

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4619

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2023

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 4619 (1R).

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

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

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

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

With regard to recent graduates, the bill provides that certain recent graduates will be authorized to practice under a temporary

license until the person achieves full licensure or fails the licensure examination.

COMMITTEE AMENDMENTS:

The committee amendments:

1) remove provisions allowing certain out-of-State health care professionals to practice in New Jersey for up to one year without paying fees, completing a criminal history record background check, or applying for full licensure. Instead, the bill provides that out-of-State professionals who apply for licensure or certification to practice in New Jersey will be authorized to practice pending a final determination on the professional's application;

2) remove the definition of "temporary reciprocal license"

3) add the definition "provisional authorization to practice";

4) clarify that, when another state takes an adverse action against an individual's authorization to practice, the individual will be prohibited from practicing in New Jersey until the Division of Consumer Affairs makes a final determination;

5) create a \$500-per-day civil penalty for an out-of-State professional practicing under a temporary authorization who fails to disclose that the professional's authorization to practice in another state was suspended, revoked, or subject to adverse disciplinary action. The amendments provide an affirmative defense to the penalty, based on a showing the individual did not know of the adverse action taken in the other state or that the adverse action was taken for a violation that was minor or technical;

6) revise provisions of the bill regarding background checks and add and remove various provisions regarding licensing, waivers, and previous practice;

7) revise the provisions of the bill authorizing recent graduates to practice until they take the licensing examination to require that the person complete a criminal history record background check and to remove language creating a separate application process; instead, the person will be authorized to practice if the person has graduated and otherwise meets the bill's requirements;

8) add language authorizing students in health care training programs to initiate the application process at any time during the person's final quarter or semester in the training program or when otherwise authorized by the applicable licensing board, whichever is earlier;

9) provide a criminal history record background check completed by a graduate issued a temporary license to practice will remain valid until the applicable licensing board makes a final determination on the application; and

10) make various technical changes to harmonize the terminology used in the bill.