



To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 1/18/08

P.L. 2005, CHAPTER 303, *approved January 11, 2006*  
Assembly, No. 456 (*First Reprint*)

1 AN ACT concerning the practice of medicine and surgery and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

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

6  
7 <sup>1</sup>[1. The Legislature finds and declares that:

8 a. Needle electromyography is used to exclude, diagnose, describe  
9 and follow the course of diseases of the peripheral nervous system and  
10 muscles, and this test has a proven and long-established place in the  
11 diagnosis and treatment of disorders of nerve and muscle; the  
12 diagnostic interpretation of the needle electromyography examination  
13 takes place dynamically during the performance of the test, and the  
14 proper sites and method of introduction of the needle electrode require  
15 extensive training and complex medical decisions;

16 b. Currently, nerve conduction studies are performed most often  
17 by physicians but may be performed by a technician under the direct  
18 supervision of the physician; nerve conduction studies, in special  
19 circumstances, are performed alone but most often are performed in  
20 combination with needle electromyography to diagnose disorders of  
21 nerve and muscle;

22 c. Evoked potentials are used to diagnose diseases of the brain,  
23 spinal cord and nerves contiguous with them, and these examinations  
24 are routinely performed by technicians; however, their interpretation  
25 involves highly-skilled and complex medical training; and

26 d. It is in the public interest to limit the performance of needle  
27 electromyography and the interpretation of evoked potentials and  
28 nerve conduction studies to those persons who are licensed to practice  
29 medicine and surgery in the State.]<sup>1</sup>

30  
31 <sup>1</sup>[2.] 1.<sup>1</sup> a. A person shall not perform needle electromyography  
32 <sup>1</sup>[or interpret evoked potentials and nerve conduction studies]<sup>1</sup> unless  
33 that person is licensed to practice medicine and surgery in this State  
34 pursuant to chapter 9 of Title 45 of the Revised Statutes.

35 <sup>1</sup>A person shall not interpret evoked potentials or perform nerve  
36 conduction studies unless that person is licensed to practice: medicine  
37 and surgery in this State pursuant to chapter 9 of Title 45 of the  
38 Revised Statutes; audiology in this State pursuant to chapter 3B of  
39 Title 45 of the Revised Statutes; or chiropractic in this State pursuant

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SHH committee amendments adopted December 12, 2005.

1 to chapter 9 of Title 45 of the Revised Statutes.<sup>1</sup>

2 b. As used in this act:

3 "Evoked potential" means the analysis of an electrical potential  
4 produced by introducing stimuli into the central nervous system for the  
5 diagnosis of diseases of the brain, spinal cord and nerves contiguous  
6 with them and includes brainstem auditory evoked responses, visual  
7 evoked responses and somatosensory evoked potentials;

8 "Needle electromyography" means the study of spontaneous and  
9 voluntary electrical activity of muscle, which is performed by insertion  
10 of a needle electrode into a muscle and recording the electrical activity  
11 at rest and during voluntary contraction; and

12 "Nerve conduction study" means the application of electrical  
13 stimulation at various points along or near a nerve and usually requires  
14 the use of surface electrodes for stimulation and recording.

15

16 <sup>1</sup>[3.] 2.<sup>1</sup> This act shall take effect on the 180th day after  
17 enactment.

18

19

20

21

22 Provides that only physicians may perform needle electromyography  
23 or interpret nerve conduction studies and evoked potentials.

# ASSEMBLY, No. 456

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman ANTHONY IMPREVEDUTO**

**District 32 (Bergen and Hudson)**

**Co-Sponsored by:**

**Assemblyman Conaway**

**SYNOPSIS**

Provides that only physicians may perform needle electromyography or interpret nerve conduction studies and evoked potentials.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/14/2004)**

1 AN ACT concerning the practice of medicine and surgery and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

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

6  
7 1. The Legislature finds and declares that:

8 a. Needle electromyography is used to exclude, diagnose, describe  
9 and follow the course of diseases of the peripheral nervous system and  
10 muscles, and this test has a proven and long-established place in the  
11 diagnosis and treatment of disorders of nerve and muscle; the  
12 diagnostic interpretation of the needle electromyography examination  
13 takes place dynamically during the performance of the test, and the  
14 proper sites and method of introduction of the needle electrode require  
15 extensive training and complex medical decisions;

16 b. Currently, nerve conduction studies are performed most often  
17 by physicians but may be performed by a technician under the direct  
18 supervision of the physician; nerve conduction studies, in special  
19 circumstances, are performed alone but most often are performed in  
20 combination with needle electromyography to diagnose disorders of  
21 nerve and muscle;

22 c. Evoked potentials are used to diagnose diseases of the brain,  
23 spinal cord and nerves contiguous with them, and these examinations  
24 are routinely performed by technicians; however, their interpretation  
25 involves highly-skilled and complex medical training; and

26 d. It is in the public interest to limit the performance of needle  
27 electromyography and the interpretation of evoked potentials and  
28 nerve conduction studies to those persons who are licensed to practice  
29 medicine and surgery in the State.

30  
31 2. a. A person shall not perform needle electromyography or  
32 interpret evoked potentials and nerve conduction studies unless that  
33 person is licensed to practice medicine and surgery in this State  
34 pursuant to chapter 9 of Title 45 of the Revised Statutes.

35 b. As used in this act:

36 "Evoked potential" means the analysis of an electrical potential  
37 produced by introducing stimuli into the central nervous system for the  
38 diagnosis of diseases of the brain, spinal cord and nerves contiguous  
39 with them and includes brainstem auditory evoked responses, visual  
40 evoked responses and somatosensory evoked potentials;

41 "Needle electromyography" means the study of spontaneous and  
42 voluntary electrical activity of muscle, which is performed by insertion  
43 of a needle electrode into a muscle and recording the electrical activity  
44 at rest and during voluntary contraction; and

45 "Nerve conduction study" means the application of electrical  
46 stimulation at various points along or near a nerve and usually requires

1 the use of surface electrodes for stimulation and recording.

2

3 3. This act shall take effect on the 180th day after enactment.

4

5

6

STATEMENT

7

8 This bill provides that a only a licensed physician may perform  
9 needle electromyography or interpret evoked potentials and nerve  
10 conduction studies.

11 The bill defines these terms as follows:

12 \* "Evoked potential" means the analysis of an electrical potential  
13 produced by introducing stimuli into the central nervous system for  
14 the diagnosis of diseases of the brain, spinal cord and nerves  
15 contiguous with them and includes brainstem auditory evoked  
16 responses, visual evoked responses and somatosensory evoked  
17 potentials;

18 \* "Needle electromyography" means the study of spontaneous and  
19 voluntary electrical activity of muscle, which is performed by  
20 insertion of a needle electrode into a muscle and recording the  
21 electrical activity at rest and during voluntary contraction; and

22 \* "Nerve conduction study" means the application of electrical  
23 stimulation at various points along or near a nerve and usually  
24 requires the use of surface electrodes for stimulation and recording.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 456

**STATE OF NEW JERSEY**

DATED: MAY 13, 2004

The Assembly Health and Human Services Committee reports favorably Assembly Bill No. 456.

This bill provides that only a licensed physician may perform needle electromyography or interpret evoked potentials and nerve conduction studies.

The bill defines:

--"evoked potential" to mean the analysis of an electrical potential produced by introducing stimuli into the central nervous system for the diagnosis of diseases of the brain, spinal cord and nerves contiguous with them and include brainstem auditory evoked responses, visual evoked responses and somatosensory evoked potentials;

--"needle electromyography" to mean the study of spontaneous and voluntary electrical activity of muscle, which is performed by insertion of a needle electrode into a muscle and recording the electrical activity at rest and during voluntary contraction; and

--"nerve conduction study" to mean the application of electrical stimulation at various points along or near a nerve and usually requiring the use of surface electrodes for stimulation and recording.

The bill takes effect on the 180th day after enactment.

This bill was prefiled for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.



SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 456**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Assembly Bill No. 456.

As amended, this bill provides that only a licensed physician may perform needle electromyography, and only a licensed physician, audiologist or chiropractor may interpret evoked potentials or perform nerve conduction studies.

The bill defines these terms as follows:

- Ⓒ "Evoked potential" means the analysis of an electrical potential produced by introducing stimuli into the central nervous system for the diagnosis of diseases of the brain, spinal cord and nerves contiguous with them and includes brainstem auditory evoked responses, visual evoked responses and somatosensory evoked potentials;
- Ⓒ "Needle electromyography" means the study of spontaneous and voluntary electrical activity of muscle, which is performed by insertion of a needle electrode into a muscle and recording the electrical activity at rest and during voluntary contraction; and
- Ⓒ "Nerve conduction study" means the application of electrical stimulation at various points along or near a nerve and usually requires the use of surface electrodes for stimulation and recording.

The committee amended the bill to provide that audiologists and chiropractors, as well as physicians, can interpret evoked potentials and perform nerve conduction studies. Under State regulations governing the practice of audiology and chiropractic, respectively, these licensed professionals are currently authorized to interpret evoked potentials and perform nerve conduction studies.

As amended, this bill is identical to Senate Bill No. 188 (SCA) (Lesniak/Singer), which the committee also reported favorably on this date.

**SENATE, No. 188**

---

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**SYNOPSIS**

Provides that only physicians may perform needle electromyography or interpret nerve conduction studies and evoked potentials.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the practice of medicine and surgery and  
2 supplementing chapter 9 of Title 45 of the Revised Statutes.

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

6  
7 1. The Legislature finds and declares that:

8 a. Needle electromyography is used to exclude, diagnose, describe  
9 and follow the course of diseases of the peripheral nervous system and  
10 muscles, and this test has a proven and long-established place in the  
11 diagnosis and treatment of disorders of nerve and muscle; the  
12 diagnostic interpretation of the needle electromyography examination  
13 takes place dynamically during the performance of the test, and the  
14 proper sites and method of introduction of the needle electrode require  
15 extensive training and complex medical decisions;

16 b. Currently, nerve conduction studies are performed most often  
17 by physicians but may be performed by a technician under the direct  
18 supervision of the physician; nerve conduction studies, in special  
19 circumstances, are performed alone but most often are performed in  
20 combination with needle electromyography to diagnose disorders of  
21 nerve and muscle;

22 c. Evoked potentials are used to diagnose diseases of the brain,  
23 spinal cord and nerves contiguous with them, and these examinations  
24 are routinely performed by technicians; however, their interpretation  
25 involves highly-skilled and complex medical training; and

26 d. It is in the public interest to limit the performance of needle  
27 electromyography and the interpretation of evoked potentials and  
28 nerve conduction studies to those persons who are licensed to practice  
29 medicine and surgery in the State.

30  
31 2. a. A person shall not perform needle electromyography or  
32 interpret evoked potentials and nerve conduction studies unless that  
33 person is licensed to practice medicine and surgery in this State  
34 pursuant to chapter 9 of Title 45 of the Revised Statutes.

35 b. As used in this act:

36 "Evoked potential" means the analysis of an electrical potential  
37 produced by introducing stimuli into the central nervous system for the  
38 diagnosis of diseases of the brain, spinal cord and nerves contiguous  
39 with them and includes brainstem auditory evoked responses, visual  
40 evoked responses and somatosensory evoked potentials;

41 "Needle electromyography" means the study of spontaneous and  
42 voluntary electrical activity of muscle, which is performed by insertion  
43 of a needle electrode into a muscle and recording the electrical activity  
44 at rest and during voluntary contraction; and

45 "Nerve conduction study" means the application of electrical  
46 stimulation at various points along or near a nerve and usually requires

1 the use of surface electrodes for stimulation and recording.

2

3 3. This act shall take effect on the 180th day after enactment.

4

5

6

STATEMENT

7

8 This bill provides that a only a licensed physician may perform  
9 needle electromyography or interpret evoked potentials and nerve  
10 conduction studies.

11 The bill defines these terms as follows:

12 \* "Evoked potential" means the analysis of an electrical potential  
13 produced by introducing stimuli into the central nervous system for  
14 the diagnosis of diseases of the brain, spinal cord and nerves  
15 contiguous with them and includes brainstem auditory evoked  
16 responses, visual evoked responses and somatosensory evoked  
17 potentials;

18 \* "Needle electromyography" means the study of spontaneous and  
19 voluntary electrical activity of muscle, which is performed by  
20 insertion of a needle electrode into a muscle and recording the  
21 electrical activity at rest and during voluntary contraction; and

22 \* "Nerve conduction study" means the application of electrical  
23 stimulation at various points along or near a nerve and usually  
24 requires the use of surface electrodes for stimulation and recording.

SENATE HEALTH, HUMAN SERVICES AND SENIOR  
CITIZENS COMMITTEE

STATEMENT TO

**SENATE, No. 188**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 188.

As amended, this bill provides that only a licensed physician may perform needle electromyography, and only a licensed physician, audiologist or chiropractor may interpret evoked potentials or perform nerve conduction studies.

The bill defines these terms as follows:

- C "Evoked potential" means the analysis of an electrical potential produced by introducing stimuli into the central nervous system for the diagnosis of diseases of the brain, spinal cord and nerves contiguous with them and includes brainstem auditory evoked responses, visual evoked responses and somatosensory evoked potentials;
- C "Needle electromyography" means the study of spontaneous and voluntary electrical activity of muscle, which is performed by insertion of a needle electrode into a muscle and recording the electrical activity at rest and during voluntary contraction; and
- C "Nerve conduction study" means the application of electrical stimulation at various points along or near a nerve and usually requires the use of surface electrodes for stimulation and recording.

The committee amended the bill to provide that audiologists and chiropractors, as well as physicians, can interpret evoked potentials and perform nerve conduction studies. Under State regulations governing the practice of audiology and chiropractic, respectively, these licensed professionals are currently authorized to interpret evoked potentials and perform nerve conduction studies.

As amended, this bill is identical to Assembly Bill No. 456 SCA (Prieto), which the committee also reported favorably on this date. This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.