

# SENATE, No. 874

## STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator JENNIFER BECK**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senators Greenstein, Stack, Beach and Cunningham**

**SYNOPSIS**

Revises statutes regarding practice of physical therapy.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 12/2/2014)**

1 AN ACT concerning the practice of physical therapy, amending  
2 P.L.2003, c.18, and amending and supplementing P.L.1983,  
3 c.296.  
4

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

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

10 3. As used in this act:

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

15 "Board" means the State Board of Physical Therapy Examiners  
16 established pursuant to section 5 of this act.

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

21

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

24 8. a. The board shall:

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

27 (2) Establish procedures for application for licensure;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45       g. Prohibit an individual who is licensed as a physical therapist  
46 in a jurisdiction of the United States or credentialed in another  
47 country from performing physical therapy or acting as a physical

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23    (cf: P.L.2003, c.18, s.6)

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

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

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

41    The board shall allow a student enrolled in an accredited  
42    physical therapist or physical therapist assistant education program  
43    and who has completed all the required didactic coursework, to take  
44    the National Physical Therapy Examination prior to graduation,  
45    provided the student submits with the application a letter on the  
46    official letterhead of the accredited educational institution where  
47    the applicant is completing an accredited educational program that

1 includes the signature of the program director, the department  
2 chairperson or a similarly authorized person of the university or  
3 college that states:

4 a. The applicant is a candidate for a degree as a physical  
5 therapist or physical therapist assistant at the next scheduled  
6 graduation date;

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

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

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

14  
15 6. Section 17 of P.L.1983, c.296 (c.45:9-37.27) is amended to  
16 read as follows:

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

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

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

32 b. "INFORMATION ON PROFESSIONAL FEES IS  
33 AVAILABLE TO YOU ON REQUEST."

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

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

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

43 20. No person, business entity or its employees, agents or  
44 representatives shall place an advertisement that uses or otherwise  
45 use the titles "physical therapist," "physiotherapist," "registered  
46 physical therapist," "licensed physical therapist," "physical therapist  
47 assistant," "registered physical therapist assistant," "licensed



1 physical therapist assistant," "student physical therapist," "physical  
2 therapy assistant," "student physical therapist assistant," or the  
3 abbreviations "PT," "DPT," **【or】** "RPT," "LPT," "PTA," "RPTA,"  
4 "LPTA," "SPT," "SPTA," or the terms "physical therapy," or  
5 "physiotherapy," or any other title, designation, words, letters,  
6 abbreviations, or insignia indicating the practice of physical therapy  
7 unless licensed to practice as a physical therapist or physical  
8 therapist assistant under the provision of this act.

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

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

13 23. An applicant for licensure or renewal as a physical therapist  
14 or a physical therapist assistant shall:

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

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

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

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

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

37 a. Approve only such continuing professional **【education】**  
38 competency programs as are available to all physical therapists and  
39 physical therapist assistants in this State on a nondiscriminatory  
40 basis;

41 b. Establish standards for continuing professional  
42 **【educational】** competency programs;

43 c. Accredited educational programs offering credits towards the  
44 continuing professional **【educational】** competency requirements;  
45 and

46 d. Establish the number of credits of continuing professional  
47 **【education】** competency required of each applicant for license

1 renewal. Each credit shall represent or be equivalent to one hour of  
2 actual course attendance, or in the case of those electing an  
3 alternative method of satisfying the requirements of P.L.2003, c.18  
4 (C.45:9-37.34b et al.), shall be approved by the board and certified  
5 pursuant to procedures established for that purpose.  
6 (cf: P.L.2003, c.18, s.25)  
7

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

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

21 The provisions of this section shall not be construed to limit the  
22 activities permitted in section 9 of P.L.1983, c.296 (C.45:9-37.19).  
23

24 11. This act shall take effect on the 180th day next following  
25 enactment.  
26

## 27 28 STATEMENT 29

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

39 Under current law, physical therapist assistants are under the  
40 direct supervision of licensed physical therapists. The bill provides,  
41 instead, for general supervision of physical therapist assistants. As  
42 defined in the bill, “general supervision” means supervision by a  
43 physical therapist in which: the physical therapist must be available  
44 at all times by telecommunications but is not required to be on-site  
45 for direction and supervision; and the supervising physical therapist  
46 assesses on an ongoing basis the ability of the physical therapy  
47 assistant to perform the selected interventions as directed. The bill

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

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

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

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