

SENATE, No. 2923

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JULY 29, 2013

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senator Greenstein

SYNOPSIS

Revises statutes regarding practice of physical therapy.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/14/2014)

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,
45 intramuscular techniques, electro-therapeutic modalities,

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 integumentary protection, repair and management, 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
5 training in self-care, providing assistance in community and work
6 integration or reintegration, providing training in techniques for the
7 prevention of injury, impairment, movement-related functional
8 limitation, or dysfunction, providing consultative, educational, other
9 advisory services, and collaboration with other health care
10 providers in connection with patient care, utilization review, and
11 such other treatments and functions as may be further defined by
12 the board by regulation.

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

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

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

23 8. a. The board shall:

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

26 (2) Establish procedures for application for licensure;

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

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

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

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

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

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

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

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

47 (11) Conduct hearings pursuant to the "Administrative Procedure
48 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), except that the board

1 shall have the right to administer oaths to witnesses, and shall have
2 the power to issue subpoenas for the compulsory attendance of
3 witnesses and the production of pertinent books, papers or records;

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

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

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

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

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

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

42 (cf: P.L. 2003, c.18, s.4)

43

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

46 9. No person shall practice physical therapy or act as a physical
47 therapist or physical therapist assistant, or render a utilization
48 management decision that limits, restricts, or curtails a course of

- 1 physical therapy care, whether or not compensation is received or
2 expected, unless the person holds a valid license to practice in this
3 State; however, nothing in this section shall be construed to:
- 4 a. Prohibit any student enrolled in a school or post-graduate
5 course of physical therapy or in a course of study for training as a
6 physical therapist assistant that is approved or recognized by the
7 board from performing physical therapy or acting as a physical
8 therapist assistant, as appropriate, which is necessary to his course
9 of study;
- 10 b. Prohibit any person licensed to practice in this State under
11 any other law from engaging in the practice for which the person is
12 licensed, provided that: the procedures or duties performed by that
13 person are within the scope of that person's practice as established
14 by law and the accepted standards of practice of the profession for
15 which the person is licensed; and the person does not represent
16 himself as a physical therapist or physical therapist assistant **【.or】** ;
- 17 c. Prohibit any person employed by an agency, bureau or
18 division of the federal government from practicing physical therapy
19 within the scope of his official duties **【.】** ;
- 20 d. With the exception of the provisions of section 20 of
21 P.L.1983, c.296 (C.45:9-37.30), prohibit any person licensed to
22 practice in this State under any other law from engaging in the
23 practice for which the person is licensed, provided that: the
24 procedures or duties performed by that person are within the scope
25 of that person's practice as established by law and the accepted
26 standards of practice of the profession for which the person is
27 licensed; and the person does not represent himself as a physical
28 therapist, or physical therapist assistant;
- 29 e. Prohibit any student enrolled in a school or post-graduate
30 course of physical therapy or in a course of study for training as a
31 physical therapist assistant that is approved or recognized by the
32 board from performing physical therapy or acting as a physical
33 therapist assistant, as appropriate, which is necessary to his course
34 of study or as part of a pro bono community-based service project
35 under the supervision of a physical therapist licensed by the board;
- 36 f. Prohibit an individual who is licensed as a physical therapist
37 in another jurisdiction of the United States or credentialed to
38 practice physical therapy in another country, from teaching,
39 demonstrating or providing physical therapy services in connection
40 with teaching or participating in an educational seminar for no more
41 than 60 days in a calendar year;
- 42 g. Prohibit an individual who is licensed as a physical therapist
43 in a jurisdiction of the United States or credentialed in another
44 country from performing physical therapy or acting as a physical
45 therapist assistant, if that individual by contract or employment is
46 providing physical therapy to patients affiliated with or employed
47 by established athletic teams, athletic organizations or performing

1 arts companies temporarily practicing, competing or performing in
2 the State for no more than 60 days in a calendar year;

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

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

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

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

23
24 4. Section 10 of P.L.1983, c.296 (C.45:9-37.20) is amended to
25 read as follows:

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

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

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

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

46 (2) There must be regularly scheduled and documented
47 conferences between the physical therapist and the physical
48 therapist assistant regarding patients, the frequency of which is

1 determined by the needs of the patient and the needs of the physical
2 therapist assistant.

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

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

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

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

17 (cf: P.L.2003, c.18, s.6)

18

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

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

31 If an applicant fails his first examination, the applicant may take
32 a second examination no more than two years from the date of the
33 initial examination. Additional examinations may be given at the
34 discretion of the board.

35 The board shall allow a student enrolled in an accredited
36 physical therapist or physical therapist assistant education program
37 and who has completed all the required didactic coursework, to take
38 the National Physical Therapy Examination prior to graduation,
39 provided the student submits with the application a letter on the
40 official letterhead of the accredited educational institution where
41 the applicant is completing an accredited educational program that
42 includes the signature of the program director, the department
43 chairperson or a similarly authorized person of the university or
44 college that states:

45 a. The applicant is a candidate for a degree as a physical
46 therapist or physical therapist assistant at the next scheduled
47 graduation date;

1 b. The date the national examination for licensure is to be taken
2 by the applicant is the one nearest to and before the applicant's
3 expected graduation date and is not more than 120 days before the
4 date of the applicant's expected graduation date; and

5 c. The applicant meets any other established requirements of
6 the accredited educational program, if applicable.
7 (cf: P.L. 2003, c.18, s.11)

8
9 6. Section 17 of P.L.1983, c.296 (c.45:9-37.27) is amended to
10 read as follows:

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

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

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

26 b. "INFORMATION ON PROFESSIONAL FEES IS
27 AVAILABLE TO YOU ON REQUEST."

28 The licensee shall not be required to publicly post his biennial
29 registration, but an original biennial registration shall be maintained
30 on site and all licensees shall be required to provide their name,
31 professional designation and license number to any patient upon
32 request.

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

34
35 7. Section 20 of P.L.1983, c.296 (C.45:9-37.30) is amended to
36 read:

37 20. No person, business entity or its employees, agents or
38 representatives shall place an advertisement that uses or otherwise
39 use the titles "physical therapist," "physiotherapist," "registered
40 physical therapist," "licensed physical therapist," "physical therapist
41 assistant," "registered physical therapist assistant," "licensed
42 physical therapist assistant," "student physical therapist," "physical
43 therapy assistant," "student physical therapist assistant," or the
44 abbreviations "PT," "DPT," [or] "RPT," "LPT," "PTA," "RPTA,"
45 "LPTA," "SPT," "SPTA," or the terms "physical therapy," or
46 "physiotherapy," or any other title, designation, words, letters,
47 abbreviations, or insignia indicating the practice of physical therapy

1 unless licensed to practice as a physical therapist or physical
2 therapist assistant under the provision of this act.

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

4
5 8. Section 23 of P.L.2003, c.18 (C.45:9-37.34d) is amended to
6 read as follows:

7 23. An applicant for licensure or renewal as a physical therapist
8 or a physical therapist assistant shall:

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

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

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

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

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

31 a. Approve only such continuing professional **【education】**
32 competency programs as are available to all physical therapists and
33 physical therapist assistants in this State on a nondiscriminatory
34 basis;

35 b. Establish standards for continuing professional
36 **【educational】** competency programs;

37 c. Accredited educational programs offering credits towards the
38 continuing professional **【educational】** competency requirements;
39 and

40 d. Establish the number of credits of continuing professional
41 **【education】** competency required of each applicant for license
42 renewal. Each credit shall represent or be equivalent to one hour of
43 actual course attendance, or in the case of those electing an
44 alternative method of satisfying the requirements of P.L.2003, c.18
45 (C.45:9-37.34b et al.), shall be approved by the board and certified
46 pursuant to procedures established for that purpose.

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

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

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

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

The bill also permits physical therapists licensed in other jurisdictions, under certain conditions as enumerated in the bill, to

1 participate in educational activities occurring in New Jersey and to
2 assist in providing services in this State during emergency
3 situations. In addition, the bill changes the current references
4 concerning continuing education requirements to continuing
5 professional competency requirements. “Continuing professional
6 competency” is defined as the lifelong process of maintaining and
7 documenting the application of knowledge, skills and behaviors
8 required to function effectively, safely, ethically and legally,
9 through ongoing self-assessment, development, and implementation
10 of a personal learning plan and subsequent reassessment.

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

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