

CHAPTER 39A

STATE BOARD OF PHYSICAL THERAPY

Authority

N.J.S.A. 45:9-37.18.

Source and Effective Date

Effective: November 15, 2013.  
See: 45 N.J.R. 2607(a).

Chapter Expiration Date

Chapter 39A, State Board of Physical Therapy, expires on November 15, 2020.

Chapter Historical Note

Chapter 39A, State Board of Physical Therapy, Subchapter 1, Agency Organization and Administration, Subchapter 2, Authorized Practice, Subchapter 3, Unlawful Practices by Licensees, Subchapter 4, Unlicensed Practice, Subchapter 5, Credentialing of Applicants, were adopted as R.1986 d.265, d.266, d.267, d.268 and d.270, effective July 7, 1986. 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, State Board of Physical Therapy, 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, State Board of Physical Therapy, was readopted as R.1996 d.325, effective June 20, 1996. See: 28 N.J.R. 1925(b), 28 N.J.R. 3598(b). 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.

Pursuant to Executive Order No. 66, Chapter 39A, State Board of Physical Therapy, was readopted as R.2001 d.239, effective June 20, 2001. See: 33 N.J.R. 1309(a), 33 N.J.R. 2483(a).

Subchapter 5A, License Renewal, was adopted as new rules; Subchapter 6, Temporary Licenses for Physical Therapists, was renamed Temporary Licenses for Visiting Physical Therapists and Physical Therapist Assistants; Subchapter 7A, Supervision of Temporary Licensed Physical Therapists and Physical Therapist Assistants, was repealed; Subchapter 9, Continuing Professional Education, was adopted as new rules by R.2006 d.42, effective January 17, 2006. See: 37 N.J.R. 947(a), 38 N.J.R. 819(b).

Chapter 39A, State Board of Physical Therapy, was readopted as R.2007 d.21, effective December 19, 2006. As part of R.2007 d.21, Subchapter 2, Practice as a Physical Therapist and Physical Therapist Assistant, was renamed Practice as a Licensed Physical Therapist and Licensed Physical Therapist Assistant; Subchapter 7, Supervision of Physical Therapist Assistants, was renamed Supervision of Licensed Physical Therapist Assistants; and Subchapter 9, Continuing Professional Education, was renamed Continuing Education, effective January 16, 2007. See: 38 N.J.R. 2990(a), 39 N.J.R. 222(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 39A, State Board of Physical Therapy, was scheduled to expire on December 19, 2013. See: 43 N.J.R. 1203(a).

Chapter 39A, State Board of Physical Therapy, was readopted, effective November 15, 2013. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. AGENCY ORGANIZATION AND ADMINISTRATION

- 13:39A-1.1 Election of officers
- 13:39A-1.2 Delegation of authority to act on emergent applications
- 13:39A-1.3 Fees and charges
- 13:39A-1.4 (Reserved)

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

- 13:39A-2.1 Definitions
- 13:39A-2.2 Authorized practice by a licensed physical therapist
- 13:39A-2.3 Authorized role of a licensed physical therapist assistant
- 13:39A-2.4 Delegation by a licensed physical therapist to unlicensed persons
- 13:39A-2.5 Referral of patients and consultation standards for licensed physical therapists
- 13:39A-2.6 (Reserved)

SUBCHAPTER 3. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

- 13:39A-3.1 Patient records
- 13:39A-3.2 Use of personal or other computer to prepare patient records
- 13:39A-3.3 Release of patient record
- 13:39A-3.4 Financial arrangements with clients and third party payors
- 13:39A-3.5 Display of notice of licensure; notification of availability of fee information
- 13:39A-3.6 Prohibition on excessive fees; overutilization
- 13:39A-3.7 Notification of change of address; service of process
- 13:39A-3.8 Violative acts; professional misconduct
- 13:39A-3.9 Identification of licensees
- 13:39A-3.10 Sexual misconduct

SUBCHAPTER 4. UNLICENSED PRACTICE

- 13:39A-4.1 Acts amounting to unlicensed practice
- 13:39A-4.2 Aiding and abetting unlicensed practice

SUBCHAPTER 5. CREDENTIALING OF APPLICANTS

- 13:39A-5.1 Licensing requirements for a physical therapist
- 13:39A-5.2 Licensing requirements for a physical therapist assistant
- 13:39A-5.3 Examination standards for applicants for licensure as physical therapists and physical therapist assistants
- 13:39A-5.4 (Reserved)
- 13:39A-5.5 Endorsement
- 13:39A-5.6 Recognition of scores on standardized examinations administered in other states
- 13:39A-5.7 Language comprehension requirements
- 13:39A-5.8 Re-examination of applicants for licensure as physical therapists and physical therapist assistants
- 13:39A-5.9 Non-appearance at examination

SUBCHAPTER 5A. LICENSE RENEWAL

- 13:39A-5A.1 Biennial license renewal; inactive status
- 13:39A-5A.2 Change of licensure status: inactive to active
- 13:39A-5A.3 Reinstatement of suspended license

## 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  
 13:39A-6.2 Responsibilities of a temporary visiting licensed physical therapist assistant  
 13:39A-6.3 through 13:39A-6.4 (Reserved)

## SUBCHAPTER 7. SUPERVISION OF LICENSED PHYSICAL THERAPIST ASSISTANTS

- 13:39A-7.1 Supervision requirement; licensed physical therapist assistant  
 13:39A-7.2 Responsibilities of designated licensed physical therapist supervisor  
 13:39A-7.3 Responsibilities of licensed physical therapist assistant

## SUBCHAPTER 7A THROUGH 7B. (RESERVED)

## SUBCHAPTER 8. ADVERTISING

- 13:39A-8.1 Advertising and solicitation practices  
 13:39A-8.2 Advertising free or discounted services; required disclosures  
 13:39A-8.3 Testimonial advertising  
 13:39A-8.4 Minimum content  
 13:39A-8.5 Use of professional credentials and certifications  
 13:39A-8.6 Advertising by a business entity offering physical therapy services  
 13:39A-8.7 Advertising record retention

## SUBCHAPTER 9. CONTINUING EDUCATION

- 13:39A-9.1 Licensure renewal: continuing education requirement  
 13:39A-9.2 Credit hour requirements  
 13:39A-9.3 Acceptable course offerings; credit hour calculation  
 13:39A-9.4 Documentation of continuing education credit  
 13:39A-9.5 Waiver of continuing education requirements  
 13:39A-9.6 Responsibilities of continuing education providers

## SUBCHAPTER 1. AGENCY ORGANIZATION AND ADMINISTRATION

### 13:39A-1.1 Election of officers

The membership of the State Board of Physical Therapy Examiners shall once each year elect a chairperson, vice chairperson and a secretary. The chairperson 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 chairperson and an express delegation of responsibility, the vice chairperson shall assume all of the duties of chairperson.

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

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

Neutralized gender references.

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

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

Substituted "State" for "New Jersey" and added "Examiners."

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

The chairperson 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 chairperson 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. Any decision made by the chairperson 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 chairperson and the parties will be permitted to supplement the record with written submissions.

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

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

Substituted "chairperson" for "chairman" throughout and rewrote the second sentence.

### 13:39A-1.3 Fees and charges

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

1. Application fee for Licensed Physical Therapist and Licensed Physical Therapist Assistant..... \$125.00
2. Initial licensure fee, Licensed Physical Therapist:
  - i. If paid during first year of biennial renewal period: ..... \$110.00
  - ii. If paid during second year of biennial renewal period: ..... \$55.00
 Initial licensure fee, Licensed Physical Therapist Assistant:
  - i. If paid during first year of biennial renewal period: ..... \$100.00
  - ii. If paid during second year of biennial renewal period: ..... \$50.00
3. Biennial renewal fee:
  - i. Licensed Physical Therapist..... \$110.00
  - ii. Licensed Physical Therapist Assistant ..... \$100.00
4. Late renewal fee: ..... \$100.00
5. Reinstatement fee ..... \$150.00
6. 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
7. Duplicate certificate of registration ..... \$25.00
8. Duplicate wall license ..... \$40.00
9. Certification of licensure status..... \$40.00
10. Change of name and/or address with new certificate of registration fee ..... \$25.00
11. Continuing education provider submission fee ..... \$100.00
12. Inactive license fee..... (to be established by Director by rule)

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).

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 for Physical Therapists or the National Physical Therapy Examination for Physical Therapist Assistants, 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 for Physical Therapists or the National Physical Therapy Examination for Physical Therapist Assistants 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 for Physical Therapists and National Physical Therapy Examination for Physical Therapist Assistants: 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 for Physical Therapists or the National Physical Therapy Examination for Physical Therapist Assistants 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.

Amended by R.2010 d.091, effective June 21, 2010.

See: 41 N.J.R. 2079(a), 42 N.J.R. 1232(a).

Inserted "for Physical Therapists" and "for Physical Therapist Assistants" and substituted "Therapy" for "Therapist Assistant" preceding "Examination" throughout; and in (b) and (d), inserted "the" preceding the second occurrence of "National".

### 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.