

[First Reprint]

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 reported by the Senate Commerce Committee on February 10, 2025, with amendments.



(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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted February 10, 2025.

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
11 read as follows:

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

18 b. (1) Notwithstanding any other provision of law to the
19 contrary, an individual who is currently licensed or certified ¹as an
20 alcohol and drug counselor¹ by a governmental agency located in
21 another state ¹[as an alcohol and drug counselor] that requires both
22 state and federal criminal background checks for initial licensure or
23 certification, and¹ who applies for licensure as an alcohol and drug
24 counselor in New Jersey shall be authorized to practice ¹for up to
25 one year¹ as an alcohol and drug counselor in New Jersey pending a
26 final determination on the individual's application. ¹Prior to
27 granting authorization to an individual to practice pending a final
28 determination by the board on the individual's application, the
29 board shall check the National Practitioner Data Bank for adverse
30 disciplinary action against the individual. The board shall maintain
31 a "continuous query" concerning the individual in the National
32 Practitioner Data Bank. The board shall determine, annually
33 update, and include on its Internet website, in a clear and
34 conspicuous location, the states with background checks meeting
35 the requirements of this subsection for which temporary
36 authorization pursuant to this subsection may be granted.¹

37 (2) (a) An individual practicing as an alcohol and drug
38 counselor pending a final determination on the individual's
39 licensure application pursuant to paragraph (1) of this subsection
40 shall immediately notify the Division of Consumer Affairs in the
41 Department of Law and Public Safety if the individual's
42 authorization to practice in any other state is suspended, revoked, or
43 subject to adverse disciplinary action. The division shall make a
44 determination¹, which shall consider any findings through the
45 National Practitioner Data Bank pursuant to paragraph (1) of this
46 subsection,¹ as to the individual's continuing authorization to
47 practice in New Jersey pursuant to this subsection; until such

1 determination is made, the individual shall not be authorized to
2 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
5 a civil penalty of \$500 per day for each day the individual fails to
6 provide the required notice, which civil penalty shall be collected
7 by 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
14 authorization to practice in any other state was suspended, revoked,
15 or subject to adverse disciplinary action, or to demonstrate that the
16 action taken by the other state was for a purely technical violation
17 or a violation that was minor in nature and did not adversely affect
18 the health or safety of any individual. If the court finds that the
19 person did not know and had no reason to know of the action taken
20 by the other state against the person's authorization to practice, or
21 that the action taken by the other state was for a purely technical
22 violation or a violation that was minor in nature and did not
23 adversely affect the health or safety of any individual, the court may
24 reduce or eliminate a civil penalty assessed pursuant to
25 subparagraph (b) of this paragraph.

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

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

38 (2) practices under the supervision of the intern's qualified
39 clinical supervisor;

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

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

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

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

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

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

9 b. (1) Notwithstanding any other provision of law to the
10 contrary, an individual who is currently licensed or certified ¹as a
11 marriage and family therapist¹ by a governmental agency located in
12 another state ¹[as a marriage and family therapist] that requires
13 both state and federal criminal background checks for initial
14 licensure or certification, and¹ who applies for licensure as a
15 marriage and family therapist in New Jersey shall be authorized to
16 practice ¹for up to one year¹ as a marriage and family therapist in
17 New Jersey pending a final determination on the individual's
18 application. ¹Prior to granting authorization for an individual to
19 practice pending a final determination by the board on the
20 individual's application, the board shall check the National
21 Practitioner Data Bank for adverse disciplinary action against the
22 individual. The board shall maintain a "continuous query"
23 concerning the individual in the National Practitioner Data Bank.
24 The board shall determine, annually update, and include on its
25 Internet website, in a clear and conspicuous location, the states with
26 background checks meeting the requirements of this subsection for
27 which temporary authorization pursuant to this subsection may be
28 granted.¹

29 (2) (a) An individual practicing as a marriage and family
30 therapist pending a final determination on the individual's licensure
31 application pursuant to paragraph (1) of this subsection shall
32 immediately notify the Division of Consumer Affairs in the
33 Department of Law and Public Safety if the individual's
34 authorization to practice in any other state is suspended, revoked, or
35 subject to adverse disciplinary action. The division shall make a
36 determination¹, which shall consider any findings through the
37 National Practitioner Data Bank pursuant to paragraph (1) of this
38 subsection,¹ as to the individual's continuing authorization to
39 practice in New Jersey pursuant to this subsection; until such
40 determination is made, the individual shall not be authorized to
41 practice in New Jersey pursuant to this subsection.

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

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

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

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

20

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

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

29 b. (1) Notwithstanding any other provision of law to the
30 contrary, an individual who is currently licensed or certified ¹as a
31 professional counselor¹ by a governmental agency located in
32 another state ¹【as a professional counselor】 that requires both state
33 and federal criminal background checks for initial licensure or
34 certification, and¹ who applies for licensure as a professional
35 counselor in New Jersey shall be authorized to practice ¹for up to
36 one year¹ as a professional counselor in New Jersey pending a final
37 determination on the individual’s application. ¹Prior to granting
38 authorization to an individual to practice pending a final
39 determination by the board on the individual’s application, the
40 board shall check the National Practitioner Data Bank for adverse
41 disciplinary action against the individual. The board shall maintain
42 a “continuous query” concerning the individual in the National
43 Practitioner Data Bank. The board shall determine, annually
44 update, and include on its Internet website, in a clear and
45 conspicuous location, the states with background checks meeting
46 the requirements of this subsection for which temporary
47 authorization pursuant to this subsection may be granted.¹

1 (2) (a) An individual practicing as a professional counselor
2 pending a final determination on the individual's licensure
3 application pursuant to paragraph (1) of this subsection shall
4 immediately notify the Division of Consumer Affairs in the
5 Department of Law and Public Safety if the individual's
6 authorization to practice in any other state is suspended, revoked, or
7 subject to adverse disciplinary action. The division shall make a
8 determination ¹, which shall consider any findings through the
9 National Practitioner Data Bank pursuant to paragraph (1) of this
10 subsection, ¹ as to the individual's continuing authorization to
11 practice in New Jersey pursuant to this subsection; until such
12 determination is made, the individual shall not be authorized to
13 practice in New Jersey pursuant to this subsection.

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

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

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

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

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

15 (3) complies with all applicable scope of practice and
16 supervision requirements.

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

18
19 6. R.S.45:9-13 is amended to read as follows:

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

35 b. (1) Notwithstanding any other provision of law to the
36 contrary, an individual who is currently licensed to practice
37 medicine or surgery in another state¹ that requires both state and
38 federal criminal background checks for initial licensure or
39 certification, and¹ who applies for licensure to practice medicine or
40 surgery in New Jersey shall be authorized to practice¹ for up to one
41 year¹ medicine or surgery, consistent with the scope of the license
42 held in the other state, in New Jersey pending a final determination
43 on the individual's application. ¹Prior to granting authorization to
44 an individual to practice pending a final determination by the board
45 on the individual's application, the board shall check the National
46 Practitioner Data Bank for adverse disciplinary action against the
47 individual. The board shall maintain a "continuous query"
48 concerning the individual in the National Practitioner Data Bank.

1 The board shall determine, annually update, and include on its
2 Internet website, in a clear and conspicuous location, the states with
3 background checks meeting the requirements of this subsection for
4 which temporary authorization pursuant to this subsection may be
5 granted.¹

6 (2) (a) An individual practicing medicine or surgery pending a
7 final determination on the individual's licensure application
8 pursuant to paragraph (1) of this subsection shall immediately
9 notify the Division of Consumer Affairs in the Department of Law
10 and Public Safety if the individual's authorization to practice in any
11 other state is suspended, revoked, or subject to adverse disciplinary
12 action. The division shall make a determination¹, which shall
13 consider any findings through the National Practitioner Data Bank
14 pursuant to paragraph (1) of this subsection,¹ as to the individual's
15 continuing authorization to practice in New Jersey pursuant to this
16 subsection; until such determination is made, the individual shall
17 not be authorized to practice in New Jersey pursuant to this
18 subsection.

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

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

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

43
44 7. Section 4 of P.L.1991, c.378 (C.45:9-27.13) is amended to read
45 as follows:

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

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

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

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

8 (1) Execute and submit a sworn statement made on a form
9 provided by the board that neither the license for which renewal is
10 sought nor any similar license or other authority issued by another
11 jurisdiction has been revoked or suspended; and

12 (2) Present satisfactory evidence that any continuing education
13 requirements have been completed as required by P.L.1991, c.378
14 (C.45:9-27.10 et seq.).

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

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

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

33 f. Notwithstanding any other provision of law to the contrary, any
34 person who has graduated from an accredited physician assistant
35 training program may be issued a temporary license to practice as a
36 physician assistant in New Jersey, and provide services both in person
37 and using telemedicine and telehealth, until such time as the person is
38 either issued a full physician assistant license or the person fails the
39 physician assistant licensure examination or is otherwise denied
40 licensure, provided that no more than six months have elapsed since
41 the person's date of graduation and the person:

42 (1) has initiated the application process for a physician assistant
43 license, including submitting the applicable fee and, if the person is
44 required to successfully complete a licensure examination as a
45 condition of licensure, registering to take the next scheduled licensure
46 examination if the person has not already successfully completed the
47 licensure examination, which process may be initiated at any time after
48 the person commences the final quarter or semester of the person's

1 training program, as applicable, or when authorized by the board,
2 whichever is earlier;

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

7 (3) does not order or prescribe controlled dangerous substances,
8 does not authorize patients for medical cannabis, and does not issue
9 written instructions for medical cannabis;

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

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

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

19

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

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

26 b. (1) Notwithstanding any other provision of law to the
27 contrary, an individual who is currently licensed or certified ¹as a
28 homemaker-home health aide¹ by a governmental agency located in
29 another state ¹[as a homemaker-home health aide] that requires
30 both state and federal criminal background checks for initial
31 licensure or certification, and¹ who applies for certification as a
32 homemaker-home health aide in New Jersey shall be authorized to
33 practice ¹for up to one year¹ as a homemaker-home health aide in
34 New Jersey pending a final determination on the individual's
35 application. ¹Prior to granting authorization to an individual to
36 practice pending a final determination by the board on the
37 individual's application, the board shall check the National
38 Practitioner Data Bank for adverse disciplinary action against the
39 individual. The board shall maintain a "continuous query"
40 concerning the individual in the National Practitioner Data Bank.
41 The board shall determine, annually update, and include on its
42 Internet website, in a clear and conspicuous location, the states with
43 background checks meeting the requirements of this subsection for
44 which temporary authorization pursuant to this subsection may be
45 granted.¹

46 (2) (a) An individual practicing as a homemaker-home health
47 aide pending a final determination on the individual's application

1 for certification pursuant to paragraph (1) of this subsection shall
2 immediately notify the Division of Consumer Affairs in the
3 Department of Law and Public Safety if the individual's
4 authorization to practice in any other state is suspended, revoked, or
5 subject to adverse disciplinary action. The division shall make a
6 determination¹, which shall consider any findings through the
7 National Practitioner Data Bank pursuant to paragraph (1) of this
8 subsection,¹ as to the individual's continuing authorization to
9 practice in New Jersey pursuant to this subsection; until such
10 determination is made, the individual shall not be authorized to
11 practice in New Jersey pursuant to this subsection.

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

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

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

36

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

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

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

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

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

24 b. License.

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

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

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

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

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

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

14 f. (1) Notwithstanding any other provision of law to the
15 contrary, an individual who is currently licensed or certified ¹as a
16 registered or professional nurse¹ by a governmental agency located
17 in another state ¹[as a registered or professional nurse] that
18 requires both state and federal criminal background checks for
19 initial licensure or certification, and¹ who applies for licensure as a
20 professional nurse in New Jersey shall be authorized to practice ¹for
21 up to one year¹ as a professional nurse in New Jersey pending a
22 final determination on the individual's application. ¹Prior to
23 granting authorization to an individual to practice pending a final
24 determination by the board on the individual's application, the
25 board shall check the National Practitioner Data Bank for adverse
26 disciplinary action against the individual. The board shall maintain
27 a "continuous query" concerning the individual in the National
28 Practitioner Data Bank. The board shall determine, annually
29 update, and include on its Internet website, in a clear and
30 conspicuous location, the states with background checks meeting
31 the requirements of this subsection for which temporary
32 authorization pursuant to this subsection may be granted.¹

33 (2) (a) An individual practicing as a professional nurse pending
34 a final determination on the individual's licensure application
35 pursuant to paragraph (1) of this subsection shall immediately
36 notify the Division of Consumer Affairs in the Department of Law
37 and Public Safety if the individual's authorization to practice in any
38 other state is suspended, revoked, or subject to adverse disciplinary
39 action. The division shall make a determination¹, which shall
40 consider any findings through the National Practitioner Data Bank
41 pursuant to paragraph (1) of this subsection,¹ as to the individual's
42 continuing authorization to practice in New Jersey pursuant to this
43 subsection; until such determination is made, the individual shall
44 not be authorized to practice in New Jersey pursuant to this
45 subsection.

46 (b) An individual who fails to provide notice to the division as
47 required under subparagraph (a) of this paragraph shall be liable to

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

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

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

27 g. Notwithstanding any other provision of law to the contrary,
28 any person who has graduated from an accredited professional
29 nurse training program may be issued a temporary license to
30 practice as a professional nurse in New Jersey, and provide services
31 both in person and using telemedicine and telehealth, until such
32 time as the person is issued a full professional nurse license or the
33 person fails the professional nurse licensure examination or is
34 otherwise denied licensure, provided that no more than six months
35 have elapsed since the person’s date of graduation and the person:

36 (1) has initiated the application process for a professional nurse
37 license, including submitting the applicable fee and, if the person is
38 required to successfully complete a licensure examination as a
39 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
42 initiated at any time after the person commences the final quarter or
43 semester of the person’s training program, as applicable, or when
44 authorized by the 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
5 makes a final determination on the application; and

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

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

9

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

12 5. a. Qualifications of applicants. An applicant for a license
13 to practice practical nursing shall submit to the board evidence in
14 such form as the board may prescribe that the applicant (1) has
15 attained his or her eighteenth birthday; (2) is of good moral
16 character, is not an habitual user of drugs and has never been
17 convicted or has not pleaded nolo contendere, non vult contendere
18 or non vult to an indictment, information or complaint alleging a
19 violation of any federal or State law relating to narcotic drugs; (3)
20 has completed 2 years of high school or the equivalent thereof, as
21 determined by the New Jersey State Department of Education; (4)
22 (a) has completed a course of study in a school of practical nursing
23 approved by the board and holds a diploma therefrom, (b) holds a
24 diploma from a school of practical nursing operated by a board of
25 education in this State and is certified by the Department of
26 Education as having completed the number of hours of instruction
27 in the subjects in the curriculum prescribed by the board and an
28 approved course of affiliation, (c) has completed the Army Practical
29 Nurse Program (68WM6) or the Air Force Basic Medical
30 Technician Corpsman Program 4N051 (5 Skill Level), or their
31 equivalents, and was honorably discharged from military service, or
32 (d) has equivalent qualifications as determined by the board
33 including those determined pursuant to section 1 of P.L. 2013, c.49
34 (C.45:1-15.3) and section 2 of P.L.2023, c.18 (C.45:11-27a).

35 b. License.

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

42 (2) By indorsement without examination. The board shall issue
43 a license to practice practical nursing without examination to any
44 applicant who has been duly licensed as a practical nurse or a
45 person entitled to perform similar services under a different title by
46 practical nurse examination or by original waiver under the laws of
47 another State, territory or possession of the United States, or the
48 District of Columbia, if in the opinion of the board the applicant has

1 the qualifications required by this act for licensing of practical
2 nurses or equivalent qualifications.

3 (3) Waiver. If application therefor is made, upon a form
4 prescribed by the board, on or before September 1, 1958, the board
5 shall issue without examination a license to practice practical
6 nursing to an applicant who submits to the board evidence in such
7 form as the board may prescribe that the applicant has qualifications
8 (1) and (2) provided in subsection "a" of this section and had within
9 5 years prior to application at least 2 years of satisfactory
10 experience in practical nursing, at least 1 year of which shall have
11 been performed in this State except in cases of such nursing
12 performed in an agency or service of the Federal Government;
13 provided, that except in cases of such nursing performed in an
14 agency or service of the Federal Government, such applicant is
15 indorsed under oath by 2 physicians duly licensed to practice
16 medicine and surgery in New Jersey who have personal knowledge
17 of the applicant's qualifications and satisfactory performance of
18 practical nursing and by 2 persons who have employed the
19 applicant.

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

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

34 e. (1) Notwithstanding any other provision of law to the
35 contrary, an individual who is currently licensed or certified¹as a
36 practical nurse¹ by a governmental agency located in another state
37 ¹[as a practical nurse] that requires both state and federal criminal
38 background checks for initial licensure or certification, and¹ who
39 applies for licensure as a practical nurse in New Jersey shall be
40 authorized to practice for up to one year as a practical nurse in New
41 Jersey pending a final determination on the individual's application.
42 ¹Prior to granting authorization to an individual to practice pending
43 a final determination by the board on the individual's application,
44 the board shall check the National Practitioner Data Bank for
45 adverse disciplinary action against the individual. The board shall
46 maintain a "continuous query" concerning the individual in the
47 National Practitioner Data Bank. The board shall determine,
48 annually update, and include on its Internet website, in a clear and

1 conspicuous location, the states with background checks meeting
2 the requirements of this subsection for which temporary
3 authorization pursuant to this subsection may be granted.¹

4 (2) (a) An individual practicing as a practical nurse pending a
5 final determination on the individual's licensure application
6 pursuant to paragraph (1) of this subsection shall immediately
7 notify the Division of Consumer Affairs in the Department of Law
8 and Public Safety if the individual's authorization to practice in any
9 other state is suspended, revoked, or subject to adverse disciplinary
10 action. The division shall make a determination¹, which shall
11 consider any findings through the National Practitioner Data Bank
12 pursuant to paragraph (1) of this subsection,¹ as to the individual's
13 continuing authorization to practice in New Jersey pursuant to this
14 subsection; until such determination is made, the individual shall
15 not be authorized to practice in New Jersey pursuant to this
16 subsection.

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

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

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

45 f. Notwithstanding any other provision of law to the contrary,
46 any person who has graduated from an accredited practical nurse
47 training program may be issued a temporary license to practice as a
48 practical nurse in New Jersey, and provide services both in person

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

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

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

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

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

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

27
28 11. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to
29 read as follows:

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

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

34 (2) Is of good moral character;

35 (3) Is a registered professional nurse;

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

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

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

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

1 d. (1) Notwithstanding any other provision of law to the
2 contrary, an individual who is currently licensed or certified ¹as an
3 advanced practice nurse¹ by a governmental agency located in
4 another state ¹[as an advanced practice nurse] that requires both
5 state and federal criminal background checks for initial licensure or
6 certification, and¹ who applies for certification as an advanced
7 practice nurse in New Jersey shall be authorized to practice for up
8 to one year as an advanced practice nurse in New Jersey pending a
9 final determination on the individual's application. ¹Prior to
10 granting authorization to an individual to practice pending a final
11 determination by the board on the individual's application, the
12 board shall check the National Practitioner Data Bank for adverse
13 disciplinary action against the individual. The board shall maintain
14 a "continuous query" concerning the individual in the National
15 Practitioner Data Bank. The board shall determine, annually
16 update, and include on its Internet website, in a clear and
17 conspicuous location, the states with background checks meeting
18 the requirements of this subsection for which temporary
19 authorization pursuant to this subsection may be granted.¹

20 (2) (a) An individual practicing as an advanced practice nurse
21 pending a final determination on the individual's application for
22 certification pursuant to paragraph (1) of this subsection shall
23 immediately notify the Division of Consumer Affairs in the
24 Department of Law and Public Safety if the individual's
25 authorization to practice in any other state is suspended, revoked, or
26 subject to adverse disciplinary action. The division shall make a
27 determination¹, which shall consider any findings through the
28 National Practitioner Data Bank pursuant to paragraph (1) of this
29 subsection,¹ as to the individual's continuing authorization to
30 practice in New Jersey pursuant to this subsection; until such
31 determination is made, the individual shall not be authorized to
32 practice in New Jersey pursuant to this subsection.

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

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

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

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

10

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

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

16 (1) Have submitted a written application in the form prescribed by
17 the board;

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

19 (3) Have good moral character;

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

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

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

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

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

35 (9) Have met any other requirements as established by the board
36 by regulation.

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

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

44 d. Notwithstanding any other provision of law to the contrary, any
45 person who has graduated from an accredited pharmacy education
46 training program may be issued a temporary license to practice as a
47 pharmacist until such time as the person is issued a full pharmacist
48 license or the person fails the pharmacist licensure examination or is

1 otherwise denied licensure, provided that no more than six months
2 have elapsed since the person's date of graduation and the person:

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

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

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

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

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

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

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

34 b. (1) Notwithstanding any other provision of law to the
35 contrary, an individual who is currently licensed or certified ¹as a
36 psychologist¹ by a governmental agency located in another state
37 ¹[as a psychologist] that requires both state and federal criminal
38 background checks for initial licensure or certification, and¹ who
39 applies for licensure as a psychologist in New Jersey shall be
40 authorized to practice ¹for up to one year¹ as a psychologist in New
41 Jersey pending a final determination on the individual's application.
42 ¹Prior to granting authorization to an individual to practice pending
43 a final determination by the board on the individual's application,
44 the board shall check the National Practitioner Data Bank for
45 adverse disciplinary action against the individual. The board shall
46 maintain a "continuous query" concerning the individual in the
47 National Practitioner Data Bank. The board shall determine,

1 annually update, and include on its Internet website, in a clear and
2 conspicuous location, the states with background checks meeting
3 the requirements of this subsection for which temporary
4 authorization pursuant to this subsection may be granted.¹

5 (2) (a) An individual practicing as a psychologist pending a
6 final determination on the individual's licensure application
7 pursuant to paragraph (1) of this subsection shall immediately
8 notify the Division of Consumer Affairs in the Department of Law
9 and Public Safety if the individual's authorization to practice in any
10 other state is suspended, revoked, or subject to adverse disciplinary
11 action. The division shall make a determination¹, which shall
12 consider any findings through the National Practitioner Data Bank
13 pursuant to paragraph (1) of this subsection,¹ as to the individual's
14 continuing authorization to practice in New Jersey pursuant to this
15 subsection; until such determination is made, the individual shall
16 not be authorized to practice in New Jersey pursuant to this
17 subsection.

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

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

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

42

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

45 10. a. The director may waive the education, experience and
46 examination requirements for State certification pursuant to this act
47 and issue a State certification by endorsement to any applicant who
48 holds a current license, registration or certificate to practice

1 psychoanalysis issued by the agency of another state or country
2 which, in the opinion of the director, has requirements for licensure,
3 registration or certification equivalent to or higher than those
4 required to be certified pursuant to this act.

5 b. (1) Notwithstanding any other provision of law to the
6 contrary, an individual who is currently licensed or certified ¹as a
7 psychoanalyst¹ by a governmental agency located in another state
8 ¹[as a psychoanalyst] that requires both state and federal criminal
9 background checks for initial licensure or certification, and¹ who
10 applies for certification as a psychoanalyst in New Jersey shall be
11 authorized to practice ¹for up to one year¹ as a psychoanalyst in
12 New Jersey pending a final determination on the individual's
13 application. ¹Prior to granting authorization to an individual to
14 practice pending a final determination by the board on the
15 individual's application, the board shall check the National
16 Practitioner Data Bank for adverse disciplinary action against the
17 individual. The board shall maintain a "continuous query"
18 concerning the individual in the National Practitioner Data Bank.
19 The board shall determine, annually update, and include on its
20 Internet website, in a clear and conspicuous location, the states with
21 background checks meeting the requirements of this subsection for
22 which temporary authorization pursuant to this subsection may be
23 granted.¹

24 (2) (a) An individual practicing as a psychoanalyst pending a
25 final determination on the individual's application for certification
26 pursuant to paragraph (1) of this subsection shall immediately
27 notify the Division of Consumer Affairs in the Department of Law
28 and Public Safety if the individual's authorization to practice in any
29 other state is suspended, revoked, or subject to adverse disciplinary
30 action. The division shall make a determination¹, which shall
31 consider any findings through the National Practitioner Data Bank
32 pursuant to paragraph (1) of this subsection,¹ 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
35 not be authorized to practice in New Jersey pursuant to this
36 subsection.

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

44 (c) An individual against whom a civil penalty is assessed
45 pursuant to subparagraph (b) of this paragraph shall have the
46 opportunity to demonstrate to the court that the individual did not
47 know, and had no reason to know, that the individual's

1 authorization to practice in any other state was suspended, revoked,
2 or subject to adverse disciplinary action, or to demonstrate that the
3 action taken by the other state was for a purely technical violation
4 or a violation that was minor in nature and did not adversely affect
5 the health or safety of any individual. If the court finds that the
6 person did not know and had no reason to know of the action taken
7 by the other state against the person's authorization to practice, or
8 that the action taken by the other state was for a purely technical
9 violation or a violation that was minor in nature and did not
10 adversely affect the health or safety of any individual, the court may
11 reduce or eliminate a civil penalty assessed pursuant to
12 subparagraph (b) of this paragraph.
13 (cf: P.L.2000, c.57, s.10)

14

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

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

26 b. (1) Notwithstanding any other provision of law to the
27 contrary, an individual who is currently licensed or certified¹ as a
28 respiratory care practitioner¹ by a governmental agency located in
29 another state¹ [as a respiratory care practitioner] that requires both
30 state and federal criminal background checks for initial licensure or
31 certification, and¹ who applies for licensure as a respiratory care
32 practitioner in New Jersey shall be authorized to practice¹ for up to
33 one year¹ as a respiratory care practitioner in New Jersey pending a
34 final determination on the individual's application. ¹Prior to
35 granting authorization to an individual to practice pending a final
36 determination by the board on the individual's application, the
37 board shall check the National Practitioner Data Bank for adverse
38 disciplinary action against the individual. The board shall maintain
39 a "continuous query" concerning the individual in the National
40 Practitioner Data Bank. The board shall determine, annually
41 update, and include on its Internet website, in a clear and
42 conspicuous location, the states with background checks meeting
43 the requirements of this subsection for which temporary
44 authorization pursuant to this subsection may be granted.¹

45 (2) (a) An individual practicing as a respiratory care
46 practitioner pending a final determination on the individual's
47 licensure application pursuant to paragraph (1) of this subsection

1 shall immediately notify the Division of Consumer Affairs in the
2 Department of Law and Public Safety if the individual's
3 authorization to practice in any other state is suspended, revoked, or
4 subject to adverse disciplinary action. The division shall make a
5 determination¹, which shall consider any findings through the
6 National Practitioner Data Bank pursuant to paragraph (1) of this
7 subsection,¹ as to the individual's continuing authorization to
8 practice in New Jersey pursuant to this subsection; until such
9 determination is made, the individual shall not be authorized to
10 practice in New Jersey pursuant to this subsection.

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

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

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

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

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

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

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

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

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

16

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

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

28 b. (1) Notwithstanding any other provision of law to the
29 contrary, an individual who is currently licensed or certified ¹as a
30 clinical social worker¹ by a governmental agency located in another
31 state ¹[as a clinical social worker] that requires both state and
32 federal criminal background checks for initial licensure or
33 certification, and¹ who applies for licensure as a clinical social
34 worker in New Jersey shall be authorized to practice ¹for up to one
35 year¹ as a clinical social worker in New Jersey pending a final
36 determination on the individual's application. ¹Prior to granting
37 authorization to an individual to practice pending a final
38 determination by the board on the individual's licensure
39 application, the board shall check the National Practitioner Data
40 Bank for adverse disciplinary action against the individual. The
41 board shall maintain a "continuous query" concerning the individual
42 in the National Practitioner Data Bank. The board shall determine,
43 annually update, and include on its Internet website, in a clear and
44 conspicuous location, the states with background checks meeting
45 the requirements of this subsection for which temporary
46 authorization pursuant to this subsection may be granted.¹

1 (2) (a) An individual practicing as a clinical social worker
2 pending a final determination on the individual's licensure
3 application pursuant to paragraph (1) of this subsection shall
4 immediately notify the Division of Consumer Affairs in the
5 Department of Law and Public Safety if the individual's
6 authorization to practice in any other state is suspended, revoked, or
7 subject to adverse disciplinary action. The division shall make a
8 determination¹, which shall consider any findings through the
9 National Practitioner Data Bank pursuant to paragraph (1) of this
10 subsection,¹ as to the individual's continuing authorization to
11 practice in New Jersey pursuant to this subsection; until such
12 determination is made, the individual shall not be authorized to
13 practice in New Jersey pursuant to this subsection.

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

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

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

45 (1) has initiated the application process for a licensed social
46 worker license, including submitting the applicable fee and, if the
47 person is required to successfully complete a licensure examination
48 as a condition of licensure, registering to take the next scheduled

1 licensure examination if the person has not already successfully
2 completed the licensure examination, which process may be
3 initiated at any time after the person commences the final quarter or
4 semester of the person's educational program, as applicable, or
5 when authorized by the board, whichever is earlier;

6 (2) is practicing under a plan of supervision approved by the
7 Board of Social Work Examiners or has submitted a plan of
8 supervision to the Board of Social Work Examiners that is pending
9 approval;

10 (3) only practices under the supervision of a licensed clinical
11 social worker;

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

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

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

20

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

26

27 18. This act shall take effect immediately.