

**CHAPTER 39A**

**STATE BOARD OF PHYSICAL THERAPY**

**Authority**

N.J.S.A. 45:9-37.18 and 45:1-3.2.

**Source and Effective Date**

R.1996 d.325, effective June 20, 1996.  
See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 39A, State Board of Physical Therapy, expires on June 20, 2001.

**Chapter Historical Note**

Subchapters 1 through 5 of Chapter 39A, State Board of Physical Therapy, became effective July 7, 1986 as R.1986 d.265, d.266, d.267, d.268 and d.270. See: 17 N.J.R. 2355(a), 18 N.J.R. 1394(b); 17 N.J.R. 2356(a), 18 N.J.R. 1395(a); 17 N.J.R. 2358(a), 18 N.J.R. 1397(a); 17 N.J.R. 2361(a), 18 N.J.R. 1399(a); 17 N.J.R. 2362(a), 18 N.J.R. 1399(b). Subchapter 6, Temporary Licenses for Physical Therapists, became effective February 2, 1987 as R.1987 d.83. See: 18 N.J.R. 1179(b), 19 N.J.R. 298(a).

Pursuant to Executive Order No. 66, Chapter 39A was readopted as R.1991 d.366, effective June 21, 1991. See: 23 N.J.R. 1065(a), 23 N.J.R. 2162(a).

Pursuant to Executive Order No. 66, Chapter 39A was readopted as R.1996 d.325, effective June 20, 1996. See: Source and Effective Date. As part of R.1996 d.325, Subchapter 7, Supervision of Physical Therapist Assistants; Subchapter 7A, Supervision of Temporary Licensed Physical Therapists and Physical Therapist Assistants; Subchapter 7B, Reserved; and Subchapter 8, Advertising, were adopted as new rules effective July 15, 1996. See, also, section annotations.

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SUBCHAPTER 1. AGENCY ORGANIZATION AND ADMINISTRATION

13:39A-1.1 Election of officers

The membership of the New Jersey Board of Physical Therapy shall once each year elect a chairman, vice chairman and a secretary. The chairman shall have the responsibility to conduct all meetings unless, in his or her discretion, a delegation of that responsibility is made. In the absence of the chairman and an express delegation of responsibility, the vice chairman shall assume all of the duties of chairman.

13:39A-1.2 Delegation of authority to act on emergent applications

The chairman shall be authorized to hear and decide emergent applications by the Attorney General made pursuant to N.J.S.A. 45:1-22 for the temporary suspension of any license. The chairman may also undertake such other interim action as may be required by circumstances arising prior to the next meeting date of the Board, provided that said action is subsequently presented to the Board for its review and action (for example, giving tentative approval to the settlement of a matter about to be heard or during the pendency of a hearing at the Office of Administrative Law.) Any decision made by the chairman pursuant to this rule shall be placed on the agenda of the Board at its next regularly scheduled meeting for the purpose of its review. Insofar as it is practicable, the Board shall be provided with a transcript of the record made before the chairman and the parties will be permitted to supplement the record with written submissions.

13:39A-1.3 Fees and charges

(a) The following fees shall be charged by the New Jersey State Board of Physical Therapy:

1. Application fee for Physical Therapist and Physical Therapist Assistant . . . . . \$125.00
2. Temporary license for Physical Therapist and Physical Therapist Assistant . . . . . \$ 75.00
3. Initial licensure fee, Physical Therapist:
  - If paid during first year of biennial renewal period: . . . . . \$110.00
  - If paid during second year of biennial renewal period: . . . . . \$ 55.00
- Initial licensure fee, Physical Therapist Assistant:
  - If paid during first year of biennial renewal period: . . . . . \$100.00
  - If paid during second year of biennial renewal period: . . . . . \$ 50.00
4. Biennial renewal fee:
  - Physical Therapist . . . . . \$110.00
  - Physical Therapist Assistant . . . . . \$100.00
5. Late renewal fee: . . . . . \$100.00
6. Reinstatement fee . . . . . \$150.00
7. Temporary visiting license pursuant to N.J.S.A. 45:9-37.29(b) to practice on a temporary basis to assist in a medical emergency or to engage in a special project or teaching assignment . . . . . \$100.00

8. Duplicate license . . . . . \$ 25.00
9. Duplicate wall certificate . . . . . \$ 40.00
10. Certification of eligibility for examination (for persons not yet seeking the issuance of a temporary license) . . . . . \$ 25.00
11. Certification of licensure status . . . . . \$ 40.00
12. Change of address fee . . . . . \$ 25.00

New Rule, R.1987 d.238, effective June 1, 1987.  
 See: 18 N.J.R. 1177(a), 19 N.J.R. 986(b).  
 Amended by R.1991 d.240, effective May 6, 1991.  
 See: 23 N.J.R. 388(a), 23 N.J.R. 1418(c).  
 Increase in fee or charge in 1 through 6 of (a).  
 Amended by R.1994 d.101, effective February 22, 1994.  
 See: 25 N.J.R. 5446(a), 26 N.J.R. 1105(b).  
 Recodified from 13:39A-1.4 and amended by R.1996 d.325, effective July 15, 1996.  
 See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).  
 Former section, "Examination review procedure", repealed.

13:39A-1.4 (Reserved)

Recodified to 13:39A-1.3 and amended by R.1996 d.325, effective July 15, 1996.  
 See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).  
 Section was "Fees and charges".

SUBCHAPTER 2. PRACTICE AS A PHYSICAL THERAPIST AND PHYSICAL THERAPIST ASSISTANT

13:39A-2.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Direct supervision", when in reference to physical therapist assistant, means the presence of the supervising physical therapist on site, readily available to respond to an emergency during any treatment procedure.

"Physical therapy evaluation" includes taking a patient's relevant history, hands-on evaluation or assessment of objective symptoms and using tests and measures to assist the physical therapist in evaluating the patient's objective signs and symptoms. Such tests include, but are not limited to, tests to assess postural alignment; joint mobility and function; muscle and nerve function, including electrophysiologic status; movement skill; gait; necessity for assistive devices; the fit and fabrication of orthoses and prostheses; cardiopulmonary status; sensory and motor function, including related pain and tenderness; performance of activities required in daily living; and functional capacity. Physical therapy evaluation does not include examining any person for the purpose of diagnosing any disease or organic condition. Nothing herein is intended to preclude a physical therapist from conducting an evaluation within the scope of his practice, consistent with his education credentials or taking a history which is designed to ascertain if contraindications to therapy may be present and thus the referral to a plenary licensed physician is warranted.

“Physical therapy instruction” includes providing consultative, educational or other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction or pain from injury, disease or other physical condition or providing information to patients or groups of interested persons regarding the value of physical therapy agents and measures in general or regarding specific physical conditions. Physical therapy instruction shall not be construed to include physical therapy treatment. To the extent that instruction may involve any hands-on contact between the physical therapist and the person receiving physical therapy instruction, that contact shall be for demonstration purposes only.

“Physical therapy practice” includes physical therapy evaluation and physical therapy treatment and instruction.

“Physical therapy treatment” includes administering physical therapy measures, activities, agents or devices, including, but not limited to, postural correction; joint mobilization; range of motion exercise; muscle and soft tissue stretching; muscle strengthening exercise; balance and coordination exercises; massage techniques; pre and post-natal exercises; growth and development programs; biofeedback techniques; perceptual training; electrophysiologic tests and modalities; cardiopulmonary care; gait training; wound care; hydrotherapy and paraffin bath when used for preventative and therapeutic purposes to correct or limit physical disorders or dysfunctions.

“Physician direction” includes any of the following:

1. Written prescription of a plenary licensed physician, or a dentist or a podiatrist, to the extent that the treatment prescribed is within the scope of his or her practice, or such other health care; practitioner authorized to prescribe treatment;
2. Documentation of physician clearance for the patient for treatment which may include a countersigning of the physical therapist’s proposed plan of treatment;
3. Verbal prescription, in person or via telephone, which shall be memorialized by the prescriber in writing within two weeks. But, in no case, will physician direction be construed to have been provided on the basis of a patient’s representation that he or she has obtained a physician’s clearance.

Amended by R.1996 d.325, effective July 15, 1996.  
See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).

#### Case Notes

Regulation allowing physical therapists to practice within statutory authority not invalid. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Physical therapists may examine patients without physician referral. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Within statutory guidelines, physical therapists may modify modality of physician prescribed treatment. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Physical therapists may give physical therapy instruction to groups, within statutory guidelines. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Regulation regarding certain physical therapist activities exceeded statutory authority. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 229 N.J. Super. 128, 550 A.2d 1272 (A.D.1988) certification granted 117 N.J. 46, 563 A.2d 815, reversed 120 N.J. 18, 575 A.2d 1348.

#### 13:39A-2.2 Authorized practice by a licensed physical therapist

(a) A licensed physical therapist may engage in the following activities and practices without physician direction:

1. Physical therapy evaluation, excluding electromyographic testing;
2. Physical therapy instruction;
3. Modification of physical therapy treatment previously initiated upon physician direction provided that the modification is consistent with that physician direction (for example, the physical therapist, in the exercise of his or her discretion, may determine to utilize a variety of modalities to effectuate the direction given by the physician). If the physical therapist wishes to alter a therapeutic plan in a manner not consistent with the initial physician direction, contact must be made with the patient’s physician for the purpose of obtaining additional direction.

(b) The following acts and practices shall be among those deemed to be outside the scope of physical therapy and upon proof that a licensee is engaging in such conduct he or she may be subject to disciplinary action:

1. The conducting of a breast examination;
2. The conducting of a pelvic internal examination, except internal evaluation of the pelvic floor musculature, upon specific direction from the referring licensed health care provider;
3. The taking of radiological studies; or
4. The representation of physical therapy treatment to be a cure or remedy for disease or organic condition unrelated to physical disability for which physical therapy services have been sought.

New Rule, R.1987 d.256, effective July 6, 1987.  
See: 18 N.J.R. 1177(b), 19 N.J.R. 1227(c).  
Amended by R.1996 d.325, effective July 15, 1996.  
See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).

#### Case Notes

Regulation allowing physical therapists to practice physical therapy within statutory authority was valid. *Medical Soc. of New Jersey v.*

New Jersey Dept. of Law and Public Safety, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Regulation allowing physical therapists to examine patients did not exceed statutory authority. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Rule not exceeding statutory authority was valid. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Group instruction rule did not exceed statutory authority. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 120 N.J. 18, 575 A.2d 1348 (1990).

Regulations exceeding statutory authority were invalid. *Medical Soc. of New Jersey v. New Jersey Dept. of Law and Public Safety*, Div. of Consumer Affairs, 229 N.J.Super. 128, 550 A.2d 1272 (A.D.1988), certification granted 117 N.J. 46, 563 A.2d 815, reversed 120 N.J. 18, 575 A.2d 1348.

### 13:39A-2.3 Authorized practice by a licensed physical therapist assistant

(a) A licensed physical therapist assistant may initiate patient physical therapy treatment and engage in the practice of physical therapy at the direction of and under the direct supervision of a licensed physical therapist pursuant to a physician direction given to the physical therapist. A licensed physical therapist assistant may not initiate physical therapy treatment upon the direction of a physician or other authorized health care provider without the direct supervision of a physical therapist.

(b) A licensed physical therapist assistant must document treatments given, but such documentation does not relieve the supervising physical therapist from the responsibility of reviewing entries and documenting the initial evaluation, countersigning monthly progress notes and documenting discharge summaries.

(c) A licensed physical therapist assistant may not perform a physical therapy examination, develop a treatment plan, modify a treatment plan, or engage in physical therapy instruction, including, but not limited to, the recommendation of assistive devices and modifications of the patient's physical environment.

### 13:39A-2.4 Delegation by a physical therapist to unlicensed persons

(a) Activities which may be delegated to unlicensed persons by physical therapists include routine tasks relating to the cleanliness and maintenance of equipment and the physical plant and the management of the business aspects of the practice and such other assignments with respect to patient care as may be specifically made by the physical therapist, including patient transport, positioning of the patient and undressing and dressing.

(b) A physical therapist shall not authorize or permit an unlicensed person to engage in the following activities:

1. Advise, teach, or instruct patients concerning their condition or disability;

2. Carry out testing or evaluation procedures;
3. Make notations on a patient's permanent record;
4. Attach electrodes of any kind of the skin;
5. Administer any of the following modalities, or such other modalities as the Board may from time to time recognize, in light of developing technology;
  - i. Ultraviolet rays;
  - ii. Ultrasound;
  - iii. Electromagnetic ray;
  - iv. Laser;
  - v. Diathermy;
6. Vary exercise equipment parameters without direct licensed physical therapist supervision;
7. Provide therapeutic massage;
8. Assist in administering physical agents to a patient who has not had a direct initial evaluation by a licensed physical therapist.

Amended by R.1996 d.325, effective July 15, 1996.  
See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).

### 13:39A-2.5 Referral of patients by chiropractors

(a) Except as set forth in (b) below, a physical therapist shall not initiate physical therapy treatment unless the physical therapist has received the following information from the referring chiropractor in writing:

1. The name of the patient;
2. The printed name of the referring chiropractor, including office address and phone number;
3. The signature of the chiropractor and the date;
4. The purpose of referral (for example, "physical therapy examination and treatment"); and
5. The spinal component of the patient's problem.

(b) A physical therapist may initiate physical therapy treatment based on verbally supplied information provided that the physical therapist ensures that such information is confirmed in written form within two weeks.

(c) After completing the physical therapy examination and evaluation, the physical therapist shall consult with the referring chiropractor. This consultation shall:

1. Clarify any divergent assessments that the referring chiropractor and physical therapist may have made regarding the patient's needs;
2. Coordinate treatment programs in the event that the patient receives concurrent chiropractic and physical therapy. Any such concurrent treatment programs shall be compatible; and