

CHAPTER 39A**STATE BOARD OF PHYSICAL THERAPY****Authority**

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

Source and Effective Date

R.1991 d.366, effective June 21, 1991.
See: 23 N.J.R. 1065(a), 23 N.J.R. 2162(a).

Executive Order No. 66(1978) Expiration Date

Chapter 39A, State Board of Physical Therapy, expires on June 21, 1996.

Historical Note

Subchapter 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 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. See: Source and Effective Date. See section annotations for specific rule-making activity.

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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 Examination review procedure

An applicant who has failed an examination shall be permitted a reasonable opportunity to review his or her test.

The applicant shall be advised in writing that such a right to review exists and that the review may be conducted at the office of the Board during regular business hours. In no case, shall the Board be required to compromise the validity of a standardized examination for the purposes of making this review available.

13:39A-1.4 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

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).

SUBCHAPTER 2. AUTHORIZED PRACTICE

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 examination” includes a taking of a patient’s history of complaint, a hands-on evaluation or assessment of objective symptoms presented as well as the utilization of tests and measures to assist the physical therapist in the evaluation of the patient’s objective signs and symptoms including, but not limited to, the use of tests to assess postural alignment; joint mobility and function; muscle and nerve function, including electrophysiologic status; movement skill; gait; necessity for assistive devices; fit of orthoses and prostheses; cardiopulmonary status; sensory and motor function, including related pain and tenderness; and performance of activities required in daily living; but does not include the examination of any person conducted for the purpose of diagnosing any disease or organic condition. Nothing herein is intended to preclude a physical therapist from conducting an examination 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 the provision of 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 for the purpose of providing information to patients or groups of interested persons regarding the value of physical therapy agents and measures in general or with regard to specific physical conditions. Physical therapy instruction shall not be construed to include activities designed to offer specific therapeutic effect or benefit to a specified person. 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 treatment and physical therapy examination and instruction.

“Physical therapy treatment” includes the administration of 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; bio-feedback techniques; perceptual training; electrophysiologic tests and modalities; pulmonary hygiene treatment; breathing exercises; postural drainage; gait training; 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.

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) (Reserved)

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

1. Physical therapy examination, 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.

New Rule, R.1987 d.256, effective July 6, 1987.
See: 18 N.J.R. 1177(b), 19 N.J.R. 1227(c).

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.

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

3. Jointly determine a schedule of additional consultation that will allow the physical therapist to monitor the patient's on-going plan of care.

(d) The physical therapist shall document the initial and on-going consultations with the referring chiropractor in the patient's record.

New Rule, R.1993 d.642, effective December 6, 1993.
See: 25 N.J.R. 3938(a), 25 N.J.R. 5488(a).

SUBCHAPTER 3. UNLAWFUL PRACTICES BY LICENSEES

13:39A-3.1 Business practices

(a) The following acts or business practices shall be deemed to be professional misconduct in violation of N.J.S.A. 45:9-37.11 et seq. and N.J.S.A. 45:1-21(e):

1. Failure to maintain written, contemporaneous patient records which shall include:
 - i. Findings upon initial examination including the patient's significant past history and results of appropriate tests and measures;
 - ii. Documentation of physician direction and efforts taken to obtain memorialization of verbal orders;
 - iii. A plan of care indicating the goals of the treatment program, the type of treatment, and the frequency and expected duration of treatment;
 - iv. Dated and signed documentation of each treatment rendered;
 - v. Dated and signed progress notes;
 - vi. Documentation of any changes in the treatment program;
 - vii. Documentation of any contact with other health professionals relative to the patient's care;
 - viii. A discharge summary which includes the reason for discharge and outcome of physical therapy treatment and the status of the patient at the time of discharge;
 - ix. Any pertinent legal document such as patient release forms or chart access sheets.
2. Failure to provide copies of a patient's record of physical therapy treatment within 15 days of a written request by the patient or any person who the patient has designated to receive such records. Nothing herein, however, should be construed to prohibit a licensed physical therapist from charging a reasonable fee to the patient for the cost of reproduction of a medical record. The withholding or delaying of a record due to a patient's failure to pay a fee for services rendered is expressly prohibited;

3. Requiring a patient or a third party payor to pay a fee for the preparation of insurance claim form, except that nothing herein shall preclude a physical therapist from charging a patient a reasonable fee for the preparation of a written report;

4. Requiring a patient or a third party payor to pay interest on an unpaid account unless the patient has been notified of this policy, in writing, prior to the initiation of physical therapy treatment;

5. Requiring a patient or a third party payor to pay a full or partial fee for unkept appointments unless the patient has been notified of this policy, in writing, prior to the initiation of physical therapy treatment;

6. Requiring a patient or a third party payor to pay for any physical therapy examination, treatment or other services not documented in a patient chart in a manner consistent with N.J.A.C. 13:39A-4.1(a);

7. Failure to make available a written fee schedule to any interested person upon a request;

8. Failure to include on all bills submitted to a patient or third party payor, the provider's current license number;

9. Failure to post in a conspicuous place a copy of a licensee's biennial renewal certificate;

10. Failure to post in a conspicuous place in any office or health care facility at which the practice of physical therapy is conducted a notice containing the name, mailing address and telephone number of the Board and the following statement:

NOTICE

(Names of licensee, license held) (is) (are) licensed to engage in the practice of physical therapy by the New Jersey State Board of Physical Therapists, Post Office Box 45014, 124 Halsey Street, Newark, New Jersey 07101, Tel: (201) 504-6544.

11. Use or participation in the use of any form of public communication regarding professional services, via print, electronic media or in-person solicitation, which contains a false, fraudulent, misleading, deceptive or unfair statement or claim. A false, fraudulent, misleading, deceptive or unfair statement includes but is not limited to any statement or claim which:

- i. Contains a misrepresentation of facts; or
- ii. Is likely to mislead or deceive because it fails to make full disclosure of relevant facts; or
- iii. Contains any testimonial or laudatory statement, or other statement or implication that the licensee's professional services are of an exceptional quality; or
- iv. Is intended or likely to create a false or unjustified expectation of favorable results; or

v. Implies educational attainments or license in recognition not supported in fact; or

vi. States or implies that the licensee has received formal recognition as a specialist in any aspect of the practice of physical therapy, if this is not the case; or

vii. Represents the professional services can or will be competently performed for a stated fee when this is not the case or makes a representation with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged; or

viii. Contains other representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived; or

ix. Uses techniques of communication which appear to intimidate, exert undue influence or undue pressure over a prospective patient; or

x. Contains offers of gratuitous services or offers of services for a sum equivalent thereto; or

xi. Contains offers of discounts for services without stating the usual and customary fee on which the discount will be taken and the period of time during which the offer can be accepted by a prospective patient.

12. Use or participation in the use of any form of public communication relating to a business entity offering physical therapy services which fails to include the name of the person holding an ownership interest in the advertising entity and the professional license held by each of those persons, except that 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;

13. Charge a fee to a patient or a third party payor which when considered in the light of the following factors is excessive:

- i. The time and effort required;
- ii. The novelty and difficulty of the professional treatment;
- iii. The skill required to perform the treatment properly;
- iv. Any requirements or conditions imposed by the patient or by the circumstances;
- v. The nature and length of the professional relationship with the patient;
- vi. The experience, reputation and ability of the licensee performing the services;
- vii. The nature and circumstances under which the services were provided (for example, emergency, home visit).

14. Undertake to render treatment or to conduct testing which in light of the patient's history and findings are unwarranted and unnecessary;

15. Charge a fee to a patient or a third party payor for a treatment or other physical therapy service which is unwarranted and unnecessary pursuant to 14 above.

Administrative change to (a)10.
See: 25 N.J.R. 1516(b).

13:39A-3.2 (Reserved)

13:39A-3.3 Scope of physical therapy

(a) The following acts and practices shall be 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. (Reserved)
2. The conduct of a breast or pelvic internal examination;
3. The taking of radiological studies;
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.255, effective July 6, 1987.
See: 18 N.J.R. 1178(a), 19 N.J.R. 1228(a).

SUBCHAPTER 4. UNLICENSED PRACTICE

13:39A-4.1 Acts amounting to unlicensed practice

(a) For the purpose of the Board's construction of N.J.S.A. 45:9-37.10, the following acts or practices shall be deemed to be the unlicensed practice of physical therapy:

1. Offering physical therapy examination instruction or treatment by means of advertisement or solicitation by any person who does not hold a license as a physical therapist, a physical therapist assistant, M.D., D.O. or D.P.M. (to the extent authorized by N.J.S.A. 45:5-7), even if that person has been instructed or directed to offer that treatment or render that treatment by a physical therapist, physical therapist assistant, M.D., or D.O. or D.P.M.
2. The use of the words physical therapy, physical therapist, physiotherapy, physiotherapist or such similar words or their related abbreviations in connection with the offering of physical therapy agents measures and services which are utilized in the rendition of physical therapy treatment by any person who does not hold a license as a physical therapist, a physical therapy assistant, an M.D., D.O., or D.P.M. even if that person has been instructed or directed to use such terminology by a physical therapist, physical therapist assistant, M.D., D.O. or D.P.M.;

3. Billing any patient or third party payor for "physical therapy" or "physiotherapy" in connection with the use of physical therapy agents, measures or services, if the individual who personally rendered the services does not hold a license to practice physical therapy medicine and surgery or podiatry;

4. Offering physical therapy agents, measures or services by means of advertisement or solicitation by a limited licensee of the Board of Medical Examiners unless the context of such offering or advertisement reveals that such services are directly related to the practice authorized by the Board of Medical Examiners and the wording of the offering would not lead members of the general public to assume that the advertiser is authorized to practice physical therapy or physiotherapy without limitation.

13:39A-4.2 Aiding and abetting unlicensed practice

It shall be unlawful for a licensee to aid or assist any person engaging in any of the practices identified at N.J.A.C. 13:39A-4.1.

SUBCHAPTER 5. CREDENTIALING OF APPLICANTS

13:39A-5.1 Educational credentials for applicants for licensure as physical therapists

(a) Applicants for examination shall submit to the Board satisfactory proof of:

1. Graduation from a program in physical therapy which has been approved for the education and training of physical therapists by an accrediting agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education; or
2. With respect to foreign trained applicants for licensure as physical therapists, the applicant shall demonstrate satisfactory evidence of graduation from a physical therapy program that is substantially equivalent to a physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education. The applicant shall show successful completion of course work with a minimum of 45 credits of general education and 60 credits of professional education. General education courses shall include, but not be limited to, mathematics, physical science, biological science, humanities, social science and behavioral science. The professional component of the program shall include, but not be limited to, human anatomy, pathology, physiology, neurologic science and clinical practice.

Amended by R.1991 d.185, effective April 1, 1991.

See: 22 N.J.R. 2259(a), 23 N.J.R. 1011(a).

Revised requirements for foreign-trained applicants seeking licensure as physical therapists from specific number of credit hours required to describe required course content in (a)2.

13:39A-5.2 Examination standards for applicants for licensure as physical therapists

Applicants for licensure as physical therapists submitting satisfactory proof of educational attainment as set forth in N.J.A.C. 13:39A-5.1 shall be admitted to take the written examination administered by the Board or such standardized examination as the Board may select pursuant to N.J.S.A. 45:9-37.25. Upon satisfactory passage of such examination, an applicant shall be deemed eligible for licensure. Satisfactory passage of the examination shall be attained upon receipt of a score of at least 600 based on a scale of 200 to 800. Applicants must pass every portion of the examination at the same sitting and will not be permitted to take only those portions of the examination which previously have been failed.

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-5.3 Educational credentials for applicants for licensure as physical therapist assistants

(a) Applicants for examination as physical therapist assistants shall submit to the Board satisfactory proof of:

1. Graduation from a physical therapist assistant program which has been approved for the education and training of physical therapist assistants by an accrediting agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education, or;

2. Successful completion, in an approved physical therapy program, of at least 90 credits, of which 45 or more shall be in courses relating to the practice of physical therapy, including course work in clinical practice, and at least 30 of which shall be in courses of general academic study. English General College Equivalent A level courses will be accepted toward the necessary credits in general education.

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

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

13:39A-5.4 Examination standards for applicants for licensure as physical therapist assistants

Applicants for licensure as physical therapist assistants submitting satisfactory proof of educational attainment as set forth in N.J.A.C. 13:39A-5.3 shall be admitted to take the written examination administered by the Board or such standardized examination as the Board may select pursuant to N.J.S.A. 45:9-37.25. Upon satisfactory passage of such examination, an applicant shall be deemed eligible for licensure. Satisfactory passage of the examination shall be at-

tained upon receipt of a score of at least 600 based on a scale of 200 to 800. Applicants must pass every portion of the examination at the same sitting and will not be permitted to take only those portions of the examination which previously have been failed.

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-5.5 Endorsement

Applicants possessing a valid license issued by another state may be deemed eligible for licensure in New Jersey without the examination if the criteria for licensure in that 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.

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

Any 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 score of at least 550 on the Test of English as a Foreign Language (TOEFL) examination, which test shall have been taken within the two years immediately preceding the filing of the application for licensure. Such evidence must be submitted with the application for licensure. This requirement may be waived for applicants who have received their training in countries other than those listed above upon submission of a written application to the Board demonstrating good cause for the granting of the waiver. In such cases the Board may also require a personal interview with the applicant.

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.

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

An examinee who fails the examination on his first attempt, may retake the examination once in this state, without filing another application, provided he is rescheduled for the examination within two years of his initial date of application and he pays the required examination fee to the Board. If any examinee fails the examination on his second attempt, in the Board's discretion, he 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).

13:39A-5.9 Non-appearance at examination

Failure to appear at any scheduled examination shall be deemed to be a failure unless, in the Board's discretion, good cause has been shown for the absence.

New Rule, R.1987 d.84, effective February 2, 1987.
See: 18 N.J.R. 1179(a), 19 N.J.R. 297(a).

SUBCHAPTER 6. TEMPORARY LICENSES FOR PHYSICAL THERAPISTS

13:39A-6.1 Temporary license

Any person deemed eligible to sit for an examination for licensure as a physical therapist or physical therapist assistant, may apply for the issuance of a temporary license, by indicating such on the application for examination. No additional fee shall be required for the issuance of a temporary license.

13:39A-6.2 Expiration of temporary license

A temporary license issued to a person who has applied for licensure automatically expires upon notice to the applicant that he has failed the examination in this State or the same standardized examination in any other state in which he has taken the examination.

13:39A-6.3 Renewal; consequences of second failure

The holder of a temporary license receiving notice that he has failed the first examination for which he has been scheduled, in this State or any other State, may renew his temporary license for a period not to exceed six months, by indicating such in writing. However, if the holder of the temporary license retakes the examination administered in this State or the same standardized examination administered in any other State and fails it, within the six-month period, he will be required to surrender his license to the Board. Holders of temporary licenses are required to give notice to the Board of their intention to take the examination in other states or jurisdictions and the results of those out-of-state examinations must be reported.

13:39A-6.4 Failure to appear at a scheduled second examination

If an applicant holding a temporary license fails to appear on the scheduled date of his second examination, the temporary license shall automatically expire on that date. That license, however, can be reinstated if the Board, in the exercise of its discretion, concludes that good cause has been shown for the absence.

13:39A-6.5 Temporary visiting licenses

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 practical physical therapy 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 is licensed, registered or otherwise authorized to engage in the practice of physical therapy in another state or jurisdiction and that permitting his practice in this state would not be inconsistent with the public interest. 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 is required to give notice to this Board if his authority to engage in the practice of physical therapy is revoked, suspended or otherwise limited by any state, agency or authority.