legislation

Friday, July 21, 2017

Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on dozens of bills, including S-359/A-2320 (Codey, Vitale/Vainieri Huttle, Conaway, Jimenez, Lampitt, Jasey, Sumter), which raises the minimum age from 19 to 21 of a person to whom a vendor may sell, offer for sale, distribute, give or furnish tobacco products in New Jersey. This new law also amends various related statues concerning penalties, fines, signage requirements, non-face-to-face transactions, and enforcement provisions to reflect the increased minimum age.

“By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place,” Governor Christie said. “My mother died from the effects of smoking, and no one should lose their life due to any addictive substance. Additionally, the less people who develop costly tobacco habits that can cause health problems, such as lung cancer, heart disease and developmental issues, the less strain there will be on our healthcare system.”

Governor Christie also took action on pending legislation related to:

Further Addressing the Opioid Epidemic

Governor Christie signed four bills that continue New Jersey's leadership role in fighting the national opioid epidemic. The legislation that requires the Department of Human Services develop, maintain, and post on their website daily information about the number of open beds available in facilities in the state for people in need of mental health or substance use disorder treatment; help inform parents of student athletes and cheerleaders about the use and misuse of prescription opioids; allows hospice programs to accept the unused prescription medicines of their hospice patients for safe disposal and implements the use of current-day, sensitive terminology when referring to persons with substance use disorders or certain disabilities.

- **A-1662/S-2466 (Schaer, Vainieri Huttle, Coughlin, McKnight, Mukherji/Vitale, Allen)** - Requires development and maintenance of data dashboard report to advise of open bed availability in residential facilities providing behavioral health services
- **A-3944/S-2402 (Mazzeo, Lagana, Vainieri Huttle, Benson, Caride, Wimberly/Diegnan, Vitale)** - Requires DOE to develop educational fact sheet for distribution to parents of student-athletes and cheerleaders concerning use and misuse of prescription opioids
- **S-2970/A-4522 (Vitale, Diegnan/Lampitt, Vainieri Huttle, Jimenez)** - Allows hospice care programs to accept unused prescription medications for disposal under certain circumstances
- **S-2721/ACS for A-926 (Vitale, Whelan/Vainieri Huttle, Benson, Tucker, Eustace, McKnight, Mosquera)** - Implements person-first language and changes pejorative terminology referring to persons with certain disabilities or substance use disorders

Protecting and Preserving the Environment

The Governor also signed several bills to protect people and improve the quality of life by strengthening New Jersey's environment.

“These new laws will create more open space preservation opportunities, green energy solutions and safeguards to ensure quality drinking water for all New Jerseyans,” Governor Christie said. “They provide greater flexibility for counties and municipalities to use the roughly \$270 million open space tax dollars they collect each year for the intended mission of protecting New Jersey's environment, improving communities with more recreation and

conservation, and preventing overcrowding of our towns and schools. They also ensure reliable, sustainable and safe environmental infrastructure across the state, by investing nearly \$100 million in critical projects this year."

- **A-1645/S-195 (Schaer, Webber, Dancer, Pintor Marin/Kyrillos, Smith)** - Expands definition of "acquisition," for purposes of county and municipal open space trust funds, to include demolition, removal of debris, and restoration of lands being acquired
- **S-3352/A-5045 (Ruiz, Bateman/Oliver, Chaparro, Singleton, Lagana, Bramnick, Vainieri Huttie, Zwicker)** - Appropriates \$71,700,224 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects
- **S-3353/A-5046 (Greenstein, Thompson/Eustace, Land, Mukherji, Schaer, Bramnick, Vainieri Huttie, Wimberly)** - Appropriates \$12.3 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects
- **S-3354/A-5044 (Gordon, Allen/McKeon, Mazzeo, Muoio, Moriarty, Bramnick, Zwicker, Vainieri Huttie)** - Appropriates \$8,992,898 to DEP from constitutionally dedicated CBT revenues and various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes
- **S-3240/A-4996 (Greenstein, Codey/Mukherji, Mazzeo, Schaer, Holley, Land)** - Authorizes NJ Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects for FY2018
- **CC for S-3241/A-4998 (Smith, Codey/Eustace, Muoio, Moriarty, Conaway, Andrzejczak)** - Appropriates funds to DEP for environmental infrastructure projects for FY2018
- **S-3242/A-4997 (Gordon, Oroho/McKeon, Prieto)** - Clarifies procedures for approval of environmental and transportation infrastructure projects
- **S-3181/A-4756 (Smith, Diegnan/DeAngelo, Eustace, Gusciora)** - Permits solar electric power generation facility projects not having commenced commercial operation to retain designation through May 31, 2018 as connected to distribution system
- **S-2834/A-4569 (Sweeney, Greenstein, Bateman/Eustace, Karabinchak, McKeon, Vainieri Huttie, Benson, Muoio)** - The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-5/A-4925 (Vitale, Sweeney/Conaway, O'Scanlon, Houghtaling, Quijano, Giblin, DeAngelo, Munoz, Mukherji, A.M. Bucco) - Establishes data reporting requirements for emergency medical services providers and dispatch centers

SS SCS SCS for S-291, 652, 1954/ACS for A-1464 (Vitale, Whelan, Allen, Turner/Lampitt, Coughlin, Conaway, Vainieri Huttie, Lagana, Mukherji, Moriarty) - Authorizes health care providers to engage in telemedicine and telehealth

S-742/A-1205 (Beach/Mosquera, Holley, Wimberly, Jones) - Requires board of education to enter into agreement with law enforcement authorities regarding access to live video streams of public school buildings

S-1295/A-3701 (Vitale/Eustace, Munoz) - Amends and repeals sections of "Respiratory Care Practitioner Licensing Act"

S-1315/A-1839 (Vitale/Giblin, Wimberly, McKeon, Mukherji, Sumter) - Revises statutes regarding practice of physical therapy

S-1840/A-2085 (Ruiz, Gill/Mukherji, Oliver, McKnight) - Prohibits charging fee to stop publishing personal identifying information obtained through the criminal justice system

S-1913/A-2794 (Addiego, Greenstein/Lagana, Moriarty, Mukherji, Downey) - "Personal Information and Privacy Protection Act"; restricts collection and use of personal information by retail establishments for certain purposes

S-2058/A-671 (T. Kean, Pou/Munoz, Giblin, Mukherji, Moriarty) - Adds two nurse educators to the New Jersey Board of Nursing

S-2331/A-3962 (Codey, Vitale/Jasey, McKeon, Vainieri Huttie, Munoz, Mukherji, Mosquera, Lampitt) - Establishes tuition reimbursement program for certain psychiatrists who work in underserved areas or psychiatric hospitals in New Jersey

CC S-2403/A-3717 (Rice, Turner/Sumter, Vainieri Huttie, Lampitt, Downey) - Establishes Women's Vocational Training Pilot Program to promote economic self-sufficiency of low-income women through increased participation in high-wage, high-demand occupations; authorizes allocation of certain funds therefor

S-2452/A-4007 (Diegnan, Stack/Houghtaling, Downey, Mosquera, Mazzeo) - Requires Director of Division of Taxation to promulgate Property Taxpayer Bill of Rights

S-2577/A-4238 (Cunningham, Ruiz, Gordon/Sumter, Jasey, Muoio, Lagana, Downey, Benson) - Requires Higher Education Student Assistance Authority to provide annual New Jersey College Loans to Assist State Students Loan Program report to Governor and Legislature and develop student loan comparison information document to increase program transparency

S-2618/A-4691 (Cunningham, Pou/Caride, McKeon, Jasey, Giblin) - Requires institutions of higher education to enter into collective Statewide reverse transfer agreement

S-2819/A-4363 (Sweeney, Ruiz, Lesniak/Taliaferro, Andrzejczak, Lampitt, Mosquera, Holley, Quijano) - Creates "Nourishing Young Minds Initiative Fund" in Dept. of Agriculture to help pay for child food and nutrition programs

S-3027/A-4631 (Smith, Greenstein/Lampitt, Quijano, Eustace, Kennedy, Benson, Muoio, Zwicker, Mukherji) - Establishes State food waste reduction goal of 50 percent by 2030

S-3067/A-4652 (Ruiz, Vitale/Vainieri Huttie, Caride, Eustace, Jasey, Wimberly, Gusciora) - Requires Commissioner of Education to develop guidelines for school districts regarding transgender students

S-3176/A-4898 (Madden/Mukherji, Singleton) - Changes year used to calculate TDI and FLI employee taxes from most recent calendar year to most recent fiscal year

S-3191/A-3370 (Sweeney, Bateman/Burzichelli, Jones) - Extends voting rights of representatives of sending districts on receiving district board of education

S-3219/A-4859 (Sweeney, T. Kean, Greenstein, Holzapfel/Vainieri Huttie, Prieto, Downey) - Establishes additional penalties related to child pornography and expands crime to include portrayal of child in sexual manner; establishes crime of leader of child pornography network

S-3331/A-5039 (Cruz-Perez/Jones) - Authorizes State Treasurer to sell surplus real property in City of Camden, County of Camden to Camden County Improvement Authority

SJR-105/AJR-157 (Diegnan, Cruz-Perez, Sweeney/Pinkin, Karabinchak, Coughlin) - Designates August 29, 2017 as Governor James Florio Day in New Jersey

SJR-113/AJR-165 (Gordon/Vainieri Huttie, Chiaravalloti) - Clarifies intent of law subjecting PANYNJ to open public records and freedom of information laws in New Jersey and New York

A-222/S-2171 (DeAngelo, Giblin, Singleton, Holley, Benson/Bateman, Greenstein, Stack) - "New Jersey Library Construction Bond Act"; authorizes issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries; appropriates \$5,000

A-373/S-607 (Auth, Vainieri Huttie, McGuckin, Schepisi, Peterson, Jimenez/Addiego, A.R. Bucco) - Requires life imprisonment without parole for persons convicted of the murder of a minor under the age of 18 in the course of the commission of a sex crime

A-555/S-1847 (Pinkin, Eustace/Diegnan) - Revises statutes concerning incorporation and governance of the Protestant Episcopal Church to remove gender-specific references

A-621/S-2328 (Lagana, Greenwald, Moriarty, Mosquera, Mukherji/Cruz-Perez, Turner) - Permits bowling alleys, including alleys licensed to sell alcoholic beverages, to conduct amusement games

A-1458/S-2449 (Lampitt, Mosquera, Downey, Singleton, Vainieri Huttie/Vitale, Ruiz) - Requires health care professionals engaged in prenatal care to provide parents of newborns with information on health insurance coverage for newborn children

A-1761/S-332 (Eustace, Mukherji, Gusciora/Scutari, Bateman) - Creates fencing crime involving stolen domestic companion animals

A-2060/S-2333 (Gusciora, Sumter, Oliver, Jasey, McKnight/Cruz-Perez, Turner) - Establishes process for consideration of offers from short sale buyers during residential mortgage foreclosures

A-2221/S-2453 (Benson, Russo, DeAngelo, A.M. Bucco/Diegnan, Greenstein) - Allows gross income taxpayers to use returns to make voluntary contributions to the Boy Scouts of America Councils in New Jersey

A-2441/S-2910 (Eustace, Gusciora, Kennedy, Mazzeo, Mukherji/Gordon, Turner) - Authorizes the Unclaimed Property Administrator to verify certain governmental debts before delivering abandoned property

A-2926/S-3197 (Greenwald, Vainieri Huttie, Schaer, Mukherji, Holley, Mosquera, Muoio, Sumter, Mazzeo/Cruz-Perez, Cunningham) - Repeals law suspending certain licenses, registrations and certifications for failure to repay student loans

A-2993/S-1305 (Conaway, Pinkin, Sumter, Wimberly, McKnight, Mukherji/Vitale, Madden) - Requires Medicaid coverage for diabetes self-management education, training, services, and equipment for patients diagnosed with diabetes, gestational diabetes, and pre-diabetes

A-3347/S-2242 (Wolfe, Holley, Jasey, McKnight, Wimberly/Diegnan) - Establishes New Jersey School Safety Specialist Academy in Department of Education and requires school districts to designate school safety specialist

A-3438/S-1564 (DeAngelo, Danielsens, Holley, Houghtaling, Downey, Wimberly, Quijano/Turner, Beach) - Requires initial determination of unemployment benefits to be made within three weeks of filing of claim

A-3463/S-2038 (Coughlin/Vitale, Codey) - Updates references to DOC and DHS and refers to persons receiving services from DHS

A-3686/S-2423 (McKeon, Jasey, Munoz, Vainieri Huttie, A.M. Bucco/Codey, Oroho) - Establishes new crime of strict liability vehicular homicide; renames existing vehicular homicide as reckless vehicular homicide; designated as Ralph and David's Law

A-4011/S-2887 (Jones, Barclay, Moriarty, Mosquera, Greenwald, Lampitt, Mazzeo, Chiaravalloti/Cruz-Perez, Beach) - Designates USS New Jersey as New Jersey State Ship

A-4081/S-2662 (Lampitt, Vainieri Huttle, Benson, Wimberly, Greenwald/Allen, Sweeney) - "Charlie's Law"; Establishes civil penalties for persons who interfere with or deny persons with disabilities accompanied by service or guide dogs access to places of public accommodation

A-4088/S-2567 (Schaer, Jasey, Benson, Wimberly/Cruz-Perez, Singer) - Establishes "High School to College Readiness Commission" to examine issues and develop recommendations to enhance student preparation for postsecondary education

A-4175/S-2808 (Caride, McKnight, Holley, Pintor Marin, Wimberly/Ruiz, Turner) -Requires Commissioner of Education to develop guidance on identifying English language learners for gifted and talented programs

A-4246/S-3194 (Dancer/Lesniak, Beck) - Decreases annual thoroughbred race dates to 50 minimum upon written consent from New Jersey Thoroughbred Horsemen's Association

A-4317/S-3206 (Prieto, Giblin/Diegnan) - Concerns violations of certain occupational licensing laws

A-4568/S-3017 (Vainieri Huttle, Eustace, Pinkin, Jasey, Johnson/Vitale, Ruiz) - Prohibits health insurers, SHBP, SEHBP, certain health care providers, and Medicaid from discriminating in providing coverage and services based on gender identity

A-4875/S-1996 (Muoio, Gusciora/Beach, Van Drew) - Requires gubernatorial candidates' statements be posted online

A-4969/S-3281 (Oliver, Giblin, Jasey, McKnight, Schaer, Wimberly/Gill, Cunningham) - Establishes Montclair State University as public research university

ACS for A-4994/S-3314 (McKeon, Burzichelli, Singleton, Caride/Sarlo, Oroho) - Requires certain State and local government agency employees with access to federal tax information to undergo criminal history background checks

AJR-37/SJR-67 (Mosquera, Chaparro/Weinberg) - Designates June 21 of each year as "ASK Day" to promote children's health and gun safety

ACS for AJR-54/SJR-104 (Benson, Mosquera, Chiaravalloti, Holley, McKnight, Wimberly/Sweeney, Beach) - Designates April 2nd of each year as "World Autism Awareness Day"

AJR-72/SJR-31 (Gove, Rumpf, A.M. Bucco, Holley/A.R. Bucco) - Designates September 17 through September 23 of each year as "Constitution Week"

AJR-115/SJR-81 (Vainieri Huttle, Lampitt, Giblin, Benson/Diegnan, A.R. Bucco) - Designates third Friday in September of every year as Concussion Awareness Day

AJR-126/SJR-85 (Dancer, DeAngelo, Munoz, A.M. Bucco, Mukherji, Houghtaling, Downey/Allen, Madden) - Commemorates establishment and service of the New Jersey State Police and celebrates 95th anniversary of first graduating class

AJR-137/SJR-102 (Mazzeo/Whelan) - Urges United States President Trump, members of his administration, and Congress to oppose measures and actions to prohibit states from authorizing and conducting Internet gaming

BILLS VETOED:

SCS for S-1297, 1990/A-3751 (Vitale, Sweeney/Jasey, Coughlin) - **CONDITIONAL** - Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots

A-31/S-3315 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano, Wimberly, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Increases amount of benefits under Work First New Jersey program by 30 percent over three years and according to Social Security cost of living increases thereafter

A-33/S-3316 (Muoio, Vainieri Huttle, Mukherji, Oliver, Gusciora, Pintor Marin/Vitale, Cruz-Perez) - **ABSOLUTE** - Repeals family cap in Work First New Jersey program

A-320/S-1018 (Singleton, Vainieri Huttle, Munoz, Moriarty, Lampitt, Sumter, Mukherji/Weinberg, Cruz-Perez) - **CONDITIONAL** - Establishes minimum Medicaid reimbursement rate for personal care services

A-1139/S-2616 (Holley, McKnight, Munoz, Kennedy, Mukherji, Pintor Marin, Wimberly/Ruiz, Vitale) - **CONDITIONAL** - Prohibits sale of unsafe supplemental mattresses designed for children's products

A-2297/S-659 (Vainieri Huttle, Sumter, Mukherji, Caride, Downey, Zwicker, Wimberly/Turner, Allen) - **CONDITIONAL** - Requires health insurance coverage for contraceptives to include prescriptions for 12 months

A-3338/S-862 (Eustace, Lagana, Vainieri Huttle, Muoio, Mukherji, Benson, Jimenez, Giblin, Moriarty, Lampitt/Stack, Weinberg) - **CONDITIONAL** - Dedicates one percent of cigarette and other tobacco products tax revenues to anti-smoking initiatives

ACS for A-3480, 4119/S-2536 (Downey, Lampitt, Schaer, Houghtaling, Benson, Singleton, Muoio, DeAngelo/Gill, Weinberg) - **ABSOLUTE** - Concerns employer inquiries about worker's wage and salary experience

A-4253/S-2634 (Quijano, Mukherji, Vainieri Huttle, Eustace, Jones, McKeon/Weinberg, Diegnan) - CONDITIONAL - Establishes "New Jersey Nonprofit Security Grant Pilot Program"; appropriates \$3,000,000 over next three fiscal years

A-4453/S-2881 (Downey, Houghtaling/Ruiz) – CONDITIONAL - Requires pupils who reside on certain federal property to enroll in resident school district in accordance with schedule determined by executive county superintendent of schools

A-4496/S-2977 (Wimberly, Sumter, Lampitt/Lesniak) – CONDITIONAL - "Healthy Small Food Retailer Act"; provides funding to small food retailers to sell fresh and nutritious food; appropriates \$1 million

A-4587/SCS for S-2574 (Quijano, Vainieri Huttle, Mukherji, Giblin/Diegnan, Sarlo) – ABSOLUTE - Imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; authorizes various municipal taxes and fees on transient accommodations

A-4870/S-3226 (Prieto, Oliver, Quijano, Pintor Marin, Schaer, Vainieri Huttle, Eustace/Ruiz, Sweeney, Greenstein) – ABSOLUTE - "Safe Transportation Jobs and Fair Employment Rules Act"

ACS for A-4927/SCS for S-3085 (Prieto, Oliver, Gusciora, Jasey/Sweeney, Diegnan, Ruiz) – CONDITIONAL - Revises law concerning family leave, temporary disability and family temporary disability leave, and domestic or sexual violence safety leave

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