

## CHAPTER 121

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

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

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

C.45:9-37.13 Definitions.

3. As used in P.L.1983, c.296 (C.45:9-37.11 et seq.):

"Board" means the State Board of Physical Therapy Examiners established pursuant to section 5 of P.L.1983, c.296 (C.45:9-37.15).

"Direct supervision" means the presence of the supervising physical therapist on site, available to respond to any consequence occurring during any treatment procedure.

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

"Physical therapist" means a natural person who holds a current, valid license to practice physical therapy pursuant to the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and in accordance with regulations of the board.

"Physical therapist assistant" means a natural person who is licensed pursuant to the provisions of P.L.1983, c.296 (C.45:9-37.11 et seq.) and who assists a licensed physical therapist under his direct or general supervision in accordance with P.L.1983, c.296 (C.45:9-37.11 et seq.) and regulations of the board.

"Physical therapy" and "physical therapy practice" mean the identification of physical impairment, movement-related functional limitation, or balance disorder that occurs as a result of injury or congenital or acquired disability, or other physical dysfunction through examination, evaluation and diagnosis of the physical impairment or movement-related functional limitation and the establishment of a prognosis for the resolution or amelioration thereof, and treatment of the physical impairment or movement-related functional limitation, which shall include, but is not limited to, the alleviation of pain, physical impairment and movement-related functional limitation by therapeutic intervention, including treatment by means of manual therapy techniques and massage, electro-therapeutic modalities, wound debridement and care, the use of physical agents, mechanical modalities, hydrotherapy, therapeutic exercises with or without assistive devices, neurodevelopmental procedures, joint mobilization, movement-related functional training in self-care, providing assistance in community and work integration or reintegration, providing training in techniques for the prevention of injury, impairment, movement-related functional limitation, or dysfunction, providing consultative, educational, other advisory services, and collaboration with other health care providers in connection with patient care, and such other treatments and functions as may be further defined by the board by regulation.

"Physical therapy" and "physical therapy practice" also include the 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 exclusively related to physical therapy practice.

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

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

C.45:9-37.18 Duties of board.

8. a. The board shall:

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

(2) Establish procedures for application for licensure;

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

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

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

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

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

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

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

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

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

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

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

(14) Within 180 days of the effective date of P.L.2003, c.18, establish standards in accordance with the provisions of section 22 of P.L.2003, c.18 (C.45:9-37.34c), in collaboration with the State Board of Medical Examiners and other appropriate professional licensing boards established pursuant to Title 45 of the Revised Statutes, setting forth the conditions under which a physical therapist is required to refer an individual being treated by a physical therapist to or consult with a practitioner licensed to practice dentistry, podiatry or medicine and surgery in this State, or other appropriate licensed health care professional. Pending adoption of the standards: (a) a physical therapist shall refer any individual who has failed to demonstrate reasonable progress within 30 days of the date of initial treatment to a licensed health care professional; and (b) a physical therapist, not more than 30 days from the date of initial treatment of functional limitation or pain, shall consult with the individual's licensed health care professional of record as to the appropriateness of the treatment, or, in

the event that there is no identified licensed health care professional of record, recommend that the individual consult with a licensed health care professional of the individual's choice;

(15) Establish mechanisms to assure that the public has access to physical therapists' services, and report back to the Senate Health, Human Services and Senior Citizens and Assembly Regulated Professions Committees, or their successors, regarding this access; and

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

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

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

C.45:9-37.19 License required to practice, assist at physical therapy; exceptions.

9. No person shall practice physical therapy or act as a physical therapist or physical therapist assistant, whether or not compensation is received or expected, unless the person holds a valid license to practice in this State; however, nothing in this section shall be construed to:

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

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

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

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

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

f. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States or credentialed to practice physical therapy in another country, from teaching, demonstrating or providing physical therapy services in connection with teaching or participating in an educational seminar for no more than 30 days in a calendar year;

g. Prohibit an individual who is licensed as a physical therapist in a jurisdiction of the United States or credentialed in another country from performing physical therapy or acting as a physical therapist assistant, if that individual by contract or employment is providing

physical therapy to patients affiliated with or employed by established athletic teams, athletic organizations or performing arts companies temporarily practicing, competing or performing in the State for no more than 30 days in a calendar year;

h. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States from entering this State to provide physical therapy during a declared local, State or national disaster or emergency, including a public health emergency declared by the Governor pursuant to the “Emergency Health Powers Act, P.L.2005, c.222 (C.26:13-1 et seq.). This exemption applies for no longer than 30 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice;

i. Prohibit an individual who is licensed as a physical therapist in another jurisdiction of the United States who is forced to leave his residence or place of employment due to a declared local, State or national disaster or emergency and due to such displacement seeks to practice physical therapy. This exemption applies for no more than 30 days following the declaration of the emergency. In order to be eligible for this exemption the physical therapist shall notify the board of his intent to practice; or

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

k. Nothing in this section shall be construed to prohibit an individual who is licensed to practice medicine and surgery in this State from rendering a utilization management decision that limits, restricts or curtails a course of physical therapy care.

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

C.45:9-37.20 Supervision of physical therapist assistants; guidelines.

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

b. A licensed physical therapist assistant may initiate patient physical therapy treatment consistent with the role of a physical therapist assistant, as defined by the board or otherwise provided in P.L.1983, c.296 (C.45:9-37.11 et seq.) or P.L.2003, c.18 (C.45:9-37.34b et al.), only at the discretion of, and under the direct or general supervision of, a licensed physical therapist, as specified in P.L.2017, c.121 (C.45:9-37.34g et al.). A licensed physical therapist shall make an onsite visit and actively participate in the treatment of the patient at least every six patient visits or every 14 days, whichever occurs first.

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

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

(2) There shall be regularly scheduled and documented conferences or communications between the physical therapist and the physical therapist assistant regarding patients, the frequency of which is determined by the needs of the patient and the needs of the physical therapist assistant.

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

d. Within 180 days following the enactment of P.L.2017, c.121 (C.45:9-37.34g et al.), the board shall establish guidelines concerning the general supervision of physical therapist assistants, including, but not limited to:

(1) On-site review of the plan of care with appropriate revision or termination, completed during a regular physical therapist visit; and

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

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

C.45:9-37.25 Written examinations.

15. The written examination provided for in sections 12 and 13 of P.L.1983, c.296 (C.45:9-37.22 and C.45:9-37.23) and section 21 of P.L.2003, c.18 (C.45:9-37.34b) shall test the applicant's knowledge of basic and clinical sciences as they relate to physical therapy and physical therapy theory and procedures and any other subjects the board may deem useful to test the applicant's fitness to practice physical therapy or act as a physical therapist assistant. Examinations shall be held within the State at a time and place to be determined by the board. The board shall give adequate written notice of the examination to applicants for licensure and examination.

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

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

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

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

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

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

C.45:9-37.27 Issuance of license.

17. The board shall issue a license to each applicant for licensure as a physical therapist or physical therapist assistant who, in the judgment of the board, qualifies for licensure pursuant to P.L.1983, c.296 (C.45:9-37.11 et seq.) and P.L.2003, c.18 (C.45:9-37.34b et al.).

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

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

b. “INFORMATION ON PROFESSIONAL FEES IS AVAILABLE TO YOU ON REQUEST.”

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

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

C.45:9-37.30 Use of certain titles, designations restricted.

20. No person, business entity or its employees, agents or representatives shall place an advertisement that uses or otherwise use the titles "physical therapist," "physiotherapist," "registered physical therapist," "licensed physical therapist," "physical therapist assistant," "registered physical therapist assistant," "licensed physical therapist assistant," "student physical therapist," "physical therapy assistant," "student physical therapist assistant," or the abbreviations "PT," "DPT," "RPT," "LPT," "PTA," "RPTA," "LPTA," "SPT," "SPTA," or the terms "physical therapy," or "physiotherapy," or any other title, designation, words, letters, abbreviations, or insignia indicating the practice of physical therapy unless licensed to practice as a physical therapist or physical therapist assistant under the provision of P.L.1983, c.296 (C.45:9-37.11 et seq.).

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

C.45:9-37.34d Information provided by applicant.

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

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

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

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

C.45:9-37.34f Continuing professional education and competency requirements.

25. The board shall establish continuing professional education and competency requirements for physical therapists and physical therapist assistants, which requirements shall be a condition of retaining licensure. As used in this section, "continuing professional education and competency" means the lifelong process of maintaining and documenting the application of knowledge, skills and behaviors required to function effectively, safely,

ethically and legally, through ongoing self-assessment, development, and implementation of a personal learning plan and subsequent reassessment. The board shall:

- a. Approve only such continuing professional education and competency programs as are available to all physical therapists and physical therapist assistants in this State on a nondiscriminatory basis;
- b. Establish standards for continuing professional education and competency programs;
- c. Accredit educational programs offering credits towards the continuing professional education and competency requirements; and
- d. Establish the number of credits of continuing professional education and competency required of each applicant for license renewal. Each credit shall represent or be equivalent to one hour of actual course attendance, or in the case of those electing an alternative method of satisfying the requirements of P.L.2003, c.18 (C.45:9-37.34b et al.), shall be approved by the board and certified pursuant to procedures established for that purpose.

C.45:9-37.34g Unauthorized practice, crime of third degree.

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

- 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.

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

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

Approved July 21, 2017.