LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 867

STATE OF NEW JERSEY
219th LEGISLATURE

DATED: NOVEMBER 1, 2021

SUMMARY

Synopsis: Permits physical therapists to perform dry needling under certain circumstances.

Type of Impact: Annual State Expenditure and Revenue Increases.

Agencies Affected: Department of Law and Public Safety; Administrative Office of the Courts

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
Annual State Cost Increase		Indeterminate	
Annual State Revenue Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners and the Division of Criminal Justice in the Department of Law and Public Safety, as well as the Administrative Office of the Courts.

- The OLS estimates that the State Board of Physical Therapy Examiners will experience recurring workload increases from: a) changes in the licensing requirements for the physical therapists who choose to perform dry needling, which requires additional guidelines, review, and enforcement by the board; and b) regulating the new practice of permitting physical therapists to perform dry needling. Depending on the board's resource allocation policies, however, the added workload may or may not augment State administrative expenditures.

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

BILL DESCRIPTION

This bill allows certain physical therapists who have met the education and competency standards approved by the New Jersey State Board of Physical Therapy Examiners to perform the practice of dry needling under certain circumstances.

The bill establishes requirements for a board-approved dry needling continuing education and competency program. The bill provides that dry needling excludes the stimulation of auricular or distal points or the practice of acupuncture. The bill requires certain communication between the physical therapist and the medical professional referring the patient for dry needling.

The bill provides that, upon request of the board or a member of the general public, a physical therapist practicing dry needling must provide documentation of the education and training completed by the physical therapist as required by the provisions of the bill. A physical therapist meeting the bill's requirements and who is approved by the board to offer dry needling must complete 10 credits of continuing education and competency on dry needling during each biennial license renewal period to maintain the license.

The failure to provide documentation in response to a request by the board or a member of the general public will be deemed as evidence that the physical therapist has not received the required training and will not be permitted to perform dry needling.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will cause indeterminate annual expenditure increases to the State Board of Physical Therapy Examiners in the Division of Consumer Affairs, Department of Law and Public Safety, and the Division of Criminal Justice in the Department of Law and Public Safety, as well as the Administrative Office of the Courts. In addition, the State will realize indeterminate recurring revenue gains. For context, the May 2020 State Occupational Employment and Wage Estimates from the U.S. Bureau of Labor Statistics shows 6,960 physical therapists working in the State. However, the OLS cannot determine the subset of these that will pursue dry needling and also meet the requirements as provided for in the bill, thereby precluding estimates on the size of possible State expenditure and revenue increases.

Expenditure Increases: The State Board of Physical Therapy Examiners will experience a recurring workload increase, as the bill requires: a) changes in the licensing requirements for the physical therapists who choose to perform dry needling, which requires additional guidelines to be established and review and enforcement by the board; and b) regulating the new practice of permitting physical therapists to perform dry needling. Depending on the board's resource allocation policies, however, the added workload may or may not augment State administrative expenditures.

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

Currently, violations of the practice of physical therapy constitute a crime of the third degree, which is punishable by imprisonment for three to five years, a fine of up to $15,000, or both. The OLS cannot determine the number of convictions that may result from violations of the bill's provisions and, by extension, the total of any fine, fee, and assessment collections or the costs associated with incarcerating convicted offenders. The OLS additionally notes that due to financial constraints, many penalties go unpaid by those persons convicted of crimes.

Section: *Law and Public Safety*

Analyst: *Kristin Brunner Santos*
Lead Fiscal Analyst

Approved: *Thomas Koenig*
Legislative Budget and Finance Officer

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

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