

SENATE, No. 3565

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED SEPTEMBER 12, 2024

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator ROBERT W. SINGER

District 30 (Monmouth and Ocean)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2025)

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 10 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.

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

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

9

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

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

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

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

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

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

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

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

15

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

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

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

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

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

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

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

40 e. A physician assistant who notifies the board in writing on
41 forms prescribed by the board may elect to place the physician
42 assistant's license on inactive status. A physician assistant with an
43 inactive license shall not be subject to the payment of renewal fees and
44 shall not practice as a physician assistant. A licensee who engages in
45 practice while the physician assistant's license is lapsed or on inactive
46 status shall be deemed to have engaged in professional misconduct in
47 violation of subsection e. of section 8 of P.L.1978, c.73 (C.45:1-21)
48 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) (a) has completed a course of study in a
5 school of practical nursing approved by the board and holds a diploma
6 therefrom, (b) 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, (c) has completed the Army
11 Practical Nurse Program (68WM6) or the Air Force Basic Medical
12 Technician Corpsman Program 4N051 (5 Skill Level), or their
13 equivalents, and was honorably discharged from military service, or
14 (d) has equivalent qualifications as determined by the board including
15 those determined pursuant to section 1 of P.L.2013, c.49 (C.45:1-15.3)
16 and section 2 of P.L.2023, c.18 (C.45:11-27a).

17 b. License.

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

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

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

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

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

15 e. (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 practical nurse who applies for
18 licensure as a practical nurse in New Jersey shall be authorized to
19 practice for up to one year as a practical nurse in New Jersey pending a
20 final determination on the individual's application.

21 (2) (a) An individual practicing as a practical 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 practical
6 nurse who holds a multistate license issued pursuant to P.L.2019,
7 c.172 (C.45:11A-9 et seq.) or affect the authority of any nurse holding
8 a multistate license to practice in New Jersey under that license.

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

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

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

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

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

38 (cf: P.L.2023, c.18, s.1)

39
40 11. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to read
41 as follows:

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

45 (1) Is at least 18 years of age;

46 (2) Is of good moral character;

47 (3) Is a registered professional nurse;

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

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

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

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

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

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

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

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

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

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

7
8 12. Section 14 of P.L.2003, c.280 (C.45:14-53) is amended to read
9 as follows:

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

13 (1) Have submitted a written application in the form prescribed by
14 the board;

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

16 (3) Have good moral character;

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

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

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

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

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

32 (9) Have met any other requirements as established by the board
33 by regulation.

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

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

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

1 (1) has initiated the application process for a pharmacist license,
2 including submitting the applicable fee and, if the person is required to
3 successfully complete a licensure examination as a condition of
4 licensure, registering to take the next scheduled licensure examination
5 if the person has not already successfully completed the licensure
6 examination, which process may be initiated at any time after the
7 person commences the final quarter or semester of the person's
8 training program, as applicable, or when authorized by the board,
9 whichever is earlier;

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

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

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

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

22
23 13. Section 20 of P.L.1966, c.282 (C.45:14B-20) is amended to
24 read as follows:

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

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

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

1 (b) An individual who fails to provide notice to the division as
2 required under this paragraph shall be liable to a civil penalty of \$500
3 per day for each day the individual fails to provide the required notice,
4 which civil penalty shall be collected by the division in summary
5 proceedings before a court of competent jurisdiction pursuant to the
6 provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274
7 (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 (cf: P.L.1966, c.282, s.20)

24
25 14. Section 10 of P.L.2000, c.57 (C.45:14BB-10) is amended to
26 read as follows:

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

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

41 (2) (a) An individual practicing as a psychoanalyst pending a final
42 determination on the individual's application for certification pursuant
43 to paragraph (1) of this subsection shall immediately notify the
44 Division of Consumer Affairs in the Department of Law and Public
45 Safety if the individual's authorization to practice in any other state is
46 suspended, revoked, or subject to adverse disciplinary action. The
47 division shall make a determination as to the individual's continuing
48 authorization to practice in New Jersey pursuant to this subsection;

1 until such determination is made, the individual shall not be authorized
2 to practice in New Jersey pursuant to this subsection.

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

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

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

26

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

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

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 respiratory care practitioner who
41 applies for licensure as a respiratory care practitioner in New Jersey
42 shall be authorized to practice as a respiratory care practitioner in New
43 Jersey pending a final determination on the individual's application.

44 (2) (a) An individual practicing as a respiratory care practitioner
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 from an accredited respiratory care therapy
30 training program may be issued a temporary license to practice as a
31 respiratory care practitioner until such time as the person is issued a
32 full respiratory care practitioner license or the person fails the
33 respiratory care practitioner licensure examination or is otherwise
34 denied licensure, provided that no more than six months have elapsed
35 since the person's date of graduation and the person:

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

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

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

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

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

9

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

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

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

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

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

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

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

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

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

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

30 (3) only practices under the supervision of a licensed clinical
31 social worker;

32 (4) 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 (5) complies with all applicable scope of practice and supervision
38 requirements.

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

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

46
47 18. This act shall take effect immediately.

STATEMENT

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This bill authorizes certain out-of-State health care professionals and recent graduates of health care training programs to practice in New Jersey pending a final determination on an application for licensure or certification to practice in New Jersey.

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

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

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

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