ASSEMBLY, No. 4619

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2022

Sponsored by:
Assemblyman LOUIS D. GREENWALD
District 6 (Burlington and Camden)
Assemblyman HERB CONAWAY, JR.
District 7 (Burlington)
Assemblyman STERLEY S. STANLEY
District 18 (Middlesex)

Co-Sponsored by:
Assemblyman Benson

SYNOPSIS
Codifies and extends authorization for certain out-of-State health care practitioners and recent graduates of health care training programs to practice in New Jersey.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning the licensure of health care professionals and amending various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 1 of P.L.2017, c.117 (C.45:1-61) is amended to read as follows:

1. As used in P.L.2017, c.117 (C.45:1-61 et al.):
"Asynchronous store-and-forward" means the acquisition and transmission of images, diagnostics, data, and medical information either to, or from, an originating site or to, or from, the health care provider at a distant site, which allows for the patient to be evaluated without being physically present.
"Cross-coverage service provider" means a health care provider, acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes, who engages in a remote medical evaluation of a patient, without in-person contact, at the request of another health care provider who has established a proper provider-patient relationship with the patient.
"Distant site" means a site at which a health care provider, acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes, is located while providing health care services by means of telemedicine or telehealth.
"Health care provider" means an individual who provides a health care service to a patient, and includes, but is not limited to, a licensed physician, nurse, nurse practitioner, psychologist, psychiatrist, psychoanalyst, clinical social worker, physician assistant, professional counselor, respiratory therapist, speech pathologist, audiologist, optometrist, or any other health care professional acting within the scope of a valid license or certification issued pursuant to Title 45 of the Revised Statutes. “Health care provider” includes a health care provider practicing under a temporary graduate license, a health care practitioner practicing under a temporary reciprocal license, and an alcohol and drug counselor-intern practicing under the authority of subsection c. of section 10 of P.L.1997, c.331 (C.45:2D-10).
"On-call provider” means a licensed or certified health care provider who is available, where necessary, to physically attend to the urgent and follow-up needs of a patient for whom the provider has temporarily assumed responsibility, as designated by the patient's primary care provider or other health care provider of record.
"Originating site” means a site at which a patient is located at the time that health care services are provided to the patient by means of telemedicine or telehealth.

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.
"Telehealth" means the use of information and communications technologies, including telephones, remote patient monitoring devices, or other electronic means, to support clinical health care, provider consultation, patient and professional health-related education, public health, health administration, and other services in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

"Telemedicine" means the delivery of a health care service using electronic communications, information technology, or other electronic or technological means to bridge the gap between a health care provider who is located at a distant site and a patient who is located at an originating site, either with or without the assistance of an intervening health care provider, and in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

"Telemedicine" does not include the use, in isolation, of electronic mail, instant messaging, phone text, or facsimile transmission.

"Telemedicine or telehealth organization" means a corporation, sole proprietorship, partnership, or limited liability company that is organized for the primary purpose of administering services in the furtherance of telemedicine or telehealth.

“Temporary graduate license” means a temporary license to practice: as an associate counselor issued pursuant to subsection c. of section 13 of P.L.1993, c.340 (C.45:8B-46); as a physician assistant issued pursuant to subsection f. of section 4 of P.L.1991, c.378 (C.45:9-27.13); as a professional nurse pursuant to subsection g. of section 4 of P.L.1947, c.262 (C.45:11-26); as a practical nurse pursuant to subsection f. of section 5 of P.L.1947, c.262 (C.45:11-27); as a pharmacist pursuant to subsection d. of section 14 of P.L.2003, c.280 (C.45:14-53); as a respiratory care practitioner pursuant to subsection c. of section 13 of P.L.1991, c.31 (C.45:14E-13); or as a social worker pursuant to subsection c. of section 7 of P.L.1991, c.134 (C.45:15BB-7).

“Temporary reciprocal license” means a temporary license or certification to practice: as a licensed alcohol and drug counselor issued pursuant to subsection b. of section 3 of P.L.1997, c.331 (C.45:2D-10); as a marriage and family therapist issued pursuant to subsection b. of section 21 of P.L.1968, c.401 (C.45:8B-21); as a professional counselor issued pursuant to subsection b. of section 13 of P.L.1993, c.340 (C.45:8B-46); medicine or surgery issued pursuant to subsection b. of R.S.45:9-13; as a homemaker-home health aide pursuant to subsection b. of section 1 of P.L.1990, c.125 (C.45:11-24.2); as a professional nurse pursuant to paragraph (1) of subsection f. of section 4 of P.L.1947, c.262 (C.45:11-26); as a practical nurse pursuant to paragraph (1) of subsection e. of section 5 of P.L.1947, c.262 (C.45:11-27); as an advanced practice nurse pursuant to subsection d. of section 8 of P.L.1991, c.377 (C.45:11-47); as a psychologist pursuant to subsection b. of section 20 of P.L.1966, c.282 (C.45:14B-20); as a psychoanalyst pursuant to
subsection b. of section 10 of P.L.2000, c.57 (C.45:14BB-10); as a respiratory care practitioner pursuant to subsection b. of section 13 of P.L.1991, c.31 (C.45:14E-13); or as a social worker pursuant to subsection b. of section 7 of P.L.1991, c.134 (C.45:15BB-7) (cf: P.L.2021, c.310, s.3)

2. Section 2 of P.L.2017, c.117 (C.45:1-62) is amended to read as follows:

a. Unless specifically prohibited or limited by federal or State law, a health care provider who establishes a proper provider-patient relationship with a patient may remotely provide health care services to a patient through the use of telemedicine. A health care provider may also engage in telehealth as may be necessary to support and facilitate the provision of health care services to patients. Nothing in P.L.2017, c.117 (C.45:1-61 et al.) shall be construed to allow a provider to require a patient to use telemedicine or telehealth in lieu of receiving services from an in-network provider.

b. Any health care provider who uses telemedicine or engages in telehealth while providing health care services to a patient, shall:

1) be validly licensed, certified, or otherwise authorized, pursuant to Title 45 of the Revised Statutes, to provide such services in the State of New Jersey; (2) remain subject to regulation by the appropriate New Jersey State licensing board or other New Jersey State professional regulatory entity; (3) act in compliance with existing requirements regarding the maintenance of liability insurance; and (4) remain subject to New Jersey jurisdiction.

c. (1) Telemedicine services may be provided using interactive, real-time, two-way communication technologies or, subject to the requirements of paragraph (2) of this paragraph, asynchronous store-and-forward technology.

(2) A health care provider engaging in telemedicine or telehealth may use asynchronous store-and-forward technology to provide services with or without the use of interactive, real-time, two-way audio if, after accessing and reviewing the patient’s medical records, the provider determines that the provider is able to meet the same standard of care as if the health care services were being provided in person and informs the patient of this determination at the outset of the telemedicine or telehealth encounter.

(3) (a) At the time the patient requests health care services to be provided using telemedicine or telehealth, the patient shall be clearly advised that the telemedicine or telehealth encounter may be with a health care provider who is not a physician, and that the patient may specifically request that the telemedicine or telehealth encounter be scheduled with a physician. If the patient requests that the telemedicine or telehealth encounter be with a physician, the
encounter shall be scheduled with a physician.  (b) The identity, professional credentials, and contact information of a health care provider providing telemedicine or telehealth services shall be made available to the patient at the time the patient schedules services to be provided using telemedicine or telehealth, if available, or upon confirmation of the scheduled telemedicine or telehealth encounter, and shall be made available to the patient during and after the provision of services. The contact information shall enable the patient to contact the health care provider, or a substitute health care provider authorized to act on behalf of the provider who provided services, for at least 72 hours following the provision of services. If the health care provider is not a physician, and the patient requests that the services be provided by a physician, the health care provider shall assist the patient with scheduling a telemedicine or telehealth encounter with a physician.

(4) A health care provider engaging in telemedicine or telehealth shall review the medical history and any medical records provided by the patient. For an initial encounter with the patient, the provider shall review the patient's medical history and medical records prior to initiating contact with the patient, as required pursuant to paragraph (3) of subsection a. of section 3 of P.L.2017, c.117 (C.45:1-63). In the case of a subsequent telemedicine or telehealth encounter conducted pursuant to an ongoing provider-patient relationship, the provider may review the information prior to initiating contact with the patient or contemporaneously with the telemedicine or telehealth encounter.

(5) Following the provision of services using telemedicine or telehealth, the patient's medical information shall be entered into the patient's medical record, whether the medical record is a physical record, an electronic health record, or both, and, if so requested to by the patient, forwarded directly to the patient's primary care provider, health care provider of record or any other health care providers as may be specified by the patient. For patients without a primary care provider or other health care provider of record, the health care provider engaging in telemedicine or telehealth may advise the patient to contact a primary care provider, and, upon request by the patient, shall assist the patient with locating a primary care provider or other in-person medical assistance that, to the extent possible, is located within reasonable proximity to the patient. The health care provider engaging in telemedicine or telehealth shall also refer the patient to appropriate follow up care where necessary, including making appropriate referrals for in-person care or emergency or complementary care, if needed. Consent may be oral, written, or digital in nature, provided that the chosen method of consent is deemed appropriate under the standard of care.

d. (1) Any health care provider providing health care services using telemedicine or telehealth shall be subject to the same
standard of care or practice standards as are applicable to in-person
settings. If telemedicine or telehealth services would not be
consistent with this standard of care, the health care provider shall
direct the patient to seek in-person care.

(2) Diagnosis, treatment, and consultation recommendations,
including discussions regarding the risk and benefits of the patient's
treatment options, which are made through the use of telemedicine
or telehealth, including the issuance of a prescription based on a
telemedicine or telehealth encounter, shall be held to the same
standard of care or practice standards as are applicable to in-person
settings. Unless the provider has established a proper provider-
patient relationship with the patient, a provider shall not issue a
prescription to a patient based solely on the responses provided in
an online static questionnaire.

(3) In the event that a mental health screener, screening service,
or screening psychiatrist subject to the provisions of P.L.1987,
c.116 (C.30:4-27.1 et seq.) determines that an in-person psychiatric
evaluation is necessary to meet standard of care requirements, or in
the event that a patient requests an in-person psychiatric evaluation
in lieu of a psychiatric evaluation performed using telemedicine or
telehealth, the mental health screener, screening service, or
screening psychiatrist may nevertheless perform a psychiatric
evaluation using telemedicine and telehealth if it is determined that
the patient cannot be scheduled for an in-person psychiatric
evaluation within the next 24 hours. Nothing in this paragraph shall
be construed to prevent a patient who receives a psychiatric
evaluation using telemedicine and telehealth as provided in this
paragraph from receiving a subsequent, in-person psychiatric
evaluation in connection with the same treatment event, provided
that the subsequent in-person psychiatric evaluation is necessary to
meet standard of care requirements for that patient.

e. The prescription of Schedule II controlled dangerous
substances through the use of telemedicine or telehealth shall be
authorized only after an initial in-person examination of the patient,
as provided by regulation, and a subsequent in-person visit with the
patient shall be required every three months for the duration of time
that the patient is being prescribed the Schedule II controlled
dangerous substance. However, the provisions of this subsection
shall not apply, and the in-person examination or review of a patient
shall not be required, when a health care provider is prescribing a
stimulant which is a Schedule II controlled dangerous substance for
use by a minor patient under the age of 18, provided that the health
care provider is using interactive, real-time, two-way audio and
video technologies when treating the patient and the health care
provider has first obtained written consent for the waiver of these
in-person examination requirements from the minor patient's parent
or guardian.
f. A mental health screener, screening service, or screening psychiatrist subject to the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.):
   (1) shall not be required to obtain a separate authorization in order to engage in telemedicine or telehealth for mental health screening purposes; and
   (2) shall not be required to request and obtain a waiver from existing regulations, prior to engaging in telemedicine or telehealth.

g. A health care provider who engages in telemedicine or telehealth, as authorized by P.L.2017, c.117 (C.45:1-61 et al.), shall maintain a complete record of the patient's care, and shall comply with all applicable State and federal statutes and regulations for recordkeeping, confidentiality, and disclosure of the patient's medical record.

h. A health care provider shall not be subject to any professional disciplinary action under Title 45 of the Revised Statutes solely on the basis that the provider engaged in telemedicine or telehealth pursuant to P.L.2017, c.117 (C.45:1-61 et al.).

i. (1) In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other entities that, pursuant to Title 45 of the Revised Statutes, are responsible for the licensure, certification, or registration of health care providers in the State, shall each adopt rules and regulations that are applicable to the health care providers under their respective jurisdictions, as may be necessary to implement the provisions of this section and facilitate the provision of telemedicine and telehealth services. Such rules and regulations shall, at a minimum:
   (a) include best practices for the professional engagement in telemedicine and telehealth;
   (b) ensure that the services patients receive using telemedicine or telehealth are appropriate, medically necessary, and meet current quality of care standards;
   (c) include measures to prevent fraud and abuse in connection with the use of telemedicine and telehealth, including requirements concerning the filing of claims and maintaining appropriate records of services provided; and
   (d) provide substantially similar metrics for evaluating quality of care and patient outcomes in connection with services provided using telemedicine and telehealth as currently apply to services provided in person.

   (2) In no case shall the rules and regulations adopted pursuant to paragraph (1) of this subsection require a provider to conduct an initial in-person visit with the patient as a condition of providing services using telemedicine or telehealth.

   (3) The failure of any licensing board to adopt rules and regulations pursuant to this subsection shall not have the effect of
delaying the implementation of this act, and shall not prevent health
care providers from engaging in telemedicine or telehealth in
accordance with the provisions of this act and the practice act
applicable to the provider's professional licensure, certification, or
registration.
(cf: P.L.2021, c.310, s.4)

3. Section 10 of P.L.1997, c.331 (C.45:2D-10) is amended to
read as follows:

10. a. The board may grant a license or certification to any
person who at the time of application is licensed or certified by a
governmental agency located in another state, territory or
jurisdiction, if in the opinion of the committee the requirements of
that licensure or certification are substantially similar to the
requirements of this act.

b. (1) (a) Notwithstanding any other provision of law to the
contrary, a person who is currently licensed or certified by a
governmental agency located in another state as an alcohol and drug
counselor shall be authorized to practice for up to one year as an
alcohol and drug counselor in New Jersey without holding a license
issued pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.). An
individual practicing as an alcohol and drug counselor in New
Jersey under a temporary authorization to practice shall not be
required to pay any fees or complete a criminal history record
background check as a condition of the temporary authorization to
practice.

(b) If, within one year of commencing practice as an alcohol and
drug counselor in New Jersey under a temporary authorization
pursuant to this subsection, the individual initiates the process of
applying for full licensure as an alcohol and drug counselor
pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.), including paying
all applicable fees and completing a criminal history record
background check, the temporary authorization to practice shall
remain in effect until a final determination is made on the
individual’s application for licensure pursuant to P.L.1997, c.331
(C.45:2D-1 et seq.).

(c) An individual practicing as an alcohol and drug counselor
under a temporary authorization to practice pursuant to this
subsection shall immediately notify the Division of Consumer
Affairs in the Department of Law and Public Safety if the
individual’s authorization to practice in any other state is
suspended, revoked, or subject to adverse disciplinary action. The
division shall make a determination as to the individual’s
continuing authorization to practice in New Jersey pursuant to this
subsection.

(2) (a) Except as provided in subparagraph (b) of this
paragraph, if an individual previously practiced as a licensed
alcohol and drug counselor in New Jersey pursuant to this
subsection without holding a license issued pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.), the individual shall be ineligible to subsequently practice as a licensed alcohol and drug counselor in New Jersey unless the individual holds a license issued pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any period prior to the effective date of P.L. , c. (pending before the Legislature as this bill) during which a person practiced as an alcohol and drug counselor in New Jersey pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as an alcohol and drug counselor in New Jersey without holding a license issued pursuant to P.L.1997, c.331 (C.45:2D-1 et seq.).

(3) An application for temporary authorization to practice as an alcohol and drug counselor pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

c. Notwithstanding any other provision of law to the contrary, an alcohol and drug counselor-intern working in a substance use disorder treatment facility licensed by the Division of Mental Health and Addiction Services in the Department of Human Services shall be authorized to meet the supervised work experience requirements for certification as an alcohol and drug counselor through the provision of services using telemedicine and telehealth, as those terms are defined in section 1 of P.L.2017, c.117 (C.45:1-61), provided the intern:

(1) is operating under a plan of supervision approved by the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy;

(2) practices under the supervision of the intern’s qualified clinical supervisor;

(3) has completed at least 150 hours of approved core content education required for certification as an alcohol and drug counselor;

(4) has completed at least 300 hours of supervised work experience in person; and

(5) has attended at least 15 alcohol and drug abuse self-help group meetings.

(cf: P.L.1997, c.331, s.10)

4. Section 21 of P.L.1968, c.401 (C.45:8B-21) is amended to read as follows:

21. a. The board may issue a license by an examination of credentials to any applicant who presents evidence that he is licensed or certified as a marriage and family therapist in another state with requirements for that license or certificate such that the
board is of the opinion that the applicant is competent to engage in
the practice of marriage and family therapy in this State.

b. (1) (a) Notwithstanding any other provision of law to the
contrary, a person who is currently licensed or certified by a
governmental agency located in another state as a marriage and
family therapist shall be authorized to practice for up to one year as
a marriage and family therapist in New Jersey without holding a
license issued pursuant to P.L.1968, c.401 (C.45:8B-1 et seq.). An
individual practicing as a marriage and family therapist in New
Jersey under a temporary authorization to practice shall not be
required to pay any fees or complete a criminal history record
background check as a condition of the temporary authorization to
practice.

(b) If, within one year of commencing practice as a marriage
and family therapist in New Jersey under a temporary authorization
pursuant to this subsection, the individual initiates the process of
applying for full licensure as a marriage and family therapist
pursuant to P.L.1968, c.401 (C.45:8B-1 et seq.), including paying
all applicable fees and completing a criminal history record
background check, the temporary authorization to practice shall
remain in effect until a final determination is made on the
individual’s application for licensure pursuant to P.L.1968, c.401
(C.45:8B-1 et seq.).

(c) An individual practicing as a marriage and family therapist
under a temporary authorization to practice pursuant to this
subsection shall immediately notify the Division of Consumer
Affairs in the Department of Law and Public Safety if the
individual’s authorization to practice in any other state is
suspended, revoked, or subject to adverse disciplinary action. The
division shall make a determination as to the individual’s
continuing authorization to practice in New Jersey pursuant to this
subsection.

(2) (a) Except as provided in subparagraph (b) of this
paragraph, if an individual previously practiced as a marriage and
family therapist in New Jersey pursuant to this subsection without
holding a license issued pursuant to P.L.1968, c.401 (C.45:8B-1 et
seq.), the individual shall be ineligible to subsequently practice as a
marriage and family therapist in New Jersey unless the individual
holds a license issued pursuant to P.L.1968, c.401 (C.45:8B-1 et
seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any
period prior to the effective date of P.L. , c. (pending before the
Legislature as this bill) during which a person practiced as a
marriage and family therapist in New Jersey pursuant to a waiver
issu ed under the authority of Executive Order No. 103 of 2020 shall
not constitute practicing as a marriage and family therapist in New
Jersey without holding a license issued pursuant to P.L.1968, c.401
(C.45:8B-1 et seq.).
(3) An application for temporary authorization to practice as a marriage and family therapist pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

(cf: P.L.1995, c.366, s.14)

5. Section 13 of P.L.1993, c.340 (C.45:8B-46) is amended to read as follows:

13. a. The board may grant a license to practice counseling or rehabilitation counseling to any person who at the time of application is licensed or certified by an agency located in another state, territory or jurisdiction, if in the opinion of the committee the requirements of that licensure or certification are substantially similar to the requirements of this act.

b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a professional counselor shall be authorized to practice for up to one year as a professional counselor in New Jersey without holding a license issued pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.). An individual practicing as a professional counselor in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a professional counselor in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full licensure as a professional counselor pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for licensure pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.).

(c) An individual practicing as a professional counselor under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as a professional counselor in New Jersey pursuant to this subsection without holding a license issued pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.), the individual shall be ineligible to subsequently practice as a
professional counselor in New Jersey unless the individual holds a license issued pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any period prior to the effective date of P.L. , c. (pending before the Legislature as this bill) during which a person practiced as a professional counselor in New Jersey pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as a professional counselor in New Jersey without holding a license issued pursuant to P.L.1993, c.340 (C.45:8B-34 et seq.).

(3) An application for temporary authorization to practice as a professional counselor pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

c. Notwithstanding any other provision of law to the contrary, any person who has graduated with a master’s degree or doctorate in counseling from a regionally accredited institution of higher education, or an institution accredited by the Council for the Accreditation of Counseling and Related Educational Programs, may be issued a temporary license to practice as an associate counselor in New Jersey without the need to complete a criminal history record background check or pay any fees other than the standard licensure fees. A temporary license issued pursuant to this subsection shall authorize the licensee to practice as an associate counselor until such time as the person is issued a full associate counselor license or the person fails the associate counselor licensure examination, provided that the person:

(1) graduated within six months of the date of application for a temporary license issued pursuant to this section;

(2) has initiated the application process for an associate counselor license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;

(3) submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division;

and

(4) complies with all applicable scope of practice and supervision requirements.

cf: P.L.1997, c.155, s.12

6. R.S.45:9-13 is amended to read as follows:

45:9-13. Any applicant for a license to practice medicine and surgery, upon proving that he has been examined and licensed by the examining and licensing board of another State of the United States or by the National Board of Medical Examiners or by
certificates of the National Board of Examiners for Osteopathic Physicians and Surgeons, may, in the discretion of the board of medical examiners of this State, be granted a license to practice medicine and surgery without further examination upon payment to the treasurer of the board of a license fee of $150.00; provided, such applicant shall furnish proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination. In any such application for a license without examination, all questions of academic requirements of other States shall be determined by the Commissioner of Education of this State.

b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed to practice medicine or surgery in another state shall be authorized to practice medicine or surgery, consistent with the scope of the license held in the other state, for up to one year in New Jersey without holding a license issued pursuant to Chapter 9 of Title 45 of the Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2). An individual practicing medicine or surgery in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing the practice of medicine or surgery in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full licensure to practice medicine or surgery pursuant to Chapter 9 of Title 45 of the Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for licensure pursuant to Chapter 9 of Title 45 of the Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2).

(c) An individual practicing medicine or surgery under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced medicine or surgery in New Jersey pursuant to this subsection without holding a license issued pursuant to Chapter 9 of Title 45 of the Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2), the individual shall be ineligible to subsequently practice medicine or surgery in New Jersey unless the individual holds a license to practice medicine or
surgery issued pursuant to Chapter 9 of Title 45 of the Revised
Statutes or section 1 of P.L. 2021, c. 332 (C. 45:9-6.2).

(b) For the purposes of subparagraph (a) of this paragraph, any
period prior to the effective date of P.L. 2021, c. (pending before the
Legislature as this bill) during which a person practiced medicine or
surgery in New Jersey pursuant to a waiver issued under the
authority of Executive Order No. 103 of 2020 shall not constitute
practicing medicine or surgery in New Jersey without holding a
license issued pursuant to Chapter 9 of Title 45 of the Revised
Statutes or section 1 of P.L. 2021, c. 332 (C. 45:9-6.2).

(3) An application for temporary authorization to practice
medicine or surgery pursuant to this subsection shall be submitted
to the Division of Consumer Affairs in the Department of Law and
Public Safety in a form and manner as shall be determined by the
division.

(cf: P.L. 1973, c. 166, s. 3)

7. Section 4 of P.L. 1991, c. 378 (C. 45:9-27.13) is amended to
read as follows:

4. a. The board shall issue a license as a physician assistant to
an applicant who has fulfilled the following requirements:
(1) Is at least 18 years of age;
(2) Is of good moral character;
(3) Has successfully completed an accredited program; and
(4) Has passed the national certifying examination administered
by the National Commission on Certification of Physician
Assistants, or its successor.

b. In addition to the requirements of subsection a. of this
section, an applicant for renewal of a license as a physician
assistant shall:
(1) Execute and submit a sworn statement made on a form
provided by the board that neither the license for which renewal is
sought nor any similar license or other authority issued by another
jurisdiction has been revoked or suspended; and
(2) Present satisfactory evidence that any continuing education
requirements have been completed as required by P.L. 1991, c. 378
(C. 45:9-27.10 et seq.).

c. The board, in consultation with the committee, may accept,
in lieu of the requirements of subsection a. of this section, proof
that an applicant for licensure holds a current license in a state
which has standards substantially equivalent to those of this State.

d. (Deleted by amendment, P.L. 2015, c. 224)

e. A physician assistant who notifies the board in writing on
forms prescribed by the board may elect to place the physician
assistant's license on inactive status. A physician assistant with an
inactive license shall not be subject to the payment of renewal fees
and shall not practice as a physician assistant. A licensee who
engages in practice while the physician assistant's license is lapsed
or on inactive status shall be deemed to have engaged in professional misconduct in violation of subsection e. of section 8 of P.L.1978, c.73 (C.45:1-21) and shall be subject to disciplinary action by the committee pursuant to P.L.1978, c.73 (C.45:1-14 et seq.). A physician assistant requesting restoration from an inactive status shall be required to pay the current renewal fee and shall be required to meet the criteria for renewal as specified by the board.

f. Notwithstanding any other provision of law to the contrary, any person who has graduated from an accredited physician assistant training program may apply for a temporary license to practice as a physician assistant in New Jersey without the need to complete a criminal history record background check or pay any fees other than the standard licensure fee. A temporary license issued pursuant to this subsection shall authorize the person to practice as a physician assistant, and provide services both in person and using telemedicine and telehealth, until such time as the person is either issued a full physician assistant license or the person fails the physician assistant licensure examination, provided that the person:

1. graduated within six months of the date of application for a temporary license issued pursuant to this section;
2. has initiated the application process for a physician assistant license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;
3. only practices under appropriate supervision, which may include a preceptor relationship, in an acute care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);
4. does not order or prescribe controlled dangerous substances, does not authorize patients for medical cannabis, and does not issue written instructions for medical cannabis;
5. submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division; and
6. complies with all applicable scope of practice and supervision requirements, as well as the terms of the person’s delegation agreement with a supervising physician.

8. Section 1 of P.L.1990, c.125 (C.45:11-24.2) is amended to read as follows:
1. The board shall provide that a person may satisfy the examination requirement for certification as a homemaker-home health aide by passing an oral competency evaluation in English or Spanish.
b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a homemaker-home health aide shall be authorized to practice for up to one year as a homemaker-home health aide in New Jersey without holding a certification issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.). An individual practicing as a homemaker-home health aide in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a homemaker-home health aide in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full certification as a homemaker-home health aide pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for certification pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(c) An individual practicing as a homemaker-home health aide under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as a homemaker-home health aide in New Jersey pursuant to this subsection without holding a certification issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), the individual shall be ineligible to subsequently practice as a homemaker-home health aide in New Jersey unless the individual holds a certification issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any period prior to the effective date of P.L. , c. (pending before the Legislature as this bill) during which a person practiced as a homemaker-home health aide in New Jersey pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as a homemaker-home health aide in New Jersey without holding a certification issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(3) An application for temporary authorization to practice as a homemaker-home health aide pursuant to this subsection shall be
submitted to the Division of Consumer Affairs in the Department of
Law and Public Safety in a form and manner as shall be determined
by the division.
(cf: P.L.1990, c.125, s.1)

9. Section 4 of P.L.1947, c.262 (C.45:11-26) is amended to
read as follows:

4. a. Qualifications of applicants. An applicant for a license to
practice professional nursing shall submit to the board evidence in
such form as the board may prescribe that said applicant: (1) has
attained his or her eighteenth birthday; (2) is of good moral
character, is not a habitual user of drugs and has never been
convicted or has not pleaded nolo contendere, non vult contendere
or non vult to an indictment, information or complaint alleging a
violation of any Federal or State law relating to narcotic drugs; (3)
holds a diploma from an accredited 4-year high school or the
equivalent thereof as determined by the New Jersey State
Department of Education; (4) has completed a course of
professional nursing study in an accredited school of professional
nursing as defined by the board and holds a diploma therefrom.

Notwithstanding anything herein contained, any person who
possesses the educational and school of professional nursing
qualifications for registration required by the law of this State at the
time of his or her graduation from an accredited school of
professional nursing shall be deemed to possess the qualifications
(3) and (4) prescribed hereinabove in this subsection.

b. License. (1) By examination. The applicant shall be required to pass a
written examination in such subjects as the board may determine,
which examination may be supplemented by an oral or practical
examination or both. Upon successfully passing such examinations
the applicant shall be licensed by the board to practice professional
nursing.
(2) By indorsement without examination. The board may issue a license to practice professional nursing without examination to an applicant who has been duly licensed or registered as a registered or professional nurse by examination or by original waiver under the laws of another State, territory or possession of the United States, or the District of Columbia, or any foreign country, if in the opinion of the board the applicant has the qualifications required by this act for the licensing of professional nurses, or equivalent qualifications.

c. Fees. An applicant for a license by examination shall pay to the board at the time of application a fee of $25.00 and at the time of each application for re-examination a fee of $20.00. An applicant for a license without examination shall pay to the board at the time of application a fee of $15.00.

d. Nurses registered under a previous law. Any person who on the effective date of this act holds a subsisting certificate of registration as a registered nurse issued pursuant to the provisions of the act repealed by section 22 of this act shall be deemed to be licensed as a professional nurse under this act during the calendar year in which this act shall take effect, and such person and any person who heretofore held a certificate of registration under said act hereby repealed as aforesaid shall be entitled to a renewal of such license as in the case of professional nurses licensed originally under this act.

e. Title and abbreviations used by licensee. Any person who holds a license to practice professional nursing under this act shall during the effective period of such license be entitled to use the title "Registered Nurse" and the abbreviation "R.N." The effective period of a license or a renewal thereof shall commence on the date of issuance and shall terminate at the end of the calendar year in which it is issued, and shall not include any period of suspension ordered by the board as hereinafter provided.

f. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a registered or professional nurse shall be authorized to practice for up to one year as a professional nurse in New Jersey without holding a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.). An individual practicing as a professional nurse in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a professional nurse in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full licensure as a professional nurse pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a
final determination is made on the individual’s application for licensure pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(c) An individual practicing as a professional nurse under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as a professional nurse in New Jersey pursuant to this subsection without holding a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), the individual shall be ineligible to subsequently practice as a professional nurse in New Jersey unless the individual holds a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any period during which a person practiced as a professional nurse in New Jersey without being licensed to practice in New Jersey prior to the effective date of P.L. , c. (pending before the Legislature as this bill) pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as a professional nurse in New Jersey without holding a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

(3) An application for temporary authorization to practice as a professional nurse pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

(4) The provisions of this subsection shall not apply to a professional nurse who holds a multistate license issued pursuant to P.L.20 , c. (C.45:11A-9 et seq.) or affect the authority of any nurse holding a multistate license to practice in New Jersey under that license.

(g) Notwithstanding any other provision of law to the contrary, any person who has graduated from an accredited professional nurse training program may apply for a temporary license to practice as a professional nurse in New Jersey without the need to complete a criminal history background check or pay any fee other than the standard licensure fee. A temporary license issued pursuant to this subsection shall authorize the person to practice as a professional nurse, and provide services both in person and using telemedicine and telehealth, until such time as the person is issued a full professional nurse license or the person fails the professional nurse licensure examination, provided that the person:

(1) graduated within six months of the date of application for a temporary license issued pursuant to this section;
(2) has initiated the application process for a professional nurse license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;

(3) only practices under appropriate supervision, which may include a preceptor relationship, in an acute care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

(4) submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division;

and

(5) complies with all applicable scope of practice and supervision requirements.

(cf: P.L.1966, c.186, s.2)

10. Section 5 of P.L.1947, c.262 (C.45:11-27) is amended to read as follows:

5. a. Qualifications of applicants. An applicant for a license to practice practical nursing shall submit to the board evidence in such form as the board may prescribe that the applicant (1) has attained his or her eighteenth birthday; (2) is of good moral character, is not an habitual user of drugs and has never been convicted or has not pleaded nolo contendere, non vult contendere or non vult to an indictment, information or complaint alleging a violation of any Federal or State law relating to narcotic drugs; (3) has completed 2 years of high school or the equivalent thereof, as determined by the New Jersey State Department of Education; (4) has completed a course of study in a school of practical nursing approved by the board and holds a diploma therefrom, or holds a diploma from a school of practical nursing operated by a board of education in this State and is certified by the Department of Education as having completed the number of hours of instruction in the subjects in the curriculum prescribed by the board and an approved course of affiliation or has equivalent qualifications as determined by the board.

b. License.

(1) By examination. The applicant shall be required to pass a written examination in such subjects as the board may determine, which examination may be supplemented by an oral or practical examination or both. Upon successfully passing such examinations, the applicant shall be licensed by the board to practice practical nursing.

(2) By indorsement without examination. The board shall issue a license to practice practical nursing without examination to any applicant who has been duly licensed as a practical nurse or a person entitled to perform similar services under a different title by
practical nurse examination or by original waiver under the laws of another State, territory or possession of the United States, or the District of Columbia, if in the opinion of the board the applicant has the qualifications required by this act for licensing of practical nurses or equivalent qualifications.

(3) Waiver. If application therefor is made, upon a form prescribed by the board, on or before September 1, 1958, the board shall issue without examination a license to practice practical nursing to an applicant who submits to the board evidence in such form as the board may prescribe that the applicant has qualifications provided in subsection "a" of this section and had within 5 years prior to application at least 2 years of satisfactory experience in practical nursing, at least 1 year of which shall have been performed in this State except in cases of such nursing performed in an agency or service of the Federal Government; provided, that except in cases of such nursing performed in an agency or service of the Federal Government, such applicant is indorsed under oath by 2 physicians duly licensed to practice medicine and surgery in New Jersey who have personal knowledge of the applicant's qualifications and satisfactory performance of practical nursing and by 2 persons who have employed the applicant.

c. Fees. An applicant for license by examination shall pay to the board at the time of application a fee of $20.00 and at the time of each application for re-examination a fee of $10.00. At the time of application an applicant for license without examination shall pay to the board a fee of $10.00, and an applicant for license by waiver shall pay to the board a fee of $10.00.

d. Title used by licensee. Any person who holds a license to practice practical nursing under this act shall during the effective period of such license be entitled to practice practical nursing and to use the title "Licensed Practical Nurse" and the abbreviation "L.P.N." The effective period of a license or a renewal thereof shall commence on the date of issuance and shall terminate at the end of the calendar year in which it is issued, and shall not include any period of suspension ordered by the board as hereinafter provided.

e. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a practical nurse shall be authorized to practice for up to one year as a practical nurse in New Jersey without holding a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.). An individual practicing as a practical nurse in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a practical nurse in New Jersey under a temporary authorization pursuant to
this subsection, the individual initiates the process of applying for
full licensure as a practical nurse pursuant to P.L.1947, c.262
(C.45:11-23 et seq.), including paying all applicable fees and
completing a criminal history record background check, the
temporary authorization to practice shall remain in effect until a
final determination is made on the individual’s application for
licensure pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).
(c) An individual practicing as a practical nurse under a
temporary authorization to practice pursuant to this subsection shall
immediately notify the Division of Consumer Affairs in the
Department of Law and Public Safety if the individual’s
authorization to practice in any other state is suspended, revoked, or
subject to adverse disciplinary action. The division shall make a
determination as to the individual’s continuing authorization to
practice in New Jersey pursuant to this subsection.
(2) (a) Except as provided in subparagraph (b) of this
paragraph, if an individual previously practiced as a practical nurse
in New Jersey pursuant to this subsection without holding a license
issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), the
individual shall be ineligible to subsequently practice as a practical
nurse in New Jersey unless the individual holds a license issued
pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).
(b) For the purposes of subparagraph (a) of this paragraph, any
period during which a person practiced as a practical nurse in New
Jersey without being licensed to practice in New Jersey prior to the
effective date of P.L. , c. (pending before the Legislature as this
bill) pursuant to a waiver issued under the authority of Executive
Order No. 103 of 2020 shall not constitute practicing as a practical
nurse in New Jersey without holding a license issued pursuant to
P.L.1947, c.262 (C.45:11-23 et seq.).
(3) An application for temporary authorization to practice as a
practical nurse pursuant to this subsection shall be submitted to the
Division of Consumer Affairs in the Department of Law and Public
Safety in a form and manner as shall be determined by the division.
(4) The provisions of this subsection shall not apply to a
practical nurse who holds a multistate license issued pursuant to
P.L.2019, c.172 (C.45:11A-9 et seq.) or affect the authority of any
nurse holding a multistate license to practice in New Jersey under
that license.
(f) Notwithstanding any other provision of law to the contrary,
any person who has graduated from an accredited practical nurse
training program may apply for a temporary license to practice as a
practical nurse in New Jersey without the need to complete a
criminal history background check or pay any fee other than the
standard licensure fee. A temporary license issued pursuant to this
subsection shall authorize the person to practice as a practical nurse,
and provide services both in person and using telemedicine and
telehealth, until such time as the person is issued a full practical
nurse license or the person fails the practical nurse licensure examination, provided that the person:

(1) graduated within six months of the date of application for a temporary license issued pursuant to this section;

(2) has initiated the application process for a practical nurse license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;

(3) only practices under appropriate supervision, which may include a preceptor relationship, in an acute care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);

(4) submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division; and

(5) complies with all applicable scope of practice and supervision requirements.

(cf: P.L.1966, c.186, s.3)

11. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to read as follows:

8. a. The New Jersey Board of Nursing may issue a certification as an advanced practice nurse to an applicant who fulfills the following requirements:

   (1) Is at least 18 years of age;

   (2) Is of good moral character;

   (3) Is a registered professional nurse;

   (4) Has successfully completed an educational program, including pharmacology, approved by the board; and

   (5) Has passed a written examination approved by the board.

b. In addition to the requirements of subsection a. of this section, an applicant for renewal of a certification as an advanced practice nurse shall present satisfactory evidence that, in the period since the certification was issued or last renewed, all continuing education requirements have been completed as required by regulations adopted by the board.

c. The board may accept, in lieu of the written examination required by paragraph (5) of subsection a. of this section, proof that an applicant for certification holds a current certification in a state which has standards substantially equivalent to those of this State.

d. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as an advanced practice nurse shall be authorized to practice for up to one year as an advanced practice nurse in New Jersey without holding a certification issued pursuant to P.L.1991, c.377 (C.45:11-45 et al.).
An individual practicing as an advanced practice nurse in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as an advanced practice nurse in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full certification as an advanced practice nurse pursuant to P.L.1991, c.377 (C.45:11-45 et al.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for certification pursuant to P.L.1991, c.377 (C.45:11-45 et al.).

(c) An individual practicing as an advanced practice nurse under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as an advanced practice nurse in New Jersey pursuant to this subsection without holding a certification issued pursuant to P.L.1991, c.377 (C.45:11-45 et al.), the individual shall be ineligible to subsequently practice as an advanced practice nurse in New Jersey unless the individual holds a certification issued pursuant to P.L.1991, c.377 (C.45:11-45 et al.).

(b) For the purposes of subparagraph (a) of this paragraph, any period prior to the effective date of P.L. __ , c. __ (pending before the Legislature as this bill) during which a person practiced as an advanced practice nurse in New Jersey pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as an advanced practice nurse in New Jersey without holding a certification issued pursuant to P.L.1991, c.377 (C.45:11-45 et al.).

(3) An application for temporary authorization to practice as an advanced practice nurse pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

(cf: P.L.1999, c.85, s.6)

12. Section 14 of P.L.2003, c.280 (C.45:14-53) is amended to read as follows:
14. a. In order for a pharmacist currently licensed in another
jurisdiction to obtain a license as a pharmacist by license transfer in
this State, an applicant shall:
(1) Have submitted a written application in the form prescribed
by the board;
(2) Have attained the age of 18 years;
(3) Have good moral character;
(4) Have engaged in the practice of pharmacy for a period of at
least 1,000 hours within the last two years or have met, immediately
prior to application, the internship requirements of this State within
the one-year period immediately preceding the date of application;
(5) Have presented to the board proof of initial licensure by
examination and proof that the license is in good standing;
(6) Have presented to the board proof that any other license
granted to the applicant by any other state has not been suspended,
revoked or otherwise restricted for any reason except nonrenewal or
for the failure to obtain the required continuing education credits in
any state where the applicant is currently licensed but not engaged
in the practice of pharmacy;
(7) Have paid the fees specified by the board;
(8) Have graduated and received a professional degree from a
college or school of pharmacy approved by the board; and
(9) Have met any other requirements as established by the board
by regulation.

b. No applicant shall be eligible for license transfer unless the
applicant holds a current valid license in a state that grants licensure
transfer to pharmacists duly licensed by examination in this State.

c. In order for a pharmacist applicant with a pharmacy degree
from a foreign country or a college of pharmacy not approved by
the board to obtain a license as a pharmacist, that applicant shall
meet those requirements as established by the board by regulation.
d. Notwithstanding any other provision of law to the contrary,
any person who has graduated from an accredited pharmacy
education training program may apply for a temporary license to
practice as a pharmacist without the need to complete a criminal
history record background check or pay any fee other than the
standard licensure fee. A temporary license issued pursuant to this
subsection shall authorize the person to practice as a pharmacist
until such time as the person is issued a full pharmacist license or
the person fails the pharmacist licensure examination, provided that
the person:
(1) graduated within six months of the date of application for a
temporary license issued pursuant to this section;
(2) has initiated the application process for a pharmacist license,
including submitting the applicable fee and including registering to
take the next scheduled licensure examination, if the person has not
already successfully completed the licensure examination;
(3) only practices under appropriate supervision, which may include a preceptor relationship, in an acute care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.):

(4) submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division; and

(5) complies with all applicable scope of practice and supervision requirements.

(cf: P.L.2003, c.280, s.14)

13. Section 20 of P.L.1966, c.282 (C.45:14B-20) is amended to read as follows:

20. a. The board may issue a license by an examination of credentials to any applicant who presents evidence that he (a) is licensed or certified as a psychologist in another State with requirements for said license or certificate such that the board is of the opinion that said applicant is competent to engage in the practice of psychology in this State or (b) holds a diploma from a nationally recognized psychological board or agency.

b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a psychologist shall be authorized to practice for up to one year as a psychologist in New Jersey without holding a license issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.). An individual practicing as a psychologist in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a psychologist in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full licensure as a psychologist pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for licensure pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).

(c) An individual practicing as a psychologist under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.
(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as a psychologist in New Jersey pursuant to this subsection without holding a license issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.), the individual shall be ineligible to subsequently practice as a psychologist in New Jersey unless the individual holds a license issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph:

(i) any period during which a person practiced as a psychologist prior to the effective date of P.L. , c. (pending before the Legislature as this bill) pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as a psychologist in New Jersey without holding a license issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.); and

(ii) a psychologist who is not licensed in New Jersey who provides in-person, face-to-face psychology services or telepsychology services in New Jersey pursuant to section 1 of P.L.2021, c.229 (C.45:14B-49) shall not be deemed to be practicing as a psychologist in New Jersey without holding a license issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.).

(3) An application for temporary authorization to practice as a psychologist pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

(cf: P.L.1966, c.282, s.20)

14. Section 10 of P.L.2000, c.57 (C.45:14BB-10) is amended to read as follows:

10. a. The director may waive the education, experience and examination requirements for State certification pursuant to this act and issue a State certification by endorsement to any applicant who holds a current license, registration or certificate to practice psychoanalysis issued by the agency of another state or country which, in the opinion of the director, has requirements for licensure, registration or certification equivalent to or higher than those required to be certified pursuant to this act.

b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a governmental agency located in another state as a psychoanalyst shall be authorized to practice for up to one year as a psychoanalyst in New Jersey without holding a certification issued pursuant to P.L.2000, c.57 (C.45:14BB-1 et seq.). An individual practicing as a psychoanalyst in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a psychoanalyst in New Jersey under a temporary authorization
pursuant to this subsection, the individual initiates the process of
applying for full certification as a psychoanalyst pursuant to
P.L.2000, c.57 (C.45:14BB-1 et seq.), including paying all
applicable fees and completing a criminal history record
background check, the temporary authorization to practice shall
remain in effect until a final determination is made on the
individual’s application for certification pursuant to P.L.2000, c.57
(C.45:14BB-1 et seq.).

(c) An individual practicing as a psychoanalyst under a
temporary authorization to practice pursuant to this subsection shall
immediately notify the Division of Consumer Affairs in the
Department of Law and Public Safety if the individual’s
authorization to practice in any other state is suspended, revoked, or
subject to adverse disciplinary action. The division shall make a
determination as to the individual’s continuing authorization to
practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this
paragraph, if an individual previously practiced as a psychoanalyst
in New Jersey pursuant to this subsection without holding a
certification issued pursuant to P.L.2000, c.57 (C.45:14BB-1 et
seq.), the individual shall be ineligible to subsequently practice as a
psychoanalyst in New Jersey unless the individual holds a
certification issued pursuant to P.L.2000, c.57 (C.45:14BB-1 et
seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any
period prior to the effective date of P.L. , c. (pending before the
Legislature as this bill) during which a person practiced as a
psychoanalyst in New Jersey pursuant to a waiver issued under the
authority of Executive Order No. 103 of 2020 shall not constitute
practicing as a professional counselor in New Jersey without
holding a certification issued pursuant to P.L.2000, c.57
(C.45:14BB-1 et seq.).

(3) An application for temporary authorization to practice as a
psychoanalyst pursuant to this subsection shall be submitted to the
Division of Consumer Affairs in the Department of Law and Public
Safety in a form and manner as shall be determined by the division.
(cf: P.L.2000, c.57, s.10)

15. Section 13 of P.L.1991, c.31 (C.45:14E-13) is amended to
read as follows:

13. a. Upon payment to the board of a fee and the submission of
a written application on forms provided by it, the board shall issue
without examination a license to a respiratory care practitioner who
holds a valid license issued by another state or possession of the
United States or the District of Columbia which has education and
experience requirements substantially equivalent to the
requirements of this act; provided, that, the applicant has not
previously failed the board exam referred to in section 15 of this
act, in which case licensing shall be at the discretion of the board.

b. (1) (a) Notwithstanding any other provision of law to the
contrary, a person who is currently licensed or certified by a
governmental agency located in another state as a respiratory care
practitioner shall be authorized to practice for up to one year as a
respiratory care practitioner in New Jersey without holding a
license issued pursuant to P.L.1991, c.31 (C.45:14E-1 et seq.). An
individual practicing as a respiratory care practitioner in New
Jersey under a temporary authorization to practice shall not be
required to pay any fees or complete a criminal history record
background check as a condition of the temporary authorization to
practice.

(b) If, within one year of commencing practice as a respiratory
care practitioner in New Jersey under a temporary authorization
pursuant to this subsection, the individual initiates the process of
applying for full licensure as a respiratory care practitioner pursuant
to P.L.1991, c.31 (C.45:14E-1 et seq.), including paying all
applicable fees and completing a criminal history record
background check, the temporary authorization to practice shall
remain in effect until a final determination is made on the
individual’s application for licensure pursuant to P.L.1991, c.31
(C.45:14E-1 et seq.).

(c) An individual practicing as a respiratory care practitioner
under a temporary authorization to practice pursuant to this
subsection shall immediately notify the Division of Consumer
Affairs in the Department of Law and Public Safety if the
individual’s authorization to practice in any other state is
suspended, revoked, or subject to adverse disciplinary action. The
division shall make a determination as to the individual’s
continuing authorization to practice in New Jersey pursuant to this
subsection.

(2) (a) Except as provided in subparagraph (b) of this
paragraph, if an individual previously practiced as a respiratory care
practitioner in New Jersey pursuant to this subsection without
holding a license issued pursuant to P.L.1991, c.31 (C.45:14E-1 et seq.), the individual shall be ineligible to subsequently practice as a
respiratory care practitioner in New Jersey unless the individual
holds a license issued pursuant to P.L.1991, c.31 (C.45:14E-1 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any
period prior to the effective date of P.L. c. (pending before the
Legislature as this bill) during which a person practiced as a
respiratory care practitioner in New Jersey pursuant to a waiver
issued under the authority of Executive Order No. 103 of 2020 shall
not constitute practicing as a respiratory care practitioner in New
Jersey without holding a license issued pursuant to P.L.91, c.31
(C.45:14E-1 et seq.).
(3) An application for temporary authorization to practice as a respiratory care practitioner pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.

c. Notwithstanding any other provision of law to the contrary, any person who has graduated from an accredited respiratory care therapy training program may apply for a temporary license to practice as a respiratory care practitioner without the need to complete a criminal history record background check or pay any fee other than the standard licensure fee. A temporary license issued pursuant to this subsection shall authorize the person to practice as a respiratory care practitioner until such time as the person is issued a full respiratory care practitioner license or the person fails the respiratory care practitioner licensure examination, provided that the person:

   (1) graduated within six months of the date of application for a temporary license issued pursuant to this section;
   (2) has initiated the application process for a respiratory care practitioner license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;
   (3) only practices under appropriate supervision, which may include a preceptor relationship, in an acute care facility licensed by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.);
   (4) submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division; and
   (5) complies with all applicable scope of practice and supervision requirements.

(cf: P.L.1991, c.31, s.13)

16. Section 7 of P.L.1991, c.134 (C.45:15BB-7) is amended to read as follows:

7. a. An applicant may be exempted from the requirement of taking and passing any examination provided for in this act if the applicant satisfies the board that the applicant is licensed or registered under the laws of a state, territory or jurisdiction of the United States, which in the opinion of the board imposes substantially the same educational and experiential requirements as this act, and, pursuant to the laws of the state, territory, or jurisdiction, has taken and passed an examination similar to that from which exemption is sought.

   b. (1) (a) Notwithstanding any other provision of law to the contrary, a person who is currently licensed or certified by a
A governmental agency located in another state as a clinical social worker shall be authorized to practice for up to one year as a clinical social worker in New Jersey without holding a clinical social worker license issued pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.). An individual practicing as a clinical social worker in New Jersey under a temporary authorization to practice shall not be required to pay any fees or complete a criminal history record background check as a condition of the temporary authorization to practice.

(b) If, within one year of commencing practice as a clinical social worker in New Jersey under a temporary authorization pursuant to this subsection, the individual initiates the process of applying for full licensure as a clinical social worker pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.), including paying all applicable fees and completing a criminal history record background check, the temporary authorization to practice shall remain in effect until a final determination is made on the individual’s application for licensure pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.).

(c) An individual practicing as a clinical social worker under a temporary authorization to practice pursuant to this subsection shall immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety if the individual’s authorization to practice in any other state is suspended, revoked, or subject to adverse disciplinary action. The division shall make a determination as to the individual’s continuing authorization to practice in New Jersey pursuant to this subsection.

(2) (a) Except as provided in subparagraph (b) of this paragraph, if an individual previously practiced as a clinical social worker in New Jersey pursuant to this subsection without holding a license issued pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.), the individual shall be ineligible to subsequently practice as a clinical social worker in New Jersey unless the individual holds a clinical social worker license issued pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.).

(b) For the purposes of subparagraph (a) of this paragraph, any period prior to the effective date of P.L. , c. (pending before the Legislature as this bill) during which a person practiced as a clinical social worker in New Jersey pursuant to a waiver issued under the authority of Executive Order No. 103 of 2020 shall not constitute practicing as a clinical social worker in New Jersey without holding a clinical social worker license issued pursuant to P.L.1991, c.134 (C.45:15BB-1 et seq.).

(3) An application for temporary authorization to practice as a clinical social worker pursuant to this subsection shall be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division.
c. Notwithstanding any other provision of law to the contrary, any person who has graduated from an educational program accredited by the Council on Social Work Education may apply for a temporary license to practice as a licensed social worker without the need to complete a criminal history record background check or pay any fee other than the standard licensure fee. A temporary license issued pursuant to this subsection shall authorize the person to practice as a social worker until such time as the person is issued a full social worker license or the person fails the social worker licensure examination, provided that the person:

1. graduated within six months of the date of application for a temporary license issued pursuant to this section;
2. has initiated the application process for a social worker license, including submitting the applicable fee and including registering to take the next scheduled licensure examination, if the person has not already successfully completed the licensure examination;
3. is practicing under a plan of supervision approved by the Board of Social Work Examiners;
4. only practices under the supervision of a licensed clinical social worker;
5. submits an application for temporary licensure to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner as shall be determined by the division; and
6. complies with all applicable scope of practice and supervision requirements.

(cf: P.L.1991, c.134, s.7)

17. (New section) The Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary for the implementation of this act.

18. This act shall take effect immediately.

STATEMENT

This bill makes permanent certain forms of temporary licensure for health care professionals licensed in other states and recent graduates of health care training programs, which temporary licensure was formerly authorized in response to the coronavirus disease 2019 (COVID-19) pandemic and extended through June 30, 2022 by P.L.2021, c.368. Specifically, with regard to temporary licensure for professionals licensed in other states, the bill provides that alcohol and drug...
counselors, marriage and family therapists, professional counselors, physicians, homemaker-home health aides, professional and practical nurses, advanced practice nurses, psychologists, psychoanalysts, respiratory care practitioners, and social workers licensed or certified in another state will be authorized to practice for up to one year in New Jersey without holding a license or certification to practice in the State, and will not be required to pay any fees or complete a criminal history background check as a condition of the temporary authorization to practice. If, within one year of commencing a temporary authorization to practice, the individual initiates the process of applying for full licensure or certification, including paying the applicable fees and completing a criminal history record background check, the temporary authorization to practice will remain in effect until a final determination is made on the individual’s application for full licensure or certification.

A person who previously practiced in New Jersey under a temporary authorization will be ineligible to practice under a subsequent temporary authorization, except that this restriction will not apply to individuals who practiced in New Jersey under the COVID-19 waivers. Additionally, the restriction will not apply to practical and professional nurses holding a multistate license issued under the “Nurse Licensure Compact,” P.L.2019, c.172 (C.45:11A-9 et seq.), or to out-of-State psychologists providing in-person or telepsychology services under the “Psychology Interstate Compact,” P.L.2021, c.229 (C.45:14B-49).

With regard to recent graduates, the bill provides that recent graduates of a masters or doctorate program in counseling, a physician assistant training program, a professional or practical nurse training program, a pharmacy training program, a respiratory care training program, or a social work educational program will be authorized to practice under a temporary license until the person achieves full licensure or fails the licensure examination. An applicant for a temporary license will not be required to complete a criminal history record background check or pay any fees other than the standard licensure fees.

To qualify for a temporary license, the graduate will be required to have graduated within six months of applying for the temporary license, have initiated the process for full licensure, have registered to take the next licensure examination if the graduate has not already passed the licensure examination, and comply with all applicable scope of practice and supervision requirements.

Recent graduates of training programs for physician assistants, nurses, pharmacists, and respiratory care practitioners will be restricted to practicing in an acute care facility licensed by the Department of Health, but will be authorized to provide services both in person and using telemedicine and telehealth. Recent graduates of a physician assistant training program will be
prohibited from ordering prescribing controlled dangerous substances, authorizing patients for medical cannabis, and issuing written instructions for medical cannabis, and will be required to comply with the requirements of the graduate’s delegation agreement with a supervising physician.

The bill additionally provides that alcohol and drug counselor-interns will be authorized to meet their supervised work experience requirements by providing services using telemedicine and telehealth, provided the intern is working in a licensed substance use disorder treatment facility, has met certain minimum training, education, and work experience requirements, and is working under the supervision of a clinical supervisor pursuant to an approved plan of supervision.

The bill amends the telemedicine and telehealth laws to allow the use of telemedicine and telehealth by out-of-State practitioners authorized to practice under the bill, graduates holding a temporary license issued under the bill, and alcohol and drug counselor interns as authorized under the bill.

The bill provides that applications for temporary licensure under the bill are to be submitted to the Division of Consumer Affairs in the Department of Law and Public Safety in a form and manner specified by the division.