

**ASSEMBLY, No. 2803**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**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:**

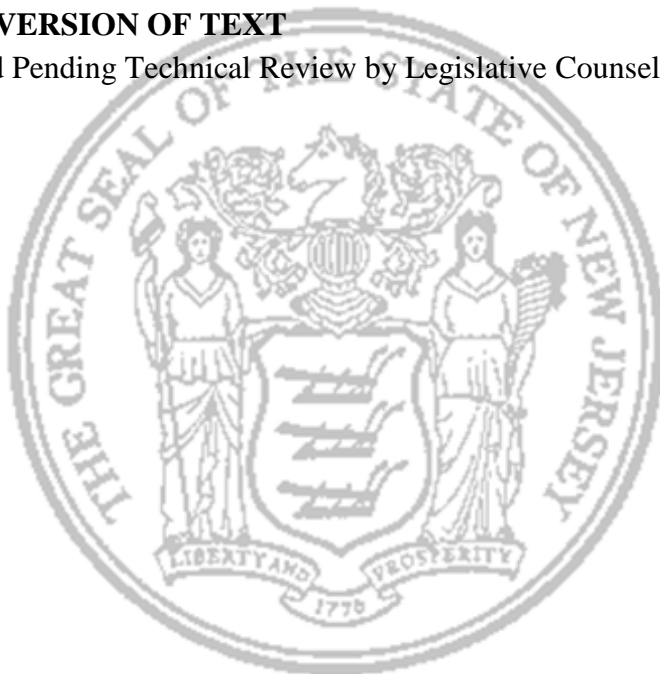
**Assemblywoman Matsikoudis and Assemblyman Sauickie**

**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**

Introduced Pending Technical Review by Legislative Counsel.



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 provisional authorization to practice and  
35       an alcohol and drug counselor-intern practicing under the authority of  
36       subsection c. of section 10 of P.L.1997, c.331 (C.45:2D-10).

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

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

1       “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).

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

7  
8 2. Section 2 of P.L.2017, c.117 (C.45:1-62) is amended to read  
9 as follows:

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

20 b. Any health care provider who uses telemedicine or engages  
21 in telehealth while providing health care services to a patient, shall:  
22 (1) be validly licensed, certified, **【or】** registered, or otherwise  
23 authorized, pursuant to Title 45 of the Revised Statutes, to provide  
24 such services in the State of New Jersey; (2) remain subject to  
25 regulation by the appropriate New Jersey State licensing board or  
26 other New Jersey State professional regulatory entity; (3) act in  
27 compliance with existing requirements regarding the maintenance  
28 of liability insurance; and (4) remain subject to New Jersey  
29 jurisdiction.

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

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

43 (3) (a) At the time the patient requests health care services to be  
44 provided using telemedicine or telehealth, the patient shall be  
45 clearly advised that the telemedicine or telehealth encounter may be  
46 with a health care provider who is not a physician, and that the  
47 patient may specifically request that the telemedicine or telehealth  
48 encounter be scheduled with a physician. If the patient requests that

1 the telemedicine or telehealth encounter be with a physician, the  
2 encounter shall be scheduled with a physician. (b) The identity,  
3 professional credentials, and contact information of a health care  
4 provider providing telemedicine or telehealth services shall be made  
5 available to the patient at the time the patient schedules services to  
6 be provided using telemedicine or telehealth, if available, or upon  
7 confirmation of the scheduled telemedicine or telehealth encounter,  
8 and shall be made available to the patient during and after the  
9 provision of services. The contact information shall enable the  
10 patient to contact the health care provider, or a substitute health  
11 care provider authorized to act on behalf of the provider who  
12 provided services, for at least 72 hours following the provision of  
13 services. If the health care provider is not a physician, and the  
14 patient requests that the services be provided by a physician, the  
15 health care provider shall assist the patient with scheduling a  
16 telemedicine or telehealth encounter with a physician.

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

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

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

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

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

34       e. The prescription of Schedule II controlled dangerous  
35 substances through the use of telemedicine or telehealth shall be  
36 authorized only after an initial in-person examination of the patient,  
37 as provided by regulation, and a subsequent in-person visit with the  
38 patient shall be required every three months for the duration of time  
39 that the patient is being prescribed the Schedule II controlled  
40 dangerous substance. However, the provisions of this subsection  
41 shall not apply, and the in-person examination or review of a patient  
42 shall not be required, when a health care provider is prescribing a  
43 stimulant which is a Schedule II controlled dangerous substance for  
44 use by a minor patient under the age of 18, provided that the health  
45 care provider is using interactive, real-time, two-way audio and  
46 video technologies when treating the patient and the health care  
47 provider has first obtained written consent for the waiver of these

1 in-person examination requirements from the minor patient's parent  
2 or guardian.

3 f. A mental health screener, screening service, or screening  
4 psychiatrist subject to the provisions of P.L.1987, c.116 (C.30:4-  
5 27.1 et seq.):

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

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

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

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

22 i. (1) In accordance with the "Administrative Procedure Act,"  
23 P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other  
24 entities that, pursuant to Title 45 of the Revised Statutes, are  
25 responsible for the licensure, certification, or registration of health  
26 care providers in the State, shall each adopt rules and regulations  
27 that are applicable to the health care providers under their  
28 respective jurisdictions, as may be necessary to implement the  
29 provisions of this section and facilitate the provision of  
30 telemedicine and telehealth services. Such rules and regulations  
31 shall, at a minimum:

32 (a) include best practices for the professional engagement in  
33 telemedicine and telehealth;

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

37 (c) include measures to prevent fraud and abuse in connection  
38 with the use of telemedicine and telehealth, including requirements  
39 concerning the filing of claims and maintaining appropriate records  
40 of services provided; and

41 (d) provide substantially similar metrics for evaluating quality  
42 of care and patient outcomes in connection with services provided  
43 using telemedicine and telehealth as currently apply to services  
44 provided in person.

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

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

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

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

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

b. (1) Notwithstanding any other provision of law to the contrary, an individual who is currently licensed or certified by a governmental agency located in another state as an alcohol and drug counselor who applies for licensure as an alcohol and drug counselor in New Jersey shall be authorized to practice as an alcohol and drug counselor in New Jersey pending a final determination on the individual's application.

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

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

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



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

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

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

19 (2) practices under the supervision of the intern's qualified clinical  
20 supervisor;

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

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

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

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

28  
29 4. Section 21 of P.L.1968, c.401 (C.45:8B-21) is amended to read  
30 as follows:

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

37 b. (1) Notwithstanding any other provision of law to the contrary,  
38 an individual who is currently licensed or certified by a governmental  
39 agency located in another state as a marriage and family therapist who  
40 applies for licensure as a marriage and family therapist in New Jersey  
41 shall be authorized to practice as a marriage and family therapist in  
42 New Jersey pending a final determination on the individual's  
43 application.

44 (2) (a) An individual practicing as a marriage and family therapist  
45 pending a final determination on the individual's licensure application  
46 pursuant to paragraph (1) of this subsection shall immediately notify  
47 the Division of Consumer Affairs in the Department of Law and  
48 Public Safety if the individual's authorization to practice in any other

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

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 paragraph.

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) Notwithstanding any other provision of law to the contrary,  
39 an individual who is currently licensed or certified by a governmental  
40 agency located in another state as a professional counselor who applies  
41 for licensure as a professional counselor in New Jersey shall be  
42 authorized to practice as a professional counselor in New Jersey  
43 pending a final determination on the individual's application.

44 (2) (a) An individual practicing as a professional counselor  
45 pending a final determination on the individual's licensure application  
46 pursuant to paragraph (1) of this subsection shall immediately notify  
47 the Division of Consumer Affairs in the Department of Law and  
48 Public Safety if the individual's authorization to practice in any other

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

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 paragraph.

28 c. Notwithstanding any other provision of law to the contrary, any  
29 person who has graduated with a master's degree or doctorate in  
30 counseling from a regionally accredited institution of higher education,  
31 or an institution accredited by the Council for the Accreditation of  
32 Counseling and Related Educational Programs, may be issued a  
33 temporary license to practice as an associate counselor in New Jersey  
34 until such time as the person is issued a full associate counselor license  
35 or the person fails the associate counselor licensure examination or is  
36 otherwise denied licensure, provided that no more than six months  
37 have elapsed since the person's date of graduation and the person:

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

47 (2) completes a criminal history record background check, the  
48 results of which, notwithstanding any other provision of law or

1 regulation to the contrary, shall be valid for the purposes of the  
2 person's application for licensure until such time as the board makes a  
3 final determination on the application; and

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

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

7  
8 6. R.S.45:9-13 is amended to read as follows:

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

23 b. (1) Notwithstanding any other provision of law to the contrary,  
24 an individual who is currently licensed to practice medicine or surgery  
25 in another state who applies for licensure to practice medicine or  
26 surgery in New Jersey shall be authorized to practice medicine or  
27 surgery, consistent with the scope of the license held in the other state,  
28 in New Jersey pending a final determination on the individual's  
29 application.

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

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

47 (c) An individual against whom a civil penalty is assessed  
48 pursuant to subparagraph (b) of this paragraph shall have the

opportunity to demonstrate to the court that the individual did not know, and had no reason to know, that the individual's authorization to practice in any other state was suspended, revoked, or subject to adverse disciplinary action, or to demonstrate that the action taken by the other state was for a purely technical violation or a violation that was minor in nature and did not adversely affect the health or safety of any individual. If the court finds that the person did not know and had no reason to know of the action taken by the other state against the person's authorization to practice, or that the action taken by the other state was for a purely technical violation or a violation that was minor in nature and did not adversely affect the health or safety of any individual, the court may reduce or eliminate a civil penalty assessed pursuant to subparagraph (b) of this paragraph.

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

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

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

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

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

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

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

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

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

1 P.L.1978, c.73 (C.45:1-14 et seq.). A physician assistant requesting  
2 restoration from an inactive status shall be required to pay the current  
3 renewal fee and shall be required to meet the criteria for renewal as  
4 specified by the board.

5 f. Notwithstanding any other provision of law to the contrary, any  
6 person who has graduated from an accredited physician assistant  
7 training program may be issued a temporary license to practice as a  
8 physician assistant in New Jersey, and provide services both in person  
9 and using telemedicine and telehealth, until such time as the person is  
10 either issued a full physician assistant license or the person fails the  
11 physician assistant licensure examination or is otherwise denied  
12 licensure, provided that no more than six months have elapsed since  
13 the person's date of graduation and the person:

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

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

27 (3) does not order or prescribe controlled dangerous substances,  
28 does not authorize patients for medical cannabis, and does not issue  
29 written instructions for medical cannabis;

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

35 (5) complies with all applicable scope of practice and supervision  
36 requirements, as well as the terms of the person's delegation  
37 agreement with a supervising physician.

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

39  
40 8. Section 1 of P.L.1990, c.125 (C.45:11-24.2) is amended to read  
41 as follows:

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

46 b. (1) Notwithstanding any other provision of law to the contrary,  
47 an individual who is currently licensed or certified by a governmental  
48 agency located in another state as a homemaker-home health aide who

1 applies for certification as a homemaker-home health aide in New  
2 Jersey shall be authorized to practice as a homemaker-home health  
3 aide in New Jersey pending a final determination on the individual's  
4 application.

5 (2) (a) An individual practicing as a homemaker-home health aide  
6 pending a final determination on the individual's application for  
7 certification pursuant to paragraph (1) of this subsection shall  
8 immediately notify the Division of Consumer Affairs in the  
9 Department of Law and Public Safety if the individual's authorization  
10 to practice in any other state is suspended, revoked, or subject to  
11 adverse disciplinary action. The division shall make a determination  
12 as to the individual's continuing authorization to practice in New  
13 Jersey pursuant to this subsection; until such determination is made,  
14 the individual shall not be authorized to practice in New Jersey  
15 pursuant to this subsection.

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

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

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

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

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

1 Federal or State law relating to narcotic drugs; (3) holds a diploma  
2 from an accredited 4-year high school or the equivalent thereof as  
3 determined by the New Jersey State Department of Education; (4) has  
4 completed a course of professional nursing study in an accredited  
5 school of professional nursing as defined by the board and holds a  
6 diploma therefrom.

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

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

26 b. License.

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

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

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

46 d. Nurses registered under a previous law. Any person who on  
47 the effective date of this act holds a subsisting certificate of  
48 registration as a registered nurse issued pursuant to the provisions of



1 the act repealed by section 22 of this act shall be deemed to be licensed  
2 as a professional nurse under this act during the calendar year in which  
3 this act shall take effect, and such person and any person who  
4 heretofore held a certificate of registration under said act hereby  
5 repealed as aforesaid shall be entitled to a renewal of such license as in  
6 the case of professional nurses licensed originally under this act.

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

15 f. (1) Notwithstanding any other provision of law to the contrary,  
16 an individual who is currently licensed or certified by a governmental  
17 agency located in another state as a registered or professional nurse  
18 who applies for licensure as a professional nurse in New Jersey shall  
19 be authorized to practice as a professional nurse in New Jersey  
20 pending a final determination on the individual's application.

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

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

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

1 state was for a purely technical violation or a violation that was minor  
2 in nature and did not adversely affect the health or safety of any  
3 individual, the court may reduce or eliminate a civil penalty assessed  
4 pursuant to subparagraph (b) of this paragraph.

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

10 g. Notwithstanding any other provision of law to the contrary, any  
11 person who has graduated from an accredited professional nurse  
12 training program may be issued a temporary license to practice as a  
13 professional nurse in New Jersey, and provide services both in person  
14 and using telemedicine and telehealth, until such time as the person is  
15 issued a full professional nurse license or the person fails the  
16 professional nurse licensure examination or is otherwise denied  
17 licensure, provided that no more than six months have elapsed since  
18 the person's date of graduation and the person:

19 (1) has initiated the application process for a professional nurse  
20 license, including submitting the applicable fee and, if the person is  
21 required to successfully complete a licensure examination as a  
22 condition of licensure, registering to take the next scheduled licensure  
23 examination if the person has not already successfully completed the  
24 licensure examination, which process may be initiated at any time after  
25 the person commences the final quarter or semester of the person's  
26 training program, as applicable, or when authorized by the board,  
27 whichever is earlier;

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

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

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

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

40  
41 10. Section 5 of P.L.1947, c.262 (C.45:11-27) is amended to read  
42 as follows:

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

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

12 b. License.

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

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

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

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

1 the board a fee of \$10.00, and an applicant for license by waiver shall  
2 pay to the board a fee of \$10.00.

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

11 e. (1) Notwithstanding any other provision of law to the contrary,  
12 an individual who is currently licensed or certified by a governmental  
13 agency located in another state as a practical nurse who applies for  
14 licensure as a practical nurse in New Jersey shall be authorized to  
15 practice for up to one year as a practical nurse in New Jersey pending a  
16 final determination on the individual's application.

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

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

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

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

5       f. Notwithstanding any other provision of law to the contrary, any  
6 person who has graduated from an accredited practical nurse training  
7 program may be issued a temporary license to practice as a practical  
8 nurse in New Jersey, and provide services both in person and using  
9 telemedicine and telehealth, until such time as the person is issued a  
10 full practical nurse license or the person fails the practical nurse  
11 licensure examination or is otherwise denied licensure, provided that  
12 no more than six months have elapsed since the person's date of  
13 graduation and the person:

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

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

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

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

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

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

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

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

47       b. In addition to the requirements of subsection a. of this section,  
48 an applicant for renewal of a certification as an advanced practice

1 nurse shall present satisfactory evidence that, in the period since the  
2 certification was issued or last renewed, all continuing education  
3 requirements have been completed as required by regulations adopted  
4 by the board.

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

9 d. (1) Notwithstanding any other provision of law to the contrary,  
10 an individual who is currently licensed or certified by a governmental  
11 agency located in another state as an advanced practice nurse who  
12 applies for certification as an advanced practice nurse in New Jersey  
13 shall be authorized to practice for up to one year as an advanced  
14 practice nurse in New Jersey pending a final determination on the  
15 individual's application.

16 (2) (a) An individual practicing as an advanced practice nurse  
17 pending a final determination on the individual's application for  
18 certification pursuant to paragraph (1) of this subsection shall  
19 immediately notify the Division of Consumer Affairs in the  
20 Department of Law and Public Safety if the individual's authorization  
21 to practice in any other state is suspended, revoked, or subject to  
22 adverse disciplinary action. The division shall make a determination  
23 as to the individual's continuing authorization to practice in New  
24 Jersey pursuant to this subsection; until such determination is made,  
25 the individual shall not be authorized to practice in New Jersey  
26 pursuant to this subsection.

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

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

1 pursuant to subparagraph (b) of this paragraph.

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

3

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

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

9 (1) Have submitted a written application in the form prescribed by  
10 the board;

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

12 (3) Have good moral character;

13 (4) Have engaged in the practice of pharmacy for a period of at  
14 least 1,000 hours within the last two years or have met, immediately  
15 prior to application, the internship requirements of this State within the  
16 one-year period immediately preceding the date of application;

17 (5) Have presented to the board proof of initial licensure by  
18 examination and proof that the license is in good standing;

19 (6) Have presented to the board proof that any other license  
20 granted to the applicant by any other state has not been suspended,  
21 revoked or otherwise restricted for any reason except nonrenewal or  
22 for the failure to obtain the required continuing education credits in  
23 any state where the applicant is currently licensed but not engaged in  
24 the practice of pharmacy;

25 (7) Have paid the fees specified by the board;

26 (8) Have graduated and received a professional degree from a  
27 college or school of pharmacy approved by the board; and

28 (9) Have met any other requirements as established by the board  
29 by regulation.

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

33 c. In order for a pharmacist applicant with a pharmacy degree  
34 from a foreign country or a college of pharmacy not approved by the  
35 board to obtain a license as a pharmacist, that applicant shall meet  
36 those requirements as established by the board by regulation.

37 d. Notwithstanding any other provision of law to the contrary, any  
38 person who has graduated from an accredited pharmacy education  
39 training program may be issued a temporary license to practice as a  
40 pharmacist until such time as the person is issued a full pharmacist  
41 license or the person fails the pharmacist licensure examination or is  
42 otherwise denied licensure, provided that no more than six months  
43 have elapsed since the person's date of graduation and the person:

44 (1) has initiated the application process for a pharmacist license,  
45 including submitting the applicable fee and, if the person is required to  
46 successfully complete a licensure examination as a condition of  
47 licensure, registering to take the next scheduled licensure examination  
48 if the person has not already successfully completed the licensure

1 examination, which process may be initiated at any time after the  
2 person commences the final quarter or semester of the person's  
3 training program, as applicable, or when authorized by the board,  
4 whichever is earlier;

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

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

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

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

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

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

27 b. (1) Notwithstanding any other provision of law to the contrary,  
28 an individual who is currently licensed or certified by a governmental  
29 agency located in another state as a psychologist who applies for  
30 licensure as a psychologist in New Jersey shall be authorized to  
31 practice as a psychologist in New Jersey pending a final determination  
32 on the individual's application.

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

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



1 provisions of the “Penalty Enforcement Law of 1999,” P.L.1999, c.274  
2 (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 paragraph.

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

19  
20 14. Section 10 of P.L.2000, c.57 (C.45:14BB-10) is amended to  
21 read as follows:

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

30 b. (1) Notwithstanding any other provision of law to the contrary,  
31 an individual who is currently licensed or certified by a governmental  
32 agency located in another state as a psychoanalyst who applies for  
33 certification as a psychoanalyst in New Jersey shall be authorized to  
34 practice as a psychoanalyst in New Jersey pending a final  
35 determination on the individual’s application.

36 (2) (a) An individual practicing as a psychoanalyst pending a final  
37 determination on the individual’s application for certification<sup>2</sup>  
38 pursuant to paragraph (1) of this subsection shall immediately notify  
39 the Division of Consumer Affairs in the Department of Law and  
40 Public Safety if the individual’s authorization to practice in any other  
41 state is suspended, revoked, or subject to adverse disciplinary action.  
42 The division shall make a determination as to the individual’s  
43 continuing authorization to practice in New Jersey pursuant to this  
44 subsection; until such determination is made, the individual shall not  
45 be authorized to practice in New Jersey pursuant to this subsection.

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

1 provide the required notice, which civil penalty shall be collected by  
2 the division in summary proceedings before a court of competent  
3 jurisdiction pursuant to the provisions of the “Penalty Enforcement  
4 Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

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

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

21  
22 15. Section 13 of P.L.1991, c.31 (C.45:14E-13) is amended to read  
23 as follows:

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

33 b. (1) Notwithstanding any other provision of law to the contrary,  
34 an individual who is currently licensed or certified by a governmental  
35 agency located in another state as a respiratory care practitioner who  
36 applies for licensure as a respiratory care practitioner in New Jersey  
37 shall be authorized to practice as a respiratory care practitioner in New  
38 Jersey pending a final determination on the individual’s application.

39 (2) (a) An individual practicing as a respiratory care practitioner  
40 pending a final determination on the individual’s licensure application  
41 pursuant to paragraph (1) of this subsection shall immediately notify  
42 the Division of Consumer Affairs in the Department of Law and  
43 Public Safety if the individual’s authorization to practice in any other  
44 state is suspended, revoked, or subject to adverse disciplinary action.  
45 The division shall make a determination as to the individual’s  
46 continuing authorization to practice in New Jersey pursuant to this  
47 subsection; until such determination is made, the individual shall not  
48 be authorized to practice in New Jersey pursuant to this subsection.

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

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

23       **c. Notwithstanding any other provision of law to the contrary, any**  
24 **person who has graduated from an accredited respiratory care therapy**  
25 **training program may be issued a temporary license to practice as a**  
26 **respiratory care practitioner until such time as the person is issued a**  
27 **full respiratory care practitioner license or the person fails the**  
28 **respiratory care practitioner licensure examination or is otherwise**  
29 **denied licensure, provided that no more than six months have elapsed**  
30 **since the person’s date of graduation and the person:**

31       **(1) has initiated the application process for a respiratory care**  
32 **practitioner license, including submitting the applicable fee and, if the**  
33 **person is required to successfully complete a licensure examination as**  
34 **a condition of licensure, registering to take the next scheduled**  
35 **licensure examination if the person has not already successfully**  
36 **completed the licensure examination, which process may be initiated**  
37 **at any time after the person commences the final quarter or semester of**  
38 **the person’s training program, as applicable, or when authorized by the**  
39 **board, whichever is earlier;**

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

44       **(3) completes a criminal history record background check, the**  
45 **results of which, notwithstanding any other provision of law or**  
46 **regulation to the contrary, shall be valid for the purposes of the**  
47 **person’s application for licensure until such time as the board makes a**  
48 **final determination on the application; and**

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

3       (cf: P.L.1991, c.31, s.13)

4  
5       16. Section 7 of P.L.1991, c.134 (C.45:15BB-7) is amended to  
6       read as follows:

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

15      b. (1) Notwithstanding any other provision of law to the contrary,  
16      an individual who is currently licensed or certified by a governmental  
17      agency located in another state as a clinical social worker who applies  
18      for licensure as a clinical social worker in New Jersey shall be  
19      authorized to practice as a clinical social worker in New Jersey  
20      pending a final determination on the individual's application.

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

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

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

1 state was for a purely technical violation or a violation that was minor  
2 in nature and did not adversely affect the health or safety of any  
3 individual, the court may reduce or eliminate a civil penalty assessed  
4 pursuant to subparagraph (b) of this paragraph.

5 c. Notwithstanding any other provision of law to the contrary, any  
6 person who has graduated from a master's-level educational program  
7 accredited by the Council on Social Work Education may be issued a  
8 temporary license to practice as a licensed social worker until such  
9 time as the person is issued a full social worker license or the person  
10 fails the social worker licensure examination or is otherwise denied  
11 licensure, provided that no more than six months have elapsed since  
12 the person's date of graduation and the person:

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

22 (2) is practicing under a plan of supervision approved by the Board  
23 of Social Work Examiners or has submitted a plan of supervision to  
24 the Board of Social Work Examiners that is pending approval;

25 (3) only practices under the supervision of a licensed clinical  
26 social worker;

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

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

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

35  
36 17. (New section) The Director of the Division of Consumer  
37 Affairs in the Department of Law and Public Safety shall adopt  
38 rules and regulations, pursuant to the "Administrative Procedure  
39 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), as shall be necessary  
40 for the implementation of this act.

41  
42 18. This act shall take effect immediately.  
43  
44

#### 45 STATEMENT

46  
47 This bill authorizes certain out-of-State health care professionals  
48 and recent graduates of health care training programs to practice in

1 New Jersey pending a final determination on an application for  
2 licensure or certification to practice in New Jersey.

3 Specifically, the bill provides that alcohol and drug counselors,  
4 marriage and family therapists, professional counselors, physicians,  
5 homemaker-home health aides, certain nurses, psychologists,  
6 psychoanalysts, respiratory care practitioners, and social workers  
7 licensed or certified to practice in another state who apply for licensure  
8 or certification in New Jersey will be authorized to practice in New  
9 Jersey pending a final determination on the individual's application.

10 If a professional practicing under a provisional authorization to  
11 practice has the professional's authorization to practice in any other  
12 state suspended, revoked, or subject to adverse disciplinary action, the  
13 professional will be required to immediately notify the Division of  
14 Consumer Affairs in the Department of Law and Public Safety, which  
15 will make a determination as to the individual's continuing  
16 authorization to practice under the provisional authorization. The  
17 individual will not be permitted to practice in New Jersey under the  
18 bill until the division makes its determination.

19 A professional who fails to provide notice of an adverse action in  
20 another state will be liable to a civil penalty of \$500 per day for each  
21 day the notice is not provided. However, the individual will have the  
22 opportunity to demonstrate to the court that the individual did not  
23 know and had no reason to know of the adverse action, or that the  
24 adverse action was taken for a violation that was purely technical in  
25 nature or that was minor and did not adversely affect the health or  
26 safety of any individual. If the court finds the individual did not know  
27 of the adverse action or that the adverse action was minor or technical  
28 in nature, the court will have the authority to reduce or eliminate a  
29 civil penalty assessed under the bill.

30 With regard to recent graduates, the bill provides that certain  
31 recent graduates will be authorized to practice under a temporary  
32 license until the person achieves full licensure or fails the licensure  
33 examination.