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P.L. 2003, CHAPTER 18, *approved February 13, 2003*
Senate, No. 2004 (*First Reprint*)

1 AN ACT concerning the practice of physical therapy and revising parts
2 of the statutory law.

3

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

6

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

9 3. As used in this act:

10 [a.] "Board" means the State Board of Physical Therapy
11 Examiners established pursuant to section 5 of this act.

12 [b.] "Direct supervision" means the presence of the supervising
13 physical therapist on site, available to respond to any consequence
14 occurring during any treatment procedure.

15 "Physical therapist" means a natural person who [is licensed] holds
16 a current, valid license to practice physical therapy pursuant to the
17 provisions of this act and in accordance with regulations of the board.

18 [A physical therapist shall provide physical therapy treatment to an
19 individual upon the direction of a licensed physician, dentist or other
20 health care practitioner authorized to prescribe treatment.]

21 [c.] "Physical therapist assistant" means a natural person who is
22 licensed pursuant to the provisions of this act and who assists a
23 licensed physical therapist under his direct supervision in accordance
24 with this act and regulations of the board.

25 [d.] "Physical therapy"[means] and "physical therapy practice"
26 mean the [health specialty concerned with the prevention of physical
27 disability and the habilitation or rehabilitation of congenital or acquired
28 physical disabilities resulting from, or secondary to, injury or disease]
29 identification of physical impairment or movement-related functional
30 limitation that occurs as a result of injury or congenital or acquired
31 disability, or other physical dysfunction through examination,
32 evaluation and diagnosis of the physical impairment or movement-
33 related functional limitation and the establishment of a prognosis for
34 the resolution or amelioration thereof, and treatment of the physical
35 impairment or movement-related functional limitation, which shall
36 include, but is not limited to, the alleviation of pain, physical
37 impairment and movement-related functional limitation by therapeutic
38 intervention, including treatment by means of manual therapy

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 SHH committee amendments adopted December 9, 2002.

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

12 (cf: P.L.1983, c.296, s.3)

13

14 2. Section 4 of P.L.1983, c.296 (C.45:9-37.14) is amended to read
15 as follows:

16 4. a. [The practice of physical therapy shall include examination,
17 treatment, or instruction to detect, assess, prevent, correct, alleviate
18 and limit physical disability, bodily malfunction and pain from injury,
19 disease or other physical condition.

20 Physical therapy shall also include the evaluation, administration
21 and modification of treatment and instruction, including, but not
22 limited to, the use of physical measures, activities, agents and devices
23 for preventive and therapeutic purposes; neurodevelopmental
24 procedures; the performance and evaluation of tests and
25 measurements; and the provision of consultative, educational and other
26 advisory services for the purpose of preventing or reducing the
27 incidence and severity of physical disability, bodily malfunction and
28 pain consistent with the practice of physical therapy.] ~~(Deleted by~~
29 ~~amendment, P.L. , c.)~~(pending before the Legislature as this bill).

30 b. Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
31 seq.), shall be construed to authorize the [diagnosis of] interpretation
32 of data for the purpose of diagnosing disease, organic condition or the
33 practice of medicine and surgery [or], chiropractic, podiatry,
34 occupational therapy, or prosthetics by any person not licensed to do
35 so pursuant to [chapter 9 of] Title 45 of the Revised Statutes.

36 c. Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
37 seq.), shall authorize the practice of dentistry by any person not
38 licensed to do so pursuant to chapter 6 of Title 45 of the Revised
39 Statutes.

40 (cf: P.L.1983, c.296, s.4)

41

42 3. Section 5 of P.L.1983, c.296 (C.45:9-37.15) is amended to read
43 as follows:

44 5. There is created within the Division of Consumer Affairs in the
45 Department of Law and Public Safety the State Board of Physical
46 Therapy Examiners. The board shall consist of 11 members who are

1 residents of the State, two of whom shall be public members and one
2 of whom shall be a State executive department member appointed
3 pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). Of
4 the remaining eight members six shall be licensed physical therapists
5 who have been actively engaged in the practice of physical therapy in
6 this State for at least five years immediately preceding their
7 appointment, one shall be [the administrator of a hospital licensed
8 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] a licensed physical
9 therapist assistant who has been actively engaged in practice as a
10 physical therapist assistant for at least five years immediately
11 preceding his appointment, and one shall be a physician licensed to
12 practice medicine and surgery pursuant to chapter 9 of Title 45 of the
13 Revised Statutes.

14 The Governor shall appoint members to the board with the advice
15 and consent of the Senate. The Governor shall appoint each member
16 for a term of three years, except that of the physical therapist members
17 first appointed, two shall serve for terms of three years, two shall
18 serve for terms of two years and two shall serve for a term of one
19 year. Each member shall hold office until ¹[his] the member's¹
20 successor has been qualified. Any vacancy in the membership of the
21 board shall be filled for the unexpired term in the manner provided for
22 the original appointment. No member of the board may serve more
23 than two successive terms in addition to any unexpired term to which
24 [he] the member has been appointed. Upon a vacancy in the
25 membership of the board, any professional association of physical
26 therapists and physical therapist assistants, or individual, may submit
27 recommendations to the Governor for his consideration. The
28 Governor may remove any member of the board for cause, which may
29 include, but shall not be limited to, professional misconduct and
30 repeated failure to attend board meetings.

31 (cf: P.L.1983, c.296, s.5)

32

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

35 8. a. The board shall:

36 (1) Administer and enforce the provisions of P.L.1983, c.296
37 (C.45:9-37.11 et seq.) and P.L. , c. (C.) (pending before
38 the Legislature as this bill);

39 (2) Establish procedures for application for licensure;

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

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

44 [b.] (5) Insure the proper conduct and standards of examinations;

45 [c.] (6) Issue and renew licenses to physical therapists and
46 physical therapist assistants pursuant to this act;

- 1 [d. Suspend, revoke or fail] (7) Establish disciplinary measures,
2 including but not limited to, suspending, revoking, or refusing to
3 renew the license of a physical therapist or physical therapist assistant
4 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);
- 5 [e.] (8) Maintain a record of every physical therapist and physical
6 therapist assistant licensed in this State, his place of business, his place
7 of residence, and the date and number of his license; [and]
- 8 (9) Conduct hearings into allegations of misconduct by licensees;
9 (10) Establish requirements and standards for continuing education
10 and approve courses that are eligible to meet the requirements as
11 provided in section ¹[24] 25¹ of P.L. , c. (C.) (pending
12 before the Legislature as this bill);
- 13 (11) Conduct hearings pursuant to the “Administrative Procedure
14 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board
15 shall have the right to administer oaths to witnesses, and shall have the
16 power to issue subpoenas for the compulsory attendance of witnesses
17 and the production of pertinent books, papers or records;
- 18 (12) Conduct proceedings before any board, agency or court of
19 competent jurisdiction for the enforcement of the provisions of
20 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L. , c. (C.)
21 (pending before the Legislature as this bill);
- 22 (13) Conduct investigations as necessary and have the enforcement
23 powers provided pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);
- 24 (14) ¹[Establish] Within 180 days of the effective date of
25 P.L. , c. (pending before the Legislature as this bill), establish¹
26 standards¹ [, after consultation with] in accordance with the provisions
27 of section 22 of P.L. , c. (C.)(pending before the Legislature
28 as this bill), in collaboration with the State Board of Medical
29 Examiners and¹ other appropriate professional licensing boards
30 established pursuant to Title 45 of the Revised Statutes, setting forth
31 the conditions under which a physical therapist is required to refer an
32 individual being treated by a physical therapist to ¹or consult with¹ a
33 practitioner licensed to practice dentistry¹, podiatry¹ or medicine and
34 surgery in this State, or other appropriate licensed health care
35 professional¹. Pending adoption of the standards: (a) a physical
36 therapist shall refer any individual who has failed to demonstrate
37 reasonable progress within 30 days of the date of initial treatment to
38 a licensed health care professional; and (b) a physical therapist, not
39 more than 30 days from the date of initial treatment of functional
40 limitation or pain, shall consult with the individual's licensed health
41 care professional of record as to the appropriateness of the treatment,
42 or, in the event that there is no identified licensed health care
43 professional of record, recommend that the individual consult with a
44 licensed health care professional of the individual's choice¹;
- 45 (15) Establish mechanisms to assure that the public has access to
46 physical therapists' services, and report back to the Senate Health,

1 Human Services and Senior Citizens and Assembly ¹[Health and
2 Human Services]Regulated Professions and Independent Authorities¹
3 Committees, or their successors, regarding this access; and

4 [f.] (16) Promulgate rules and regulations necessary for the
5 performance of its duties and the implementation of this act.

6 b. In addition to the provisions of subsection a. of this section, the
7 board may establish standards of professional behavior.

8 (cf: P.L.1983, c.296, s.8)

9

10 5. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to read
11 as follows:

12 9. No person shall practice physical therapy or act as a physical
13 therapist assistant, whether or not compensation is received or
14 expected, unless [he] the person holds a valid license to practice in
15 this State; however, nothing in this section shall be construed to:

16 a. Prohibit any student enrolled in a school or post-graduate course
17 of physical therapy or in a course of study for training as a physical
18 therapist assistant that is approved or recognized by the board from
19 performing physical therapy or acting as a physical therapist assistant,
20 as appropriate, which is necessary to his course of study;

21 b. Prohibit any person licensed to practice in this State under any
22 other law from engaging in the practice for which [he] the person is
23 licensed, provided that: the procedures or duties performed by that
24 person are within the scope of that person's practice as established by
25 law and the accepted standards of practice of the profession for which
26 the person is licensed; and the person does not represent himself as a
27 physical therapist or physical therapist assistant; or

28 c. Prohibit any person employed by an agency, bureau or division
29 of the Federal Government from practicing physical therapy within the
30 scope of his official duties.

31 (cf: P.L.1983, c.296, s.9)

32

33 6. 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 therapist
36 assistants at any one time than [in the opinion of the board can be
37 adequately supervised. Under usual circumstances the maximum
38 number of physical therapist assistants that may be supervised by a
39 physical therapist shall be two, except that, upon application, the
40 board may permit the supervision of a greater number of physical
41 therapist assistants if it feels there would be adequate supervision and
42 the public health and safety would be served] ¹[permitted by the
43 board by regulation and under terms and conditions established by the
44 board]in the opinion of the board can be adequately supervised.
45 Under usual circumstances the maximum number of physical therapist
46 assistants that may be supervised by a physical therapist shall be two,

1 except that, upon application, the board may permit the supervision of
2 a greater number of physical therapist assistants if it feels there would
3 be adequate supervision and the public health and safety would be
4 served¹.

5 b. A licensed physical therapist assistant may initiate patient
6 physical therapy treatment consistent with the role of a physical
7 therapist assistant, as defined by the board or otherwise provided in
8 P.L.1983, c.296, (C.45:9-37.11 et seq.) or P.L. , c. (C.)
9 (pending before the Legislature as this bill), only at the discretion of,
10 and under the direct supervision of, a licensed physical therapist.
11 (cf: P.L.1983, c.296, s.10)

12
13 7. Section 11 of P.L.1983, c.296 (C.45:9-37.21) is amended to
14 read as follows:

15 11. No physical therapist or physical therapist assistant shall
16 engage directly or indirectly in the division, transferring, assigning,
17 rebating or refunding of fees received for professional services or
18 **[shall profit by means of a credit or other valuable consideration as an**
19 **unearned commission, discount or gratuity with any person who refers**
20 **a patient or with any relative or business associate of the referring**
21 **person]** pay or accept fees or commissions for referrals for
22 professional services; however, nothing in this section shall be
23 construed to prohibit physical therapists who are members of a
24 professional association or other business entity, properly organized
25 pursuant to law, from making a division of fees among themselves as
26 determined by contract to be necessary to defray joint operating costs
27 or pay salaries, benefits, or other compensation to employees.
28 (cf: P.L.1983, c.296, s.11)

29
30 8. Section 12 of P.L.1983, c.296 (C.45:9-37.22) is amended to
31 read as follows:

32 12. To be eligible for licensure as a physical therapist **[or physical**
33 **therapist assistant]**, an applicant shall **[submit to the board**
34 **satisfactory evidence that]**:

35 a. **[He has graduated from]** Have completed a program in physical
36 therapy from an accredited college or university which has been
37 approved **[for the education and training of physical therapists or**
38 **physical therapist assistants by an accrediting agency recognized by the**
39 **Council on Post-Secondary Accreditation and the United States**
40 **Department of Education]** by the board; **[and]**

41 b. **[He has successfully completed]** Successfully complete a
42 written examination **[administered]** approved by the board **[to**
43 **determine his competence to practice physical therapy or to act as a**
44 **physical therapist assistant]**;

45 c. Possess at least a master's degree from an accredited college or

1 university, except for an applicant who prior to January 1, 2003,
2 possessed a minimum of a bachelor's degree from an accredited college
3 or university:

4 d. Have experience satisfactory to the board, in accordance with
5 regulations of the board;

6 e. Be at least 18 years of age;

7 f. Be of good moral character; and

8 g. Meet such other requirements as may be established by the
9 board by regulation.

10 (cf: P.L.1983, c.296, s.12)

11

12 9. Section 13 of P.L.1983, c.296 (C.45:9-37.23) is amended to
13 read as follows:

14 13. An applicant for licensure who is a graduate of a foreign school
15 of physical therapy shall furnish evidence satisfactory to the board that
16 the applicant:

17 a. ~~He has~~ Has completed a course of study in physical therapy
18 which is substantially equivalent to that provided in an accredited
19 program ~~as described in section 12a. of this act; and~~ approved by
20 the board;

21 b. ~~He has~~ Has successfully completed a written examination ~~as~~
22 provided for in section 12b of this act approved by the board; and

23 c. Is a graduate of a recognized college or university.

24 (cf: P.L.1983, c.296, s.13)

25

26 10. Section 14 of P.L.1983, c.296 (C.45:9-37.24) is amended to
27 read as follows:

28 14. a. A fee established by the board by regulation shall
29 accompany each application for licensure. Licenses shall expire
30 biennially ~~on January 31~~ at a time established by the board and may
31 be renewed upon submission of a renewal application ~~provided by~~
32 to the board ~~and payment of a fee~~. If the renewal fee is not paid by
33 ~~that~~ the designated date, the license shall automatically expire~~;~~.
34 but may be ~~renewed within two years of its expiration date on~~
35 payment to reinstated by the board ~~of a sum determined by it for~~
36 each year or part thereof during which the license was expired and an
37 additional restoration fee. After a two year period, a license may only
38 be renewed by complying with the provisions of this act regarding
39 initial licensure within two years of its expiration date upon payment
40 of a reinstatement fee. The license fee payable to the board for a new
41 or reinstated license may be pro rated at the discretion of the board.
42 Reinstatement of a license may include a requirement that renewal of
43 a lapsed license be renewed under the procedures established for initial
44 licensure.

45 b. Fees shall be established, prescribed or changed by the board for

1 examinations, licensure and other services performed pursuant to
2 section 2 of P.L.1974, c.46 (C.45:1-3.2).

3 c. All fees and any fines imposed by the board shall be paid to the
4 board and shall be forwarded to the State Treasurer and be part of the
5 General Fund.

6 (cf: P.L.1983, c.296, s.14)

7

8 11. Section 15 of P.L.1983, c.296 (C.45:9-37.25) is amended to
9 read as follows:

10 15. The written examination provided for in sections 12 and 13 of
11 this act and section 21 of P.L. , c. (C.) (pending before the
12 Legislature as this bill) shall test the applicant's knowledge of basic
13 and clinical sciences as they relate to physical therapy and physical
14 therapy theory and procedures and any other subjects the board may
15 deem useful to test the applicant's fitness to practice physical therapy
16 or act as a physical therapist assistant. Examinations shall be held
17 within the State [at least twice per year] at a time and place to be
18 determined by the board. The board shall give adequate written notice
19 of the [exam] examination to applicants for licensure and examination.

20 If an applicant fails his first examination, [he] the applicant may
21 take a second [exam not less than six months or] examination no more
22 than two years from the date of [his] the initial [exam] examination.
23 Additional examinations [shall be in accordance with standards set by]
24 may be given at the discretion of the board.

25 (cf: P.L.1983, c.296, s.15)

26

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

29 17. The board shall issue a license to each applicant for licensure
30 as a physical therapist or physical therapist assistant who, in the
31 judgment of the board, qualifies for licensure pursuant to this act and
32 [any rules and regulations promulgated by the board and who is not
33 disqualified for licensure pursuant to the provisions of P.L.1978, c.73
34 (C.45:1-14 et seq.)] P.L. , c. (C.) (pending before the
35 Legislature as this bill).

36 (cf: P.L.1983, c.296, s.17)

37

38 13. Section 18 of P.L.1983, c.296 (C.45:9-37.28) is amended to
39 read as follows:

40 18. Upon payment to the board of a fee and the submission of a
41 written application on forms provided by it, the board shall issue
42 without examination to a physical therapist or physical therapist
43 assistant who holds a valid license issued by another state or
44 possession of the United States or the District of Columbia which, in
45 the judgment of the board, has education and experience requirements

1 substantially equivalent to the requirements of this act[; provided,
2 however, the applicant has not previously failed the board exam
3 referred to in section 15 of this act, in which case licensing shall be at
4 the discretion of the board] and P.L. _____, c. _____ (C. _____) (pending
5 before the Legislature as this bill).
6 (cf: P.L.1983, c.296, s.18)

7

8 14. Section 19 of P.L.1983, c.296 (C.45:9-37.29) is amended to
9 read as follows:

10 19. a. [Upon submission of a written application on forms
11 provided by it, the board shall issue a temporary license to a person
12 who has applied for licensure pursuant to this act and who, in the
13 judgment of the board, is eligible for examination. A temporary license
14 shall be available to an applicant with his initial application for
15 examination and he may practice only under the direct supervision of
16 a licensed physical therapist. A temporary license shall expire
17 automatically upon failure of the licensure exam but may be renewed
18 for an additional six month period until the date of the next exam at
19 which time it shall automatically expire and be surrendered to the
20 board.] (Deleted by amendment, P.L. _____, c. _____)(pending before the
21 Legislature as this bill).

22 b. Upon payment to the board of a fee and the submission of a
23 written application on forms provided by it, the board may issue
24 without examination a temporary license to practice physical therapy
25 or act as a physical therapist assistant in this State to a person who is
26 qualified, in the judgment of the board, to practice as a physical
27 therapist or physical therapist assistant, and who provides evidence
28 that he is in the State on a temporary basis to assist in a medical
29 emergency or to engage in a special project [or], teaching assignment
30 or other activity approved by the board relating to physical therapy
31 practice. A temporary license shall expire one year from its date of
32 issue, however, it may be renewed by the board for an additional [one
33 year] one-year period. A temporary license shall be surrendered to the
34 board upon its expiration.

35 (cf: P.L.1983, c.296, s.19)

36

37 15. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
38 read as follows:

39 20. No person, business entity or its employees, agents or
40 representatives shall use the titles "physical therapist,"
41 "physiotherapist," "registered physical therapist," "licensed physical
42 therapist," "physical therapist assistant," "registered physical therapist
43 assistant," "licensed physical therapist assistant," "physical therapy
44 assistant," or the abbreviations "PT" or "RPT," "LPT," "PTA,"
45 "RPTA," "LPTA," or any other title, designation, words, letters,
46 abbreviations, or insignia indicating the practice of physical therapy

1 unless licensed to practice **[physical therapy]** as a physical therapist
2 or physical therapist assistant under the provision of this act.
3 (cf: P.L.1983, c.296, s.20)

4

5 16. Section 21 of P.L.1983, c. 296 (C.45:9-37.31) is amended to
6 read as follows:

7 21. Any person who holds a license as a physical therapist pursuant
8 to this act may use the title "physical therapist," or "licensed physical
9 therapist," or the abbreviations "PT" or "LPT." Any person who holds
10 a license as a physical therapist assistant pursuant to this act may use
11 the title "physical therapist assistant," "licensed physical therapist
12 assistant," or the abbreviations "PTA" or "LPTA."
13 (cf: P.L.1983, c.296, s.21)

14

15 17. Section 4 of P.L.1990, c.68 (C.45:9-37.34a) is amended to
16 read as follows:

17 4. a. A licensed physical therapist **[licensed pursuant to P.L.1983,**
18 **c.296 (C.45:9-37.11 et seq.)]** shall not **[use]** permit an employee to
19 administer physical modalities to patients unless that employee is a
20 licensed physical therapist, licensed physical therapist assistant, or
21 other health care provider licensed in this State to administer those
22 modalities.

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

27 b. Nothing in this section shall be construed to prohibit any person
28 licensed to practice in this State under any other law from engaging in
29 **[the practice for which he is licensed]** any activity which is within the
30 scope of his practice.

31 (cf: P.L.1990, c.68, s.4)

32

33 18. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as
34 follows:

35 1. The provisions of this act shall apply to the following boards and
36 commissions: the New Jersey State Board of Accountancy, the New
37 Jersey State Board of Architects, the New Jersey State Board of
38 Cosmetology and Hairstyling, the Board of Examiners of Electrical
39 Contractors, the New Jersey State Board of Dentistry, the State Board
40 of Mortuary Science of New Jersey, the State Board of Professional
41 Engineers and Land Surveyors, the State Board of Marriage and
42 Family Therapy Examiners, the State Board of Medical Examiners, the
43 New Jersey Board of Nursing, the New Jersey State Board of
44 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
45 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
46 of Professional Planners, the State Board of Psychological Examiners,

1 the State Board of Examiners of Master Plumbers, the New Jersey
2 Real Estate Commission, the State Board of Shorthand Reporting, the
3 State Board of Veterinary Medical Examiners, the Radiologic
4 Technology Board of Examiners, the Acupuncture Examining Board,
5 the State Board of Chiropractic Examiners, the State Board of
6 Respiratory Care, the State Real Estate Appraiser Board, the State
7 Board of Social Work Examiners [and], the State Board of Public
8 Movers and Warehousemen and the State Board of Physical Therapy
9 Examiners.

10 (cf: P.L.1995, c.366, s.20)

11

12 19. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as
13 follows:

14 1. The provisions of this act shall apply to the following boards and
15 commissions: the New Jersey State Board of Accountancy, the New
16 Jersey State Board of Architects, the New Jersey State Board of
17 Cosmetology and Hairstyling, the Board of Examiners of Electrical
18 Contractors, the New Jersey State Board of Dentistry, the State Board
19 of Mortuary Science of New Jersey, the State Board of Professional
20 Engineers and Land Surveyors, the State Board of Marriage and
21 Family Therapy Examiners, the State Board of Medical Examiners, the
22 New Jersey Board of Nursing, the New Jersey State Board of
23 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
24 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
25 of Professional Planners, the State Board of Psychological Examiners,
26 the State Board of Examiners of Master Plumbers, the State Board of
27 Shorthand Reporting, the State Board of Veterinary Medical
28 Examiners, the Radiologic Technology Board of Examiners, the
29 Acupuncture Examining Board, the State Board of Chiropractic
30 Examiners, the State Board of Respiratory Care, the State Real Estate
31 Appraiser Board [and], the State Board of Social Work Examiners
32 and the State Board of Physical Therapy Examiners.

33 (cf: P.L.1995, c.366, s.22)

34

35 20. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as
36 follows:

37 2. The provisions of this act shall apply to the following boards and
38 all professions or occupations regulated by, through or with the advice
39 of those boards: the New Jersey State Board of Accountancy, the
40 New Jersey State Board of Architects, the New Jersey State Board of
41 Cosmetology and Hairstyling, the Board of Examiners of Electrical
42 Contractors, the New Jersey State Board of Dentistry, the State Board
43 of Mortuary Science of New Jersey, the State Board of Professional
44 Engineers and Land Surveyors, the State Board of Marriage and
45 Family Therapy Examiners, the State Board of Medical Examiners, the
46 New Jersey Board of Nursing, the New Jersey State Board of

1 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
2 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
3 of Professional Planners, the State Board of Psychological Examiners,
4 the State Board of Examiners of Master Plumbers, the State Board of
5 Shorthand Reporting, the State Board of Veterinary Medical
6 Examiners, the Acupuncture Examining Board, the State Board of
7 Chiropractic Examiners, the State Board of Respiratory Care, the
8 State Real Estate Appraiser Board, the State Board of Social Work
9 Examiners, the State Board of Physical Therapy Examiners, the
10 Professional Counselor Examiners Committee, the New Jersey
11 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
12 the Occupational Therapy Advisory Council, the Electrologists
13 Advisory Committee, the Alcohol and Drug Counselor Committee, the
14 Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the
15 Home Inspection Advisory Committee, the Massage, Bodywork and
16 Somatic Therapy Examining Committee, and the Audiology and
17 Speech-Language Pathology Advisory Committee.
18 (cf: P.L.1999, c.403, s.1)

19

20 21. (New section) To be eligible for licensure as a physical
21 therapist assistant, an applicant shall:

22 a. Possess at least an Associate in Arts degree from an accredited
23 college or university;

24 b. Have completed a two-year physical therapist assistant program
25 at an accredited college or university, which has been approved by the
26 board;

27 c. Have experience satisfactory to the board, in accordance with
28 regulations of the board;

29 d. Have successfully completed a written examination approved by
30 the board;

31 e. Be at least 18 years of age;

32 f. Be of good moral character; and

33 g. Meet such other requirements as may be established by the
34 board by regulation.

35

36 ¹22. (New section) It shall be considered an unlawful practice of
37 physical therapy if a physical therapist does not immediately refer an
38 individual to a health care professional licensed to practice dentistry,
39 podiatry or medicine and surgery, or other appropriate licensed health
40 care professional, if the physical therapist has reasonable cause to
41 believe that physical therapy is contraindicated or symptoms or
42 conditions are present, including, but not limited to, nonmuscular and
43 nonskeletal symptoms or conditions and conditions of the central
44 nervous system, that require services outside the scope of a physical
45 therapist's practice.¹

1 ¹[22.] 23.¹ (New section) An applicant for licensure or renewal
2 as a physical therapist or a physical therapist assistant shall:

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

7 b. Present satisfactory evidence that any continuing education
8 requirements established by P.L. , c. (C.)(pending before the
9 Legislature as this bill) or the board, have been completed.

10

11 ¹[23.] 24.¹ (New section) No person other than a natural person
12 shall be licensed as, hold itself out to be licensed as, or practice as, a
13 physical therapist or a physical therapist assistant. Every physical
14 therapist or physical therapist assistant employed by a corporation or
15 other business entity shall assume professional responsibility for the
16 practice of physical therapy or acting as a physical therapist assistant
17 that is provided under the auspices of the corporation or other
18 business entity. The board shall establish regulations to effectuate the
19 provisions of this section, which shall include, but shall not be limited
20 to, a statement of the responsibilities of licensees under this section.

21

22 ¹[24.] 25.¹ (New section) The board shall establish continuing
23 professional education requirements for physical therapists and
24 physical therapist assistants, which requirements shall be a condition
25 of retaining licensure. The board shall:

26 a. Approve only such continuing professional education programs
27 as are available to all physical therapists and physical therapist
28 assistants in this State on a nondiscriminatory basis;

29 b. Establish standards for continuing professional educational
30 programs;

31 c. Accredite educational programs offering credits towards the
32 continuing professional educational requirements; and

33 d. Establish the number of credits of continuing professional
34 education required of each applicant for license renewal. Each credit
35 shall represent or be equivalent to one hour of actual course
36 attendance, or in the case of those electing an alternative method of
37 satisfying the requirements of P.L. , c. (C.)(pending before
38 the Legislature as this bill), shall be approved by the board and
39 certified pursuant to procedures established for that purpose.

40

41 ¹26. Section 4 of P.L.1998, c.21 (C.39:6A-3.1) is amended to read
42 as follows:

43 4. As an alternative to the mandatory coverages provided in
44 sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), any
45 owner or registered owner of an automobile registered or principally
46 garaged in this State may elect a basic automobile insurance policy

1 providing the following coverage:

2 a. Personal injury protection coverage, for the payment of benefits
3 without regard to negligence, liability or fault of any kind, to the
4 named insured and members of his family residing in his household,
5 who sustained bodily injury as a result of an accident while occupying,
6 entering into, alighting from or using an automobile, or as a
7 pedestrian, caused by an automobile or by an object propelled by or
8 from an automobile, to other persons sustaining bodily injury while
9 occupying, entering into, alighting from or using the automobile of the
10 named insured, with the permission of the named insured, and to
11 pedestrians sustaining bodily injury caused by the named insured's
12 automobile or struck by an object propelled by or from such
13 automobile. "Personal injury protection coverage" issued pursuant to
14 this section means and includes payment of medical expense benefits,
15 as provided in the policy and approved by the commissioner, for the
16 reasonable and necessary treatment of bodily injury in an amount not
17 to exceed \$15,000 per person per accident; except that, medical
18 expense benefits shall be paid in an amount not to exceed \$250,000 for
19 all medically necessary treatment of permanent or significant brain
20 injury, spinal cord injury or disfigurement or for medically necessary
21 treatment of other permanent or significant injuries rendered at a
22 trauma center or acute care hospital immediately following the
23 accident and until the patient is stable, no longer requires critical care
24 and can be safely discharged or transferred to another facility in the
25 judgment of the attending physician. In the event benefits paid by an
26 insurer pursuant to this subsection are in excess of \$75,000 on account
27 of personal injury to any one person in any one accident, such excess
28 shall be paid by the insurer in consultation with the Unsatisfied Claim
29 and Judgment Fund Board and shall be reimbursable to the insurer
30 from the Unsatisfied Claim and Judgment Fund pursuant to section 2
31 of P.L.1977, c.310 (C.39:6-73.1). Benefits provided under basic
32 coverage shall be in accordance with a benefit plan provided in the
33 policy and approved by the commissioner. The policy form, which
34 shall be subject to the approval of the commissioner, shall set forth the
35 benefits provided under the policy, including eligible medical
36 treatments, diagnostic tests and services as well as such other benefits
37 as the policy may provide. The commissioner shall set forth by
38 regulation a statement of the basic benefits which shall be included in
39 the policy. Medical treatments, diagnostic tests, and services provided
40 by the policy shall be rendered in accordance with commonly accepted
41 protocols and professional standards and practices which are
42 commonly accepted as being beneficial for the treatment of the
43 covered injury. Protocols and professional standards and practices
44 which are deemed to be commonly accepted pursuant to this section
45 shall be those recognized by national standard setting organizations,
46 national or state professional organizations of the same discipline as

1 the treating provider, or those designated or approved by the
2 commissioner in consultation with the professional licensing boards in
3 the Division of Consumer Affairs in the Department of Law and Public
4 Safety. The commissioner, in consultation with the Commissioner of
5 the Department of Health and Senior Services and the applicable
6 licensing boards, may reject the use of protocols, standards and
7 practices or lists of diagnostic tests set by any organization deemed
8 not to have standing or general recognition by the provider community
9 or the applicable licensing boards. Protocols shall be deemed to
10 establish guidelines as to standard appropriate treatment and
11 diagnostic tests for injuries sustained in automobile accidents, but the
12 establishment of standard treatment protocols or protocols for the
13 administration of diagnostic tests shall not be interpreted in such a
14 manner as to preclude variance from the standard when warranted by
15 reason of medical necessity. The policy form may provide for the
16 precertification of certain procedures, treatments, diagnostic tests, or
17 other services or for the purchase of durable medical goods, as
18 approved by the commissioner, provided that the requirement for
19 precertification shall not be unreasonable, and no precertification
20 requirement shall apply within ten days of the insured event. The
21 policy may provide that certain benefits provided by the policy which
22 are in excess of the basic benefits required by the commissioner to be
23 included in the policy may be subject to reasonable copayments in
24 addition to the copayments provided for herein, provided that the
25 copayments shall not be unreasonable and shall be established in such
26 a manner as not to serve to encourage underutilization of benefits
27 subject to the copayments, nor encourage overutilization of benefits.
28 The policy form shall clearly set forth any limitations on benefits or
29 exclusions, which may include, but need not be limited to, benefits
30 which are otherwise compensable under workers' compensation, or
31 benefits for treatments deemed to be experimental or investigational,
32 or benefits deducted pursuant to section 6 of P.L.1972, c.70
33 (C.39:6A-6). The commissioner may enlist the services of a benefit
34 consultant in establishing the basic benefits level provided in this
35 subsection, which shall be set forth by regulation no later than 120
36 days following the enactment date of this amendatory and
37 supplementary act. The commissioner shall not advertise for the
38 consultant as provided in sections 3 and 4 of P.L.1954, c.48
39 (C.52:34-8 and 52:34-9).

40 Medical expense benefits payable under this subsection shall not be
41 assignable, except to a provider of service benefits, in accordance with
42 policy terms approved by the commissioner, nor shall they be subject
43 to levy, execution, attachment or other process for satisfaction of
44 debts. Medical expense benefits payable in accordance with this
45 subsection may be subject to a deductible and copayments as provided
46 for in the policy, if any. No insurer or provider providing service

1 benefits to an insured shall have a right of subrogation for the amount
2 of benefits paid pursuant to any deductible or copayment under this
3 section.

4 Notwithstanding the provisions of P.L. , c. (pending before the
5 Legislature as this bill), physical therapy treatment shall not be
6 reimbursable as medical expense benefits pursuant to this subsection
7 unless rendered by a licensed physical therapist pursuant to a referral
8 from a licensed physician, dentist, podiatrist or chiropractor within the
9 scope of their respective practices.

10 b. Liability insurance coverage insuring against loss resulting from
11 liability imposed by law for property damage sustained by any person
12 arising out of the ownership, maintenance, operation or use of an
13 automobile in an amount or limit of \$5,000, exclusive of interest and
14 costs, for damage to property in any one accident.

15 c. In addition to the aforesaid coverages required to be provided
16 in a basic automobile insurance policy, optional liability insurance
17 coverage insuring against loss resulting from liability imposed by law
18 for bodily injury or death in an amount or limit of \$10,000, exclusive
19 of interests and costs, on account of injury to, or death of, one or
20 more persons in any one accident.

21 If a named insured has elected the basic automobile insurance policy
22 option and an immediate family member or members or relatives
23 resident in his household have one or more policies with the coverages
24 provided for in sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and
25 39:6A-4), the provisions of section 12 of P.L.1983, c.362
26 (C.39:6A-4.2) shall apply.

27 Every named insured and any other person to whom the basic
28 automobile insurance policy, with or without the optional \$10,000
29 liability coverage insuring against loss resulting from liability imposed
30 by law for bodily injury or death provided for in subsection c. of this
31 section, applies shall be subject to the tort option provided in
32 subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8).

33 No licensed insurance carrier shall refuse to renew the coverage
34 stipulated by this section of an eligible person as defined in section 25
35 of P.L.1990, c.8 (C.17:33B-13) except in accordance with the
36 provisions of section 26 of P.L.1988, c.119 (C.17:29C-7.1) or with
37 the consent of the Commissioner of Banking and Insurance.¹
38 (cf: P.L.1998, c.22, s.1)

39

40 ¹27. Section 4 of P.L.1972, c.70 (C.39:6A-4) is amended to read
41 as follows:

42 4. Personal injury protection coverage, regardless of fault.

43 Except as provided by section 4 of P.L.1998, c.21 (C.39:6A-3.1),
44 every standard automobile liability insurance policy issued or renewed
45 on or after the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.)
46 shall contain personal injury protection benefits for the payment of

1 benefits without regard to negligence, liability or fault of any kind, to
2 the named insured and members of his family residing in his household
3 who sustain bodily injury as a result of an accident while occupying,
4 entering into, alighting from or using an automobile, or as a
5 pedestrian, caused by an automobile or by an object propelled by or
6 from an automobile, to other persons sustaining bodily injury while
7 occupying, entering into, alighting from or using the automobile of the
8 named insured, with permission of the named insured, and to
9 pedestrians sustaining bodily injury caused by the named insured's
10 automobile or struck by an automobile or struck by an object propelled
11 by or from that automobile.

12 "Personal injury protection coverage" means and includes:

13 a. Payment of medical expense benefits in accordance with a
14 benefit plan provided in the policy and approved by the commissioner,
15 for reasonable, necessary, and appropriate treatment and provision of
16 services to persons sustaining bodily injury, in an amount not to
17 exceed \$250,000 per person per accident. In the event benefits paid
18 by an insurer pursuant to this subsection are in excess of \$75,000 on
19 account of bodily injury to any one person in any one accident, that
20 excess shall be paid by the insurer in consultation with the Unsatisfied
21 Claim and Judgment Fund Board and shall be reimbursable to the
22 insurer from the Unsatisfied Claim and Judgment Fund pursuant to
23 section 2 of P.L.1977, c.310 (C.39:6-73.1). The policy form, which
24 shall be subject to the approval of the commissioner, shall set forth the
25 benefits provided under the policy, including eligible medical
26 treatments, diagnostic tests and services as well as such other benefits
27 as the policy may provide. The commissioner shall set forth by
28 regulation a statement of the basic benefits which shall be included in
29 the policy. Medical treatments, diagnostic tests, and services provided
30 by the policy shall be rendered in accordance with commonly accepted
31 protocols and professional standards and practices which are
32 commonly accepted as being beneficial for the treatment of the
33 covered injury. Protocols and professional standards and practices and
34 lists of valid diagnostic tests which are deemed to be commonly
35 accepted pursuant to this section shall be those recognized by national
36 standard setting organizations, national or state professional
37 organizations of the same discipline as the treating provider, or those
38 designated or approved by the commissioner in consultation with the
39 professional licensing boards in the Division of Consumer Affairs in
40 the Department of Law and Public Safety. The commissioner, in
41 consultation with the Commissioner of the Department of Health and
42 Senior Services and the applicable licensing boards, may reject the use
43 of protocols, standards and practices or lists of diagnostic tests set by
44 any organization deemed not to have standing or general recognition
45 by the provider community or the applicable licensing boards.
46 Protocols shall be deemed to establish guidelines as to standard

1 appropriate treatment and diagnostic tests for injuries sustained in
2 automobile accidents, but the establishment of standard treatment
3 protocols or protocols for the administration of diagnostic tests shall
4 not be interpreted in such a manner as to preclude variance from the
5 standard when warranted by reason of medical necessity. The policy
6 form may provide for the precertification of certain procedures,
7 treatments, diagnostic tests, or other services or for the purchase of
8 durable medical goods, as approved by the commissioner, provided
9 that the requirement for precertification shall not be unreasonable, and
10 no precertification requirement shall apply within ten days of the
11 insured event. The policy may provide that certain benefits provided
12 by the policy which are in excess of the basic benefits required by the
13 commissioner to be included in the policy may be subject to reasonable
14 copayments in addition to the copayments provided for pursuant to
15 subsection e. of this section, provided that the copayments shall not be
16 unreasonable and shall be established in such a manner as not to serve
17 to encourage underutilization of benefits subject to the copayments,
18 nor encourage overutilization of benefits. The policy form shall clearly
19 set forth any limitations on benefits or exclusions, which may include,
20 but need not be limited to, benefits which are otherwise compensable
21 under workers' compensation, or benefits for treatments deemed to be
22 experimental or investigational, or benefits deducted pursuant to
23 section 6 of P.L.1972, c.70 (C.39:6A-6). The commissioner may
24 enlist the services of a benefit consultant in establishing the basic
25 benefits level provided in this subsection, which shall be set forth by
26 regulation no later than 120 days following the enactment date of
27 P.L.1998, c.21 (C.39:6A-1.1 et al.). The commissioner shall not
28 advertise for bids for the consultant as provided in sections 3 and 4 of
29 P.L.1954, c.48 (C.52:34-8 and 52:34-9).

30 Notwithstanding the provisions of P.L. , c. (pending before the
31 Legislature as this bill), physical therapy treatment shall not be
32 reimbursable as medical expense benefits pursuant to this subsection
33 unless rendered by a licensed physical therapist pursuant to a referral
34 from a licensed physician, dentist, podiatrist or chiropractor within the
35 scope of their respective practices.

36 b. Income continuation benefits. The payment of the loss of
37 income of an income producer as a result of bodily injury disability,
38 subject to a maximum weekly payment of \$100. Such sum shall be
39 payable during the life of the injured person and shall be subject to an
40 amount or limit of \$5,200, on account of injury to any one person in
41 any one accident, except that in no case shall income continuation
42 benefits exceed the net income normally earned during the period in
43 which the benefits are payable.

44 c. Essential services benefits. Payment of essential services
45 benefits to an injured person shall be made in reimbursement of
46 necessary and reasonable expenses incurred for such substitute

1 essential services ordinarily performed by the injured person for
2 himself, his family and members of the family residing in the
3 household, subject to an amount or limit of \$12 per day. Such benefits
4 shall be payable during the life of the injured person and shall be
5 subject to an amount or limit of \$4,380, on account of injury to any
6 one person in any one accident.

7 d. Death benefits. In the event of the death of an income producer
8 as a result of injuries sustained in an accident entitling such person to
9 benefits under this section, the maximum amount of benefits which
10 could have been paid to the income producer, but for his death, under
11 subsection b. of this section shall be paid to the surviving spouse, or
12 in the event there is no surviving spouse, then to the surviving
13 children, and in the event there are no surviving spouse or surviving
14 children, then to the estate of the income producer.

15 In the event of the death of one performing essential services as a
16 result of injuries sustained in an accident entitling such person to
17 benefits under subsection c. of this section, the maximum amount of
18 benefits which could have been paid to such person, under subsection
19 c., shall be paid to the person incurring the expense of providing such
20 essential services.

21 e. Funeral expenses benefits. All reasonable funeral, burial and
22 cremation expenses, subject to a maximum benefit of \$1,000, on
23 account of the death of any one person in any one accident shall be
24 payable to the decedent's estate.

25 Benefits payable under this section shall:

26 (1) Be subject to any option elected by the policyholder pursuant
27 to section 13 of P.L.1983, c.362 (C.39:6A-4.3);

28 (2) Not be assignable, except to a provider of service benefits
29 under this section in accordance with policy terms approved by the
30 commissioner, nor subject to levy, execution, attachment or other
31 process for satisfaction of debts.

32 Medical expense benefit payments shall be subject to any deductible
33 and any copayment which may be established as provided in the policy.
34 Upon the request of the commissioner or any party to a claim for
35 benefits or payment for services rendered, a provider shall present
36 adequate proof that any deductible or copayment related to that claim
37 has not been waived or discharged by the provider.

38 No insurer or health provider providing benefits to an insured shall
39 have a right of subrogation for the amount of benefits paid pursuant
40 to any deductible or copayment under this section.¹

41 (cf: P.L.1998, c.22, s.2)

42

43 ¹[25.] 28.¹ This act shall take effect immediately.

44

45

46

- 1 Revises statutes regarding practice of physical therapy.

SENATE, No. 2004

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED OCTOBER 24, 2002

Sponsored by:

Senator ROBERT W. SINGER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Revises statutes regarding practice of physical therapy.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the practice of physical therapy and revising parts
2 of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1983, c.296 (C.45:9-37.13) is amended to read
8 as follows:

9 3. As used in this act:

10 [a.] "Board" means the State Board of Physical Therapy
11 Examiners established pursuant to section 5 of this act.

12 [b.] "Direct supervision" means the presence of the supervising
13 physical therapist on site, available to respond to any consequence
14 occurring during any treatment procedure.

15 "Physical therapist" means a natural person who [is licensed] holds
16 a current, valid license to practice physical therapy pursuant to the
17 provisions of this act and in accordance with regulations of the board.

18 [A physical therapist shall provide physical therapy treatment to an
19 individual upon the direction of a licensed physician, dentist or other
20 health care practitioner authorized to prescribe treatment.]

21 [c.] "Physical therapist assistant" means a natural person who is
22 licensed pursuant to the provisions of this act and who assists a
23 licensed physical therapist under his direct supervision in accordance
24 with this act and regulations of the board.

25 [d.] "Physical therapy" [means] and "physical therapy practice"
26 mean the [health specialty concerned with the prevention of physical
27 disability and the habilitation or rehabilitation of congenital or acquired
28 physical disabilities resulting from, or secondary to, injury or disease]
29 identification of physical impairment or movement-related functional
30 limitation that occurs as a result of injury or congenital or acquired
31 disability, or other physical dysfunction through examination,
32 evaluation and diagnosis of the physical impairment or movement-
33 related functional limitation and the establishment of a prognosis for
34 the resolution or amelioration thereof, and treatment of the physical
35 impairment or movement-related functional limitation, which shall
36 include, but is not limited to, the alleviation of pain, physical
37 impairment and movement-related functional limitation by therapeutic
38 intervention, including treatment by means of manual therapy
39 techniques and massage, electro-therapeutic modalities, the use of
40 physical agents, mechanical modalities, hydrotherapy, therapeutic
41 exercises with or without assistive devices, neurodevelopmental
42 procedures, joint mobilization, movement-related functional training

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 in self-care, providing assistance in community and work integration
2 or reintegration, providing training in techniques for the prevention of
3 injury, impairment, movement-related functional limitation, or
4 dysfunction, providing consultative, educational, other advisory
5 services, and collaboration with other health care providers in
6 connection with patient care, and such other treatments and functions
7 as may be further defined by the board by regulation.

8 (cf: P.L.1983, c.296, s.3)

9
10 2. Section 4 of P.L.1983, c.296 (C.45:9-37.14) is amended to read
11 as follows:

12 4. a. [The practice of physical therapy shall include examination,
13 treatment, or instruction to detect, assess, prevent, correct, alleviate
14 and limit physical disability, bodily malfunction and pain from injury,
15 disease or other physical condition.

16 Physical therapy shall also include the evaluation, administration
17 and modification of treatment and instruction, including, but not
18 limited to, the use of physical measures, activities, agents and devices
19 for preventive and therapeutic purposes; neurodevelopmental
20 procedures; the performance and evaluation of tests and
21 measurements; and the provision of consultative, educational and other
22 advisory services for the purpose of preventing or reducing the
23 incidence and severity of physical disability, bodily malfunction and
24 pain consistent with the practice of physical therapy.] (Deleted by
25 amendment, P.L. , c.)(pending before the Legislature as this bill).

26 b. Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
27 seq.), shall be construed to authorize the [diagnosis of] interpretation
28 of data for the purpose of diagnosing disease, organic condition or the
29 practice of medicine and surgery [or], chiropractic, podiatry,
30 occupational therapy, or prosthetics by any person not licensed to do
31 so pursuant to [chapter 9 of] Title 45 of the Revised Statutes.

32 c. Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
33 seq.), shall authorize the practice of dentistry by any person not
34 licensed to do so pursuant to chapter 6 of Title 45 of the Revised
35 Statutes.

36 (cf: P.L.1983, c.296, s.4)

37
38 3. Section 5 of P.L.1983, c.296 (C.45:9-37.15) is amended to read
39 as follows:

40 5. There is created within the Division of Consumer Affairs in the
41 Department of Law and Public Safety the State Board of Physical
42 Therapy Examiners. The board shall consist of 11 members who are
43 residents of the State, two of whom shall be public members and one
44 of whom shall be a State executive department member appointed
45 pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). Of
46 the remaining eight members six shall be licensed physical therapists

1 who have been actively engaged in the practice of physical therapy in
2 this State for at least five years immediately preceding their
3 appointment, one shall be [the administrator of a hospital licensed
4 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] a licensed physical
5 therapist assistant who has been actively engaged in practice as a
6 physical therapist assistant for at least five years immediately
7 preceding his appointment, and one shall be a physician licensed to
8 practice medicine and surgery pursuant to chapter 9 of Title 45 of the
9 Revised Statutes.

10 The Governor shall appoint members to the board with the advice
11 and consent of the Senate. The Governor shall appoint each member
12 for a term of three years, except that of the physical therapist members
13 first appointed, two shall serve for terms of three years, two shall
14 serve for terms of two years and two shall serve for a term of one
15 year. Each member shall hold office until his successor has been
16 qualified. Any vacancy in the membership of the board shall be filled
17 for the unexpired term in the manner provided for the original
18 appointment. No member of the board may serve more than two
19 successive terms in addition to any unexpired term to which [he] the
20 member has been appointed. Upon a vacancy in the membership of the
21 board, any professional association of physical therapists and physical
22 therapist assistants, or individual, may submit recommendations to the
23 Governor for his consideration. The Governor may remove any
24 member of the board for cause, which may include, but shall not be
25 limited to, professional misconduct and repeated failure to attend
26 board meetings.

27 (cf: P.L.1983, c.296, s.5)

28

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

31 8. a. The board shall:

32 (1) Administer and enforce the provisions of P.L.1983, c.296
33 (C.45:9-37.11 et seq.) and P.L. , c. (C.) (pending before the
34 Legislature as this bill);

35 (2) Establish procedures for application for licensure;

36 (3) Establish standards for, and adopt and administer examinations
37 for licensure;

38 [a.] (4) Review and pass upon the qualifications of applicants for
39 licensure;

40 [b.] (5) Insure the proper conduct and standards of examinations;

41 [c.] (6) Issue and renew licenses to physical therapists and
42 physical therapist assistants pursuant to this act;

43 [d. Suspend, revoke or fail] (7) Establish disciplinary measures,
44 including but not limited to, suspending, revoking, or refusing to
45 renew the license of a physical therapist or physical therapist assistant
46 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

1 [e.] (8) Maintain a record of every physical therapist and physical
2 therapist assistant licensed in this State, his place of business, his place
3 of residence, and the date and number of his license; [and]

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

5 (10) Establish requirements and standards for continuing education
6 and approve courses that are eligible to meet the requirements as
7 provided in section 24 of P.L. , c. (C.) (pending before the
8 Legislature as this bill);

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

14 (12) Conduct proceedings before any board, agency or court of
15 competent jurisdiction for the enforcement of the provisions of
16 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L. , c. (C.)
17 (pending before the Legislature as this bill);

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

20 (14) Establish standards, after consultation with other appropriate
21 professional licensing boards established pursuant to Title 45 of the
22 Revised Statutes, setting forth the conditions under which a physical
23 therapist is required to refer an individual being treated by a physical
24 therapist to a practitioner licensed to practice dentistry or medicine
25 and surgery in this State, or other appropriate licensed health care
26 professional;

27 (15) Establish mechanisms to assure that the public has access to
28 physical therapists' services, and report back to the Senate Health,
29 Human Services and Senior Citizens and Assembly Health and Human
30 Services Committees, or their successors, regarding this access; and

31 [f.] (16) Promulgate rules and regulations necessary for the
32 performance of its duties and the implementation of this act.

33 b. In addition to the provisions of subsection a. of this section, the
34 board may establish standards of professional behavior.

35 (cf: P.L.1983, c.296, s.8)

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

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

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

1 as appropriate, which is necessary to his course of study;

2 b. Prohibit any person licensed to practice in this State under any
3 other law from engaging in the practice for which **[he] the person is**
4 licensed, provided that: the procedures or duties performed by that
5 person are within the scope of that person's practice as established by
6 law and the accepted standards of practice of the profession for which
7 the person is licensed; and the person does not represent himself as a
8 physical therapist or physical therapist assistant; or

9 c. Prohibit any person employed by an agency, bureau or division
10 of the Federal Government from practicing physical therapy within the
11 scope of his official duties.

12 (cf: P.L.1983, c.296, s.9)

13

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

16 10. a. No physical therapist shall supervise more physical therapist
17 assistants at any one time than **[in the opinion of the board can be**
18 **adequately supervised. Under usual circumstances the maximum**
19 **number of physical therapist assistants that may be supervised by a**
20 **physical therapist shall be two, except that, upon application, the**
21 **board may permit the supervision of a greater number of physical**
22 **therapist assistants if it feels there would be adequate supervision and**
23 **the public health and safety would be served] permitted by the board**
24 **by regulation and under terms and conditions established by the board.**

25 b. A licensed physical therapist assistant may initiate patient
26 physical therapy treatment consistent with the role of a physical
27 therapist assistant, as defined by the board or otherwise provided in
28 P.L.1983, c.296, (C.45:9-37.11 et seq.) or P.L. _____, c. _____ (C. _____)
29 (pending before the Legislature as this bill), only at the discretion of,
30 and under the direct supervision of, a licensed physical therapist.

31 (cf: P.L.1983, c.296, s.10)

32

33 7. Section 11 of P.L.1983, c.296 (C.45:9-37.21) is amended to
34 read as follows:

35 11. No physical therapist or physical therapist assistant shall
36 engage directly or indirectly in the division, transferring, assigning,
37 rebating or refunding of fees received for professional services or
38 **[shall profit by means of a credit or other valuable consideration as an**
39 **unearned commission, discount or gratuity with any person who refers**
40 **a patient or with any relative or business associate of the referring**
41 **person] pay or accept fees or commissions for referrals for**
42 professional services; however, nothing in this section shall be
43 construed to prohibit physical therapists who are members of a
44 professional association or other business entity, properly organized
45 pursuant to law, from making a division of fees among themselves as
46 determined by contract to be necessary to defray joint operating costs

1 or pay salaries, benefits, or other compensation to employees.

2 (cf: P.L.1983, c.296, s.11)

3

4 8. Section 12 of P.L.1983, c.296 (C.45:9-37.22) is amended to
5 read as follows:

6 12. To be eligible for licensure as a physical therapist [or physical
7 therapist assistant], an applicant shall [submit to the board
8 satisfactory evidence that]:

9 a. [He has graduated from] Have completed a program in physical
10 therapy from an accredited college or university which has been
11 approved [for the education and training of physical therapists or
12 physical therapist assistants by an accrediting agency recognized by the
13 Council on Post-Secondary Accreditation and the United States
14 Department of Education] by the board; [and]

15 b. [He has successfully completed] Successfully complete a
16 written examination [administered] approved by the board [to
17 determine his competence to practice physical therapy or to act as a
18 physical therapist assistant]:

19 c. Possess at least a master's degree from an accredited college or
20 university, except for an applicant who prior to January 1, 2003,
21 possessed a minimum of a bachelor's degree from an accredited college
22 or university;

23 d. Have experience satisfactory to the board, in accordance with
24 regulations of the board;

25 e. Be at least 18 years of age;

26 f. Be of good moral character; and

27 g. Meet such other requirements as may be established by the
28 board by regulation.

29 (cf: P.L.1983, c.296, s.12)

30

31 9. Section 13 of P.L.1983, c.296 (C.45:9-37.23) is amended to
32 read as follows:

33 13. An applicant for licensure who is a graduate of a foreign school
34 of physical therapy shall furnish evidence satisfactory to the board that
35 the applicant:

36 a. [He has] Has completed a course of study in physical therapy
37 which is substantially equivalent to that provided in an accredited
38 program [as described in section 12a. of this act; and] approved by
39 the board;

40 b. [He has] Has successfully completed a written examination [as
41 provided for in section 12b of this act] approved by the board; and

42 c. Is a graduate of a recognized college or university.

43 (cf: P.L.1983, c.296, s.13)

44

45 10. Section 14 of P.L.1983, c.296 (C.45:9-37.24) is amended to

1 read as follows:

2 14. a. A fee established by the board by regulation shall
3 accompany each application for licensure. Licenses shall expire
4 biennially [on January 31] at a time established by the board and may
5 be renewed upon submission of a renewal application [provided by]
6 to the board [and payment of a fee]. If the renewal fee is not paid by
7 [that] the designated date, the license shall automatically expire[;],
8 but may be [renewed within two years of its expiration date on
9 payment to] reinstated by the board [of a sum determined by it for
10 each year or part thereof during which the license was expired and an
11 additional restoration fee. After a two year period, a license may only
12 be renewed by complying with the provisions of this act regarding
13 initial licensure] within two years of its expiration date upon payment
14 of a reinstatement fee. The license fee payable to the board for a new
15 or reinstated license may be pro rated at the discretion of the board.
16 Reinstatement of a license may include a requirement that renewal of
17 a lapsed license be renewed under the procedures established for initial
18 licensure.

19 b. Fees shall be established, prescribed or changed by the board for
20 examinations, licensure and other services performed pursuant to
21 section 2 of P.L.1974, c.46 (C.45:1-3.2).

22 c. All fees and any fines imposed by the board shall be paid to the
23 board and shall be forwarded to the State Treasurer and be part of the
24 General Fund.

25 (cf: P.L.1983, c.296, s.14)

26

27 11. Section 15 of P.L.1983, c.296 (C.45:9-37.25) is amended to
28 read as follows:

29 15. The written examination provided for in sections 12 and 13 of
30 this act and section 21 of P.L. , c. (C.) (pending before the
31 Legislature as this bill) shall test the applicant's knowledge of basic
32 and clinical sciences as they relate to physical therapy and physical
33 therapy theory and procedures and any other subjects the board may
34 deem useful to test the applicant's fitness to practice physical therapy
35 or act as a physical therapist assistant. Examinations shall be held
36 within the State [at least twice per year] at a time and place to be
37 determined by the board. The board shall give adequate written notice
38 of the [exam] examination to applicants for licensure and examination.

39 If an applicant fails his first examination, [he] the applicant may
40 take a second [exam not less than six months or] examination no more
41 than two years from the date of [his] the initial [exam] examination.
42 Additional examinations [shall be in accordance with standards set by]
43 may be given at the discretion of the board.

44 (cf: P.L.1983, c.296, s.15)

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

3 17. The board shall issue a license to each applicant for licensure
4 as a physical therapist or physical therapist assistant who, in the
5 judgment of the board, qualifies for licensure pursuant to this act and
6 [any rules and regulations promulgated by the board and who is not
7 disqualified for licensure pursuant to the provisions of P.L.1978, c.73
8 (C.45:1-14 et seq.)] P.L. _____, c. _____ (C. _____) (pending before the
9 Legislature as this bill).
10 (cf: P.L.1983, c.296, s.17)

11

12 13. Section 18 of P.L.1983, c.296 (C.45:9-37.28) is amended to
13 read as follows:

14 18. Upon payment to the board of a fee and the submission of a
15 written application on forms provided by it, the board shall issue
16 without examination to a physical therapist or physical therapist
17 assistant who holds a valid license issued by another state or
18 possession of the United States or the District of Columbia which, in
19 the judgment of the board, has education and experience requirements
20 substantially equivalent to the requirements of this act[; provided,
21 however, the applicant has not previously failed the board exam
22 referred to in section 15 of this act, in which case licensing shall be at
23 the discretion of the board] and P.L. _____, c. _____ (C. _____) (pending
24 before the Legislature as this bill).
25 (cf: P.L.1983, c.296, s.18)

26

27 14. Section 19 of P.L.1983, c.296 (C.45:9-37.29) is amended to
28 read as follows:

29 19. a. [Upon submission of a written application on forms
30 provided by it, the board shall issue a temporary license to a person
31 who has applied for licensure pursuant to this act and who, in the
32 judgment of the board, is eligible for examination. A temporary license
33 shall be available to an applicant with his initial application for
34 examination and he may practice only under the direct supervision of
35 a licensed physical therapist. A temporary license shall expire
36 automatically upon failure of the licensure exam but may be renewed
37 for an additional six month period until the date of the next exam at
38 which time it shall automatically expire and be surrendered to the
39 board.] (Deleted by amendment, P.L. _____, c. _____)(pending before the
40 Legislature as this bill).

41 b. Upon payment to the board of a fee and the submission of a
42 written application on forms provided by it, the board may issue
43 without examination a temporary license to practice physical therapy
44 or act as a physical therapist assistant in this State to a person who is
45 qualified, in the judgment of the board, to practice as a physical
46 therapist or physical therapist assistant, and who provides evidence

1 that he is in the State on a temporary basis to assist in a medical
2 emergency or to engage in a special project [or], teaching assignment
3 or other activity approved by the board relating to physical therapy
4 practice. A temporary license shall expire one year from its date of
5 issue, however, it may be renewed by the board for an additional [one
6 year] one-year period. A temporary license shall be surrendered to the
7 board upon its expiration.

8 (cf: P.L.1983, c.296, s.19)

9

10 15. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
11 read as follows:

12 20. No person, business entity or its employees, agents or
13 representatives shall use the titles "physical therapist,"
14 "physiotherapist," "registered physical therapist," "licensed physical
15 therapist," "physical therapist assistant," "registered physical therapist
16 assistant," "licensed physical therapist assistant," "physical therapy
17 assistant," or the abbreviations "PT" or "RPT," "LPT," "PTA,"
18 "RPTA," "LPTA," or any other title, designation, words, letters,
19 abbreviations, or insignia indicating the practice of physical therapy
20 unless licensed to practice [physical therapy] as a physical therapist
21 or physical therapist assistant under the provision of this act.

22 (cf: P.L.1983, c.296, s.20)

23

24 16. Section 21 of P.L.1983, c. 296 (C.45:9-37.31) is amended to
25 read as follows:

26 21. Any person who holds a license as a physical therapist pursuant
27 to this act may use the title "physical therapist," or "licensed physical
28 therapist," or the abbreviations "PT" or "LPT." Any person who holds
29 a license as a physical therapist assistant pursuant to this act may use
30 the title "physical therapist assistant," "licensed physical therapist
31 assistant," or the abbreviations "PTA" or "LPTA."

32 (cf: P.L.1983, c.296, s.21)

33

34 17. Section 4 of P.L.1990, c.68 (C.45:9-37.34a) is amended to
35 read as follows:

36 4. a. A licensed physical therapist [licensed pursuant to P.L.1983,
37 c.296 (C.45:9-37.11 et seq.)] shall not [use] permit an employee to
38 administer physical modalities to patients unless that employee is a
39 licensed physical therapist, licensed physical therapist assistant, or
40 other health care provider licensed in this State to administer those
41 modalities.

42 As used in this subsection, physical modalities mean ultraviolet (B
43 and C bands) and electromagnetic rays, including, but not limited to,
44 deep heating agents, microwave diathermy, shortwave diathermy, and
45 ultrasound or any other treatment proscribed by the board.

46 b. Nothing in this section shall be construed to prohibit any person

1 licensed to practice in this State under any other law from engaging in
2 **[the practice for which he is licensed]** any activity which is within the
3 scope of his practice.

4 (cf: P.L.1990, c.68, s.4)

5

6 18. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as
7 follows:

8 1. The provisions of this act shall apply to the following boards and
9 commissions: the New Jersey State Board of Accountancy, the New
10 Jersey State Board of Architects, the New Jersey State Board of
11 Cosmetology and Hairstyling, the Board of Examiners of Electrical
12 Contractors, the New Jersey State Board of Dentistry, the State Board
13 of Mortuary Science of New Jersey, the State Board of Professional
14 Engineers and Land Surveyors, the State Board of Marriage and
15 Family Therapy Examiners, the State Board of Medical Examiners, the
16 New Jersey Board of Nursing, the New Jersey State Board of
17 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
18 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
19 of Professional Planners, the State Board of Psychological Examiners,
20 the State Board of Examiners of Master Plumbers, the New Jersey
21 Real Estate Commission, the State Board of Shorthand Reporting, the
22 State Board of Veterinary Medical Examiners, the Radiologic
23 Technology Board of Examiners, the Acupuncture Examining Board,
24 the State Board of Chiropractic Examiners, the State Board of
25 Respiratory Care, the State Real Estate Appraiser Board, the State
26 Board of Social Work Examiners **[and]**, the State Board of Public
27 Movers and Warehousemen and the State Board of Physical Therapy
28 Examiners.

29 (cf: P.L.1995, c.366, s.20)

30

31 19. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as
32 follows:

33 1. The provisions of this act shall apply to the following boards and
34 commissions: the New Jersey State Board of Accountancy, the New
35 Jersey State Board of Architects, the New Jersey State Board of
36 Cosmetology and Hairstyling, the Board of Examiners of Electrical
37 Contractors, the New Jersey State Board of Dentistry, the State Board
38 of Mortuary Science of New Jersey, the State Board of Professional
39 Engineers and Land Surveyors, the State Board of Marriage and
40 Family Therapy Examiners, the State Board of Medical Examiners, the
41 New Jersey Board of Nursing, the New Jersey State Board of
42 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
43 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
44 of Professional Planners, the State Board of Psychological Examiners,
45 the State Board of Examiners of Master Plumbers, the State Board of
46 Shorthand Reporting, the State Board of Veterinary Medical

1 Examiners, the Radiologic Technology Board of Examiners, the
2 Acupuncture Examining Board, the State Board of Chiropractic
3 Examiners, the State Board of Respiratory Care, the State Real Estate
4 Appraiser Board [and], the State Board of Social Work Examiners
5 and the State Board of Physical Therapy Examiners.
6 (cf: P.L.1995, c.366, s.22)

7

8 20. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as
9 follows:

10 2. The provisions of this act shall apply to the following boards and
11 all professions or occupations regulated by, through or with the advice
12 of those boards: the New Jersey State Board of Accountancy, the
13 New Jersey State Board of Architects, the New Jersey State Board of
14 Cosmetology and Hairstyling, the Board of Examiners of Electrical
15 Contractors, the New Jersey State Board of Dentistry, the State Board
16 of Mortuary Science of New Jersey, the State Board of Professional
17 Engineers and Land Surveyors, the State Board of Marriage and
18 Family Therapy Examiners, the State Board of Medical Examiners, the
19 New Jersey Board of Nursing, the New Jersey State Board of
20 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
21 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
22 of Professional Planners, the State Board of Psychological Examiners,
23 the State Board of Examiners of Master Plumbers, the State Board of
24 Shorthand Reporting, the State Board of Veterinary Medical
25 Examiners, the Acupuncture Examining Board, the State Board of
26 Chiropractic Examiners, the State Board of Respiratory Care, the
27 State Real Estate Appraiser Board, the State Board of Social Work
28 Examiners, the State Board of Physical Therapy Examiners, the
29 Professional Counselor Examiners Committee, the New Jersey
30 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
31 the Occupational Therapy Advisory Council, the Electrologists
32 Advisory Committee, the Alcohol and Drug Counselor Committee, the
33 Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the
34 Home Inspection Advisory Committee, the Massage, Bodywork and
35 Somatic Therapy Examining Committee, and the Audiology and
36 Speech-Language Pathology Advisory Committee.

37 (cf: P.L.1999, c.403, s.1)

38

39 21. (New section) To be eligible for licensure as a physical
40 therapist assistant, an applicant shall:

41 a. Possess at least an Associate in Arts degree from an accredited
42 college or university;

43 b. Have completed a two-year physical therapist assistant program
44 at an accredited college or university, which has been approved by the
45 board;

46 c. Have experience satisfactory to the board, in accordance with

1 regulations of the board;

2 d. Have successfully completed a written examination approved by
3 the board;

4 e. Be at least 18 years of age;

5 f. Be of good moral character; and

6 g. Meet such other requirements as may be established by the
7 board by regulation.

8

9 22. (New section) An applicant for licensure or renewal as a
10 physical therapist or a physical therapist assistant shall:

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

15 b. Present satisfactory evidence that any continuing education
16 requirements established by P.L. , c. (C.)(pending before the
17 Legislature as this bill) or the board, have been completed.

18

19 23. (New section) No person other than a natural person shall be
20 licensed as, hold itself out to be licensed as, or practice as, a physical
21 therapist or a physical therapist assistant. Every physical therapist or
22 physical therapist assistant employed by a corporation or other
23 business entity shall assume professional responsibility for the practice
24 of physical therapy or acting as a physical therapist assistant that is
25 provided under the auspices of the corporation or other business
26 entity. The board shall establish regulations to effectuate the
27 provisions of this section, which shall include, but shall not be limited
28 to, a statement of the responsibilities of licensees under this section.

29

30 24. (New section) The board shall establish continuing
31 professional education requirements for physical therapists and
32 physical therapist assistants, which requirements shall be a condition
33 of retaining licensure. The board shall:

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

37 b. Establish standards for continuing professional educational
38 programs;

39 c. Accredite educational programs offering credits towards the
40 continuing professional educational requirements; and

41 d. Establish the number of credits of continuing professional
42 education required of each applicant for license renewal. Each credit
43 shall represent or be equivalent to one hour of actual course
44 attendance, or in the case of those electing an alternative method of
45 satisfying the requirements of P.L. , c. (C.)(pending before the
46 Legislature as this bill), shall be approved by the board and certified

1 pursuant to procedures established for that purpose.

2

3 25. This act shall take effect immediately.

4

5

6

STATEMENT

7

8 This bill amends the current statutes regarding the regulation and
9 licensure of physical therapists and physical therapist assistants to
10 ensure that the public has full and unrestricted access to the full scope
11 of services provided by physical therapists.

12 As defined in this bill, the practice of physical therapy includes the
13 diagnosis, treatment and management of physical impairment and
14 movement-related functional limitation. In addition, the bill maintains
15 and clarifies existing law specifying that physical therapists and
16 physical therapist assistants are not permitted to diagnose disease and
17 are not authorized to practice medicine and surgery, chiropractic,
18 podiatry, occupational therapy, prosthetics or dentistry.

19 The bill also permits consumers to access directly the services of
20 physical therapists, thereby assuring that consumers in New Jersey
21 would have the same access to these regulated professionals as they
22 have to other rehabilitation and health care providers. Currently, New
23 Jersey is one of only 15 states that deny consumers this access.

24 Further, this bill changes the composition of the State Board of
25 Physical Therapy in the Division of Consumer Affairs by substituting
26 a licensed physical therapist assistant for the current hospital
27 administrator on the board. The bill also renames the State Board of
28 Physical Therapy as the State Board of Physical Therapy Examiners.

29 To become licensed as a physical therapist, a candidate must
30 possess at least a master's degree, except for an applicant who prior to
31 January 1, 2003, possessed a bachelor's degree; have completed a
32 physical therapy program; have experience satisfactory to the board
33 and pass a written examination. To become licensed as a physical
34 therapist assistant, a candidate must possess at least an Associate of
35 Arts degree; have completed a two-year physical therapist assistant
36 program; have experience satisfactory to the board, and pass an
37 examination.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 2004

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2002

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2004.

As amended by committee, this bill amends the current statutes regarding the regulation and licensure of physical therapists and physical therapist assistants to ensure that the public has full and unrestricted access to the full scope of services provided by physical therapists.

As defined in this bill, the practice of physical therapy includes the identification of physical impairment or movement-related functional limitation that occurs as a result of injury or congenital or acquired disability, or other physical dysfunction through examination, evaluation and diagnosis of the physical impairment or movement-related functional limitation and the establishment of a prognosis for the resolution or amelioration thereof, and treatment of the impairment or limitation. In addition, the bill maintains and clarifies existing law specifying that physical therapists and physical therapist assistants are not permitted to diagnose disease and are not authorized to practice medicine and surgery, chiropractic, podiatry, occupational therapy, prosthetics or dentistry.

The bill provides that a physical therapist must immediately refer an individual to a licensed health care professional if the physical therapist has reasonable cause to believe that physical therapy is contraindicated or symptoms or conditions are present, including, but not limited to, nonmuscular and nonskeletal symptoms or conditions and conditions of the central nervous system, that require services outside the scope of a physical therapist's practice. Examples of conditions requiring referral may include acute pain with no identifiable cause, abnormal vital signs or the need for diagnostic services beyond physical examination.

The bill also provides that the State Board of Physical Therapy Examiners shall, within 180 days, establish standards, in collaboration with the State Board of Medical Examiners and other licensing boards,

setting forth the conditions under which a physical therapist is required to refer an individual being treated by the therapist to, or consult with, another licensed health care professional. Until the standards are adopted: (a) a physical therapist shall refer any individual who has failed to demonstrate reasonable progress within 30 days of the date of initial treatment to a licensed health care professional; and (b) a physical therapist, not more than 30 days from the date of initial treatment of functional limitation or pain, shall consult with the individual's licensed health care professional of record as to the appropriateness of the treatment, or, in the event that there is no identified licensed health care professional of record, recommend that the individual consult with a licensed health care professional of the individual's choice.

The bill also permits consumers to access directly the services of physical therapists, thereby assuring that consumers in New Jersey would have the same access to these regulated professionals as they have to other rehabilitation and health care providers. Currently, New Jersey is one of only 15 states that deny consumers this access.

Further, this bill changes the composition of the State Board of Physical Therapy by substituting a licensed physical therapist assistant for the current hospital administrator on the board. The bill also renames the State Board of Physical Therapy as the State Board of Physical Therapy Examiners.

To become licensed as a physical therapist, a candidate must possess at least a master's degree, except for an applicant who, prior to January 1, 2003, possessed a bachelor's degree; have completed a physical therapy program; have experience satisfactory to the board; and pass a written examination. To become licensed as a physical therapist assistant, a candidate must possess at least an Associate of Arts degree; have completed a two-year physical therapist assistant program; have experience satisfactory to the board; and pass a written examination. The bill also directs the board to establish continuing professional education requirements for physical therapists and physical therapist assistants.

Finally, the bill amends the statutes governing personal injury protection (PIP) coverage under automobile insurance to specify that physical therapy treatment shall not be reimbursable as medical expense benefits unless rendered by a licensed physical therapist pursuant to a referral from a licensed physician, dentist, podiatrist or chiropractor within the scope of their respective practices.

The committee amended the bill to:

-- provide that it shall be considered an unlawful practice of physical therapy if a physical therapist does not immediately refer an individual to an appropriate licensed health care professional if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services outside the scope of the therapist's practice or that physical therapy is contraindicated;

-- require the State Board of Physical Therapy Examiners to establish standards, within 180 days, in collaboration with the State Board of Medical Examiners and other licensing boards, setting forth the conditions under which a physical therapist is required to refer an individual being treated by the physical therapist to, or consult with, another licensed health care professional, and specify what action a physical therapist must take with respect to a patient, within 30 days of the date of initial treatment.

-- restore language that was deleted from N.J.S.A.45:9-37.20 (in section 6 of the bill), concerning the number of physical therapist assistants that may be supervised by a physical therapist;

-- change the Assembly committee to which the board must issue a report from the Assembly Health and Human Services Committee to the Assembly Regulated Professions and Independent Authorities Committee; and

-- amend the statutes governing PIP coverage under automobile insurance to specify when physical therapy treatment is reimbursable as a medical expense benefit.

ASSEMBLY, No. 2557

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 24, 2002

Sponsored by:

Assemblyman ANTHONY IMPREVEDUTO

District 32 (Bergen and Hudson)

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

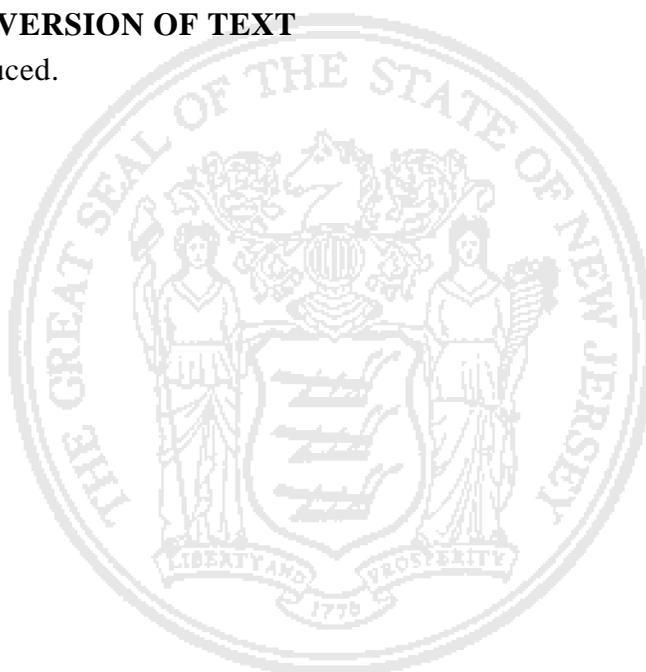
Assemblymen Doria, Guear and Assemblywoman Greenstein

SYNOPSIS

Revises statutes regarding physical therapists and physical therapist assistants.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/29/2002)

1 AN ACT concerning physical therapists and physical therapist
2 assistants and revising parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1983, c.296 (C.45:9-37.13) is amended to read
8 as follows:

9 3. As used in this act:

10 [a.] "Board" means the State Board of Physical Therapy
11 Examiners established pursuant to section 5 of this act.

12 [b.] "Direct supervision" means the presence of the supervising
13 physical therapist on site, available to respond to an emergency during
14 any treatment procedure.

15 "Physical therapist" means a natural person who [is licensed] holds
16 a current, valid license to practice physical therapy pursuant to the
17 provisions of this act and in accordance with regulations of the board.

18 [A physical therapist shall provide physical therapy treatment to an
19 individual upon the direction of a licensed physician, dentist or other
20 health care practitioner authorized to prescribe treatment.]

21 [c.] "Physical therapist assistant" means a person who is licensed
22 pursuant to the provisions of this act and who assists a licensed
23 physical therapist under his direct supervision in accordance with this
24 act and regulations of the board.

25 [d.] "Physical therapy" and "physical therapy practice" means the
26 [health specialty concerned with the prevention of physical disability
27 and the habilitation or rehabilitation of congenital or acquired physical
28 disabilities resulting from, or secondary to, injury or disease]
29 identification of physical impairment or functional limitation that
30 occurs as a result of injury or congenital or acquired disability, or
31 other physical dysfunction through examination, evaluation and
32 diagnosis of the physical impairment or functional limitation and the
33 establishment of a prognosis for the resolution or amelioration thereof,
34 and treatment of the physical impairment or functional limitation,
35 which shall include, but is not limited to, the alleviation of pain,
36 physical impairment and functional limitation by therapeutic
37 intervention, including treatment by means of manual therapy
38 techniques and massage, electro-therapeutic modalities, the use of
39 physical agents, mechanical modalities, hydrotherapy, therapeutic
40 exercises with or without assistive devices, neurodevelopmental
41 procedures, joint mobilization, functional training in self-care,
42 providing assistance in community and work integration or

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 reintegration, providing training in techniques for the prevention of
2 injury, impairment, functional limitation, or dysfunction, providing
3 consultative, educational, other advisory services, and collaboration
4 with other health care providers in connection with patient care, and
5 such other treatments and functions as may be further defined by the
6 board by regulation.

7 (cf: P.L.1983, c.296, s.3)

8
9 2. Section 4 of P.L.1983, c.296 (C.45:9-37.14) is amended to read
10 as follows:

11 4. a. [The practice of physical therapy shall include examination,
12 treatment, or instruction to detect, assess, prevent, correct, alleviate
13 and limit physical disability, bodily malfunction and pain from injury,
14 disease or other physical condition.

15 Physical therapy shall also include the evaluation, administration
16 and modification of treatment and instruction, including, but not
17 limited to, the use of physical measures, activities, agents and devices
18 for preventive and therapeutic purposes; neurodevelopmental
19 procedures; the performance and evaluation of tests and
20 measurements; and the provision of consultative, educational and other
21 advisory services for the purpose of preventing or reducing the
22 incidence and severity of physical disability, bodily malfunction and
23 pain consistent with the practice of physical therapy.

24 b.] Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
25 seq.), shall be construed to authorize the [diagnosis of] interpretation
26 of data for the purpose of diagnosing disease, organic condition or the
27 practice of medicine and surgery [or] a, chiropractic, podiatry,
28 occupational therapy, or prosthetics by any person not licensed to do
29 so pursuant to [chapter 9 of] Title 45 of the Revised Statutes.

30 [c.] b. Nothing in [this section] P.L.1983, c.296 (C.45:9-37.11 et
31 seq.), shall authorize the practice of dentistry by any person not
32 licensed to do so pursuant to chapter 6 of Title 45 of the Revised
33 Statutes.

34 (cf: P.L.1983, c.296, s.4)

35
36 3. Section 5 of P.L.1983, c.296 (C.45:9-37.15) is amended to read
37 as follows:

38 5. There is created within the Division of Consumer Affairs in the
39 Department of Law and Public Safety the State Board of Physical
40 Therapy Examiners. The board shall consist of 11 members who are
41 residents of the State, two of whom shall be public members and one
42 of whom shall be a State executive department member appointed
43 pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). Of
44 the remaining eight members six shall be licensed physical therapists
45 who have been actively engaged in the practice of physical therapy in
46 this State for at least five years immediately preceding their

1 appointment, one shall be [the administrator of a hospital licensed
2 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.)] a licensed physical
3 therapist assistant who has been actively engaged in practice as a
4 physical therapist assistant for at least five years immediately
5 preceding his appointment, and one shall be a physician licensed to
6 practice medicine and surgery pursuant to chapter 9 of Title 45 of the
7 Revised Statutes.

8 The Governor shall appoint members to the board with the advice
9 and consent of the Senate. The Governor shall appoint each member
10 for a term of three years, except that of the physical therapist members
11 first appointed, two shall serve for terms of three years, two shall
12 serve for terms of two years and two shall serve for a term of one
13 year. Each member shall hold office until his successor has been
14 qualified. Any vacancy in the membership of the board shall be filled
15 for the unexpired term in the manner provided for the original
16 appointment. No member of the board may serve more than two
17 successive terms in addition to any unexpired term to which he has
18 been appointed. Upon a vacancy in the membership of the board, any
19 professional association of physical therapists and physical therapist
20 assistants may submit recommendations to the Governor for his
21 consideration. The Governor may remove any member of the board
22 for cause, which may include, but shall not be limited to, professional
23 misconduct and repeated failure to attend board meetings.

24 (cf: P.L.1983, c.296, s.5)

25

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

28 8. a. The board shall:

29 (1) Administer and enforce the provisions of P.L.1983, c.296
30 (C.45:9-37.11 et seq.) and P.L. , c. (C.) (now before the
31 Legislature as the bill;

32 (2) Establish procedures for application for licensure;

33 (3) Establish standards, adopt and administer examinations for
34 licensure;

35 [a.] (4) Review and pass upon the qualifications of applicants for
36 licensure;

37 [b.] (5) Insure the proper conduct and standards of examinations;

38 [c.] (6) Issue and renew licenses to physical therapists and
39 physical therapist assistants pursuant to this act;

40 [d. Suspend, revoke or fail] (7) Establish disciplinary measures,
41 including but not limited to, suspending, revoking, or refusing to
42 renew the license of a physical therapist or physical therapist assistant
43 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

44 [e.] (8) Maintain a record of every physical therapist and physical
45 therapist assistant licensed in this State, his place of business, his place
46 of residence, and the date and number of his license; [and]

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

2 (10) Establish requirements and standards for continuing education
3 and approve courses that are eligible to meet the requirements as
4 provided in section 24 of P.L. , c. (C.) (now before the
5 Legislature as this bill);

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

11 (12) Conduct proceedings before any board, agency or court of
12 competent jurisdiction for the enforcement of the provisions of this
13 act;

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

16 (14) Establish standards, after consultation with other appropriate
17 professional licensing boards established pursuant to Title 45 of the
18 Revised Statutes, setting forth the conditions under which a physical
19 therapist is required to refer an individual being treated by a physical
20 therapist to a practitioner licensed to practice dentistry, medicine or
21 surgery in this State, or other appropriate licensed health care
22 professional;

23 [f.] (15) Promulgate rules and regulations necessary for the
24 performance of its duties and the implementation of this act.

25 b. In addition to the provisions of subsection a. of this section, the
26 board may establish standards of professional behavior.

27 (cf: P.L.1983, c.296, s.8)

28

29 5. Section 9 of P.L.1983, c.296 (C.45:9-37.19) is amended to read
30 as follows:

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

35 a. Prohibit any student enrolled in a school or post-graduate course
36 of physical therapy or in a course of study for training as a physical
37 therapist assistant that is approved or recognized by the board from
38 performing physical therapy or acting as a physical therapist assistant,
39 as appropriate, which is necessary to his course of study;

40 b. Prohibit any person licensed to practice in this State under any
41 other law from engaging in the practice for which he is licensed,
42 provided that the procedures or duties performed by that person are
43 within the scope of his practice as established by law and the accepted
44 standards of practice of the profession for which the person is licensed
45 and provided that the person does not represent himself as a physical
46 therapist or physical therapist assistant; or

1 c. Prohibit any person employed by an agency, bureau or division
2 of the Federal Government from practicing physical therapy within the
3 scope of his official duties.

4 (cf: P.L.1983, c.296, s.9)

5
6 6. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to
7 read as follows:

8 10. a. No physical therapist shall supervise more physical therapist
9 assistants at any one time than [in the opinion of the board can be
10 adequately supervised. Under usual circumstances the maximum
11 number of physical therapist assistants that may be supervised by a
12 physical therapist shall be two, except that, upon application, the
13 board may permit the supervision of a greater number of physical
14 therapist assistants if it feels there would be adequate supervision and
15 the public health and safety would be served] permitted by the board
16 by regulation and under terms and conditions established by the board.

17 b. A licensed physical therapist assistant may initiate patient
18 physical therapy treatment consistent with the role of a physical
19 therapist assistant, as defined by the board or otherwise provided in
20 P.L.1983, c.296 (C.45:9-37.11 et seq.) or P.L. , c. (C.) (now
21 before the Legislature as this bill), only at the discretion of, and under
22 the direct supervision of, a licensed physical therapist.

23 (cf: P.L.1983, c.296, s.10)

24
25 7. Section 11 of P.L.1983, c.296 (C.45:9-37.21) is amended to
26 read as follows:

27 11. No physical therapist or physical therapist assistant shall
28 engage directly or indirectly in the division, transferring, assigning,
29 rebating or refunding of fees received for professional services or
30 [shall profit by means of a credit or other valuable consideration as an
31 unearned commission, discount or gratuity with any person who refers
32 a patient or with any relative or business associate of the referring
33 person] pay or accept fees or commissions for referrals for
34 professional services; however, nothing in this section shall be
35 construed to prohibit physical therapists who are members of a
36 professional association or other business entity properly organized
37 pursuant to law, from making a division of fees among themselves as
38 determined by contract to be necessary to defray joint operating costs
39 or pay salaries, benefits, or other compensation to employees.

40 (cf: P.L.1983, c.296, s.11)

41
42 8. Section 12 of P.L.1983, c.296 (C.45:9-37.22) is amended to
43 read as follows:

44 12. To be eligible for licensure as a physical therapist [or physical
45 therapist assistant], an applicant shall [submit to the board
46 satisfactory evidence that]:

- 1 a. ~~[He has graduated from]~~ Have completed a program in physical
2 therapy from an accredited college or university which has been
3 approved ~~[for the education and training of physical therapists or~~
4 ~~physical therapist assistants by an accrediting agency recognized by the~~
5 ~~Council on Post-Secondary Accreditation and the United States~~
6 ~~Department of Education]~~ by the board; ~~[and]~~
7 b. ~~[He has successfully completed]~~ Successfully complete a
8 written examination administered by the board ~~[to determine his~~
9 ~~competence to practice physical therapy or to act as a physical~~
10 ~~therapist assistant];~~
11 c. Possess at least a master's degree from an accredited college or
12 university, except for an applicant who prior to January 1, 2003,
13 possessed a minimum of a bachelor's degree from an accredited college
14 or university;
15 d. Have experience satisfactory to the board, in accordance with
16 regulations of the board;
17 e. Be at least 18 years of age;
18 f. Be of good moral character; and
19 g. Meet other requirements as may be established by the board by
20 regulation.

21 (cf: P.L.1983, c.296, s.12)

22

23 9. Section 13 of P.L.1983, c.296 (C.45:9-37.23) is amended to
24 read as follows:

25 13. An applicant for licensure who is a graduate of a foreign school
26 of physical therapy shall furnish evidence satisfactory to the board
27 that:

28 a. He has completed a course of study in physical therapy which is
29 substantially equivalent to that provided in an accredited program ~~[as~~
30 ~~described in section 12a. of this act; and]~~ approved by the board;

31 b. He has successfully completed a written examination ~~[as~~
32 ~~provided for in section 12b of this act]~~ administered by the board; and

33 c. Is a graduate of a recognized college or university.

34 (cf: P.L.1983, c.296, s.13)

35

36 10. Section 14 of P.L.1983, c.296 (C.45:9-37.24) is amended to
37 read as follows:

38 14. a. A fee established by the board by regulation shall
39 accompany each application for licensure. Licenses shall expire
40 biennially ~~[on January 31]~~ at a time established by the board and may
41 be renewed upon submission of a renewal application ~~[provided by]~~
42 ~~to the board [and payment of a fee].~~ If the renewal fee is not paid by
43 ~~[that]~~ the designated date, the license shall automatically expire~~;~~
44 but may be ~~[renewed within two years of its expiration date on~~
45 ~~payment to]~~ reinstated by the board ~~[of a sum determined by it for~~

1 each year or part thereof during which the license was expired and an
2 additional restoration fee. After a two year period, a license may only
3 be renewed by complying with the provisions of this act regarding
4 initial licensure] within two years of its expiration date upon payment
5 of a reinstatement fee. The license fee payable to the board for a new
6 or reinstated license may be pro rated at the discretion of the board.
7 Reinstatement of a license may include a requirement that renewal of
8 a lapsed license be renewed under the procedures established for initial
9 licensure.

10 b. Fees shall be established, prescribed or changed by the board for
11 examinations, licensure and other services performed pursuant to
12 section 2 of P.L.1974, c.46 (C.45:1-3.2).

13 c. All fees and any fines imposed by the board shall be paid to the
14 board and shall be forwarded to the State Treasurer and be part of the
15 General Fund.

16 (cf: P.L.1983, c.296, s.14)

17

18 11. Section 15 of P.L.1983, c.296 (C.45:9-37.25) is amended to
19 read as follows:

20 15. The written examination provided for in sections 12 and 13
21 of this act and section 21 of P.L. , c. (C.) (now before the
22 Legislature as this bill) shall test the applicant's knowledge of basic
23 and clinical sciences as they relate to physical therapy and physical
24 therapy theory and procedures and any other subjects the board may
25 deem useful to test the applicant's fitness to practice physical therapy
26 or act as a physical therapist assistant. Examinations shall be held
27 within the State at least twice per year at a time and place to be
28 determined by the board. The board shall give adequate written notice
29 of the [exam] examination to applicants for licensure and examination.

30 If an applicant fails his first examination, he may take a second
31 [exam not less than six months or] examination no more than two
32 years from the date of the initial [exam] examination. Additional
33 examinations [shall be in accordance with standards set by] may be
34 given at the discretion of the board.

35 (cf: P.L.1983, c.296, s.15)

36

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

39 17. The board shall issue a license to each applicant for licensure
40 as a physical therapist or physical therapist assistant who, in the
41 judgment of the board, qualifies for licensure pursuant to this act and
42 [any rules and regulations promulgated by the board and who is not
43 disqualified for licensure pursuant to the provisions of P.L.1978, c.73
44 (C.45:1-14 et seq.)] P.L. , c. (C.) (now before the Legislature
45 as this bill).

46 (cf: P.L.1983, c.296, s.17)

1 13. Section 18 of P.L.1983, c.296 (C.45:9-37.28) is amended to
2 read as follows:

3 18. Upon payment to the board of a fee and the submission of a
4 written application on forms provided by it, the board shall issue
5 without examination to a physical therapist or physical therapist
6 assistant who holds a valid license issued by another state or
7 possession of the United States or the District of Columbia which, in
8 the judgment of the board, has education and experience requirements
9 substantially equivalent to the requirements of this act[; provided,
10 however, the applicant has not previously failed the board exam
11 referred to in section 15 of this act, in which case licensing shall be at
12 the discretion of the board] and P.L. , c. (C.) (now before the
13 Legislature as this bill).

14 (cf: P.L.1983, c.296, s.18)

15

16 14. Section 19 of P.L.1983, c.296 (C.45:9-37.29) is amended to
17 read as follows:

18 19. [a. Upon submission of a written application on forms
19 provided by it, the board shall issue a temporary license to a person
20 who has applied for licensure pursuant to this act and who, in the
21 judgment of the board, is eligible for examination. A temporary license
22 shall be available to an applicant with his initial application for
23 examination and he may practice only under the direct supervision of
24 a licensed physical therapist. A temporary license shall expire
25 automatically upon failure of the licensure exam but may be renewed
26 for an additional six month period until the date of the next exam at
27 which time it shall automatically expire and be surrendered to the
28 board.

29 b.] Upon payment to the board of a fee and the submission of a
30 written application on forms provided by it, the board may issue
31 without examination a temporary license to practice physical therapy
32 or act as a physical therapist assistant in this State to a person who is
33 qualified, in the judgment of the board, to practice as a physical
34 therapist or physical therapist assistant, and who provides evidence
35 that he is in the State on a temporary basis to assist in a medical
36 emergency or to engage in a special project [or], teaching assignment
37 or other activity approved by the board relating to physical therapy
38 practice. A temporary license shall expire one year from its date of
39 issue, however, it may be renewed by the board for an additional [one
40 year] one-year period. A temporary license shall be surrendered to the
41 board upon its expiration.

42 (cf: P.L.1983, c.296, s.19)

43

44 15. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
45 read as follows:

46 20. No person, business entity or its employees, agents or

1 representatives shall use the titles "physical therapist,"
2 "physiotherapist," "registered physical therapist," "licensed physical
3 therapist," "physical therapist assistant," "registered physical therapist
4 assistant," "licensed physical therapist assistant," "physical therapy
5 assistant," or the abbreviations "PT" or "RPT," "LPT," "PTA,"
6 "RPTA," "LPTA," or any other title, designation, words, letters,
7 abbreviations, or insignia indicating the practice of physical therapy
8 unless licensed to practice [physical therapy] as a physical therapist
9 or physical therapist assistant under the provision of this act.
10 (cf: P.L.1983, c.296, s.20)

11

12 16. Section 21 of P.L.1983, c. 296 (C.45:9-37.31) is amended to
13 read as follows:

14 21. Any person who holds a license as a physical therapist pursuant
15 to this act may use the title "physical therapist," or "licensed physical
16 therapist," or the abbreviations "PT" or "LPT." Any person who holds
17 a license as a physical therapist assistant pursuant to this act may use
18 the title "physical therapist assistant," "licensed physical therapist
19 assistant," or the abbreviations "PTA" or "LPTA."
20 (cf: P.L.1983, c.296, s.21)

21

22 17. Section 4 of P.L.1990, c.68 (C.45:9-37.34a) is amended to
23 read as follows:

24 4. a. A licensed physical therapist [licensed pursuant to P.L.1983,
25 c.296 (C.45:9-37.11 et seq.)] shall not [use] permit an employee to
26 administer physical modalities to patients unless that employee is a
27 licensed physical therapist, licensed physical therapist assistant, or
28 other health care provider licensed in this State to administer those
29 modalities.

30 As used in this subsection, physical modalities mean B and C
31 ultraviolet [(B and C bands)], and electromagnetic rays, including, but
32 not limited to, deep heating agents, microwave diathermy, shortwave
33 diathermy, and ultrasound, or any other treatment proscribed by the
34 board.

35 b. Nothing in this section shall be construed to prohibit any person
36 licensed to practice in this State under any other law from engaging in
37 [the practice for which he is licensed] any activity which is within the
38 scope of his practice.

39 (cf: P.L.1990, c.68, s.4)

40

41 18. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read as
42 follows:

43 1. The provisions of this act shall apply to the following boards and
44 commissions: the New Jersey State Board of Accountancy, the New
45 Jersey State Board of Architects, the New Jersey State Board of
46 Cosmetology and Hairstyling, the Board of Examiners of Electrical

1 Contractors, the New Jersey State Board of Dentistry, the State Board
2 of Mortuary Science of New Jersey, the State Board of Professional
3 Engineers and Land Surveyors, the State Board of Marriage and
4 Family Therapy Examiners, the State Board of Medical Examiners, the
5 New Jersey Board of Nursing, the New Jersey State Board of
6 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
7 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
8 of Professional Planners, the State Board of Psychological Examiners,
9 the State Board of Examiners of Master Plumbers, the New Jersey
10 Real Estate Commission, the State Board of Shorthand Reporting, the
11 State Board of Veterinary Medical Examiners, the Radiologic
12 Technology Board of Examiners, the Acupuncture Examining Board,
13 the State Board of Chiropractic Examiners, the State Board of
14 Respiratory Care, the State Real Estate Appraiser Board, the State
15 Board of Social Work Examiners [and], the State Board of Public
16 Movers and Warehousemen and the State Board of Physical Therapy
17 Examiners.

18 (cf: P.L.1995, c.366, s.20)

19

20 19. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read as
21 follows:

22 1. The provisions of this act shall apply to the following boards and
23 commissions: the New Jersey State Board of Accountancy, the New
24 Jersey State Board of Architects, the New Jersey State Board of
25 Cosmetology and Hairstyling, the Board of Examiners of Electrical
26 Contractors, the New Jersey State Board of Dentistry, the State Board
27 of Mortuary Science of New Jersey, the State Board of Professional
28 Engineers and Land Surveyors, the State Board of Marriage and
29 Family Therapy Examiners, the State Board of Medical Examiners, the
30 New Jersey Board of Nursing, the New Jersey State Board of
31 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
32 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
33 of Professional Planners, the State Board of Psychological Examiners,
34 the State Board of Examiners of Master Plumbers, the State Board of
35 Shorthand Reporting, the State Board of Veterinary Medical
36 Examiners, the Radiologic Technology Board of Examiners, the
37 Acupuncture Examining Board, the State Board of Chiropractic
38 Examiners, the State Board of Respiratory Care, the State Real Estate
39 Appraiser Board [and], the State Board of Social Work Examiners
40 and the State Board of Physical Therapy Examiners.

41 (cf: P.L.1995, c.366, s.22)

42

43 20. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read as
44 follows:

45 2. The provisions of this act shall apply to the following boards and
46 all professions or occupations regulated by, through or with the advice

1 of those boards: the New Jersey State Board of Accountancy, the
2 New Jersey State Board of Architects, the New Jersey State Board of
3 Cosmetology and Hairstyling, the Board of Examiners of Electrical
4 Contractors, the New Jersey State Board of Dentistry, the State Board
5 of Mortuary Science of New Jersey, the State Board of Professional
6 Engineers and Land Surveyors, the State Board of Marriage and
7 Family Therapy Examiners, the State Board of Medical Examiners, the
8 New Jersey Board of Nursing, the New Jersey State Board of
9 Optometrists, the State Board of Examiners of Ophthalmic Dispensers
10 and Ophthalmic Technicians, the Board of Pharmacy, the State Board
11 of Professional Planners, the State Board of Psychological Examiners,
12 the State Board of Examiners of Master Plumbers, the State Board of
13 Shorthand Reporting, the State Board of Veterinary Medical
14 Examiners, the Acupuncture Examining Board, the State Board of
15 Chiropractic Examiners, the State Board of Respiratory Care, the
16 State Real Estate Appraiser Board, the State Board of Social Work
17 Examiners, the State Board of Physical Therapy Examiners, the
18 Professional Counselor Examiners Committee, the New Jersey
19 Cemetery Board, the Orthotics and Prosthetics Board of Examiners,
20 the Occupational Therapy Advisory Council, the Electrologists
21 Advisory Committee, the Alcohol and Drug Counselor Committee, the
22 Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the
23 Home Inspection Advisory Committee, the Massage, Bodywork and
24 Somatic Therapy Examining Committee, and the Audiology and
25 Speech-Language Pathology Advisory Committee.

26 (cf: P.L.1999, c.403, s.1)

27

28 21. (New section) To be eligible for licensure as a physical
29 therapist assistant, an applicant shall:

30 a. Possess at least an Associate in Arts degree from an accredited
31 college or university;

32 b. Have completed a two-year physical therapist assistant program
33 approved by the board at an accredited college or university, or its
34 equivalent;

35 c. Have experience satisfactory to the board, in accordance with
36 regulations of the board;

37 d. Have successfully completed an examination administered by the
38 board;

39 e. Be at least 18 years of age;

40 f. Be of good moral character; and

41 g. Meet other requirements as may be established by the board by
42 regulation.

43

44 22. (New section) An applicant for licensure or renewal as a
45 physical therapist or physical therapist assistant shall:

46 a. Execute and submit a sworn statement on a form prescribed by

1 the board that neither the license for which renewal is sought nor any
2 similar license or other authority issued by another jurisdiction has
3 been revoked, suspended, or not renewed; and

4 b. Present satisfactory evidence that any continuing education
5 requirements established by this act or the board have been completed.

6
7 23. (New section) No person other than a natural person shall be
8 licensed as, or hold itself out to be licensed as, or practice as a
9 physical therapist or a physical therapist assistant. Every physical
10 therapist or physical therapist assistant employed by a corporation or
11 other business entity shall assume professional responsibility for the
12 practice of physical therapy or acting as a physical therapist assistant
13 that is provided under the auspices of the corporation or other
14 business entity. The board shall establish regulations to effectuate the
15 provisions of this section, which shall include, but shall not be limited
16 to, a statement of the responsibilities of licensees under this section.

17
18 24. (New section) The board shall establish continuing
19 professional education requirements for physical therapists and
20 physical therapist assistants, which requirements shall be a condition
21 of retaining licensure. The board shall:

22 a. Approve only such continuing professional education programs
23 as are available to all physical therapists and physical therapist
24 assistants in this State on a nondiscriminatory basis;

25 b. Establish standards for continuing professional educational
26 programs;

27 c. Accredite educational programs offering credits towards the
28 continuing professional educational requirements; and

29 d. Establish the number of credits of continuing professional
30 education required of each applicant for license renewal. Each credit
31 shall represent or be equivalent to one hour of actual course
32 attendance, or in the case of those electing an alternative method of
33 satisfying the requirements of this act, shall be approved by the board
34 and certified pursuant to procedures established for that purpose.

35
36 25. This act shall take effect immediately.

37
38
39 STATEMENT

40
41 This bill amends the current statutes regarding the regulation and
42 licensure of physical therapists and physical therapist assistants.

43 As defined in this bill, the practice of physical therapy includes the
44 diagnosis, treatment and management of physical impairment and
45 functional limitation. In addition, the bill maintains and clarifies
46 existing law specifying that physical therapists and physical therapist

1 assistants are not permitted to diagnose disease and are not authorized
2 to practice medicine, surgery, chiropractic, podiatry, occupational
3 therapy, prosthetics or dentistry.

4 The bill also permits consumers to access directly the services of
5 physical therapists, thereby assuring that consumers in New Jersey
6 would have the same access to these regulated professionals as they
7 have to other rehabilitation and health care providers. Currently, New
8 Jersey is one of only fifteen states that deny consumers this access.

9 Further, this bill changes the composition of the State Board of
10 Physical Therapy in the Division of Consumer Affairs by substituting
11 a licensed physical therapist assistant for the current hospital
12 administrator on the board. The bill also renames the State Board of
13 Physical Therapy as the State Board of Physical Therapy Examiners.

14 To become licensed as a physical therapist, a candidate must
15 possess at least a master's degree, except for an applicant who prior to
16 January 1, 2003, possessed a bachelor's degree; have completed a
17 physical therapy program; have experience satisfactory to the board
18 and pass a written examination. To become licensed as a physical
19 therapist assistant, a candidate must possess at least an Associate of
20 Arts degree; have completed a two-year physical therapist assistant
21 program; have experience satisfactory to the board and pass an
22 examination.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2557

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 7, 2002

The Assembly Regulated Professions and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 2557.

As amended, this bill revises the current statutes regarding the regulation and licensure of physical therapists and physical therapist assistants.

As defined in this bill, the practice of physical therapy includes the diagnosis, treatment and management of physical impairment and movement-related functional limitation. In addition, the bill maintains and clarifies existing law specifying that physical therapists and physical therapist assistants are not permitted to diagnose disease and are not authorized to practice medicine, surgery, chiropractic, podiatry, occupational therapy, prosthetics or dentistry.

The bill also permits consumers to access directly the services of physical therapists, thereby assuring that consumers in New Jersey would have the same access to these regulated professionals as they have to other rehabilitation and health care providers.

Further, this bill changes the composition of the State Board of Physical Therapy in the Division of Consumer Affairs by substituting a licensed physical therapist assistant for the current hospital administrator on the board. The bill also renames the State Board of Physical Therapy as the State Board of Physical Therapy Examiners.

To become licensed as a physical therapist, a candidate must possess at least a master's degree, except for an applicant who prior to January 1, 2003, possessed a bachelor's degree; have completed a physical therapy program; have experience satisfactory to the board and pass a written examination. To become licensed as a physical therapist assistant, a candidate must possess at least an associate of arts degree; have completed a two-year physical therapist assistant program; have experience satisfactory to the board and pass an examination.

The committee amendments to the bill provide that:

C The practice of physical therapy relates to the diagnosis, treatment

and management of movement-related functional limitation rather than functional limitation.

- C Direct supervision means that the supervising physical therapist responds to any consequence occurring during any treatment procedure rather than in response to an emergency.
- C An individual may submit recommendations to the Governor for consideration upon a vacancy in the membership of the State Board of Physical Therapy Examiners and that the board may establish mechanisms to assure that the public has access to physical therapists' services and report back to the appropriate legislative committees regarding this access.
- C To be eligible for licensure as a physical therapist, an applicant shall have successfully completed a written examination approved by the board and that these examinations shall not be required to be held at least twice per year as is currently required by law.
- C To be eligible for licensure as a physical therapist assistant, an applicant shall have completed a two-year physical therapist assistant program and not be so eligible by an equivalent route, which was originally offered as an alternative in the bill.

The committee notes that the bill does not affect or alter any existing insurance law or regulation regarding utilization of or reimbursement for physical therapy services.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2557

with Assembly Floor Amendments
(Proposed By Assemblymen IMPREVEDUTO and MORAN)

ADOPTED: DECEMBER 12, 2002

This bill amends the current statutes regarding the regulation and licensure of physical therapists and physical therapist assistants. These amendments to the bill:

-- provide that it shall be considered an unlawful practice of physical therapy if a physical therapist does not immediately refer an individual to an appropriate licensed health care professional if the physical therapist has reasonable cause to believe that symptoms or conditions are present that require services outside the scope of the therapist's practice or that physical therapy is contraindicated;

-- require the State Board of Physical Therapy Examiners to establish standards, within 180 days, in collaboration with the State Board of Medical Examiners and other licensing boards, setting forth the conditions under which a physical therapist is required to refer an individual being treated by the physical therapist to, or consult with, another licensed health care professional, and specify what action a physical therapist must take with respect to a patient, within 30 days of the date of initial treatment.

-- restore language that was deleted from N.J.S.A.45:9-37.20 (in section 6 of the bill), concerning the number of physical therapist assistants that may be supervised by a physical therapist;

-- amend the statutes governing PIP coverage under automobile insurance to specify when physical therapy treatment is reimbursable as a medical expense benefit;

-- specify that an applicant for licensure who is a graduate of a foreign school of physical therapy shall furnish satisfactory evidence to the board that the applicant has completed a written examination approved by the board, rather than a written examination administered by the board; and

-- require that to be eligible for licensure as a physical therapy assistant, the examination an applicant shall have successfully completed shall be a written examination.