

[Second Reprint]

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:

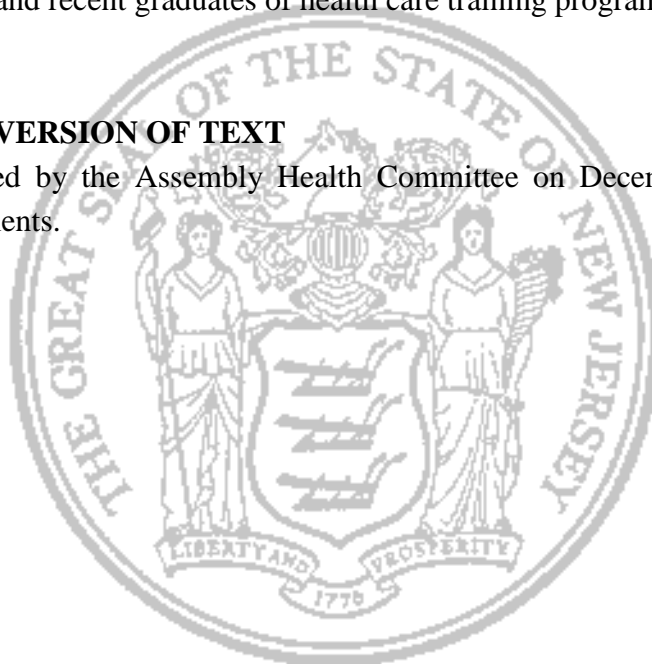
**Assemblyman Benson, Assemblywoman Matsikoudis, Assemblyman
Sauickie, Assemblywomen Lampitt, Murphy, Mosquera and Swain**

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 reported by the Assembly Health Committee on December 11, 2023, with amendments.



(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning the licensure of health care professionals and
2 amending various parts of the statutory law.

3

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

6

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

9 1. As used in P.L.2017, c.117 (C.45:1-61 et al.):

10 "Asynchronous store-and-forward" means the acquisition and
11 transmission of images, diagnostics, data, and medical information
12 either to, or from, an originating site or to, or from, the health care
13 provider at a distant site, which allows for the patient to be evaluated
14 without being physically present.

15 "Cross-coverage service provider" means a health care provider,
16 acting within the scope of a valid license or certification issued
17 pursuant to Title 45 of the Revised Statutes, who engages in a remote
18 medical evaluation of a patient, without in-person contact, at the
19 request of another health care provider who has established a proper
20 provider-patient relationship with the patient.

21 "Distant site" means a site at which a health care provider, acting
22 within the scope of a valid license or certification issued pursuant to
23 Title 45 of the Revised Statutes, is located while providing health care
24 services by means of telemedicine or telehealth.

25 "Health care provider" means an individual who provides a health
26 care service to a patient, and includes, but is not limited to, a licensed
27 physician, nurse, nurse practitioner, psychologist, psychiatrist,
28 psychoanalyst, clinical social worker, physician assistant, professional
29 counselor, respiratory therapist, speech pathologist, audiologist,
30 optometrist, or any other health care professional acting within the
31 scope of a valid license or certification issued pursuant to Title 45 of
32 the Revised Statutes. "Health care provider" includes a health care
33 provider practicing under a temporary graduate license, a health care
34 practitioner practicing under a ²[temporary reciprocal license,]
35 provisional authorization to practice² and an alcohol and drug
36 counselor-intern practicing under the authority of subsection c. of
37 section 10 of P.L.1997, c.331 (C.45:2D-10).

38 "On-call provider" means a licensed or certified health care
39 provider who is available, where necessary, to physically attend to the
40 urgent and follow-up needs of a patient for whom the provider has
41 temporarily assumed responsibility, as designated by the patient's
42 primary care provider or other health care provider of record.

43 "Originating site" means a site at which a patient is located at the
44 time that health care services are provided to the patient by means of
45 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted January 12, 2023.

²Assembly AHE committee amendments adopted December 11, 2023.

1 ²“Provisional authorization to practice” means an authorization to
2 practice issued to an out-of-State health care professional in one of the
3 following professions pending a final determination on an application
4 for licensure or certification to practice in New Jersey: a licensed
5 alcohol and drug counselor, pursuant to subsection b. of section 3 of
6 P.L.1997, c.331 (C.45:2D-10); a marriage and family therapist,
7 pursuant to subsection b. of section 21 of P.L.1968, c.401 (C.45:8B-
8 21); a professional counselor, pursuant to subsection b. of section 13
9 of P.L.1993, c.340 (C.45:8B-46); medicine or surgery, pursuant to
10 subsection b. of R.S.45:9-13; a homemaker-home health aide, pursuant
11 to subsection b. of section 1 of P.L.1990, c.125 (C.45:11-24.2); a
12 professional nurse, pursuant to paragraph (1) of subsection f. of section
13 4 of P.L.1947, c.262 (C.45:11-26); a practical nurse, pursuant to
14 paragraph (1) of subsection e. of section 5 of P.L.1947, c.262
15 (C.45:11-27); an advanced practice nurse, pursuant to subsection d. of
16 section 8 of P.L.1991, c.377 (C.45:11-47); a psychologist, pursuant to
17 subsection b. of section 20 of P.L.1966, c.282 (C.45:14B-20); a
18 psychoanalyst, pursuant to subsection b. of section 10 of P.L.2000,
19 c.57 (C.45:14BB-10); a respiratory care practitioner, pursuant to
20 subsection b. of section 13 of P.L.1991, c.31 (C.45:14E-13); or a
21 social worker, pursuant to subsection b. of section 7 of P.L.1991, c.134
22 (C.45:15BB-7).²

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

29 "Telemedicine" means the delivery of a health care service using
30 electronic communications, information technology, or other
31 electronic or technological means to bridge the gap between a health
32 care provider who is located at a distant site and a patient who is
33 located at an originating site, either with or without the assistance of
34 an intervening health care provider, and in accordance with the
35 provisions of P.L.2017, c.117 (C.45:1-61 et al.). "Telemedicine" does
36 not include the use, in isolation, of electronic mail, instant messaging,
37 phone text, or facsimile transmission.

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

42 “Temporary graduate license” means a temporary license to
43 practice: as an associate counselor issued pursuant to subsection c. of
44 section 13 of P.L.1993, c.340 (C.45:8B-46); as a physician assistant
45 issued pursuant to subsection f. of section 4 of P.L.1991, c.378
46 (C.45:9-27.13); as a professional nurse pursuant to subsection g. of
47 section 4 of P.L.1947, c.262 (C.45:11-26); as a practical nurse
48 pursuant to subsection f. of section 5 of P.L.1947, c.262 (C.45:11-27);

1 as a pharmacist pursuant to subsection d. of section 14 of P.L.2003,
2 c.280 (C.45:14-53); as a respiratory care practitioner pursuant to
3 subsection c. of section 13 of P.L.1991, c.31 (C.45:14E-13); or as a
4 licensed social worker pursuant to subsection c. of section 7 of
5 P.L.1991, c.134 (C.45:15BB-7).

6 ²["Temporary reciprocal license" means a temporary license or
7 certification to practice: as a licensed alcohol and drug counselor
8 issued pursuant to subsection b. of section 3 of P.L.1997, c.331
9 (C.45:2D-10); as a marriage and family therapist issued pursuant to
10 subsection b. of section 21 of P.L.1968, c.401 (C.45:8B-21); as a
11 professional counselor issued pursuant to subsection b. of section 13 of
12 P.L.1993, c.340 (C.45:8B-46); medicine or surgery issued pursuant to
13 subsection b. of R.S.45:9-13; as a homemaker-home health aide
14 pursuant to subsection b. of section 1 of P.L.1990, c.125 (C.45:11-
15 24.2); as a professional nurse pursuant to paragraph (1) of subsection f.
16 of section 4 of P.L.1947, c.262 (C.45:11-26); as a practical nurse
17 pursuant to paragraph (1) of subsection e. of section 5 of P.L.1947,
18 c.262 (C.45:11-27); as an advanced practice nurse pursuant to
19 subsection d. of section 8 of P.L.1991, c.377 (C.45:11-47); as a
20 psychologist pursuant to subsection b. of section 20 of P.L.1966, c.282
21 (C.45:14B-20); as a psychoanalyst pursuant to subsection b. of section
22 10 of P.L.2000, c.57 (C.45:14BB-10); as a respiratory care practitioner
23 pursuant to subsection b. of section 13 of P.L.1991, c.31 (C.45:14E-
24 13); or as a social worker pursuant to subsection b. of section 7 of
25 P.L.1991, c.134 (C.45:15BB-7)]²

26 (cf: P.L.2021, c.310, s.3)

27
28 2. Section 2 of P.L.2017, c.117 (C.45:1-62) is amended to read
29 as follows:

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

40 b. Any health care provider who uses telemedicine or engages
41 in telehealth while providing health care services to a patient, shall:
42 (1) be validly licensed, certified, **[or]** registered, or otherwise
43 authorized, pursuant to Title 45 of the Revised Statutes, to provide
44 such services in the State of New Jersey; (2) remain subject to
45 regulation by the appropriate New Jersey State licensing board or
46 other New Jersey State professional regulatory entity; (3) act in
47 compliance with existing requirements regarding the maintenance

1 of liability insurance; and (4) remain subject to New Jersey
2 jurisdiction.

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

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

16 (3) (a) At the time the patient requests health care services to be
17 provided using telemedicine or telehealth, the patient shall be
18 clearly advised that the telemedicine or telehealth encounter may be
19 with a health care provider who is not a physician, and that the
20 patient may specifically request that the telemedicine or telehealth
21 encounter be scheduled with a physician. If the patient requests that
22 the telemedicine or telehealth encounter be with a physician, the
23 encounter shall be scheduled with a physician. (b) The identity,
24 professional credentials, and contact information of a health care
25 provider providing telemedicine or telehealth services shall be made
26 available to the patient at the time the patient schedules services to
27 be provided using telemedicine or telehealth, if available, or upon
28 confirmation of the scheduled telemedicine or telehealth encounter,
29 and shall be made available to the patient during and after the
30 provision of services. The contact information shall enable the
31 patient to contact the health care provider, or a substitute health
32 care provider authorized to act on behalf of the provider who
33 provided services, for at least 72 hours following the provision of
34 services. If the health care provider is not a physician, and the
35 patient requests that the services be provided by a physician, the
36 health care provider shall assist the patient with scheduling a
37 telemedicine or telehealth encounter with a physician.

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

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

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

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

37 (3) In the event that a mental health screener, screening service,
38 or screening psychiatrist subject to the provisions of P.L.1987,
39 c.116 (C.30:4-27.1 et seq.) determines that an in-person psychiatric
40 evaluation is necessary to meet standard of care requirements, or in
41 the event that a patient requests an in-person psychiatric evaluation
42 in lieu of a psychiatric evaluation performed using telemedicine or
43 telehealth, the mental health screener, screening service, or
44 screening psychiatrist may nevertheless perform a psychiatric
45 evaluation using telemedicine and telehealth if it is determined that
46 the patient cannot be scheduled for an in-person psychiatric
47 evaluation within the next 24 hours. Nothing in this paragraph shall
48 be construed to prevent a patient who receives a psychiatric

1 evaluation using telemedicine and telehealth as provided in this
2 paragraph from receiving a subsequent, in-person psychiatric
3 evaluation in connection with the same treatment event, provided
4 that the subsequent in-person psychiatric evaluation is necessary to
5 meet standard of care requirements for that patient.

6 e. The prescription of Schedule II controlled dangerous
7 substances through the use of telemedicine or telehealth shall be
8 authorized only after an initial in-person examination of the patient,
9 as provided by regulation, and a subsequent in-person visit with the
10 patient shall be required every three months for the duration of time
11 that the patient is being prescribed the Schedule II controlled
12 dangerous substance. However, the provisions of this subsection
13 shall not apply, and the in-person examination or review of a patient
14 shall not be required, when a health care provider is prescribing a
15 stimulant which is a Schedule II controlled dangerous substance for
16 use by a minor patient under the age of 18, provided that the health
17 care provider is using interactive, real-time, two-way audio and
18 video technologies when treating the patient and the health care
19 provider has first obtained written consent for the waiver of these
20 in-person examination requirements from the minor patient's parent
21 or guardian.

22 f. A mental health screener, screening service, or screening
23 psychiatrist subject to the provisions of P.L.1987, c.116 (C.30:4-
24 27.1 et seq.):

25 (1) shall not be required to obtain a separate authorization in
26 order to engage in telemedicine or telehealth for mental health
27 screening purposes; and

28 (2) shall not be required to request and obtain a waiver from
29 existing regulations, prior to engaging in telemedicine or telehealth.

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

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

41 i. (1) In accordance with the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other
43 entities that, pursuant to Title 45 of the Revised Statutes, are
44 responsible for the licensure, certification, or registration of health
45 care providers in the State, shall each adopt rules and regulations
46 that are applicable to the health care providers under their
47 respective jurisdictions, as may be necessary to implement the
48 provisions of this section and facilitate the provision of

1 telemedicine and telehealth services. Such rules and regulations
2 shall, at a minimum:

3 (a) include best practices for the professional engagement in
4 telemedicine and telehealth;

5 (b) ensure that the services patients receive using telemedicine
6 or telehealth are appropriate, medically necessary, and meet current
7 quality of care standards;

8 (c) include measures to prevent fraud and abuse in connection
9 with the use of telemedicine and telehealth, including requirements
10 concerning the filing of claims and maintaining appropriate records
11 of services provided; and

12 (d) provide substantially similar metrics for evaluating quality
13 of care and patient outcomes in connection with services provided
14 using telemedicine and telehealth as currently apply to services
15 provided in person.

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

20 (3) The failure of any licensing board to adopt rules and
21 regulations pursuant to this subsection shall not have the effect of
22 delaying the implementation of this act, and shall not prevent health
23 care providers from engaging in telemedicine or telehealth in
24 accordance with the provisions of this act and the practice act
25 applicable to the provider's professional licensure, certification, or
26 registration.

27 (cf: P.L.2021, c.310, s.4)

28

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

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

36 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
37 contrary, ²[a person] an individual² who is currently licensed or
38 certified by a governmental agency located in another state as an
39 alcohol and drug counselor ²who applies for licensure as an alcohol
40 and drug counselor in New Jersey² shall be authorized to practice
41 ²[for up to one year]² as an alcohol and drug counselor in New Jersey
42 ²[without holding a license issued pursuant to P.L.1997, c.331
43 (C.45:2D-1 et seq.). An individual practicing as an alcohol and drug
44 counselor in New Jersey under a temporary authorization to practice
45 shall not be required to pay any fees or complete a criminal history
46 record background check as a condition of the temporary authorization
47 to practice.

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

10 **(c) pending a final determination on the individual's application.**

11 **(2) (a) An individual practicing as an alcohol and drug counselor**
12 **pending a final**
13 **determination on the individual's licensure application pursuant to**
14 **paragraph (1) of this subsection shall immediately notify the**
15 **Division of Consumer Affairs in the Department of Law and Public**
16 **Safety if the individual's authorization to practice in any other state is**
17 **suspended, revoked, or subject to adverse disciplinary action. The**
18 **division shall make a determination as to the individual's continuing**
19 **authorization to practice in New Jersey pursuant to this subsection**
20 **until such determination is made, the individual shall not be authorized**
21 **to practice in New Jersey pursuant to this subsection** .

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

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

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

43 **(b) An individual who fails to provide notice to the division as**
44 **required under subparagraph (a) of this paragraph shall be liable to a**
45 **civil penalty of \$500 per day for each day the individual fails to**
46 **provide the required notice, which civil penalty shall be collected by**
47 **the division in summary proceedings before a court of competent**

1 jurisdiction pursuant to the provisions of the “Penalty Enforcement
2 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

3 (c) An individual against whom a civil penalty is assessed
4 pursuant to subparagraph (b) of this paragraph shall have the
5 opportunity to demonstrate to the court that the individual did not
6 know, and had no reason to know, that the individual’s authorization
7 to practice in any other state was suspended, revoked, or subject to
8 adverse disciplinary action, or to demonstrate that the action taken by
9 the other state was for a purely technical violation or a violation that
10 was minor in nature and did not adversely affect the health or safety of
11 any individual. If the court finds that the person did not know and had
12 no reason to know of the action taken by the other state against the
13 person’s authorization to practice, or that the action taken by the other
14 state was for a purely technical violation or a violation that was minor
15 in nature and did not adversely affect the health or safety of any
16 individual, the court may reduce or eliminate a civil penalty assessed
17 pursuant to subparagraph (b) of this paragraph² .

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

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

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

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

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

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

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

38

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

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

47 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
48 contrary, ²[a person] an individual² who is currently licensed or

1 certified by a governmental agency located in another state as a
2 marriage and family therapist ²who applies for licensure as a marriage
3 and family therapist in New Jersey² shall be authorized to practice
4 ²[for up to one year]² as a marriage and family therapist in New
5 Jersey ²[without holding a license issued pursuant to P.L.1968, c.401
6 (C.45:8B-1 et seq.). An individual practicing as a marriage and family
7 therapist in New Jersey under a temporary authorization to practice
8 shall not be required to pay any fees or complete a criminal history
9 record background check as a condition of the temporary authorization
10 to practice.

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

20 (c) pending a final determination on the individual's application.

21 (2) (a)² An individual practicing as a marriage and family
22 therapist ²[under a temporary authorization to practice] pending a
23 final determination on the individual's licensure application² pursuant
24 to ²paragraph (1) of² this subsection shall immediately notify the
25 Division of Consumer Affairs in the Department of Law and Public
26 Safety if the individual's authorization to practice in any other state is
27 suspended, revoked, or subject to adverse disciplinary action. The
28 division shall make a determination as to the individual's continuing
29 authorization to practice in New Jersey pursuant to this subsection ²;
30 until such determination is made, the individual shall not be authorized
31 to practice in New Jersey pursuant to this subsection² .

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

39 (b) For the purposes of subparagraph (a) of this paragraph, any
40 period prior to the effective date of P.L. , c. (pending before the
41 Legislature as this bill) during which a person practiced as a marriage
42 and family therapist in New Jersey pursuant to a waiver issued under
43 the authority of Executive Order No. 103 of 2020 shall not constitute
44 practicing as a marriage and family therapist in New Jersey without
45 holding a license issued pursuant to P.L.1968, c.401 (C.45:8B-1 et
46 seq.).

1 (3) An application for temporary authorization to practice as a
2 marriage and family therapist pursuant to this subsection shall be
3 submitted to the Division of Consumer Affairs in the Department of
4 Law and Public Safety in a form and manner as shall be determined by
5 the division.]

6 (b) An individual who fails to provide notice to the division as
7 required under subparagraph (a) of this paragraph shall be liable to a
8 civil penalty of \$500 per day for each day the individual fails to
9 provide the required notice, which civil penalty shall be collected by
10 the division in summary proceedings before a court of competent
11 jurisdiction pursuant to the provisions of the "Penalty Enforcement
12 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

13 (c) An individual against whom a civil penalty is assessed
14 pursuant to subparagraph (b) of this paragraph shall have the
15 opportunity to demonstrate to the court that the individual did not
16 know, and had no reason to know, that the individual's authorization
17 to practice in any other state was suspended, revoked, or subject to
18 adverse disciplinary action, or to demonstrate that the action taken by
19 the other state was for a purely technical violation or a violation that
20 was minor in nature and did not adversely affect the health or safety of
21 any individual. If the court finds that the person did not know and had
22 no reason to know of the action taken by the other state against the
23 person's authorization to practice, or that the action taken by the other
24 state was for a purely technical violation or a violation that was minor
25 in nature and did not adversely affect the health or safety of any
26 individual, the court may reduce or eliminate a civil penalty assessed
27 pursuant to subparagraph (b) of this paragraph² .

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

29
30 5. Section 13 of P.L.1993, c.340 (C.45:8B-46) is amended to read
31 as follows:

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

38 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
39 contrary, ²[a person] an individual² who is currently licensed or
40 certified by a governmental agency located in another state as a
41 professional counselor ²who applies for licensure as a professional
42 counselor in New Jersey² shall be authorized to practice ²[for up to
43 one year]² as a professional counselor in New Jersey ²[without
44 holding a license issued pursuant to P.L.1993, c.340 (C.45:8B-34 et
45 seq.). An individual practicing as a professional counselor in New
46 Jersey under a temporary authorization to practice shall not be required

1 to pay any fees or complete a criminal history record background
2 check as a condition of the temporary authorization to practice.

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

12 (c) pending a final determination on the individual's application.

13 (2) (a)² An individual practicing as a professional counselor
14 ²[under a temporary authorization to practice] pending a final
15 determination on the individual's licensure application² pursuant to
16 ²paragraph (1) of² this subsection shall immediately notify the
17 Division of Consumer Affairs in the Department of Law and Public
18 Safety if the individual's authorization to practice in any other state is
19 suspended, revoked, or subject to adverse disciplinary action. The
20 division shall make a determination as to the individual's continuing
21 authorization to practice in New Jersey pursuant to this subsection²;
22 until such determination is made, the individual shall not be authorized
23 to practice in New Jersey pursuant to this subsection².

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

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

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

44 (b) An individual who fails to provide notice to the division as
45 required under subparagraph (a) of this paragraph shall be liable to a
46 civil penalty of \$500 per day for each day the individual fails to
47 provide the required notice, which civil penalty shall be collected by

1 the division in summary proceedings before a court of competent
2 jurisdiction pursuant to the provisions of the “Penalty Enforcement
3 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

4 (c) An individual against whom a civil penalty is assessed
5 pursuant to subparagraph (b) of this paragraph shall have the
6 opportunity to demonstrate to the court that the individual did not
7 know, and had no reason to know, that the individual’s authorization
8 to practice in any other state was suspended, revoked, or subject to
9 adverse disciplinary action, or to demonstrate that the action taken by
10 the other state was for a purely technical violation or a violation that
11 was minor in nature and did not adversely affect the health or safety of
12 any individual. If the court finds that the person did not know and had
13 no reason to know of the action taken by the other state against the
14 person’s authorization to practice, or that the action taken by the other
15 state was for a purely technical violation or a violation that was minor
16 in nature and did not adversely affect the health or safety of any
17 individual, the court may reduce or eliminate a civil penalty assessed
18 pursuant to subparagraph (b) of this paragraph² .

19 c. Notwithstanding any other provision of law to the contrary, any
20 person who has graduated with a master’s degree or doctorate in
21 counseling from a regionally accredited institution of higher education,
22 or an institution accredited by the Council for the Accreditation of
23 Counseling and Related Educational Programs, may be issued a
24 temporary license to practice as an associate counselor in New Jersey
25 ²[without the need to complete a criminal history record background
26 check or pay any fees other than the standard licensure fees. A
27 temporary license issued pursuant to this subsection shall authorize the
28 licensee to practice as an associate counselor]² until such time as the
29 person is issued a full associate counselor license or the person fails
30 the associate counselor licensure examination ²or is otherwise denied
31 licensure² , provided that ²no more than six months have elapsed since
32 the person’s date of graduation and² the person:

33 (1) ²[graduated within six months of the date of application for a
34 temporary license issued pursuant to this section;

35 (2)]² has initiated the application process for an associate
36 counselor license, including submitting the applicable fee and
37 ²[including] , if the person is required to successfully complete a
38 licensure examination as a condition of licensure,² registering to take
39 the next scheduled licensure examination ²[.]² if the person has not
40 already successfully completed the licensure examination ², which
41 process may be initiated at any time after the person commences the
42 final quarter or semester of the person’s master’s or doctoral program,
43 as applicable, or when authorized by the board, whichever is earlier² ;

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

1 (4)] (2) completes a criminal history record background check,
2 the results of which, notwithstanding any other provision of law or
3 regulation to the contrary, shall be valid for the purposes of the
4 person's application for licensure until such time as the board makes a
5 final determination on the application; and

6 (3)² complies with all applicable scope of practice and supervision
7 requirements.

8 (cf: P.L.1997, c.155, s.12)

9

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

11 45:9-13. a. Any applicant for a license to practice medicine and
12 surgery, upon proving that he has been examined and licensed by the
13 examining and licensing board of another State of the United States or
14 by the National Board of Medical Examiners or by certificates of the
15 National Board of Examiners for Osteopathic Physicians and
16 Surgeons, may, in the discretion of the board of medical examiners of
17 this State, be granted a license to practice medicine and surgery
18 without further examination upon payment to the treasurer of the board
19 of a license fee of \$150.00; provided, such applicant shall furnish
20 proof that he can fulfill the requirements demanded in the other
21 sections of this article relating to applicants for admission by
22 examination. In any such application for a license without
23 examination, all questions of academic requirements of other States
24 shall be determined by the Commissioner of Education of this State.

25 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
26 contrary, ²[a person] an individual² who is currently licensed to
27 practice medicine or surgery in another state ²who applies for
28 licensure to practice medicine or surgery in New Jersey² shall be
29 authorized to practice medicine or surgery, consistent with the scope
30 of the license held in the other state, ²[for up to one year]² in New
31 Jersey ²[without holding a license issued pursuant to Chapter 9 of
32 Title 45 of the Revised Statutes or section 1 of P.L.2021, c.332
33 (C.45:9-6.2). An individual practicing medicine or surgery in New
34 Jersey under a temporary authorization to practice shall not be required
35 to pay any fees or complete a criminal history record background
36 check as a condition of the temporary authorization to practice.

37 (b) If, within one year of commencing the practice of medicine or
38 surgery in New Jersey under a temporary authorization pursuant to this
39 subsection, the individual initiates the process of applying for full
40 licensure to practice medicine or surgery pursuant to Chapter 9 of Title
41 45 of the Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2),
42 including paying all applicable fees and completing a criminal history
43 record background check, the temporary authorization to practice shall
44 remain in effect until a final determination is made on the individual's
45 application for licensure pursuant to Chapter 9 of Title 45 of the
46 Revised Statutes or section 1 of P.L.2021, c.332 (C.45:9-6.2).

47 (c)] pending a final determination on the individual's application.

1 (2) (a)² An individual practicing medicine or surgery ²[under a
2 temporary authorization to practice] pending a final determination on
3 the individual’s licensure application² pursuant to ²paragraph (1) of²
4 this subsection shall immediately notify the Division of Consumer
5 Affairs in the Department of Law and Public Safety if the individual’s
6 authorization to practice in any other state is suspended, revoked, or
7 subject to adverse disciplinary action. The division shall make a
8 determination as to the individual’s continuing authorization to
9 practice in New Jersey pursuant to this subsection ²; until such
10 determination is made, the individual shall not be authorized to
11 practice in New Jersey pursuant to this subsection² .

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

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

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

34 (b) An individual who fails to provide notice to the division as
35 required under subparagraph (a) of this paragraph shall be liable to a
36 civil penalty of \$500 per day for each day the individual fails to
37 provide the required notice, which civil penalty shall be collected by
38 the division in summary proceedings before a court of competent
39 jurisdiction pursuant to the provisions of the “Penalty Enforcement
40 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

41 (c) An individual against whom a civil penalty is assessed
42 pursuant to subparagraph (b) of this paragraph shall have the
43 opportunity to demonstrate to the court that the individual did not
44 know, and had no reason to know, that the individual’s authorization
45 to practice in any other state was suspended, revoked, or subject to
46 adverse disciplinary action, or to demonstrate that the action taken by
47 the other state was for a purely technical violation or a violation that

1 was minor in nature and did not adversely affect the health or safety of
2 any individual. If the court finds that the person did not know and had
3 no reason to know of the action taken by the other state against the
4 person's authorization to practice, or that the action taken by the other
5 state was for a purely technical violation or a violation that was minor
6 in nature and did not adversely affect the health or safety of any
7 individual, the court may reduce or eliminate a civil penalty assessed
8 pursuant to subparagraph (b) of this paragraph² .
9 (cf: P.L.1973, c.166, s.3)

10

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

13 4. a. The board shall issue a license as a physician assistant to an
14 applicant who has fulfilled the following requirements:

- 15 (1) Is at least 18 years of age;
16 (2) Is of good moral character;
17 (3) Has successfully completed an accredited program; and
18 (4) Has passed the national certifying examination administered by
19 the National Commission on Certification of Physician Assistants, or
20 its successor.

21 b. In addition to the requirements of subsection a. of this section,
22 an applicant for renewal of a license as a physician assistant shall:

- 23 (1) Execute and submit a sworn statement made on a form
24 provided by the board that neither the license for which renewal is
25 sought nor any similar license or other authority issued by another
26 jurisdiction has been revoked or suspended; and
27 (2) Present satisfactory evidence that any continuing education
28 requirements have been completed as required by P.L.1991, c.378
29 (C.45:9-27.10 et seq.).

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

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

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

1 f. Notwithstanding any other provision of law to the contrary, any
2 person who has graduated from an accredited physician assistant
3 training program may ²[apply for] be issued² a temporary license to
4 practice as a physician assistant in New Jersey ²[without the need to
5 complete a criminal history record background check or pay any fees
6 other than the standard licensure fee. A temporary license issued
7 pursuant to this subsection shall authorize the person to practice as a
8 physician assistant]², and provide services both in person and using
9 telemedicine and telehealth, until such time as the person is either
10 issued a full physician assistant license or the person fails the
11 physician assistant licensure examination ²or is otherwise denied
12 licensure², provided that ²no more than six months have elapsed since
13 the person's date of graduation and² the person:

14 (1) ²[graduated within six months of the date of application for a
15 temporary license issued pursuant to this section;

16 (2)]² has initiated the application process for a physician assistant
17 license, including submitting the applicable fee and ²[including] , if
18 the person is required to successfully complete a licensure examination
19 as a condition of licensure,² registering to take the next scheduled
20 licensure examination ²[.]² if the person has not already successfully
21 completed the licensure examination ², which process may be initiated
22 at any time after the person commences the final quarter or semester of
23 the person's training program, as applicable, or when authorized by the
24 board, whichever is earlier² ;

25 ²[(3)] (2)² only practices under appropriate supervision, which
26 may include a preceptor relationship, in an acute care facility licensed
27 by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
28 et seq.);

29 ²[(4)] (3)² does not order or prescribe controlled dangerous
30 substances, does not authorize patients for medical cannabis, and does
31 not issue written instructions for medical cannabis;

32 ²[(5)] submits an application for temporary licensure to the
33 Division of Consumer Affairs in the Department of Law and Public
34 Safety in a form and manner as shall be determined by the division;
35 and

36 (6)] (4) completes a criminal history record background check,
37 the results of which, notwithstanding any other provision of law or
38 regulation to the contrary, shall be valid for the purposes of the
39 person's application for licensure until such time as the board makes a
40 final determination on the application; and

41 (5)² complies with all applicable scope of practice and supervision
42 requirements, as well as the terms of the person's delegation
43 agreement with a supervising physician.

44 (cf: P.L.2015, c.224, s.2)

1 8. Section 1 of P.L.1990, c.125 (C.45:11-24.2) is amended to read
2 as follows:

3 1. a. The board shall provide that a person may satisfy the
4 examination requirement for certification as a homemaker-home
5 health aide by passing an oral competency evaluation in English or
6 Spanish.

7 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
8 contrary, ²[a person] an individual² who is currently licensed or
9 certified by a governmental agency located in another state as a
10 homemaker-home health aide ²who applies for certification as a
11 homemaker-home health aide in New Jersey² shall be authorized to
12 practice ²[for up to one year]² as a homemaker-home health aide in
13 New Jersey ²[without holding a certification issued pursuant to
14 P.L.1947, c.262 (C.45:11-23 et seq.). An individual practicing as a
15 homemaker-home health aide in New Jersey under a temporary
16 authorization to practice shall not be required to pay any fees or
17 complete a criminal history record background check as a condition of
18 the temporary authorization to practice.

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

28 (c)] pending a final determination on the individual's application.

29 (2) (a)² An individual practicing as a homemaker-home health
30 aide ²[under a temporary authorization to practice] pending a final
31 determination on the individual's application for certification²
32 pursuant to ²paragraph (1) of² this subsection shall immediately notify
33 the Division of Consumer Affairs in the Department of Law and
34 Public Safety if the individual's authorization to practice in any other
35 state is suspended, revoked, or subject to adverse disciplinary action.
36 The division shall make a determination as to the individual's
37 continuing authorization to practice in New Jersey pursuant to this
38 subsection ²; until such determination is made, the individual shall not
39 be authorized to practice in New Jersey pursuant to this subsection² .

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

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

9 (3) An application for temporary authorization to practice as a
10 homemaker-home health aide pursuant to this subsection shall be
11 submitted to the Division of Consumer Affairs in the Department of
12 Law and Public Safety in a form and manner as shall be determined by
13 the division】

14 (b) An individual who fails to provide notice to the division as
15 required under subparagraph (a) of this paragraph shall be liable to a
16 civil penalty of \$500 per day for each day the individual fails to
17 provide the required notice, which civil penalty shall be collected by
18 the division in summary proceedings before a court of competent
19 jurisdiction pursuant to the provisions of the “Penalty Enforcement
20 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

21 (c) An individual against whom a civil penalty is assessed
22 pursuant to subparagraph (b) of this paragraph shall have the
23 opportunity to demonstrate to the court that the individual did not
24 know, and had no reason to know, that the individual’s authorization
25 to practice in any other state was suspended, revoked, or subject to
26 adverse disciplinary action, or to demonstrate that the action taken by
27 the other state was for a purely technical violation or a violation that
28 was minor in nature and did not adversely affect the health or safety of
29 any individual. If the court finds that the person did not know and had
30 no reason to know of the action taken by the other state against the
31 person’s authorization to practice, or that the action taken by the other
32 state was for a purely technical violation or a violation that was minor
33 in nature and did not adversely affect the health or safety of any
34 individual, the court may reduce or eliminate a civil penalty assessed
35 pursuant to subparagraph (b) of this paragraph² .

36 (cf: P.L.1990, c.125, s.1)

37
38 9. Section 4 of P.L.1947, c.262 (C.45:11-26) is amended to read
39 as follows:

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

1 determined by the New Jersey State Department of Education; (4) has
2 completed a course of professional nursing study in an accredited
3 school of professional nursing as defined by the board and holds a
4 diploma therefrom.

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

11 Notwithstanding anything herein contained, any person who shall
12 have qualifications (1) and (2) and shall have graduated from a school
13 of professional nursing, which need not be an accredited school, shall
14 be deemed to have qualifications (3) and (4) upon complying with
15 such reasonable requirements as to high school and school of nursing
16 studies and training as the board may prescribe; provided, however,
17 that such person shall make application in form prescribed by the
18 board within 1 year from the effective date of this act and shall
19 satisfactorily complete such reasonable requirements and successfully
20 pass the examinations, which examinations shall be limited to subject
21 matters in the curriculum required by the board at the time of the
22 applicant's graduation, provided for in subsection b. hereof, within 2
23 years after the date of the filing of such application.

24 b. License.

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

31 (2) By indorsement without examination. The board may issue a
32 license to practice professional nursing without examination to an
33 applicant who has been duly licensed or registered as a registered or
34 professional nurse by examination or by original waiver under the laws
35 of another State, territory or possession of the United States, or the
36 District of Columbia, or any foreign country, if in the opinion of the
37 board the applicant has the qualifications required by this act for the
38 licensing of professional nurses, or equivalent qualifications.

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

44 d. Nurses registered under a previous law. Any person who on
45 the effective date of this act holds a subsisting certificate of
46 registration as a registered nurse issued pursuant to the provisions of
47 the act repealed by section 22 of this act shall be deemed to be licensed
48 as a professional nurse under this act during the calendar year in which

1 this act shall take effect, and such person and any person who
2 heretofore held a certificate of registration under said act hereby
3 repealed as aforesaid shall be entitled to a renewal of such license as in
4 the case of professional nurses licensed originally under this act.

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

13 f. (1) ²[(a)]² Notwithstanding any other provision of law to the
14 contrary, ²[a person] an individual² who is currently licensed or
15 certified by a governmental agency located in another state as a
16 registered or professional nurse ²who applies for licensure as a
17 professional nurse in New Jersey² shall be authorized to practice ²[for
18 up to one year]² as a professional nurse in New Jersey ²[without
19 holding a license issued pursuant to P.L.1947, c.262 (C.45:11-23 et
20 seq.). An individual practicing as a professional nurse in New Jersey
21 under a temporary authorization to practice shall not be required to pay
22 any fees or complete a criminal history record background check as a
23 condition of the temporary authorization to practice.

24 (b) If, within one year of commencing practice as a professional
25 nurse in New Jersey under a temporary authorization pursuant to this
26 subsection, the individual initiates the process of applying for full
27 licensure as a professional nurse pursuant to P.L.1947, c.262 (C.45:11-
28 23 et seq.), including paying all applicable fees and completing a
29 criminal history record background check, the temporary authorization
30 to practice shall remain in effect until a final determination is made on
31 the individual's application for licensure pursuant to P.L.1947, c.262
32 (C.45:11-23 et seq.).

33 (c) pending a final determination on the individual's application.

34 (2) (a)² An individual practicing as a professional nurse ²[under a
35 temporary authorization to practice] pending a final determination on
36 the individual's licensure application² pursuant to ²paragraph (1) of²
37 this subsection shall immediately notify the Division of Consumer
38 Affairs in the Department of Law and Public Safety if the individual's
39 authorization to practice in any other state is suspended, revoked, or
40 subject to adverse disciplinary action. The division shall make a
41 determination as to the individual's continuing authorization to
42 practice in New Jersey pursuant to this subsection ²; until such
43 determination is made, the individual shall not be authorized to
44 practice in New Jersey pursuant to this subsection² .

45 ²[(2) (a) Except as provided in subparagraph (b) of this
46 paragraph, if an individual previously practiced as a professional nurse
47 in New Jersey pursuant to this subsection without holding a license

1 issued pursuant to P.L.1947, c.262 (C.45:11-23 et seq.), the individual
2 shall be ineligible to subsequently practice as a professional nurse in
3 New Jersey unless the individual holds a license issued pursuant to
4 P.L.1947, c.262 (C.45:11-23 et seq.).

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

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

17 (4)】

18 (b) An individual who fails to provide notice to the division as
19 required under subparagraph (a) of this paragraph shall be liable to a
20 civil penalty of \$500 per day for each day the individual fails to
21 provide the required notice, which civil penalty shall be collected by
22 the division in summary proceedings before a court of competent
23 jurisdiction pursuant to the provisions of the “Penalty Enforcement
24 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

25 (c) An individual against whom a civil penalty is assessed
26 pursuant to subparagraph (b) of this paragraph shall have the
27 opportunity to demonstrate to the court that the individual did not
28 know, and had no reason to know, that the individual’s authorization
29 to practice in any other state was suspended, revoked, or subject to
30 adverse disciplinary action, or to demonstrate that the action taken by
31 the other state was for a purely technical violation or a violation that
32 was minor in nature and did not adversely affect the health or safety of
33 any individual. If the court finds that the person did not know and had
34 no reason to know of the action taken by the other state against the
35 person’s authorization to practice, or that the action taken by the other
36 state was for a purely technical violation or a violation that was minor
37 in nature and did not adversely affect the health or safety of any
38 individual, the court may reduce or eliminate a civil penalty assessed
39 pursuant to subparagraph (b) of this paragraph.

40 (3)² The provisions of this subsection shall not apply to a
41 professional nurse who holds a multistate license issued pursuant to
42 P.L.2019, c.172 (C.45:11A-9 et seq.) or affect the authority of any
43 nurse holding a multistate license to practice in New Jersey under that
44 license.

45 g. Notwithstanding any other provision of law to the contrary, any
46 person who has graduated from an accredited professional nurse
47 training program may ²【apply for】 be issued² a temporary license to
48 practice as a professional nurse in New Jersey ²【without the need to

1 complete a criminal history background check or pay any fee other
2 than the standard licensure fee. A temporary license issued pursuant to
3 this subsection shall authorize the person to practice as a professional
4 nurse² , and provide services both in person and using telemedicine
5 and telehealth, until such time as the person is issued a full
6 professional nurse license or the person fails the professional nurse
7 licensure examination ²or is otherwise denied licensure² , provided
8 that ²no more than six months have elapsed since the person's date of
9 graduation and² the person:

10 (1) ²[graduated within six months of the date of application for a
11 temporary license issued pursuant to this section;

12 (2)² has initiated the application process for a professional nurse
13 license, including submitting the applicable fee and ²[including] , if
14 the person is required to successfully complete a licensure examination
15 as a condition of licensure,² registering to take the next scheduled
16 licensure examination ²[,]² if the person has not already successfully
17 completed the licensure examination ², which process may be initiated
18 at any time after the person commences the final quarter or semester of
19 the person's training program, as applicable, or when authorized by the
20 board, whichever is earlier² ;

21 ²[(3)] (2)² only practices under appropriate supervision, which
22 may include a preceptor relationship, in an acute care facility licensed
23 by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
24 et seq.);

25 ²[(4)] _____ submits an application for temporary licensure to the
26 Division of Consumer Affairs in the Department of Law and Public
27 Safety in a form and manner as shall be determined by the division;
28 and

29 (5)² (3) completes a criminal history record background check,
30 the results of which, notwithstanding any other provision of law or
31 regulation to the contrary, shall be valid for the purposes of the
32 person's application for licensure until such time as the board makes a
33 final determination on the application; and

34 (4)² complies with all applicable scope of practice and supervision
35 requirements.

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

37
38 10. Section 5 of P.L.1947, c.262 (C.45:11-27) is amended to read
39 as follows:

40 5. a. Qualifications of applicants. An applicant for a license to
41 practice practical nursing shall submit to the board evidence in such
42 form as the board may prescribe that the applicant (1) has attained his
43 or her eighteenth birthday; (2) is of good moral character, is not an
44 habitual user of drugs and has never been convicted or has not pleaded
45 nolo contendere, non vult contendere or non vult to an indictment,
46 information or complaint alleging a violation of any Federal or State

1 law relating to narcotic drugs; (3) has completed 2 years of high school
2 or the equivalent thereof, as determined by the New Jersey State
3 Department of Education; (4) has completed a course of study in a
4 school of practical nursing approved by the board and holds a diploma
5 therefrom, or holds a diploma from a school of practical nursing
6 operated by a board of education in this State and is certified by the
7 Department of Education as having completed the number of hours of
8 instruction in the subjects in the curriculum prescribed by the board
9 and an approved course of affiliation or has equivalent qualifications
10 as determined by the board.

11 b. License.

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

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

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

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

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

9 e. (1) ²[(a)]² Notwithstanding any other provision of law to the
10 contrary, ²[a person] an individual² who is currently licensed or
11 certified by a governmental agency located in another state as a
12 practical nurse ²who applies for licensure as a practical nurse in New
13 Jersey² shall be authorized to practice for up to one year as a practical
14 nurse in New Jersey ²[without holding a license issued pursuant to
15 P.L.1947, c.262 (C.45:11-23 et seq.). An individual practicing as a
16 practical nurse in New Jersey under a temporary authorization to
17 practice shall not be required to pay any fees or complete a criminal
18 history record background check as a condition of the temporary
19 authorization to practice.

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

29 (c) pending a final determination on the individual's application.

30 (2) (a)² An individual practicing as a practical nurse ²[under a
31 temporary authorization to practice] pending a final determination on
32 the individual's licensure application² pursuant to ²paragraph (1) of²
33 this subsection shall immediately notify the Division of Consumer
34 Affairs in the Department of Law and Public Safety if the individual's
35 authorization to practice in any other state is suspended, revoked, or
36 subject to adverse disciplinary action. The division shall make a
37 determination as to the individual's continuing authorization to
38 practice in New Jersey pursuant to this subsection ²; until such
39 determination is made, the individual shall not be authorized to
40 practice in New Jersey pursuant to this subsection² .

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

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

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

13 (4)】

14 (b) An individual who fails to provide notice to the division as
15 required under subparagraph (a) of this paragraph shall be liable to a
16 civil penalty of \$500 per day for each day the individual fails to
17 provide the required notice, which civil penalty shall be collected by
18 the division in summary proceedings before a court of competent
19 jurisdiction pursuant to the provisions of the “Penalty Enforcement
20 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

21 (c) An individual against whom a civil penalty is assessed
22 pursuant to subparagraph (b) of this paragraph shall have the
23 opportunity to demonstrate to the court that the individual did not
24 know, and had no reason to know, that the individual’s authorization
25 to practice in any other state was suspended, revoked, or subject to
26 adverse disciplinary action, or to demonstrate that the action taken by
27 the other state was for a purely technical violation or a violation that
28 was minor in nature and did not adversely affect the health or safety of
29 any individual. If the court finds that the person did not know and had
30 no reason to know of the action taken by the other state against the
31 person’s authorization to practice, or that the action taken by the other
32 state was for a purely technical violation or a violation that was minor
33 in nature and did not adversely affect the health or safety of any
34 individual, the court may reduce or eliminate a civil penalty assessed
35 pursuant to subparagraph (b) of this paragraph.

36 (3)² The provisions of this subsection shall not apply to a practical
37 nurse who holds a multistate license issued pursuant to P.L.2019,
38 c.172 (C.45:11A-9 et seq.) or affect the authority of any nurse holding
39 a multistate license to practice in New Jersey under that license.

40 f. Notwithstanding any other provision of law to the contrary, any
41 person who has graduated from an accredited practical nurse training
42 program may ²【apply for】 be issued² a temporary license to practice
43 as a practical nurse in New Jersey ²【without the need to complete a
44 criminal history background check or pay any fee other than the
45 standard licensure fee. A temporary license issued pursuant to this
46 subsection shall authorize the person to practice as a practical nurse】² ,
47 and provide services both in person and using telemedicine and

1 telehealth, until such time as the person is issued a full practical nurse
 2 license or the person fails the practical nurse licensure examination ²or
 3 is otherwise denied licensure² , provided that ²no more than six
 4 months have elapsed since the person's date of graduation and² the
 5 person:

6 (1) ²[graduated within six months of the date of application for a
 7 temporary license issued pursuant to this section;

8 (2) ²] has initiated the application process for a practical nurse
 9 license, including submitting the applicable fee and ²[including] , if
 10 the person is required to successfully complete a licensure examination
 11 as a condition of licensure,² registering to take the next scheduled
 12 licensure examination ²[,]² if the person has not already successfully
 13 completed the licensure examination ², which process may be initiated
 14 at any time after the person commences the final quarter or semester of
 15 the person's training program, as applicable, or when authorized by the
 16 board, whichever is earlier² ;

17 ²~~[(3)]~~ (2) ² only practices under appropriate supervision, which
 18 may include a preceptor relationship, in an acute care facility licensed
 19 by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
 20 et seq.);

21 ²~~[(4)]~~ (4) submits an application for temporary licensure to the
 22 Division of Consumer Affairs in the Department of Law and Public
 23 Safety in a form and manner as shall be determined by the division;
 24 and

25 (5) ~~[(3)]~~ (3) completes a criminal history record background check,
 26 the results of which, notwithstanding any other provision of law or
 27 regulation to the contrary, shall be valid for the purposes of the
 28 person's application for licensure until such time as the board makes a
 29 final determination on the application; and

30 (4) ² complies with all applicable scope of practice and supervision
 31 requirements.

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

33
 34 11. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to read
 35 as follows:

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

- 39 (1) Is at least 18 years of age;
 40 (2) Is of good moral character;
 41 (3) Is a registered professional nurse;
 42 (4) Has successfully completed an educational program, including
 43 pharmacology, approved by the board; and
 44 (5) Has passed a written examination approved by the board.

45 b. In addition to the requirements of subsection a. of this section,
 46 an applicant for renewal of a certification as an advanced practice
 47 nurse shall present satisfactory evidence that, in the period since the

1 certification was issued or last renewed, all continuing education
2 requirements have been completed as required by regulations adopted
3 by the board.

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

8 d. (1) ²~~[(a)]~~² Notwithstanding any other provision of law to the
9 contrary, ²[a person] an individual² who is currently licensed or
10 certified by a governmental agency located in another state as an
11 advanced practice nurse ²who applies for certification as an advanced
12 practice nurse in New Jersey² shall be authorized to practice for up to
13 one year as an advanced practice nurse in New Jersey ²[without
14 holding a certification issued pursuant to P.L.1991, c.377 (C.45:11-45
15 et al.). An individual practicing as an advanced practice nurse in New
16 Jersey under a temporary authorization to practice shall not be required
17 to pay any fees or complete a criminal history record background
18 check as a condition of the temporary authorization to practice.

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

28 (c) pending a final determination on the individual's application.

29 (2) (a)² An individual practicing as an advanced practice nurse
30 ²[under a temporary authorization to practice] pending a final
31 determination on the individual's application for certification²
32 pursuant to ²paragraph (1) of² this subsection shall immediately notify
33 the Division of Consumer Affairs in the Department of Law and
34 Public Safety if the individual's authorization to practice in any other
35 state is suspended, revoked, or subject to adverse disciplinary action.
36 The division shall make a determination as to the individual's
37 continuing authorization to practice in New Jersey pursuant to this
38 subsection ²; until such determination is made, the individual shall not
39 be authorized to practice in New Jersey pursuant to this subsection² .

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

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

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

14 (b) An individual who fails to provide notice to the division as
15 required under subparagraph (a) of this paragraph shall be liable to a
16 civil penalty of \$500 per day for each day the individual fails to
17 provide the required notice, which civil penalty shall be collected by
18 the division in summary proceedings before a court of competent
19 jurisdiction pursuant to the provisions of the “Penalty Enforcement
20 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

21 (c) An individual against whom a civil penalty is assessed
22 pursuant to subparagraph (b) of this paragraph shall have the
23 opportunity to demonstrate to the court that the individual did not
24 know, and had no reason to know, that the individual’s authorization
25 to practice in any other state was suspended, revoked, or subject to
26 adverse disciplinary action, or to demonstrate that the action taken by
27 the other state was for a purely technical violation or a violation that
28 was minor in nature and did not adversely affect the health or safety of
29 any individual. If the court finds that the person did not know and had
30 no reason to know of the action taken by the other state against the
31 person’s authorization to practice, or that the action taken by the other
32 state was for a purely technical violation or a violation that was minor
33 in nature and did not adversely affect the health or safety of any
34 individual, the court may reduce or eliminate a civil penalty assessed
35 pursuant to subparagraph (b) of this paragraph² .

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

37
38 12. Section 14 of P.L.2003, c.280 (C.45:14-53) is amended to read
39 as follows:

40 14. a. In order for a pharmacist currently licensed in another
41 jurisdiction to obtain a license as a pharmacist by license transfer in
42 this State, an applicant shall:

43 (1) Have submitted a written application in the form prescribed by
44 the board;

45 (2) Have attained the age of 18 years;

46 (3) Have good moral character;

47 (4) Have engaged in the practice of pharmacy for a period of at
48 least 1,000 hours within the last two years or have met, immediately

- 1 prior to application, the internship requirements of this State within the
2 one-year period immediately preceding the date of application;
- 3 (5) Have presented to the board proof of initial licensure by
4 examination and proof that the license is in good standing;
- 5 (6) Have presented to the board proof that any other license
6 granted to the applicant by any other state has not been suspended,
7 revoked or otherwise restricted for any reason except nonrenewal or
8 for the failure to obtain the required continuing education credits in
9 any state where the applicant is currently licensed but not engaged in
10 the practice of pharmacy;
- 11 (7) Have paid the fees specified by the board;
- 12 (8) Have graduated and received a professional degree from a
13 college or school of pharmacy approved by the board; and
- 14 (9) Have met any other requirements as established by the board
15 by regulation.
- 16 b. No applicant shall be eligible for license transfer unless the
17 applicant holds a current valid license in a state that grants licensure
18 transfer to pharmacists duly licensed by examination in this State.
- 19 c. In order for a pharmacist applicant with a pharmacy degree
20 from a foreign country or a college of pharmacy not approved by the
21 board to obtain a license as a pharmacist, that applicant shall meet
22 those requirements as established by the board by regulation.
- 23 d. Notwithstanding any other provision of law to the contrary, any
24 person who has graduated from an accredited pharmacy education
25 training program may ²[apply for] be issued² a temporary license to
26 practice as a pharmacist ²[without the need to complete a criminal
27 history record background check or pay any fee other than the standard
28 licensure fee. A temporary license issued pursuant to this subsection
29 shall authorize the person to practice as a pharmacist]² until such time
30 as the person is issued a full pharmacist license or the person fails the
31 pharmacist licensure examination ²or is otherwise denied licensure² ,
32 provided that ²no more than six months have elapsed since the
33 person's date of graduation and² the person:
- 34 (1) ²[graduated within six months of the date of application for a
35 temporary license issued pursuant to this section;
- 36 (2)]² has initiated the application process for a pharmacist license,
37 including submitting the applicable fee and ²[including] , if the
38 person is required to successfully complete a licensure examination as
39 a condition of licensure,² registering to take the next scheduled
40 licensure examination ²[,]² if the person has not already successfully
41 completed the licensure examination ², which process may be initiated
42 at any time after the person commences the final quarter or semester of
43 the person's training program, as applicable, or when authorized by the
44 board, whichever is earlier² ;
- 45 ²[(3)] (2)² only practices under appropriate supervision, which
46 may include a preceptor relationship, in an acute care facility licensed

1 by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
2 et seq.):

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

7 ⁽⁵⁾[(3) completes a criminal history record background check,
8 the results of which, notwithstanding any other provision of law or
9 regulation to the contrary, shall be valid for the purposes of the
10 person's application for licensure until such time as the board makes a
11 final determination on the application; and

12 ⁽⁴⁾² complies with all applicable scope of practice and supervision
13 requirements.

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

15

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

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

25 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
26 contrary, ²[a person] an individual² who is currently licensed or
27 certified by a governmental agency located in another state as a
28 psychologist ²who applies for licensure as a psychologist in New
29 Jersey² shall be authorized to practice ²[for up to one year]² as a
30 psychologist in New Jersey ²[without holding a license issued
31 pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.). An individual
32 practicing as a psychologist in New Jersey under a temporary
33 authorization to practice shall not be required to pay any fees or
34 complete a criminal history record background check as a condition of
35 the temporary authorization to practice.

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

45 (c)] pending a final determination on the individual's application.

46 (2) (a)² An individual practicing as a psychologist ²[under a
47 temporary authorization to practice] pending a final determination on

1 the individual's licensure application² pursuant to ²paragraph (1) of²
2 this subsection shall immediately notify the Division of Consumer
3 Affairs in the Department of Law and Public Safety if the individual's
4 authorization to practice in any other state is suspended, revoked, or
5 subject to adverse disciplinary action. The division shall make a
6 determination as to the individual's continuing authorization to
7 practice in New Jersey pursuant to this subsection ²; until such
8 determination is made, the individual shall not be authorized to
9 practice in New Jersey pursuant to this subsection² .

10 ²[(2) (a) Except as provided in subparagraph (b) of this
11 paragraph, if an individual previously practiced as a psychologist in
12 New Jersey pursuant to this subsection without holding a license
13 issued pursuant to P.L.1966, c.282 (C.45:14B-1 et seq.), the individual
14 shall be ineligible to subsequently practice as a psychologist in New
15 Jersey unless the individual holds a license issued pursuant to
16 P.L.1966, c.282 (C.45:14B-1 et seq.).

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

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

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

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

34 (b) An individual who fails to provide notice to the division as
35 required under this paragraph shall be liable to a civil penalty of \$500
36 per day for each day the individual fails to provide the required notice,
37 which civil penalty shall be collected by the division in summary
38 proceedings before a court of competent jurisdiction pursuant to the
39 provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274
40 (C.2A:58-10 et seq.).

41 (c) An individual against whom a civil penalty is assessed
42 pursuant to subparagraph (b) of this paragraph shall have the
43 opportunity to demonstrate to the court that the individual did not
44 know, and had no reason to know, that the individual's authorization
45 to practice in any other state was suspended, revoked, or subject to
46 adverse disciplinary action, or to demonstrate that the action taken by
47 the other state was for a purely technical violation or a violation that

1 was minor in nature and did not adversely affect the health or safety of
2 any individual. If the court finds that the person did not know and had
3 no reason to know of the action taken by the other state against the
4 person's authorization to practice, or that the action taken by the other
5 state was for a purely technical violation or a violation that was minor
6 in nature and did not adversely affect the health or safety of any
7 individual, the court may reduce or eliminate a civil penalty assessed
8 pursuant to subparagraph (b) of this paragraph² .

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

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

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

21 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
22 contrary, ²[a person] an individual² who is currently licensed or
23 certified by a governmental agency located in another state as a
24 psychoanalyst ²who applies for certification as a psychoanalyst in New
25 Jersey² shall be authorized to practice ²[for up to one year]² as a
26 psychoanalyst in New Jersey ²[without holding a certification issued
27 pursuant to P.L.2000, c.57 (C.45:14BB-1 et seq.). An individual
28 practicing as a psychoanalyst in New Jersey under a temporary
29 authorization to practice shall not be required to pay any fees or
30 complete a criminal history record background check as a condition of
31 the temporary authorization to practice.

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

41 (c) pending a final determination on the individual's application.

42 (2) (a)² An individual practicing as a psychoanalyst ²[under a
43 temporary authorization to practice] pending a final determination on
44 the individual's application for certification² pursuant to ²paragraph
45 (1) of² this subsection shall immediately notify the Division of
46 Consumer Affairs in the Department of Law and Public Safety if the
47 individual's authorization to practice in any other state is suspended,

1 revoked, or subject to adverse disciplinary action. The division shall
2 make a determination as to the individual's continuing authorization to
3 practice in New Jersey pursuant to this subsection²; until such
4 determination is made, the individual shall not be authorized to
5 practice in New Jersey pursuant to this subsection².

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

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

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

24 (b) An individual who fails to provide notice to the division as
25 required under subparagraph (a) of this paragraph shall be liable to a
26 civil penalty of \$500 per day for each day the individual fails to
27 provide the required notice, which civil penalty shall be collected by
28 the division in summary proceedings before a court of competent
29 jurisdiction pursuant to the provisions of the "Penalty Enforcement
30 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

31 (c) An individual against whom a civil penalty is assessed
32 pursuant to subparagraph (b) of this paragraph shall have the
33 opportunity to demonstrate to the court that the individual did not
34 know, and had no reason to know, that the individual's authorization
35 to practice in any other state was suspended, revoked, or subject to
36 adverse disciplinary action, or to demonstrate that the action taken by
37 the other state was for a purely technical violation or a violation that
38 was minor in nature and did not adversely affect the health or safety of
39 any individual. If the court finds that the person did not know and had
40 no reason to know of the action taken by the other state against the
41 person's authorization to practice, or that the action taken by the other
42 state was for a purely technical violation or a violation that was minor
43 in nature and did not adversely affect the health or safety of any
44 individual, the court may reduce or eliminate a civil penalty assessed
45 pursuant to subparagraph (b) of this paragraph².

46 (cf: P.L.2000, c.57, s.10)

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

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

12 b. (1) ²[(a)]² Notwithstanding any other provision of law to the
13 contrary, ²[a person] an individual² who is currently licensed or
14 certified by a governmental agency located in another state as a
15 respiratory care practitioner ²who applies for licensure as a respiratory
16 care practitioner in New Jersey² shall be authorized to practice ²[for
17 up to one year]² as a respiratory care practitioner in New Jersey
18 ²[without holding a license issued pursuant to P.L.1991, c.31
19 (C.45:14E-1 et seq.). An individual practicing as a respiratory care
20 practitioner in New Jersey under a temporary authorization to practice
21 shall not be required to pay any fees or complete a criminal history
22 record background check as a condition of the temporary authorization
23 to practice.

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

33 (c) pending a final determination on the individual's application.

34 (2) (a) An individual practicing as a respiratory care practitioner
35 ²[under a temporary authorization to practice] pending a final
36 determination on the individual's licensure application² pursuant to
37 ²paragraph (1) of² this subsection shall immediately notify the
38 Division of Consumer Affairs in the Department of Law and Public
39 Safety if the individual's authorization to practice in any other state is
40 suspended, revoked, or subject to adverse disciplinary action. The
41 division shall make a determination as to the individual's continuing
42 authorization to practice in New Jersey pursuant to this subsection ²;
43 until such determination is made, the individual shall not be authorized
44 to practice in New Jersey pursuant to this subsection² .

45 ²[(2) (a) Except as provided in subparagraph (b) of this
46 paragraph, if an individual previously practiced as a respiratory care
47 practitioner in New Jersey pursuant to this subsection without holding

1 a license issued pursuant to P.L.1991, c.31 (C.45:14E-1 et seq.), the
2 individual shall be ineligible to subsequently practice as a respiratory
3 care practitioner in New Jersey unless the individual holds a license
4 issued pursuant to P.L.1991, c.31 (C.45:14E-1 et seq.).

5 (b) For the purposes of subparagraph (a) of this paragraph, any
6 period prior to the effective date of P.L. , c. (pending before the
7 Legislature as this bill) during which a person practiced as a
8 respiratory care practitioner in New Jersey pursuant to a waiver issued
9 under the authority of Executive Order No. 103 of 2020 shall not
10 constitute practicing as a respiratory care practitioner in New Jersey
11 without holding a license issued pursuant to P.L.1991, c.31 (C.45:14E-
12 1 et seq.).

13 (3) An application for temporary authorization to practice as a
14 respiratory care practitioner pursuant to this subsection shall be
15 submitted to the Division of Consumer Affairs in the Department of
16 Law and Public Safety in a form and manner as shall be determined by
17 the division】

18 (b) An individual who fails to provide notice to the division as
19 required under subparagraph (a) of this paragraph shall be liable to a
20 civil penalty of \$500 per day for each day the individual fails to
21 provide the required notice, which civil penalty shall be collected by
22 the division in summary proceedings before a court of competent
23 jurisdiction pursuant to the provisions of the “Penalty Enforcement
24 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

25 (c) An individual against whom a civil penalty is assessed
26 pursuant to subparagraph (b) of this paragraph shall have the
27 opportunity to demonstrate to the court that the individual did not
28 know, and had no reason to know, that the individual’s authorization
29 to practice in any other state was suspended, revoked, or subject to
30 adverse disciplinary action, or to demonstrate that the action taken by
31 the other state was for a purely technical violation or a violation that
32 was minor in nature and did not adversely affect the health or safety of
33 any individual. If the court finds that the person did not know and had
34 no reason to know of the action taken by the other state against the
35 person’s authorization to practice, or that the action taken by the other
36 state was for a purely technical violation or a violation that was minor
37 in nature and did not adversely affect the health or safety of any
38 individual, the court may reduce or eliminate a civil penalty assessed
39 pursuant to subparagraph (b) of this paragraph² .

40 c. Notwithstanding any other provision of law to the contrary, any
41 person who has graduated from an accredited respiratory care therapy
42 training program may ²【apply for】 be issued² a temporary license to
43 practice as a respiratory care practitioner ²【without the need to
44 complete a criminal history record background check or pay any fee
45 other than the standard licensure fee. A temporary license issued
46 pursuant to this subsection shall authorize the person to practice as a
47 respiratory care practitioner】² until such time as the person is issued a

1 full respiratory care practitioner license or the person fails the
2 respiratory care practitioner licensure examination ²or is otherwise
3 denied licensure², provided that ²no more than six months have
4 elapsed since the person's date of graduation and² the person:

5 (1) ²【graduated within six months of the date of application for a
6 temporary license issued pursuant to this section;

7 (2) ²【has initiated the application process for a respiratory care
8 practitioner license, including submitting the applicable fee and
9 【including】, if the person is required to successfully complete a
10 licensure examination as a condition of licensure,² registering to take
11 the next scheduled licensure examination ²【.】² if the person has not
12 already successfully completed the licensure examination ², which
13 process may be initiated at any time after the person commences the
14 final quarter or semester of the person's training program, as
15 applicable, or when authorized by the board, whichever is earlier² ;

16 ²【(3)】 (2)² only practices under appropriate supervision, which
17 may include a preceptor relationship, in an acute care facility licensed
18 by the Department of Health pursuant to P.L.1971, c.136 (C.26:2H-1
19 et seq.);

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

24 (5) ²【(3)】 (3) completes a criminal history record background check,
25 the results of which, notwithstanding any other provision of law or
26 regulation to the contrary, shall be valid for the purposes of the
27 person's application for licensure until such time as the board makes a
28 final determination on the application; and

29 (4)² complies with all applicable scope of practice and supervision
30 requirements.

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

32
33 16. Section 7 of P.L.1991, c.134 (C.45:15BB-7) is amended to read
34 as follows:

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

43 b. (1) ²【(a)】² Notwithstanding any other provision of law to the
44 contrary, ²【a person】 an individual² who is currently licensed or
45 certified by a governmental agency located in another state as a
46 clinical social worker ²who applies for licensure as a clinical social

1 worker in New Jersey² shall be authorized to practice ²[for up to one
2 year]² as a clinical social worker in New Jersey ²[without holding a
3 clinical social worker license issued pursuant to P.L.1991, c.134
4 (C.45:15BB-1 et seq.). An individual practicing as a clinical social
5 worker in New Jersey under a temporary authorization to practice shall
6 not be required to pay any fees or complete a criminal history record
7 background check as a condition of the temporary authorization to
8 practice.

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

18 (c) pending a final determination on the individual's application.

19 (2) (a)² An individual practicing as a clinical social worker
20 ²[under a temporary authorization to practice] pending a final
21 determination on the individual's licensure application² pursuant to
22 ²paragraph (1) of² this subsection shall immediately notify the
23 Division of Consumer Affairs in the Department of Law and Public
24 Safety if the individual's authorization to practice in any other state is
25 suspended, revoked, or subject to adverse disciplinary action. The
26 division shall make a determination as to the individual's continuing
27 authorization to practice in New Jersey pursuant to this subsection ²;
28 until such determination is made, the individual shall not be authorized
29 to practice in New Jersey pursuant to this subsection² .

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

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

46 (3) An application for temporary authorization to practice as a
47 clinical social worker pursuant to this subsection shall be submitted to

1 the Division of Consumer Affairs in the Department of Law and
2 Public Safety in a form and manner as shall be determined by the
3 division】

4 (b) An individual who fails to provide notice to the division as
5 required under subparagraph (a) of this paragraph shall be liable to a
6 civil penalty of \$500 per day for each day the individual fails to
7 provide the required notice, which civil penalty shall be collected by
8 the division in summary proceedings before a court of competent
9 jurisdiction pursuant to the provisions of the “Penalty Enforcement
10 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

11 (c) An individual against whom a civil penalty is assessed
12 pursuant to subparagraph (b) of this paragraph shall have the
13 opportunity to demonstrate to the court that the individual did not
14 know, and had no reason to know, that the individual’s authorization
15 to practice in any other state was suspended, revoked, or subject to
16 adverse disciplinary action, or to demonstrate that the action taken by
17 the other state was for a purely technical violation or a violation that
18 was minor in nature and did not adversely affect the health or safety of
19 any individual. If the court finds that the person did not know and had
20 no reason to know of the action taken by the other state against the
21 person’s authorization to practice, or that the action taken by the other
22 state was for a purely technical violation or a violation that was minor
23 in nature and did not adversely affect the health or safety of any
24 individual, the court may reduce or eliminate a civil penalty assessed
25 pursuant to subparagraph (b) of this paragraph² .

26 c. Notwithstanding any other provision of law to the contrary, any
27 person who has graduated from ¹【an】 a master’s-level¹ educational
28 program accredited by the Council on Social Work Education may
29 ²【apply for】 be issued² a temporary license to practice as a licensed
30 social worker ²【without the need to complete a criminal history record
31 background check or pay any fee other than the standard licensure fee.
32 A temporary license issued pursuant to this subsection shall authorize
33 the person to practice as a ¹licensed¹ social worker】² until such time
34 as the person is issued a full social worker license or the person fails
35 the social worker licensure examination ²or is otherwise denied
36 licensure² , provided that ²no more than six months have elapsed since
37 the person’s date of graduation and² the person:

38 (1) ²【graduated within six months of the date of application for a
39 temporary license issued pursuant to this section;

40 (2)】² has initiated the application process for a ²licensed² social
41 worker license, including submitting the applicable fee and
42 ²【including】 , if the person is required to successfully complete a
43 licensure examination as a condition of licensure,² registering to take
44 the next scheduled licensure examination ²【,】² if the person has not
45 already successfully completed the licensure examination ², which
46 process may be initiated at any time after the person commences the

- 1 final quarter or semester of the person's educational program, as
2 applicable, or when authorized by the board, whichever is earlier² ;
3 ²[(3)] (2)² is practicing under a plan of supervision approved by
4 the Board of Social Work Examiners ²or has submitted a plan of
5 supervision to the Board of Social Work Examiners that is pending
6 approval² ;
7 ²[(4)] (3)² only practices under the supervision of a licensed
8 clinical social worker;
9 ²[(5)] submits an application for temporary licensure to the
10 Division of Consumer Affairs in the Department of Law and Public
11 Safety in a form and manner as shall be determined by the division;
12 and
13 (6)] (4) completes a criminal history record background check,
14 the results of which, notwithstanding any other provision of law or
15 regulation to the contrary, shall be valid for the purposes of the
16 person's application for licensure until such time as the board makes a
17 final determination on the application; and
18 (5)² complies with all applicable scope of practice and supervision
19 requirements.
20 (cf: P.L.1991, c.134, s.7)
21
22 17. (New section) The Director of the Division of Consumer
23 Affairs in the Department of Law and Public Safety shall adopt
24 rules and regulations, pursuant to the "Administrative Procedure
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary
26 for the implementation of this act.
27
28 18. This act shall take effect immediately.