

CHAPTER 345

AN ACT concerning the State Board of Chiropractic Examiners and criminal record of applicants to the board, and amending and supplementing Title 45 of the Revised Statutes.

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

1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to read as follows:

C.45:9-41.20 State Board of Chiropractic Examiners created.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety the State Board of Chiropractic Examiners. The board shall consist of 13 members who are residents of the State, four of whom shall be public members and one of whom shall be a State executive department member appointed pursuant to the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members shall be licensed chiropractors who have been actively engaged in the practice of chiropractic in this State for at least five years immediately preceding their appointments.

The Governor shall appoint each member, other than the State executive department member, with the advice and consent of the Senate, for a term of three years. Each member shall hold office until his successor has been qualified. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for the original appointment. No member of the board may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to read as follows:

C.45:9-41.23 Duties of the board.

7. The board shall:

- a. Appoint and prescribe the duties of an executive secretary. The executive secretary shall serve at its pleasure;

- b. Review the qualifications of applicants for initial licensure, or licensure renewal, reactivation, or reinstatement. The review of qualifications shall include a review of the results from the submission of fingerprints required of each applicant pursuant to section 3 of P.L.2002, c.104 (C.45:1-30) and of each applicant in the National Practitioner Data Bank to ensure, at a minimum, that no information demonstrates an applicant has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction;

- c. Insure the proper conduct and standards of examinations;

- d. Issue, renew, reactivate or reinstate licenses for chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

- e. Refuse to admit a person to an examination, or refuse to issue a license, or suspend, revoke or fail to renew, reactivate or reinstate the license of a chiropractor or chiropractic assistant pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if an applicant, chiropractor, or chiropractic assistant is found to have been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to

section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction through utilization of the continuous query function in the National Practitioner Data Bank or review of the results from the submission of fingerprints required of the applicant pursuant to section 3 of P.L.2002, c.104 (C.45:1-30), or any other means;

f. Maintain a record of chiropractors and chiropractic assistants licensed in this State, their places of business, places of residence and the date and number of their licenses;

g. Prescribe or change the charges for examinations, licensures, renewals and other services it performs pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.);

h. Establish standards pursuant to which a chiropractor shall maintain medical malpractice liability insurance coverage, at appropriate amounts, as set forth in regulations; and

i. Adopt and promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act, R.S.45:9-14.5, R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-41.5 et al.).

j. Nothing in this section shall preclude the board from considering criminal convictions for offenses other than those offenses included in subsections a. and b. of this section, pursuant to section 8 of P.L.1978, c.73 (C.45:1-21), or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing an applicant's qualifications for licensure as authorized pursuant to this section.

C.45:1-15.9 Issuance of license, certification, registration.

3. a. Any entity designated in section 2 of P.L.1978, c.73 (C.45:1-15), or any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession or occupation shall not issue an initial license, certification or registration, or renew, reinstate or reactivate a license, certification or registration unless the entity has first determined that no criminal history record or record with the National Practitioner Data Bank exists demonstrating that an applicant for a license, certification, or registration in a health care profession or occupation has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction.

b. Nothing in this section shall preclude any entity designated in section 2 of P.L.1978, c.73 (C.45:1-15), or any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession or occupation from considering criminal convictions for offenses other than those offenses included in subsection a. of this section, pursuant to section 8 of P.L.1978, c.73 (C.45:1-21), or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing the qualifications of an applicant for licensure, certification, or registration.

4. This act shall take effect immediately.

Approved January 10, 2022.