

§§2,3 -
C.45:1-7.4 to
45:1-7.5
§4 - Repealer
§5 - Note

(CORRECTED COPY)

P.L.2013, CHAPTER 182, *approved January 13, 2014*
Assembly, No. 1545 (*Fourth Reprint*)

- 1 **AN ACT** concerning professional and occupational licenses, revising
2 various parts of the statutory law, and supplementing P.L.1999,
3 c.403 (C.45:1-7.1 et seq.).
4
- 5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7
- 8 1. Section 5 of P.L.1999, c.403 (C.45:1-7.1) is amended to read
9 as follows:
10 5. a. Notwithstanding any other act or regulation to the
11 contrary, the provisions of this section **and sections section 6 and 7**
12 of P.L.1999, c.403 (C.45:1-7.2 and C.45:1-7.3) **shall** apply to
13 every holder of a professional or occupational license or certificate
14 of registration or certification issued or renewed by a board
15 specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks
16 renewal of that license or certificate.
17 b. Every holder of a professional or occupational license or
18 certificate of registration or certification, issued or renewed by a
19 board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who
20 seeks renewal shall submit a renewal application and pay a renewal
21 fee prior to the date of expiration of the license or certificate of
22 registration or certification. If the holder does not renew the license
23 or certificate prior to its expiration date, the holder may renew it
24 within 30 days of its expiration date by submitting a renewal
25 application and paying a renewal fee and a late fee. During the 30-
26 day period, the license shall be valid and the licensee shall not be
27 deemed practicing without a license. Any professional or
28 occupational license or certificate of registration or certification not
29 renewed within 30 days of its expiration date shall be suspended
30 without a hearing.
31 c. Any individual who continues to practice **with an expired**
32 after the 30 days following the expiration date of that individual's
33 license or certificate of registration or certification **after 30 days**
34 following its expiration date **shall** be deemed to be engaged in

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARG committee amendments adopted June 18, 2012.

²Assembly floor amendments adopted June 21, 2012.

³Assembly floor amendments adopted February 21, 2013.

⁴Senate SCM committee amendments adopted September 30, 2013.

1 unlicensed practice of the regulated profession or occupation, even
2 if no notice of suspension has been provided to the individual.

3 d. A professional or occupational license or certificate of
4 registration or certification suspended pursuant to this section may
5 be reinstated **【**within five years following its date of expiration
6 upon submission of a renewal application and payment of an
7 additional reinstatement fee. An applicant seeking reinstatement of
8 a license or certificate suspended pursuant to this section more than
9 five years past its expiration date shall successfully complete the
10 examination required for initial licensure, registration or
11 certification and submit a renewal application and payment of an
12 additional reinstatement fee**】** as provided in section 2 of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill).

14 e. A board specified in section 2 of P.L.1978, c.73 (C.45:1-15)
15 shall send a notice of renewal to each of its holders of a
16 professional or occupational license or certificate of registration or
17 certification, as applicable, at least 60 days prior to the expiration of
18 the license or certificate. The notice of renewal shall explain
19 inactive renewal and advise the licensee of the option to renew as
20 inactive. If the notice to renew is not sent at least 60 days prior to
21 the expiration date, no monetary penalties or fines shall apply to the
22 holder for failure to renew provided that the license is renewed
23 within 60 days from the date the notice is sent.

24 f. A renewal applicant electing to renew as inactive shall not
25 engage in professional or occupational practice within the State or
26 hold himself out as eligible to engage in professional or
27 occupational practice within the State.
28 (cf: P.L.1999, c.403, s.5)

29

30 2. (New section) a. An applicant seeking reinstatement of a
31 license or certificate suspended pursuant to section 5 of P.L.1999,
32 c.403 (C.45:1-7.1) shall submit:

33 (1) A renewal application;

34 (2) A certification of employment listing each job held during
35 the period of suspended license, registration, or certification, which
36 includes the names, addresses, and telephone numbers of each
37 employer;

38 (3) Payment of the renewal fee for the biennial or triennial
39 period for which reinstatement is sought;

40 (4) Payment of the unpaid renewal fee for the biennial or
41 triennial period immediately preceding the renewal period for which
42 reinstatement is sought;

43 (5) Payment of a reinstatement fee; and

44 (6) Proof of having satisfied all conditions precedent to renewal,
45 including, but not limited to, the continuing education credits that
46 were required to be completed during the biennial or triennial

- 1 period immediately prior to the renewal period for which
2 reinstatement is sought.
- 3 b. An applicant seeking reactivation of a license or certificate
4 that was in inactive status pursuant to section 5 of P.L.1999, c.403
5 (C.45:1-7.1) shall submit:
- 6 (1) A renewal application;
- 7 (2) A certification of employment listing each job held during
8 the period of suspended license, registration, or certification, which
9 includes the names, addresses, and telephone numbers of each
10 employer;
- 11 (3) Payment of the renewal fee for the biennial or triennial
12 period for which reinstatement is sought, or, in the discretion of the
13 board, a prorated fee if there is less than one year remaining in the
14 biennial or triennial period; and
- 15 (4) Proof of having satisfied all conditions precedent to renewal,
16 including, but not limited to, the continuing education credits that
17 were required to be completed during the biennial or triennial
18 period immediately prior to the renewal period for which
19 reinstatement is sought.
- 20 c. An applicant seeking reinstatement of a license or certificate
21 suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), or
22 an applicant seeking reactivation of a license or certificate that was
23 in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-
24 7.1), who holds a valid, current, corresponding professional or
25 occupational license, certificate of registration, or certification in
26 good standing issued by another state, who submits proof of having
27 satisfied that state's continuing education requirements for that
28 license, certification of registration, or certification, shall be
29 deemed to have satisfied paragraph (6) of subsection a. and
30 paragraph (4) of subsection b. of this section.
- 31 d. To the extent that specific courses are required to satisfy the
32 continuing education requirement for, or are required to have been
33 satisfied prior to, the biennial or triennial period for which renewal
34 is sought, a board may permit those courses to be taken in the 12
35 months following renewal. Credit for those courses may be applied
36 to the continuing education requirement for the next renewal period.
- 37 e. If a board review of an application for reinstatement or
38 reactivation under this section establishes a basis for concluding
39 that there may be practice deficiencies in need of remediation prior
40 to reinstatement or reactivation, the board may require the applicant
41 to submit to and successfully pass an examination or an assessment
42 of skills, a refresher course, or other requirements as determined by
43 the board prior to reinstatement or reactivation of the license. If
44 that examination or assessment identifies clinical deficiencies or
45 educational needs, the board may require the applicant, as a
46 condition of reinstatement or reactivation of licensure, to take and
47 successfully complete any education or training, or to submit to any

1 supervision, monitoring, or limitations, as the board determines are
2 necessary to assure that the applicant practices with reasonable skill
3 and safety. The board, in its discretion, may restore the license
4 subject to the applicant's completion of the training within a period
5 of time prescribed by the board following the restoration of the
6 license.

7
8 3. (New section) a. Upon receipt of a completed application,
9 application fee, consent to a criminal history record background
10 check, if applicable, and requisite fee for such a check, a board shall
11 issue a professional or occupational license, certificate of
12 registration, or certification to any person who documents that the
13 person holds a valid, current corresponding professional or
14 occupational license, certificate of registration, or certification in
15 good standing issued by another state, if:

16 (1) the state that issued the license has, or had at the time of
17 issuance, education, training, and examination requirements for
18 licensure, registration, or certification substantially equivalent to
19 the current standards of this State, as determined by the board or
20 committee;

21 (2) the applicant had been practicing ²under that license in
22 ⁴a field or profession substantially related, as determined by the
23 board or committee, to ⁴the profession for which licensure in this
24 State is sought,² within the five years prior to the date of the
25 application; and

26 (3) the requirements of subsection b. of this section have been
27 satisfied with respect to the person.

28 b. Prior to the issuance of the license, certificate of registration,
29 or certification pursuant to subsection a. of this section, the board or
30 committee shall have received or obtained:

31 (1) documentation reasonably satisfactory to the board that the
32 applicant's license, certificate of registration, or certification in that
33 other state is valid, current, and in good standing;

34 (2) if a person is seeking licensure as a health care professional
35 as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a
36 criminal history record background check is otherwise required
37 prior to licensure in this State, the results of a criminal history
38 record background check of the files of the Criminal Justice
39 Information Services Division in the Federal Bureau of
40 Investigation and the State Bureau of Identification in the Division
41 of State Police that does not disclose a conviction for a
42 disqualifying crime; and

43 (3) designation of an agent in this State for service of process if
44 the applicant is not a New Jersey resident and does not have an
45 office in New Jersey.

46 c. For purposes of this section, "good standing" means that:

- 1 (1) no action has been taken against the applicant's license by
2 any licensing board;
- 3 (2) no action affecting the applicant's privileges to practice that
4 applicant's profession has been taken by any out-of-State
5 institution, organization, or employer;
- 6 (3) no disciplinary proceeding is pending that could affect the
7 applicant's privileges to practice that applicant's profession;
- 8 (4) all fines levied by any out-of-State board have been paid; and
- 9 (5) there is no pending or final action by any criminal authority
10 for violation of law or regulation, or any arrest or conviction for any
11 criminal or quasi-criminal offense under the laws of the United
12 States, this State, or any other state including, but not limited to:
13 criminal homicide; aggravated assault; sexual assault, criminal
14 sexual contact, or lewdness; or an offense involving any controlled
15 dangerous substance or controlled dangerous substance analog.
- 16 d. For purposes of this section, a "substantially equivalent"
17 examination need not be identical to the current examination
18 requirements of this State, but such examination shall be nationally
19 recognized and of comparable scope and rigor.
- 20 e. An applicant's experience may be considered by the board
21 or committee to compensate for disparity in substantial equivalence
22 in education and examination requirements under subsection a. of
23 this section.
- 24 f. An applicant shall satisfy or shall have satisfied all
25 applicable prerequisites required for initial licensure in this State,
26 such as obtaining insurance, including malpractice insurance, a
27 surety bond, or a pressure seal.
- 28 g. An applicant shall answer truthfully all questions asked of an
29 applicant for initial licensure.
- 30 h. Not later than six months after the issuance of the license,
31 the board or committee shall have received documentation
32 reasonably satisfactory to the board verifying the person's
33 education, training, and examination results.
- 34 i. A board or committee, after the licensee has been given
35 notice and an opportunity to be heard, may revoke any license based
36 on a license issued by another state obtained through fraud,
37 deception, or misrepresentation.
- 38 j. Nothing contained in this section shall preclude a board from
39 requiring an applicant for licensure based on an out-of-State license
40 to take an on-line jurisprudence course or an orientation available to
41 the applicant at any time.
- 42 k. ²**[A board shall only grant]** Nothing contained in this
43 section shall preclude a board from only granting² a license,
44 certificate of registration, or certification without examination to an
45 applicant seeking reciprocity who holds a corresponding license,
46 certificate of registration, or certification from another state if equal

1 reciprocity is provided for a New Jersey applicant for licensure
2 under the law of that other state.

3 l. Nothing in this section shall preclude a board from
4 exercising its discretion to grant a license, certificate of registration,
5 or certification without examination to an applicant seeking
6 reciprocity who holds a corresponding license, certificate of
7 registration, or certification from another state who does not meet
8 the good standing requirement of subsection a. of this section due to
9 a pending action by a licensing board, a pending action by an out-
10 of-State institution, organization, or employer affecting the
11 applicant's privileges to practice, a pending disciplinary
12 proceeding, or a pending criminal charge or arrest for a crime.

13 m. Notwithstanding any law or regulation to the contrary, the
14 provisions of this section shall apply to every holder of a
15 professional or occupational license or certificate of registration or
16 certification issued or renewed by a board specified in section 2 of
17 P.L.1978, c.73 (C.45:1-15) ¹, except that the provisions of this
18 section shall not apply to any holder of a license issued or renewed
19 by the Board of Examiners of Electrical Contractors pursuant to
20 P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners
21 of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et
22 seq.), ³the New Jersey Real Estate Commission pursuant to
23 R.S.45:15-1 et seq.,³ or the State Board of Examiners of Heating,
24 Ventilating, Air Conditioning and Refrigeration Contractors
25 pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.)¹.
26

27 4. The following sections are repealed:
28 Section 6 of P.L.1999, c.403 (C.45:1-7.2); and
29 Section 7 of P.L.1999, c.403 (C.45:1-7.3).
30

31 5. This act shall take effect on the first day of the sixth month
32 following enactment.
33
34
35

36
37 _____
38 Revises law concerning certain professional and occupational
licenses.