

New Rule, R.1987 d.84, effective February 2, 1987.

See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Rewrote the section.

New Rule, R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Former N.J.A.C. 13:39A-5.3, Educational credentials for applicants for licensure as physical therapists assistants, repealed.

Recodified from N.J.A.C. 13:39A-5.3 and amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (a)4 and (a)5, substituted "therapist assistants" for "therapists"; and in (a)6, updated N.J.A.C. reference. Former N.J.A.C. 13:39A-5.2, Examination standards for applicants for licensure as physical therapists and physical therapist assistants, recodified to N.J.A.C. 13:39A-5.3.

### **13:39A-5.3 Examination standards for applicants for licensure as physical therapists and physical therapist assistants**

(a) Applicants for licensure as physical therapists and physical therapist assistants submitting satisfactory proof of educational credentials as set forth in N.J.A.C. 13:39A-5.1 and 5.2, respectively, shall be approved to take the National Physical Therapy Examination or the National Physical Therapist Assistant Examination, as applicable, administered by the Federation of State Boards of Physical Therapy and the State jurisprudence examination.

(b) Upon satisfactory passage of the National Physical Therapy Examination or National Physical Therapist Assistant Examination and the State jurisprudence examination, an applicant shall be deemed eligible for licensure provided the applicant meets all other requirements for licensure.

(c) Passing examination scores shall be as follows:

1. National Physical Therapy Examination and National Physical Therapist Assistant Examination: 600 based on a scale of 200 to 800.

2. State jurisprudence examination: 80.

(d) An applicant who does not pass the National Physical Therapy Examination or National Physical Therapist Assistant Examination within two years from the date of taking the initial examination shall update his or her application for licensure filed with the Board.

New Rule, R.1987 d.84, effective February 2, 1987.

See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

Amended by R.1994 d.87, effective February 22, 1994.

See: 25 N.J.R. 5447(a), 26 N.J.R. 1105(a).

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Rewrote the section.

New Rule, R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Former N.J.A.C. 13:39A-5.2, Examination standards for applicants for licensure as physical therapists, repealed.

Recodified from N.J.A.C. 13:39A-5.2 and amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (a), updated N.J.A.C. reference. Former N.J.A.C. 13:39A-5.3, Licensing requirements for a physical therapist assistant, recodified to N.J.A.C. 13:39A-5.2.

### **13:39A-5.4 (Reserved)**

Repealed by R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Section was "Examination standards for applicants for licensure as physical therapist assistants."

### **13:39A-5.5 Endorsement**

Applicants possessing a valid license issued by another state may be deemed eligible for licensure in New Jersey without examination if the criteria for licensure in the other state are deemed by the Board to be substantially equivalent to those required in New Jersey and the applicant has not previously failed the examination administered by the Board. Nothing herein shall preclude the Board, in its discretion, from deeming an applicant, who possesses a license issued by another jurisdiction, who has failed the examination administered by the Board, to be eligible for licensure.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Substituted "the other" for "that" preceding "state are deemed".

### **13:39A-5.6 Recognition of scores on standardized examinations administered in other states**

The Board will recognize standardized examination scores obtained as a result of an examination administered in another state or jurisdiction in satisfaction of its examination requirement provided that the applicant has obtained a score of at least 600 on a scale of 200 to 800 and has passed all portions of the examination at the same sitting.

New Rule, R.1987 d.84, effective February 2, 1987.

See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

Amended by R.1994 d.87, effective February 22, 1994.

See: 25 N.J.R. 5447(a), 26 N.J.R. 1105(a).

### **13:39A-5.7 Language comprehension requirements**

(a) An applicant for licensure as a physical therapist or a physical therapist assistant who has received his or her physical therapy training in a country other than the United States of America, the United Kingdom, the Republic of Ireland, Canada except Quebec Province, Australia, or New Zealand shall submit to the Board evidence of attainment of a passing score on the Test of English as a Foreign Language (TOEFL) examination or Test of English as a Foreign Language Internet Based Test (TOEFL IBT) examination, which test shall have been taken within the two years immediately preceding the filing of the application for licensure in New Jersey.

(b) A passing score on the TOEFL examination shall be a score of at least 220. A passing score on the TOEFL IBT examination shall be a score of at least 24 on the writing portion, at least 26 on the speaking portion, at least 18 on the listening portion and at least 21 on the reading portion.

(c) The TOEFL examination score shall be submitted with the application for licensure.

New Rule, R.1987 d.84, effective February 2, 1987.  
 See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).  
 Amended by R.1990 d.240, effective May 21, 1990.  
 See: 21 N.J.R. 3856(a), 22 N.J.R. 1616(a).

Revised rule to include specific countries where training has been received.

Changed score requirement on TOEFL test from 600 to 550.

Revised text to require an applicant to submit proof of test score results simultaneously with an application for licensure.  
 Amended by R.1996 d.325, effective July 15, 1996.

See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b).

Added Jamaica, Nigeria, and Ghana.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Added designations; in (a), substituted "An" for "Any", substituted "213" for "550" and inserted "in New Jersey" following "for licensure"; in (b), substituted "The TOEFL examination score shall" for "Such evidence must"; in (c), substituted "The TOEFL" for "This", inserted "in (a)" following "those listed", substituted "request" for "application" and deleted "demonstrating" preceding "which demonstrates".

Amended by R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

In (a), deleted ", Jamaica, Nigeria, and Ghana" following "New Zealand" and increased attainable score from 213 to 220.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (a), substituted "passing score" for "score of at least 220" and inserted "or Test of English as a Foreign Language Internet Based Test (TOEFL IBT) examination"; added new (b); recodified former (b) as (c); and deleted former (c).

### 13:39A-5.8 Re-examination of applicants for licensure as physical therapists and physical therapist assistants

An examinee who fails the examination on the first attempt, may retake the examination without filing another application, provided the examinee is rescheduled for the examination within two years of the initial date of application. If any examinee fails the examination on the second attempt, in the Board's discretion, the examinee may be required to re-submit an application before being rescheduled for another examination.

New Rule, R.1987 d.84, effective February 2, 1987.

See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Rewrote section.

### 13:39A-5.9 Non-appearance at examination

Failure to appear at any scheduled examination shall be deemed a failure of the examination unless, in the Board's discretion, good cause such as health, accident, disability or military service has been shown for the applicant's failure to appear.

New Rule, R.1987 d.84, effective February 2, 1987.

See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Rewrote the section.

## SUBCHAPTER 5A. LICENSE RENEWAL

### 13:39A-5A.1 Biennial license renewal; inactive status

(a) All licenses issued by the Board shall be issued for a biennial renewal period. A licensee who seeks renewal of the license shall submit a license renewal application and the license renewal fee set forth in N.J.A.C. 13:39A-1.3 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) Renewal applications shall provide the applicant with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:39A-1.3 and shall not engage in the practice of physical therapy during the period of inactive status.

(d) If the licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:39A-1.3. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(e) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

### 13:39A-5A.2 Change of licensure status: inactive to active

(a) A licensee, upon application to the Board, may change from inactive to active status upon payment of the renewal fee as set forth in N.J.A.C. 13:39A-1.3.

(b) A person who seeks to reactivate his or her license shall complete 30 credits of continuing education per biennial renewal period that the licensee has been on inactive status up to a maximum of 60 credits. Of the continuing education required under this subsection, 30 credits must be taken within two years immediately preceding reactivation and the remainder must be taken within four years immediately preceding reactivation.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (b), deleted "professional" preceding "education" twice.

### 13:39A-5A.3 Reinstatement of suspended license

(a) An individual whose license has been automatically suspended for failure to renew pursuant to N.J.A.C. 13:39A-5A.1(d) may be reinstated by the Board, provided the appli-

cant otherwise qualifies for licensure pursuant to N.J.A.C. 13:39A-5 and submits a completed reinstatement application and one of the following to the Board:

1. Certification of licensure or certification in good standing from any other state or jurisdiction in which the applicant has practiced physical therapy during the period the license was suspended in this State;
2. Certification by the applicant stating that he or she has practiced physical therapy in a state or jurisdiction which does not require licensure, during the period the license was suspended in this State; or
3. Certification stating that the applicant has not practiced physical therapy, in this or any other jurisdiction during the period the license was suspended in this State.

(b) An individual who has practiced physical therapy in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Board, from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey license was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An individual whose license has been automatically suspended for failure to renew pursuant to N.J.A.C. 13:39A-5A.1(d) shall complete 30 credits of continuing education per biennial renewal period that the licensee has been suspended up to a maximum of 60 credits. Of the continuing education required under this subsection, 30 credits must be taken within two years immediately preceding reinstatement and the remainder must be taken within four years immediately preceding reinstatement.

(d) An individual whose license has been automatically suspended for failure to renew pursuant to N.J.A.C. 13:39A-5A.1(d) for a period of five or more years shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:39A-5.3.

(e) Prior to reinstatement, an applicant shall pay a reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:39A-1.3.

Amended by R.2007 d.21, effective January 16, 2007.  
See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (c), deleted "professional" preceding "education" twice; and in (d), updated N.J.A.C. reference.

## SUBCHAPTER 6. TEMPORARY LICENSES FOR VISITING PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS

### 13:39A-6.1 Temporary visiting licensed physical therapists and temporary visiting licensed physical therapist assistants

(a) Any person having made application to the Board pursuant to N.J.S.A. 45:9-37.29(b) for the issuance of a

temporary license to practice as a physical therapist or physical therapist assistant in this State on a temporary basis to assist in a medical emergency or to engage in a special project or teaching assignment relating to the practice of physical therapy, may be issued a temporary visiting license without examination, which shall remain valid for a period not to exceed one year, provided that said person can demonstrate to the Board that he or she is licensed, registered or otherwise authorized to engage in the practice of physical therapy in another state or jurisdiction and that permitting his or her practice in this State would not be inconsistent with the public interest.

(b) A temporary visiting license, upon its expiration, may be renewed, at the discretion of the Board, for an additional year. Any holder of a temporary visiting license shall advise the Board if his or her authority to engage in the practice of physical therapy is revoked, suspended or otherwise limited by any state, agency or authority.

Recodified from 13:39A-6.5 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, "Failure to appear at a scheduled second examination", repealed.

Recodified from N.J.A.C. 13:39A-6.4 and amended by R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Section was "Temporary visiting licenses"; rewrote the section. Former N.J.A.C. 13:39A-6.1, Temporary license, repealed.

### 13:39A-6.2 Responsibilities of a temporary visiting licensed physical therapist assistant

(a) A temporary visiting licensed physical therapist assistant shall not render care unless the temporary visiting license holder receives direct supervision from his or her designated supervising licensed physical therapist.

(b) A temporary visiting licensed physical therapist assistant shall obtain the signature of the supervising licensed physical therapist indicating that the supervising licensed physical therapist reviewed the plan of care with the temporary visiting licensed physical therapist assistant and the date when that review took place. The supervising licensed physical therapist's signature in the patient record shall serve as evidence that the plan of care has been reviewed with the temporary visiting licensed physical therapist assistant by the supervising licensed physical therapist.

(c) At least once every 30 days after the initial review of a new or revised plan of care with the supervising licensed physical therapist, the temporary visiting licensed physical therapist assistant shall document in the patient record that the patient's progress and plan of care has been reviewed with the supervising licensed physical therapist, including the dates when those reviews took place. Such documentation may be incorporated into progress notes or treatment notes written by the supervising licensed physical therapist and the temporary visiting licensed physical therapist assistant and does not require separate or additional notes.

New Rule, R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Former N.J.A.C. 13:39A-6.2, "Expiration of temporary license", repealed.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Inserted "licensed" throughout.

### 13:39A-6.3 (Reserved)

Repealed by R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Section was "Renewal; consequences of second failure; notice of examination in another jurisdiction."

### 13:39A-6.4 (Reserved)

Recodified as N.J.A.C. 13:39A-6.1 and amended by R.2006 d.42, effective January 17, 2006.

See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Section was "Temporary visiting licenses".

## SUBCHAPTER 7. SUPERVISION OF LICENSED PHYSICAL THERAPIST ASSISTANTS

### 13:39A-7.1 Supervision requirement; licensed physical therapist assistant

(a) A licensed physical therapist assistant shall work only under the direct supervision of a licensed physical therapist pursuant to the provisions of this subchapter.

(b) The maximum licensed physical therapist to licensed physical therapist assistant ratio shall be one licensed physical therapist to two licensed physical therapist assistants at any one time.

(c) The supervising licensed physical therapist shall retain responsibility for the physical therapy care of the patient being treated by the licensed physical therapist assistant. The licensed physical therapist assistant shall be responsible for patient care within the limits of his or her scope of practice.

(d) In the event of a change of the supervising licensed physical therapist, the subsequent supervisor shall assume responsibility for the ongoing supervision of any licensed physical therapist assistant(s) providing care to the patient and shall become the designated supervisor.

(e) In an emergency situation which causes the unanticipated absence of the supervising licensed physical therapist, a licensed physical therapist assistant may continue to render services to only those patients for which the licensed physical therapist assistant has previously participated in the intervention for established plans of care not to exceed the regularly scheduled operational hours of that particular day.

(f) Every effort shall be made by the licensed physical therapist and/or the licensed physical therapist assistant to obtain direct supervision in the care described in (e) above.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

In (a), inserted "physical" following "maximum" and substituted "to physical therapist" for "/" preceding "assistant ratio"; rewrote (e); added (f).

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Supervision requirement; physical therapist assistant". Inserted "licensed" throughout.

### 13:39A-7.2 Responsibilities of designated licensed physical therapist supervisor

(a) The licensed physical therapist supervisor shall be in the same building or, where physical therapy is rendered in several contiguous buildings, in one of the contiguous buildings, while the licensed physical therapist assistant is rendering care. The licensed physical therapist supervisor shall be constantly available through electronic communications for consultation or for recall to the area where the licensed physical therapist assistant is rendering care.

(b) The supervising licensed physical therapist's professional judgment shall ultimately determine the safe provision of physical therapy services being rendered by the licensed physical therapist assistant(s).

(c) The supervising licensed physical therapist shall cosign the licensed physical therapist assistant's notes contemporaneously with the services rendered.

(d) The supervising licensed physical therapist shall review the plan of care with the licensed physical therapist assistant:

1. Before a licensed physical therapist assistant provides care to a patient for the first time;
2. Before the licensed physical therapist assistant implements a new or revised plan of care; and
3. On or before the patient's next visit in the event of a change in the designated supervisor.

(e) At least once every 30 days after initial review of a new or revised plan of care with the licensed physical therapist assistant, the supervising licensed physical therapist shall document in the patient record that he or she has reviewed the patient's progress and plan of care with the assistant, including the dates when those reviews took place. Such documentation may be incorporated into progress notes written by the licensed physical therapist and the licensed physical therapist assistant and need not require separate or additional notes.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

In (a), inserted "physical therapist" preceding "supervisor" throughout, deleted "immediate" following "recall to the" and inserted "where the licensed physical therapist assistant is rendering care" following "area"; in (b), deleted "at the contiguous buildings"; in (d), deleted "as follows" in the introductory paragraph and deleted "specific" in 1; in (e), inserted "licensed physical therapist" following "revised plan of care with the".

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Responsibilities of designated physical therapist supervisor". Inserted "licensed" throughout.

**13:39A-7.3 Responsibilities of licensed physical therapist assistant**

(a) A licensed physical therapist assistant shall not render nor continue to render care unless he or she has obtained ongoing direction from his or her designated supervisor.

(b) A licensed physical therapist assistant shall obtain the signature of the designated licensed physical therapist supervisor indicating that the designated supervisor reviewed the plan of care and the date when that review took place. The supervising licensed physical therapist's signature in the record shall serve as evidence that the plan of care has been reviewed by the supervising licensed physical therapist.

(c) At least once every 30 days after the initial review of a new or revised plan of care with the supervising licensed physical therapist, the licensed physical therapist assistant shall document in the patient record that the patient's progress and plan of care were reviewed with the supervising licensed physical therapist including the dates when those reviews took place. Such documentation may be incorporated into progress notes or treatment notes written by the licensed physical therapist and the licensed physical therapist assistant and need not require separate or additional notes.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

In (b), inserted "physical therapist" preceding "supervisor indicating"; in (c), inserted "or treatment notes" following "progress notes".

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Responsibilities of physical therapist assistant". Inserted "licensed" throughout.

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SUBCHAPTER 7A. (RESERVED)

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SUBCHAPTER 7B. (RESERVED)

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SUBCHAPTER 8. ADVERTISING

**13:39A-8.1 Advertising and solicitation practices**

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

1. The term "advertisement" means any attempt directly or indirectly by publication, dissemination, or circulation in print or electronic media which directly or indirectly induces or attempts to induce any person or entity to purchase or enter into an agreement to purchase services, treatment, or goods related thereto from a Board licensee.

2. "Board licensee" means any individual holding a valid license issued by the New Jersey Board of Physical Therapy.

3. The term "clinical specialist" means a licensed physical therapist who has demonstrated advanced clinical knowledge and skills by successfully completing an American Board of Physical Therapy Specialties (ABPTS) clinical specialist program and has passed a written examination in one of the physical therapy specialty areas.

4. The term "electronic media" shall include, but not be limited to, radio, television, telephone, facsimile machine, or computer.

5. The term "fee schedule" refers to the fees charged for services or goods offered by a licensed physical therapist.

6. The term "graphic representation" means the use of drawings, animations, clinical photographs, dramatizations, music or lyrics.

7. The term "print media" shall refer to newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.

8. "Routine professional service" refers to a service which a licensed physical therapist, licensed physical therapist assistant or professional association routinely performs.

(b) A licensee may provide information to the public by advertising in print or electronic media.

(c) A licensee who engages in the use of advertising which contains any of the following shall be deemed to have engaged in professional misconduct:

1. Any statement, claim or format including, but not limited to, a graphic representation which is false, fraudulent, misleading or deceptive;

2. Any misrepresentation of a material fact;

3. The suppression, omission or concealment of any material fact under circumstances which the licensee knows or should have known is improper or prevents a prospective patient from making a full and informed judgment on the basis of the information set forth in the advertisement;

4. Any claim that the service performed or the materials used are superior to that which is ordinarily performed or used in the profession;

5. Any promotion of professional service that the licensee knows or should know is beyond the licensee's ability to perform;

6. A technique or communication which appears to intimidate, exert undue pressure or to unduly influence a prospective patient or consumer;

7. Any personal testimonial attesting to the quality or competence of service or treatment by a licensee involving medical or technical assessments that are beyond the patient's competency to assess, or any testimonial not in compliance with N.J.A.C. 13:39A-8.3;

8. The communication of any fact, data or information that may personally identify a patient without the patient's signed written permission obtained in advance;

9. An offer to pay, give or accept a fee or other consideration to or from a third party for the referral of a patient;

10. Any print, language or format that directly or indirectly obscures a material fact; or

11. Any guarantee of results from any procedure.

(d) Any violations of (e) through (i) below shall be deemed professional misconduct.

(e) The Board may require a licensed physical therapist to substantiate the truthfulness of any assertion or representation set forth in an advertisement.

(f) A licensee shall not engage, either directly or through the use of any agent, employee or representative, in solicitation of a prospective patient or a consumer. This subsection shall not prohibit a licensed physical therapist from offering services through materials provided to a community service organization which makes known the availability of all professional services listed; nor shall it prohibit the offering of services by a licensed physical therapist to any bona fide representative of prospective patients including, but not limited to, employers, labor union representatives or insurance carriers.

(g) Advertising making reference to or setting forth fees shall be limited to that which contains a stated fee schedule for specifically described routine professional services or goods offered by licensees.

1. A licensee who advertises a fee shall disclose all relevant and material variables and considerations that are ordinarily included in such a service so that the fee will be clearly understood by prospective patients or consumers.

2. In the absence of such disclosure referred to in (g)1 above, the stated fees shall be presumed to include everything ordinarily required for such a service. No additional charges shall be made for an advertised service unless the advertisement specifically delineates the additional services contemplated and the fee to be charged therefor.

(h) The time period during which an advertised fee will remain in effect shall be set forth on the face of the advertisement. In the absence of such disclosure, the effective period shall be deemed to be 30 days from the date of the advertisement's final publication.

(i) Any licensed physical therapist advertising certification in a specialty area shall possess certification by American Board of Physical Therapy Specialties.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

In (e), inserted "licensed" following "require a" and deleted the second sentence.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In the introductory paragraph of (a), inserted a comma following "section"; in (a)5 and (a)8, inserted "licensed" three times; and in (i), deleted "or other Board-recognized national certifying body".

### **13:39A-8.2 Advertising free or discounted services; required disclosures**

(a) An advertisement offering a fee reduction shall state the reduced fee and the licensed physical therapist's usual fee for each service for which a reduction is advertised. The usual fee shall be the fee charged for the advertised service for a period of not less than 90 days prior to the advertised reduction.

(b) All offers of free services or discounts shall include a statement of the specific charges for all associated or reasonably anticipated services which are not included in the offer of free or discounted services. If the discount or free service does not apply to all services to be rendered, the advertisement shall specify any associated or reasonably anticipated services which are not included.

(c) Except for those services specifically excluded in the advertisement offering free services, the licensed physical therapist shall not charge for any service whatsoever rendered during a period of 72 hours from the time the free service was rendered.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In (a) and (c), inserted "licensed" twice.

### **13:39A-8.3 Testimonial advertising**

(a) All testimonials involving a specific or identifiable procedure shall truthfully reflect the actual experience of the patient.

(b) The licensee shall be able to substantiate any objective, verifiable statement of fact appearing in a testimonial. The failure to do so, if required by the Board, may be deemed professional misconduct.

(c) Where an advertiser directly or indirectly provides compensation to a testimonial giver, the fact of such compensation shall be conspicuously disclosed in a clear, legible and readable manner in any advertisement as follows: "COMPENSATION HAS BEEN PROVIDED FOR THIS TESTIMONIAL."

**13:39A-8.4 Minimum content**

(a) A licensee shall include the following in all advertisements and professional representations (other than an office entry sign), including advertisements in a classified directory, business cards and professional stationery:

1. The name, identification of licensure and license number of at least one principal of the corporation; and
2. The street address and telephone number of the practice.

**13:39A-8.5 Use of professional credentials and certifications**

(a) A licensee shall accurately and objectively represent his or her competence, education, training and experience.

(b) A licensee shall use the designation "physical therapist" or "physical therapist assistant" or the abbreviation "PT" or "PTA" in conjunction with the use of his or her name and license number. Academic degree designations may be placed after the name and the title.

(c) An advertisement that includes information on professional credentials shall contain the academic degrees attained related to the practice of physical therapy and shall refer only to degrees obtained from accredited academic institutions.

Amended by R.2001 d.239, effective July 16, 2001.

See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

In (b), substituted "placed after" for "interposed between".

**13:39A-8.6 Advertising by a business entity offering physical therapy services**

(a) A licensee who uses or participates in the use of any form of public communication relating to a business entity offering physical therapy services shall include in that communication the name of the person holding an ownership interest in the advertising entity and the professional license held by that person. If the entity is owned by more than four persons, the notice need only include the names of officers in that entity and the licenses they hold.

(b) The responsibility for the form and content of any advertisement offering services or goods by a licensee shall be jointly and severally that of each licensed physical therapist who is a principal, partner or officer of the firm or entity identified in the advertisement.

**13:39A-8.7 Advertising record retention**

(a) The licensee shall retain, for a period of three years from the date of initial publication or dissemination, a copy of every advertisement appearing in print media as well as a video or audio tape of every advertisement communicated by electronic media. The licensee shall indicate on all advertisements in his or her possession the date and place of publication.

(b) Documentation relating to the use of testimonials shall be retained for a period of three years from the date of last use of the testimonial. Documentation shall include, but not be limited to, the name, address and telephone number of the testimonial giver and the type and amount or value of compensation, if any.

**SUBCHAPTER 9. CONTINUING EDUCATION****13:39A-9.1 Licensure renewal: continuing education requirement**

(a) Effective February 1, 2006, a licensee shall complete the continuing education requirement as specified in N.J.A.C. 13:39A-9.2 by January 31, 2008, for the biennial licensure period beginning February 1, 2008.

(b) A licensee applying for biennial licensure renewal shall complete, during the preceding biennial period, the continuing education requirement as specified in N.J.A.C. 13:39A-9.2.

(c) Upon biennial license renewal, a licensee shall attest that he or she has completed the continuing education requirement of the types and number of credits specified in N.J.A.C. 13:39A-9.3. Falsification of any information submitted on the renewal application may require an appearance before the Board and may result in disciplinary action.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Licensure renewal: continuing professional education requirement". In (a), (b) and (c), deleted "professional" preceding "education"; and in (c), substituted "credits" for "hours".

**13:39A-9.2 Credit hour requirements**

(a) Except as provided in (b) below, each applicant for biennial license renewal as a licensed physical therapist and as a licensed physical therapist assistant shall complete during the preceding biennial period a minimum of 30 credits of continuing education, which shall include four credits of jurisprudence and professional ethics.

(b) An applicant for biennial license renewal as a licensed physical therapist or as a licensed physical therapist assistant who receives an initial license in the first year of a biennial period shall complete a minimum of 15 of the 30 required credits of continuing education for that biennial renewal period. An applicant for biennial license renewal as a licensed physical therapist or as a licensed physical therapist assistant who receives an initial license in the second year of a biennial period shall be exempt from completing continuing education credits for that biennial renewal period.

(c) For the purposes of this subchapter, an hour of continuing education means 60 minutes of time spent in learning activities exclusive of breaks, meals or vendor exhibits.

(d) Any continuing education courses, programs or seminars directed or ordered by the Board to be taken by a licensee as all or part of a disciplinary or remedial measure or to remediate a deficiency in continuing education credits for a prior biennial renewal period shall not qualify to fulfill the mandatory continuing education requirements required for biennial renewal.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Rewrote (a); deleted "professional" preceding "education" throughout; in (b), inserted "licensed" four times; and in (c), substituted "an" for "a credit" and "60" for "50".

### 13:39A-9.3 Acceptable course offerings; credit hour calculation

(a) The Board shall grant continuing education credit, at a rate of one credit for each hour of attendance unless otherwise specified in this section, only for courses, programs or seminars that have been successfully completed and have significant educational or practical content which deal with matters related to the practice of physical therapy or with the professional responsibilities or ethical obligations of licensees, such as the following:

1. Patient/client management;
2. Appropriate standard of physical therapy care;
3. Patient safety;
4. Application of new technology to physical therapy practice;
5. Patient communication;
6. Promotion of ethical practices;
7. Knowledge of the changing health care system;
8. Clinical instructor credentialing; and
9. Physical therapy practice management, administration and professional issues.

(b) All courses, programs or seminars offered by the following sources and providers shall be pre-approved, and a licensee shall be allowed the number of credits as follows:

1. Successful completion of a post-graduate course in a physical therapy program leading to a Doctor of Physical Therapy (DPT) degree for the licensed physical therapist or a three-credit course in an entry level physical therapy program for the licensed physical therapist assistant. Such programs must be in institutions of higher learning which are accredited by the United States Department of Education or the Council on Postsecondary Accreditation or their approved agencies: three credits for each course credit awarded; or
2. Successful completion of a course in an academic master's or doctoral program related to the practice of physical therapy provided that such course is not part of the

physical therapy program completed by the licensee to meet the educational requirements for initial licensure under N.J.A.C. 13:39A-5.1: three credits for each course credit awarded.

(c) The Board shall grant a maximum of 10 of the mandatory 30 continuing education credits required in a biennial renewal period of licensed physical therapists and licensed physical therapist assistants from any or all of the following:

1. Successful completion of videotape, audiotape, computer media, Internet, journal, or correspondence courses, programs or seminars: a maximum of 10 credits per course, program or seminar. The course, program or seminar shall include an examination at its end. Credit for correspondence and other individual study courses or programs shall be provided only in the renewal period in which the course is completed with a successful final examination;
2. Successful completion of courses, programs or seminars consisting of hands-on demonstrations of instrumentation when accompanied by didactic lectures: one-half credit for each hour of attendance;
3. Preparation and presentation of a Board-approved continuing professional education course, program or seminar: two credits for each hour of a new presentation up to a maximum of 10 credits. For purposes of this subsection, "new" means a course, program or seminar that the licensee has not taught previously in any educational setting. One credit for each hour of a presentation shall be given for subsequent sessions involving substantially identical subject matter up to a maximum of 10 credits, provided the original material has been updated and subject to the credit limits of N.J.A.C. 13:39A-9.3;
4. Preparation of an educational or scientific article authored and published in a professional refereed journal: three credits per article as approved by the Board; or
5. Courses, programs or seminars in physical therapy practice management: one credit for each hour of attendance.

(d) A licensed physical therapist who is certified or recertified in a clinical specialty by the American Board of Physical Therapy Specialties shall receive 15 continuing education credits for the biennial licensure period in which it takes place.

(e) A licensed physical therapist who successfully completes a residency approved by the American Physical Therapy Association (APTA) shall receive 15 continuing education credits for the biennial licensure period in which the residency takes place.

(f) The Board shall maintain a list of Board-approved courses, programs and seminars submitted for approval pursuant to N.J.A.C. 13:39A-9.6.

(g) The Board may review and approve courses, programs and seminars, which are not pre-approved pursuant to (b) above nor approved pursuant to (e) above, when such courses, programs and seminars are submitted for approval by a licensee for continuing professional education credit. The licensee shall submit on a form approved by the Board the title, date and location of the course, program or seminar for which approval is being sought and the information required of a continuing professional education provider pursuant to N.J.A.C. 13:39A-9.6(a)1.

(h) Continuing education courses, programs and seminars shall be offered on a nondiscriminatory basis. Membership organizations may discount the cost of attending continuing education courses, programs and seminars for dues-paying members.

Amended by R.2007 d.21, effective January 16, 2007.  
See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Deleted "professional" preceding "education" throughout; inserted "licensed" throughout; and rewrote (d) and (e).  
Amended by R.2008 d.272, effective September 15, 2008.  
See: 40 N.J.R. 1760(b), 40 N.J.R. 5243(a).

In (c)1, substituted "10" for "two"; and in (c)3, substituted "10" for "12" twice.

#### **13:39A-9.4 Documentation of continuing education credit**

(a) Each licensee shall maintain a record of all continuing education activity completed and shall submit evidence of completion of the credit requirements to the Board upon request. Each licensee shall obtain from the continuing education course, program or seminar provider and retain for a period of at least four years following the license renewal a record of attendance which shall include, at a minimum, the following:

1. The participant's name and State Board of Physical Therapy Examiners' license number;
2. The title and, if the title does not adequately describe the educational content, subject matter of the course, program or seminar;
3. The name of the instructor;
4. The course, program or seminar provider;
5. The date and location of the course, program or seminar;
6. The number of continuing education credits awarded; and
7. The signature of a course, program or seminar official or other verification of successful completion by the course, program or seminar provider.

(b) A licensee shall verify completion of academic course work by an official transcript from the educational institution.

(c) A licensee who completes a videotape, audiotape, computer media, Internet, journal or correspondence course

or program shall retain the certification of the successful final examination completed at the end of the course, program or seminar;

(d) The Board shall monitor compliance with the mandatory continuing education requirement by conducting a random audit of licensees, who, upon request, shall provide proof of successful completion of continuing education credits.

(e) During the audit performed pursuant to (d) above, the Board shall review any course that has not been pre-approved pursuant to N.J.A.C. 13:39A-9.3(b) and shall approve the course if it meets the requirements of N.J.A.C. 13:39A-9.3(a) and the provider meets the requirements of N.J.A.C. 13:39A-9.6.

Amended by R.2007 d.21, effective January 16, 2007.  
See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Documentation of continuing professional education credit". In the introductory paragraph of (a), (a)6, and (d), deleted "professional" preceding "education"; in (a)6, deleted "hours and" preceding "credits"; and added (e).

#### **13:39A-9.5 Waiver of continuing education requirements**

(a) The Board may waive, extend or otherwise modify the time period for completion of the continuing education requirements on an individual basis for reasons of hardship, such as illness, disability or active service in the military.

(b) A licensee who seeks a waiver, extension or modification of the time period for the completion of the continuing education requirements shall provide to the Board in writing, no less than two months prior to the end of the licensure period, the specific reasons for requesting the waiver, extension or modification and such additional information as the Board may require in support of the request.

Amended by R.2007 d.21, effective January 16, 2007.  
See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Waiver of continuing professional education requirements". In (a) and (b), deleted "professional" preceding "education".

#### **13:39A-9.6 Responsibilities of continuing education providers**

(a) All providers of continuing education not included in N.J.A.C. 13:39A-9.3(b) shall:

1. At least 45 days prior to the date of the course, submit the following for each course, program or seminar offered for evaluation by the Board:
  - i. A detailed descriptive outline of course content and estimated hours of instruction; and
  - ii. The curriculum vitae of each lecturer, including specific background which qualifies the individual as a lecturer in the area of instruction;

2. Obtain Board approval prior to representing that any course, program or seminar fulfills the requirements of N.J.A.C. 13:39A-9.1;

3. Monitor the attendance at each approved course, program or seminar and furnish to each enrollee a verification of attendance, which shall include at least the following information:

- i. The title, date and location of the course, program or seminar offering;
- ii. The name and license number of the attendee;
- iii. The number of credits awarded;

iv. The name and signature of the sponsor and the seal of the organization;

4. Evaluate course offerings. Evaluations shall be solicited from both the attendees and the instructors; and

5. Submit a fee pursuant to N.J.A.C. 13:39A-1.3 for each submission of new courses, programs or seminars reviewed by the Board during the biennial licensing period.

Amended by R.2007 d.21, effective January 16, 2007.

See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

Section was "Responsibilities of continuing professional education providers". In the introductory paragraph of (a), deleted "professional" preceding "education".