

P.L. 2021, CHAPTER 382, *approved January 18, 2022*
Senate, No. 867 (*First Reprint*)

1 **AN ACT** concerning the practice of physical therapy and amending
2 and supplementing P.L.1983, c.296.
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
8 read as follows:
9 3. As used in P.L.1983, c.296 (C.45:9-37.11 et seq.):
10 "Board" means the State Board of Physical Therapy Examiners
11 established pursuant to section 5 of P.L.1983, c.296 (C.45:9-37.15).
12 "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 "Dry needling" means a physical intervention that uses a dry,
16 filiform needle, without medication or other deliverable, to
17 penetrate the skin and stimulate underlying muscular tissue,
18 connective tissues, or myofascial trigger points for the management
19 of neuromusculoskeletal pain and movement impairments. "Dry
20 needling" shall not mean the stimulation of auricular or distal points
21 or the practice of acupuncture as defined by section 2 of P.L.1983,
22 c.7 (C.45:2C-2).
23 "General supervision" means supervision by a physical therapist
24 in which: the physical therapist shall be available at all times by
25 telecommunications but is not required to be on-site for direction
26 and supervision; and the supervising physical therapist assesses on
27 an ongoing basis the ability of the physical therapist assistant to
28 perform the selected interventions as directed.
29 "Physical therapist" means a natural person who holds a current,
30 valid license to practice physical therapy pursuant to the provisions
31 of P.L.1983, c.296 (C.45:9-37.11 et seq.) and in accordance with
32 regulations of the board.
33 "Physical therapist assistant" means a natural person who is
34 licensed pursuant to the provisions of P.L.1983, c.296 (C.45:9-
35 37.11 et seq.) and who assists a licensed physical therapist under his
36 direct or general supervision in accordance with P.L.1983, c.296
37 (C.45:9-37.11 et seq.) and regulations of the board.
38 "Physical therapy" and "physical therapy practice" mean the
39 identification of physical impairment, movement-related functional

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:
¹Senate SCM committee amendments adopted June 16, 2021.

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

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

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

32 (cf: P.L.2017, c.121, s.1)

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

36 8. a. The board shall:

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

39 (2) Establish procedures for application for licensure;

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

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

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

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

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

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

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

10 (10) Establish requirements and standards for continuing
11 professional education and competency and approve courses that
12 are eligible to meet these requirements and standards, as provided
13 in section 25 of P.L.2003, c.18 (C.45:9-37.34f);

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

20 (12) Conduct proceedings before any board, agency or court of
21 competent jurisdiction for the enforcement of the provisions of
22 P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-
23 37.34b et al.);

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

27 (14) Within 180 days of the effective date of P.L.2003, c.18,
28 establish standards in accordance with the provisions of section 22
29 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with the State
30 Board of Medical Examiners and other appropriate professional
31 licensing boards established pursuant to Title 45 of the Revised
32 Statutes, setting forth the conditions under which a physical
33 therapist is required to refer an individual being treated by a
34 physical therapist to or consult with a practitioner licensed to
35 practice dentistry, podiatry or medicine and surgery in this State, or
36 other appropriate licensed health care professional. Pending
37 adoption of the standards: (a) a physical therapist shall refer any
38 individual who has failed to demonstrate reasonable progress within
39 30 days of the date of initial treatment to a licensed health care
40 professional; and (b) a physical therapist, not more than 30 days
41 from the date of initial treatment of functional limitation or pain,
42 shall consult with the individual's licensed health care professional
43 of record as to the appropriateness of the treatment, or, in the event
44 that there is no identified licensed health care professional of
45 record, recommend that the individual consult with a licensed
46 health care professional of the individual's choice;

47 (15) Establish mechanisms to assure that the public has access
48 to physical therapists' services, and report back to the Senate

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

4 (16) Within 180 days of the effective date of P.L. , c. (C.)
5 (pending before the Legislature as this bill), establish standards for
6 the provision of dry needling by a physical therapist pursuant to
7 sections 3 and 4 of P.L. , c. (C.) (pending before the
8 Legislature as this bill), in collaboration with the State Board of
9 Medical Examiners; and

10 (17) Promulgate rules and regulations necessary for the
11 performance of its duties and the implementation of P.L.1983,
12 c.296. (C.45:9-37.11 et seq.)

13 b. In addition to the provisions of subsection a. of this section,
14 the board may establish standards of professional behavior.
15 (cf: P.L.2017, c.121, s.2)

16
17 3. (New section) a. A physical therapist may perform dry
18 needling if the physical therapist meets all of the following
19 requirements:

20 (1) possesses a doctorate in physical therapy from an accredited
21 college or university or has otherwise been actively licensed as a
22 physical therapist in this State since January 1, 2003;

23 (2) has no less than two years of active clinical experience in the
24 treatment of patients as a licensed physical therapist in this State
25 and holds a current, unrestricted license to practice physical therapy
26 in this State;

27 (3) has a current CPR certification issued by the American Red
28 Cross, American Heart Association, National Safety Council, or any
29 other agency or organization approved by the board; and

30 (4) has obtained documentation of the successful completion of
31 a dry needling continuing education and competency program
32 approved by the board that satisfies subsections b. and c. of this
33 section.

34 b. The board shall approve a dry needling continuing education
35 and competency program if the program meets all of the following
36 requirements:

37 (1) provides a minimum of 40 hours of academic instruction
38 which is attended in person by the physical therapist and shall be
39 completed by the physical therapist in no more than two years;

40 (2) provides the history and a current literature review of dry
41 needling and evidence-based practice;

42 (3) covers pertinent anatomy and physiology;

43 (4) covers the choice and operation of dry needling supplies and
44 equipment;

45 (5) provides knowledge of dry needling technique including
46 indications, contraindications, and precautions for its use;

47 (6) provides knowledge of the risks and complications of dry
48 needling;

1 (7) covers safe practice guidelines and generally accepted
2 standards of practice, including clean needle techniques and the
3 Occupational Safety and Health Administration's bloodborne
4 pathogens standard;

5 (8) provides knowledge of post intervention care, including an
6 adverse response or emergency;

7 (9) documents the successful completion of psychomotor and
8 cognitive performance by means of practical and written
9 assessments or examinations; and

10 (10) provides a minimum of 40 hours of practical hands-on
11 instruction in the application and technique of dry needling under
12 the direct supervision of a licensed physical therapist or physician
13 pursuant to subsection c. of this section, which shall be completed
14 by the physical therapist in no more than two years.

15 c. The dry needling continuing education and competency
16 program, including the practical hands-on instruction required
17 pursuant to paragraph (10) of subsection b. of this section, shall be
18 taught by a licensed physical therapist who has a minimum of five
19 years of clinical experience in the performance of dry needling or
20 by a physician licensed to practice medicine and surgery in this
21 State.

22 d. Following successful completion of the dry needling
23 continuing education and competency program, including the
24 practical hands-on instruction required pursuant to paragraph (10)
25 of subsection b. of this section, a physical therapist shall complete
26 10 of the required minimum credits of continuing education and
27 competency in each biennial license renewal period in board-
28 approved programs in dry needling if the physical therapist chooses
29 to continue to utilize such intervention on patients.

30

31 4. (New section) a. Dry needling shall only be performed by a
32 physical therapist who meets the requirements of subsection a. of
33 section 3 of P.L. , c. (C.) (pending before the Legislature as
34 this bill), and the performance of dry needling shall not be delegated to
35 a physical therapist assistant or student physical therapist. A physical
36 therapist who meets the requirements to provide dry needling shall
37 only utilize the specific dry needling techniques for which the physical
38 therapist has completed instruction and demonstrated competency.

39 b. For patients who receive an order, prescription, or referral for
40 physical therapy from a New Jersey-licensed physician, osteopathic
41 physician, or podiatric physician, dry needling shall only be performed
42 on the patient after the physical therapist licensed in New Jersey to
43 perform dry needling communicates with the physician who ordered,
44 prescribed, or referred the patient to physical therapy. 'This
45 communication shall address the physical therapy diagnosis of the
46 patient, the specific dry needling technique that the physical therapist
47 intends to utilize in the treatment of the patient, the proposed number,
48 size, and insertion points of the needles, and any elevated risk factors

1 that the patient may have.¹ The physical therapist shall maintain
2 documentation of such communication in the patient record. In no
3 event shall a physical therapist perform dry needling on a patient if, in
4 the medical judgment of the physician who ordered, prescribed, or
5 referred the patient to physical therapy, dry needling is contraindicated
6 or clinically inappropriate and such judgment is clearly communicated
7 to the physical therapist by the physician.

8 c. A physical therapist shall obtain written informed consent from
9 each patient prior to the provision of dry needling. The patient shall
10 receive a copy of the written informed consent and the physical
11 therapist shall retain a copy in the patient's record. The informed
12 consent shall include, at a minimum, the following:

- 13 (1) the patient's signature;
- 14 (2) the risks, benefits, and possible complications of dry needling;
- 15 (3) the treatment alternatives to dry needling;
- 16 (4) the physical therapist's level of education regarding supervised
17 hours of training in dry needling;
- 18 (5) the importance of consulting with the patient's physician
19 regarding the patient's condition; and
- 20 (6) a clearly and conspicuously written statement that the patient is
21 not receiving acupuncture, which shall include the following language:
22 "DRY NEEDLING IS A TECHNIQUE USED IN THE PRACTICE
23 OF PHYSICAL THERAPY TO TREAT MYOFASCIAL,
24 MUSCULAR, AND CONNECTIVE TISSUES FOR THE
25 MANAGEMENT OF NEUROMUSCULAR PAIN AND
26 MOVEMENT DYSFUNCTION. DRY NEEDLING TECHNIQUE
27 SHOULD NOT BE CONFUSED WITH AN ACUPUNCTURE
28 TREATMENT PERFORMED BY A LICENSED
29 ACUPUNCTURIST."

30 d. A physical therapist shall only use filiform needles labeled in
31 accordance with the United States Food and Drug Administration
32 guidelines when performing dry needling.

33 e. A physical therapist shall perform dry needling in a manner
34 that is consistent with generally accepted standards of practice
35 including clean needle techniques, safe disposal of sharp objects, and
36 the Occupational Safety and Health Administration's bloodborne
37 pathogens standard.

38 f. A physical therapist shall maintain documentation in the
39 patient record of each dry needling session. The documentation shall
40 include the treatment performed, the patient's response to the
41 treatment, and any adverse reactions or complications to the treatment.

42 g. If requested by the board or a member of the general public, a
43 physical therapist practicing dry needling shall provide documentation
44 of the education and training completed by the physical therapist as
45 required under section 3 of P.L. , c. (C.) (pending before the
46 Legislature as this bill). The failure to provide documentation in
47 response to a request by the board or a member of the general public
48 shall be deemed prima facie evidence that the physical therapist has

1 not received the required training and shall not be permitted to perform
2 dry needling.

3

4 5. This act shall take effect on the 90th day next following
5 enactment.

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10 Permits physical therapists to perform dry needling under certain
11 circumstances.