

VOLUME 47, ISSUE 23
ISSUE DATE: **DECEMBER 7, 2015**
RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHYSICAL THERAPY EXAMINERS

Adopted Amendments: N.J.A.C. 13:39A-1.2, 2.3, 2.4, 3.1, 3.8, 3.10, 5.1, 5.2, 5.3, 5.5, 6.1, 8.7, 9.2, 9.3, and 9.4

Delegation of Authority to Act on Emergent Applications; Authorized Role of a Licensed Physical Therapist Assistant; Delegation by a Licensed Physical Therapist to Unlicensed Persons; Patient Records; Violative Acts; Professional Misconduct; Sexual Misconduct; Licensing Requirements for a Physical Therapist; Licensing Requirements for a Physical Therapist Assistant; Examination Standards for Applicants for Licensure as Physical Therapist and Physical Therapist Assistants; Endorsement; Temporary Visiting Licensed Physical Therapists and Temporary Visiting Licensed Physical Therapist Assistants; Advertising Record Retention; Credit Hour Requirements; Acceptable Course Offerings; Credit Hour Calculation; Documentation of Continuing Education Credit

Proposed: April 20, 2015, at 47 N.J.R. 768(a) (see also 47 N.J.R. 2244(a)).

Adopted: September 22, 2015, by the State Board of Physical Therapy Examiners, Beth Sarfaty, P.T., Chairperson, State Board of Physical Therapy Examiners.

Filed: November 2, 2015, as R.2015 d.180, **with a non-substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-3.6).

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

Effective Date: December 7, 2015.

Expiration Date: November 15, 2020.

Summary of Public Comment and Agency Response:

The official comment period ended September 8, 2015. **The Board received no comments.**

Summary of Agency-Initiated Change:

New N.J.A.C. 13:39A-9.3(g) permits a licensed physical therapist to obtain continuing education credits by providing clinical instruction to students in clinical facilities. The Board intended to permit this for both licensed physical therapists and licensed physical therapist assistants, but inadvertently left licensed physical therapist assistants out of the proposed amendment. The Board has changed N.J.A.C. 13:39A-9.3(g) upon adoption to include

licensed physical therapist assistants.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the adopted amendments.

Full text of the adoption follows (additions to the proposal indicated in boldface with asterisks ***thus***):

SUBCHAPTER 1. AGENCY ORGANIZATION AND ADMINISTRATION

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 ratification. Any decision made by the chairperson pursuant to this section shall be placed on the agenda of the Board at its next regularly scheduled meeting for the purpose of its review and ratification. 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.

13:39A-2.3 Authorized role of a licensed physical therapist assistant

(a)-(c) (No change.)

(d) A licensed physical therapist assistant shall not perform a physical therapy examination, evaluation, diagnosis or prognosis, develop a plan of care, modify a plan of care, or independently engage in physical therapy instruction.

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

(a) Licensed physical therapists may delegate the following to unlicensed persons:

1. Routine tasks relating to:

i. The cleanliness and maintenance of equipment and the physical plant; and

ii. The management of the business aspects of the practice, including scheduling appointments and filling out insurance forms; and

2. Such other assignments with respect to patient care as may be specifically made by the licensed physical therapist, including:

i. Transporting the patient;

ii. Positioning of the patient; and

iii. Assisting with the undressing and dressing of the patient.

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

1.-2. (No change.)

3. Make any notations in documents regarding patient care or clinical treatment, which is not permitted by (a) above;

4. Place or remove electrodes of any kind on the skin;

5. Administer, apply, or remove any modalities;

6. Instruct, perform, oversee, or supervise therapeutic exercise(s) and/or therapeutic activity(s); and

7. (No change.)

SUBCHAPTER 3. BUSINESS PRACTICES; PROFESSIONAL CONDUCT

13:39A-3.1 Patient records

(a)-(b) (No change.)

(c) The patient record shall include, in addition to personal identifying information, consents, and disclosures, at least the following information:

1.-7. (No change.)

8. A note contemporaneous with each session, with the license number and signature or initials of the licensee who rendered care, that accurately represents the services rendered during the treatment sessions including, but not limited to, the components of intervention, the patient's response to intervention, and current status. If the licensee chooses to sign by means of initials, his or her complete signature and license number shall appear at least once on every page;

9. (No change.)

Recodify existing 11.-14. as 10.-13. (No change in text.)

(d)-(e) (No change.)

13:39A-3.8 Violative acts; professional misconduct

(a) The following acts or practices shall be among those deemed to be violative of N.J.S.A. 45:9-37.11 et seq., and to constitute professional misconduct pursuant to N.J.S.A. 45:1-21.e:

1. (No change.)

Recodify existing 3.-4. as 2.-3. (No change in text.)

4. Representing services as therapeutic, or permitting the representation of services as therapeutic, when, although the services are within the licensee's scope of practice, no

therapeutic outcome is expected;

Recodify existing 6.-12. as 5.-11. (No change in text.)

[page=3047] 13:39A-3.10 Sexual misconduct

(a)-(b) (No change.)

(c) A licensee shall not engage in sexual contact with a patient with whom he or she has a patient-therapist relationship. The patient-therapist relationship is ongoing for purposes of this section, unless:

1. (No change.)
2. The last physical therapy provided by that licensee was rendered more than three months ago.

(d)-(k) (No change.)

13:39A-5.1 Licensing requirements for a physical therapist

(a) To be eligible for licensure as a physical therapist in New Jersey, an applicant shall:

1.-2. (No change.)

3. Have completed a program in physical therapy from an accredited college or university physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education;

4. (No change.)

5. Have completed all clinical education requirements necessary for graduation from a physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education; and

6. (No change.)

(b) In addition to meeting the requirements of (a)1 and 2 above, an applicant for licensure who is a graduate of a foreign school of physical therapy shall:

1. Furnish evidence to the Board that the applicant has completed a course of study in physical therapy, which is substantially equivalent to that provided in a physical therapy program approved for the education and training of physical therapists by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education;

2.-4. (No change.)

(c) (No change.)

13:39A-5.2 Licensing requirements for a physical therapist assistant

(a) To be eligible for licensure as a physical therapist assistant in New Jersey an applicant shall:

1.-3. (No change.)

4. Have completed a two-year physical therapist assistant program from an accredited college or university approved for the education and training of physical therapist assistants by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education;

5. Have completed all clinical education requirements necessary for graduation from a physical therapist assistant program approved for the education and training of physical therapist assistants by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education; and

6. (No change.)

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 for Physical Therapist Assistants, 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 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 or for Physical Therapist Assistants: 600 based on a scale of 200 to 800.

2. (No change.)

(d) An applicant who does not pass the National Physical Therapy Examination for Physical Therapists or 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.

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.

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, in an American Physical Therapy Association approved residency or fellowship, 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) (No change.)

SUBCHAPTER 8. ADVERTISING

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, a video or audio tape of every advertisement communicated by electronic media, and a computer record of any advertisement posted on the internet. The licensee shall indicate on all advertisements in his or her possession the date and place of publication.

(b) (No change.)

SUBCHAPTER 9. CONTINUING EDUCATION

13:39A-9.2 Credit hour requirements

(a)-(b) (No change.)

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

(d) (No change.)

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

(a) (No change.)

(b) All courses, programs, or seminars offered by the following sources and providers are 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, Office of Postsecondary Education or their approved agencies: 15 credits for each course credit awarded;

2. Successful completion of a course in an academic 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 or 5.2: 15 credits for each course credit awarded; or

[page=3048] 3. Successful completion of a continuing education course sponsored by the American Physical Therapy Association (APTA), or the American Physical Therapy Association of New Jersey (APTANJ): one credit for each hour of the course.

(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.-3. (No change.)

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;

5. Courses, programs, or seminars in physical therapy practice management: one credit for each hour of attendance;

6. Writing a chapter of a published textbook related to physical therapy: three credits per chapter up to a maximum of 10 credits; or

7. Editing a published textbook related to physical therapy: five credits per book up to a maximum of 10 credits.

(d)-(f) (No change.)

(g) A licensed physical therapist ***or licensed physical therapist assistant*** who provides clinical instruction to a student in a clinical facility that is affiliated with a physical therapy program that is approved for the education and training of physical therapists ***or licensed physical therapist assistants*** by an accrediting agency recognized by the United States Department of Education, Office of Postsecondary Education shall receive one credit for each 40 hours of clinical instruction up to a maximum of four credits per biennial period.

Recodify existing (g)-(i) as (h)-(j) (No change in text.)

13:39A-9.4 Documentation of continuing education credit

(a)-(f) (No change.)

(g) A licensee who writes a chapter of, or edits, a textbook shall retain a copy of the published textbook.

(h) A licensee who provides clinical instruction to a student shall retain documentary proof from the student's school that indicates the period of time during which the licensee provided clinical instruction.

(i) (No change in text.)