

SENATE, No. 2311

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED JANUARY 25, 2024

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

Requires criminal history background check for individuals seeking licensure issued by boards regulating certain health care professions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2024)

1 AN ACT concerning criminal history background checks for certain
2 health care professionals and amending P.L.2002, c.104.

3

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

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7 1. Section 1 of P.L.2002, c.104 (C.45:1-28) is amended to read
8 as follows:

9 1. As used in this act:

10 "Applicant" means an applicant for the licensure or other
11 authorization to engage in a health care profession.

12 "Board" means a professional and occupational licensing board
13 within the Division of Consumer Affairs in the Department of Law
14 and Public Safety.

15 "Director" means the Director of the Division of Consumer
16 Affairs in the Department of Law and Public Safety.

17 "Division" means the Division of Consumer Affairs in the
18 Department of Law and Public Safety.

19 "Health care professional" means a health care professional who
20 is licensed or otherwise authorized, pursuant to Title 45 or Title 52
21 of the Revised Statutes, to practice a health care profession that is
22 regulated by one of the following boards or by the Director of the
23 Division of Consumer Affairs: the State Board of Medical
24 Examiners, the New Jersey Board of Nursing, the New Jersey State
25 Board of Dentistry, the New Jersey State Board of Optometrists, the
26 New Jersey State Board of Pharmacy, the State Board of
27 Chiropractic Examiners, the Acupuncture Examining Board, the
28 State Board of Physical Therapy, the State Board of Respiratory
29 Care, the Orthotics and Prosthetics Board of Examiners, the State
30 Board of Psychological Examiners, the State Board of Social Work
31 Examiners, the State Board of Veterinary Medical Examiners, the
32 State Board of Examiners of Ophthalmic Dispensers and
33 Ophthalmic Technicians, the Audiology and Speech-Language
34 Pathology Advisory Committee, the State Board of Marriage and
35 Family Therapy Examiners, the Occupational Therapy Advisory
36 Council, the Certified Psychoanalysts Advisory Committee **[or]**,
37 the State Board of Polysomnography, the State Board of Applied
38 Behavior Analyst Examiners, the State Board of Creative Arts and
39 Activities Therapies, or the State Board of Dietetics and Nutrition.

40 Health care professional shall not include a nurse aide or
41 personal care assistant who is required to undergo a criminal history
42 record background check pursuant to section 2 of P.L.1997, c.100
43 (C.26:2H-83) or a homemaker-home health aide who is required to
44 undergo a criminal history record background check pursuant to
45 section 7 of P.L.1997, c.100 (C.45:11-24.3).

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 "Licensee" means an individual who has been issued a license or
2 other authorization to practice a health care profession.

3 (cf: P.L.2005, c.244, s.17)

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5 2. This act shall take effect on the first day of the seventh
6 month next following the date of enactment and shall be applicable
7 to applications for initial licensure or licensure renewal received by
8 the State Boards of Applied Behavior Analyst Examiners, Creative
9 Arts and Activities Therapies, and Dietetics and Nutrition received
10 on or after that date.

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STATEMENT

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15 This bill modifies the health care professions governed by the
16 law regarding criminal history background checks. Specifically, the
17 bill modifies the definition of "health care professional" in the law
18 by incorporating individuals seeking licensure from the State Board
19 of Applied Behavior Analyst Examiners, the State Board of
20 Creative Arts and Activities Therapies, or the State Board of
21 Dietetics and Nutrition. Individuals captured by this modification
22 will be required to undergo a criminal history background check
23 prior to issuance of an initial license. Individuals will also be
24 subject to current law allowing the requisite board or the Division
25 of Consumer Affairs to refuse to renew or to revoke a license if
26 criminal history record information exists that provides grounds for
27 a refusal or revocation.