

# SENATE, No. 291

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

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**District 19 (Middlesex)**

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**District 2 (Atlantic)**

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**Co-Sponsored by:**

**Senators Codey and Addiego**

**SYNOPSIS**

Authorizes health care practitioners to provide health care services through telemedicine.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/27/2016)**

1 AN ACT authorizing the provision of health care services through  
2 telemedicine, supplementing and amending various parts of the  
3 statutory law, and repealing R.S.45:9-18 and R.S.45:9-18.1.  
4

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

7  
8 1. (New section) a. Unless specifically prohibited or limited  
9 by federal or State law, a health care practitioner may remotely  
10 provide health care services to a patient in the State, and a bona fide  
11 relationship between health care practitioner and patient may be  
12 established, through the use of telemedicine.

13 b. A health care practitioner who provides a health care service  
14 to a patient through the use of telemedicine shall be subject to the  
15 same standards of care and rules of practice as are applicable to  
16 traditional in-person practice, and the use of telemedicine shall not  
17 alter or diminish any existing duty or responsibility of the health  
18 care practitioner, or any assistant thereof, including, but not limited  
19 to, any duty or responsibility related to recordkeeping, or the  
20 maintenance of patient confidentiality. Any health care practitioner  
21 who engages in telemedicine in a manner that does not comply with  
22 the ordinary standards of care or rules of practice applicable to in-  
23 person practice, shall be subject to discipline by the respective  
24 licensing board, as provided by law.

25 c. A health care practitioner is authorized to engage in  
26 consultations with an out-of-state peer professional, including, but  
27 not limited to, a sub-specialist, using electronic or other means, and  
28 shall not be required to obtain an additional license or separate  
29 authorization in order to do so.

30 d. Notwithstanding any other provision of law to the contrary,  
31 and in order to facilitate the increased use of telemedicine as  
32 authorized by this section, when a health care practitioner proposes  
33 to engage in telemedicine with patients in a hospital, the governing  
34 body of the hospital, as necessary and appropriate, shall verify and  
35 approve the credentials of, and grant telemedicine practice  
36 privileges to, such practitioner, based solely upon the  
37 recommendations of the hospital's medical staff, which  
38 recommendations have been derived from information provided by  
39 the originating site employer.

40 e. In accordance with the "Administrative Procedure Act,"  
41 P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other  
42 entities that, pursuant to Title 45 of the Revised Statutes, are  
43 responsible for the licensure of health care practitioners in the State,  
44 shall each adopt rules and regulations that are applicable to the  
45 health care practitioners under their respective jurisdictions, as may

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 be necessary to clarify that such practitioners, when engaged in  
2 telemedicine, will be subject to the same rules of practice and  
3 standards of care as are applicable to health care practitioners who  
4 are engaged in the provision of health care services to patients  
5 through the use of traditional in-person means or methods. Such  
6 rules and regulations may require an applicant for an initial or  
7 renewed practice license to provide proof of their successful  
8 completion of training in the effective use of technology and the  
9 maintenance of records and patient confidentiality when engaging  
10 in telemedicine.

11 f. As used in this section:

12 “Health care practitioner” means an individual who provides a  
13 health care service to a patient in the State, and includes, but is not  
14 limited to, a physician, nurse practitioner, psychologist,  
15 psychiatrist, psychoanalyst, licensed clinical social worker,  
16 physician assistant, or any other health care professional acting  
17 within the scope of a valid license or certification issued pursuant to  
18 Title 45 of the Revised Statutes.

19 “Health care service” means any health-related service,  
20 including, but not limited to, diagnosis, testing, or treatment of  
21 physical or mental human disease or dysfunction; consultation  
22 related to such diagnosis, testing, or treatment; and any other  
23 service which is rendered for the purpose of determining the status  
24 of, or maintaining or restoring, an individual’s physical or mental  
25 health, and for which a license or certification is required, as a pre-  
26 condition to the rendering thereof, pursuant to Title 45 of the  
27 Revised Statutes.

28 “Originating site employer” means the person or entity that  
29 employs a health care practitioner at the site where the practitioner  
30 originates and renders services, through the use of telemedicine, to  
31 a patient who is located at a remote site.

32 “Telemedicine” means the delivery of a health care service using  
33 electronic communications, information technology, or other  
34 electronic or technological means to bridge the gap between the  
35 health care practitioner who is located at one site, and a patient who  
36 is located at a different, remote site, either with or without the  
37 assistance of an intervening health care provider, and which  
38 typically involves the provision of health care services through the  
39 application of secure, two-way videoconferencing or store-and-  
40 forward technology that is designed to replicate the traditional in-  
41 person encounter and interaction between health care practitioner  
42 and patient by allowing for interactive, real-time visual and auditory  
43 communication, and the electronic transmission of images,  
44 diagnostics, and medical records. “Telemedicine” does not include  
45 the use of audio-only telephone conversation, electronic mail,  
46 instant messaging, phone text, or facsimile transmission.

1       2. (New section) The Board of Medical Examiners shall  
2 evaluate the Telemedicine Licensure Compact currently being  
3 promoted by the Federation of State Medical Boards, and shall  
4 determine what State actions and legislation are necessary to allow  
5 the State to participate in the compact. Within 180 days after the  
6 effective date of P.L. , c. (C. ) (pending before the  
7 Legislature as this bill), the board shall submit a report to the  
8 Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
9 19.1), to the Legislature, containing its findings on the matter, and  
10 providing recommendations for legislation or other State action that  
11 may be necessary to implement the Telemedicine Licensure  
12 Compact in this State.

13

14       3. (New section) a. Unless specifically prohibited or limited  
15 by federal or State law, health care services that are delivered to a  
16 patient through the use of telemedicine shall be covered, under the  
17 State Medicaid and NJ FamilyCare programs, to the same extent  
18 that such services would be covered if they were delivered through  
19 traditional in-person means or methods. In-person contact between  
20 a health care practitioner and a patient shall not be required as a  
21 condition of provider reimbursement under the Medicaid or NJ  
22 FamilyCare programs for: (1) health care services that are  
23 delivered through the use of telemedicine, so long as the use of  
24 telemedicine in the particular case is not medically contraindicated,  
25 and the services would otherwise be eligible for reimbursement  
26 under such programs if delivered in person; and (2) professional  
27 fees and facility fees associated with the delivery of health care  
28 services through the use of telemedicine, as authorized by section 1  
29 of P.L. , c. (C. ) (pending before the Legislature as this  
30 bill), so long as the fees would otherwise be eligible for  
31 reimbursement under such programs in the case of in-person service  
32 delivery. Health care services delivered through telemedicine shall  
33 be reimbursed at a rate that is equal to the reimbursement rate  
34 provided for in-person services.

35       b. Unless expressly required by federal or State law, the  
36 Commissioner of Human Services shall not establish any siting or  
37 location restrictions on a patient or health care practitioner as a  
38 condition of reimbursement under the Medicaid or NJ FamilyCare  
39 programs, and shall authorize reimbursement for health care  
40 services that are provided through telemedicine, as required by this  
41 section, even if the patient is located in his or her own home or in  
42 another non-medical facility at the time of the patient's receipt of  
43 such services.

44       c. The Commissioner of Human Services, in consultation with  
45 the Commissioner of Children and Families, shall apply for such  
46 State plan amendments or waivers as may be necessary to  
47 implement the provisions of this section, and shall secure federal

1 financial participation for State expenditures under the federal  
2 Medicaid program and Children’s Health Insurance Program.

3 d. The Commissioner of Human Services, in consultation with  
4 the Commissioner of Children and Families, shall adopt rules and  
5 regulations, pursuant to the “Administrative Procedure Act,”  
6 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to  
7 implement the provisions of this section.

8 e. As used in this section:

9 “Health care practitioner” means an individual who provides a  
10 health care service to a patient in the State, and includes, but is not  
11 limited to, a physician, nurse practitioner, psychologist,  
12 psychiatrist, psychoanalyst, licensed clinical social worker,  
13 physician assistant, or any other health care professional acting  
14 within the scope of a valid license or certification issued pursuant to  
15 Title 45 of the Revised Statutes.

16 “Health care service” means any health-related service,  
17 including, but not limited to, diagnosis, testing, or treatment of  
18 physical or mental human disease or dysfunction; consultation  
19 related to such diagnosis, testing, or treatment; and any other  
20 service which is rendered for the purpose of determining the status  
21 of, or maintaining or restoring, an individual’s physical or mental  
22 health, and for which a license or certification is required, as a pre-  
23 condition to the rendering thereof, pursuant to Title 45 of the  
24 Revised Statutes.

25 “Medicaid” means the Medicaid program established pursuant to  
26 P.L.1968, c.413 (C.30:4D-1 et seq.).

27 “NJ FamilyCare” means the NJ FamilyCare Program established  
28 pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

29 “Telemedicine” means the same as that term is defined by  
30 section 1 of P.L. , c. (C. ) (pending before the Legislature  
31 as this bill).

32  
33 4. (New section) a. Unless specifically prohibited or limited  
34 by federal or State law, any carrier that offers a managed care plan  
35 in this State shall provide coverage for health care services that are  
36 delivered to a covered person through the use of telemedicine, to  
37 the same extent that the services would be covered if they were  
38 delivered through in-person means or methods. In-person contact  
39 between a health care practitioner and a patient shall not be required  
40 as a condition of carrier reimbursement under a managed care plan  
41 for: (1) covered services that are delivered through the use of  
42 telemedicine, so long as the use of telemedicine in the particular  
43 case is not medically contraindicated, and the services would  
44 otherwise be eligible for reimbursement if delivered in person; and  
45 (2) professional fees and facility fees associated with the delivery of  
46 covered services through the use of telemedicine, so long as the fees  
47 would otherwise be eligible for reimbursement in the case of in-  
48 person service delivery. Covered services delivered through the use

1 of telemedicine shall be reimbursed at a rate that is equal to the  
2 reimbursement rate provided for in-person services.

3 b. Unless expressly required by federal or State law, a carrier  
4 shall not establish any siting or location restrictions on a patient or  
5 health care practitioner as a condition of reimbursement under a  
6 managed care plan, and shall authorize reimbursement for health  
7 care services that are delivered through telemedicine, as required by  
8 this section, even if the patient is located in his or her own home or  
9 in another non-medical facility at the time of the patient's receipt of  
10 such services.

11 c. A carrier may:

12 (1) charge a deductible, co-payment, or coinsurance for a  
13 covered service delivered through telemedicine, so long as it does  
14 not exceed the deductible, co-payment, or coinsurance applicable to  
15 such service when delivered in person;

16 (2) limit coverage to services that are delivered by health care  
17 providers in the health benefits plan's network; and

18 (3) require originating site health care providers to document the  
19 reasons the services are being delivered through the use of  
20 telemedicine rather than in person.

21 d. Nothing in this section shall be construed to:

22 (1) prohibit a carrier from providing coverage for only those  
23 health care services that are medically necessary, subject to the  
24 terms and conditions of the covered person's health benefits plan;  
25 or

26 (2) require a carrier to reimburse a remote site health care  
27 provider if the remote site health care provider has insufficient  
28 information to render an opinion.

29 e. As used in this section:

30 "Carrier" means the same as that term is defined by section 2 of  
31 P.L.1997, c.192 (C.26:2S-2).

32 "Covered person" means the same as that term is defined by  
33 section 2 of P.L.1997, c.192 (C.26:2S-2).

34 "Covered service" means the same as that term is defined by  
35 section 2 of P.L.1997, c.192 (C.26:2S-2).

36 "Health care practitioner" means an individual who provides a  
37 health care service to a patient in the State, and includes, but is not  
38 limited to, a physician, nurse practitioner, psychologist,  
39 psychiatrist, psychoanalyst, licensed clinical social worker,  
40 physician assistant, or any other health care professional acting  
41 within the scope of a valid license or certification issued pursuant to  
42 Title 45 of the Revised Statutes.

43 "Health care provider" means the same as that term is defined by  
44 section 2 of P.L.1997, c.192 (C.26:2S-2).

45 "Managed care plan" means the same as that term is defined by  
46 section 2 of P.L.1997, c.192 (C.26:2S-2).

1       “Originating site” means the site at which a health care  
2 practitioner originates and renders services, through the use of  
3 telemedicine, to a patient who is located at a remote site.

4       “Remote site” means the distant site at which a patient receives  
5 health care services that are being rendered thereto, through the use  
6 of telemedicine, by a health care practitioner located at an  
7 originating site.

8       “Telemedicine” means the same as that term is defined by  
9 section 1 of P.L. , c. (C. ) (pending before the Legislature  
10 as this bill).

11

12       5. (New section) a. The State Health Benefits Commission  
13 shall ensure that every contract purchased thereby, which provides  
14 hospital and medical expense benefits, also provides coverage for  
15 health care services that are delivered to a covered person through  
16 the use of telemedicine, to the same extent that the services would  
17 be covered if they were delivered through in-person means or  
18 methods. In-person contact between a health care practitioner and a  
19 patient shall not be required as a condition of carrier reimbursement  
20 under a health benefits contract for: (1) health care services that are  
21 delivered through the use of telemedicine, so long as the use of  
22 telemedicine in the particular case is not medically contraindicated,  
23 and the services would otherwise be eligible for reimbursement if  
24 delivered in person; and (2) professional fees and facility fees  
25 associated with the delivery of health care services through the use  
26 of telemedicine, so long as the fees would otherwise be eligible for  
27 reimbursement in the case of in-person service delivery. A contract  
28 purchased by the State Health Benefits Commission shall provide  
29 for the reimbursement of health care services delivered through the  
30 use of telemedicine at a rate that is equal to the reimbursement rate  
31 provided for in-person services.

32       b. Unless expressly required by federal or State law, a health  
33 benefits contract purchased by the State Health Benefits  
34 Commission shall not establish any siting or location restrictions on  
35 a patient or health care practitioner as a condition of reimbursement  
36 thereunder, and shall authorize reimbursement for health care  
37 services that are delivered through telemedicine, as required by this  
38 section, even if the patient is located in his or her own home or in  
39 another non-medical facility at the time of the patient’s receipt of  
40 such services.

41       c. A contract purchased by the State Health Benefits  
42 Commission may:

43       (1) provide for a deductible, co-payment, or coinsurance for a  
44 health care service delivered through telemedicine, so long as it  
45 does not exceed the deductible, co-payment, or coinsurance  
46 applicable to such service when delivered in person;

47       (2) limit coverage to services that are delivered by health care  
48 providers in the health benefits plan’s network; and

1 (3) require originating site health care providers to document the  
2 reasons the services are being delivered through the use of  
3 telemedicine rather than in person.

4 d. Nothing in this section shall be construed to:

5 (1) prohibit the State Health Benefits Commission from  
6 purchasing a contract that provides coverage for only those health  
7 care services that are medically necessary, subject to the terms and  
8 conditions of the covered person's health benefits plan; or

9 (2) require the contract purchased by the State Health Benefits  
10 Commission to provide for the reimbursement of a remote site  
11 health care provider if the remote site health care provider has  
12 insufficient information to render an opinion.

13 e. As used in this section:

14 "Health care practitioner" means an individual who provides a  
15 health care service to a patient in the State, and includes, but is not  
16 limited to, a physician, nurse practitioner, psychologist,  
17 psychiatrist, psychoanalyst, licensed clinical social worker,  
18 physician assistant, or any other health care professional acting  
19 within the scope of a valid license or certification issued pursuant to  
20 Title 45 of the Revised Statutes.

21 "Health care provider" means and includes a health care  
22 practitioner, and a hospital or other health care facility licensed  
23 pursuant to Title 26 of the Revised Statutes.

24 "Health care service" means any health-related service,  
25 including, but not limited to, diagnosis, testing, or treatment of  
26 physical or mental human disease or dysfunction; consultation  
27 related to such diagnosis, testing, or treatment; and any other  
28 service which is rendered for the purpose of determining the status  
29 of, or maintaining or restoring, an individual's physical or mental  
30 health, and for which a license or certification is required, as a pre-  
31 condition to the rendering thereof, pursuant to Title 45 of the  
32 Revised Statutes.

33 "Originating site" means the site at which a health care  
34 practitioner originates and renders health care services, through the  
35 use of telemedicine, to a patient who is located at a remote site.

36 "Remote site" means the distant site at which a patient receives  
37 health care services that are being rendered thereto, through the use  
38 of telemedicine, by a health care practitioner who is located at an  
39 originating site.

40 "Telemedicine" means the same as that term is defined by  
41 section 1 of P.L. , c. (C. ) (pending before the Legislature  
42 as this bill).

43  
44 6. (New section) a. The School Employees' Health Benefits  
45 Commission shall ensure that every contract purchased thereby,  
46 which provides hospital and medical expense benefits, also provides  
47 coverage for health care services that are delivered to a covered  
48 person through the use of telemedicine, to the same extent that the



1 services would be covered if they were provided through in-person  
2 means or methods. In-person contact between a health care  
3 practitioner and a patient shall not be required as a condition of  
4 reimbursement under such a contract for: (1) health care services  
5 that are delivered through the use of telemedicine, so long as the  
6 use of telemedicine in the particular case is not medically  
7 contraindicated, and the services would otherwise be eligible for  
8 reimbursement if delivered in person; and (2) professional fees and  
9 facility fees associated with the delivery of health care services  
10 through the use of telemedicine, so long as the fees would otherwise  
11 be eligible for reimbursement in the case of in-person service  
12 delivery. A contract purchased by the School Employees' Health  
13 Benefits Commission shall provide for the reimbursement of health  
14 care services delivered through the use of telemedicine at a rate that  
15 is equal to the reimbursement rate provided for in-person services.

16 b. Unless expressly required by federal or State law, a health  
17 benefits contract purchased by the School Employees' Health  
18 Benefits Commission shall not establish any siting or location  
19 restrictions on a patient or health care practitioner as a condition of  
20 reimbursement thereunder, and shall authorize reimbursement for  
21 health care services that are delivered through telemedicine, as  
22 required by this section, even if the patient is located in his or her  
23 own home or in another non-medical facility at the time of the  
24 patient's receipt of such services.

25 c. A contract purchased by the School Employees' Health  
26 Benefits Commission may:

27 (1) provide for a deductible, co-payment, or coinsurance for a  
28 health care service delivered through telemedicine, so long as it  
29 does not exceed the deductible, co-payment, or coinsurance  
30 applicable to such service when delivered in person;

31 (2) limit coverage to services that are delivered by health care  
32 providers in the health benefits plan's network; and

33 (3) require originating site health care providers to document the  
34 reasons the services are being delivered through the use of  
35 telemedicine rather than in person.

36 d. Nothing in this section shall be construed to:

37 (1) prohibit the School Employees' Health Benefits Commission  
38 from purchasing a contract that provides coverage for only those  
39 health care services that are medically necessary, subject to the  
40 terms and conditions of the covered person's health benefits plan;

41 or

42 (2) require the contract purchased by the School Employees'  
43 Health Benefits Commission to provide for the reimbursement of a  
44 remote site health care provider if the remote site health care  
45 provider has insufficient information to render an opinion.

46 e. As used in this section:

47 "Health care practitioner" means an individual who provides a  
48 health care service to a patient in the State, and includes, but is not

1 limited to, a physician, nurse practitioner, psychologist,  
2 psychiatrist, psychoanalyst, licensed clinical social worker,  
3 physician assistant, or any other health care professional acting  
4 within the scope of a valid license or certification issued pursuant to  
5 Title 45 of the Revised Statutes.

6 "Health care provider" means and includes a health care  
7 practitioner, and a hospital or other health care facility licensed  
8 pursuant to Title 26 of the Revised Statutes.

9 "Health care service" means any health-related service,  
10 including, but not limited to, diagnosis, testing, or treatment of  
11 physical or mental human disease or dysfunction; consultation  
12 related to such diagnosis, testing, or treatment; and any other  
13 service which is rendered for the purpose of determining the status  
14 of, or maintaining or restoring, an individual's physical or mental  
15 health, and for which a license or certification is required, as a pre-  
16 condition to the rendering thereof, pursuant to Title 45 of the  
17 Revised Statutes.

18 "Originating site" means the site at which a health care  
19 practitioner originates and renders health care services, through the  
20 use of telemedicine, to a patient who is located at a remote site.

21 "Remote site" means the distant site at which a patient receives  
22 health care services that are being rendered thereto, through the use  
23 of telemedicine, by a health care practitioner who is located at an  
24 originating site.

25 "Telemedicine" means the same as that term is defined by  
26 section 1 of P.L. , c. (C. ) (pending before the Legislature  
27 as this bill).

28

29 7. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to  
30 read as follows:

31 5. a. The commissioner shall adopt rules and regulations ,  
32 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
33 (C.52:14B-1 et seq.) , regarding a screening service and its staff  
34 **[that]** , as may be necessary to effectuate the following purposes  
35 and procedures:

36 **[a. A]** (1) Except when mental health screening services are  
37 provided remotely, through the use of telemedicine, a screening  
38 service shall serve as the facility in the public mental health care  
39 treatment system wherein a person believed to be in need of  
40 involuntary commitment to outpatient treatment, a short-term care  
41 facility, a psychiatric facility , or a special psychiatric hospital  
42 **[undergoes]** will undergo an assessment to determine what mental  
43 health services are appropriate for the person and where those  
44 services may be most appropriately provided in the least restrictive  
45 environment.

46 The screening service may provide emergency and consensual  
47 treatment to the person receiving the assessment , and may transport

1 the person or detain the person up to 24 hours for the purposes of  
2 providing the treatment and conducting the assessment.

3 **【b.】** (2) When a person is assessed by a mental health  
4 screener , either directly, through traditional in-person means or  
5 methods, or remotely, through the use of telemedicine, and the  
6 mental health screener determines that the person's involuntary  
7 commitment to treatment seems necessary, the screener shall  
8 provide, on a screening document prescribed by the division,  
9 information regarding the person's history and available alternative  
10 facilities and services that are deemed inappropriate for the person.  
11 When appropriate and available, and as permitted by law, the  
12 screener shall make reasonable efforts to gather information from  
13 the person's family or significant others for the purposes of  
14 preparing the screening document. If a psychiatrist, in  
15 consideration of this document and in conjunction with the  
16 psychiatrist's own complete assessment, concludes that the person is  
17 in need of commitment to treatment, the psychiatrist shall complete  
18 the screening certificate. The screening certificate shall be  
19 completed by a psychiatrist except in those circumstances where the  
20 division's contract with the screening service provides that another  
21 physician may complete the certificate.

22 Upon completion of the screening certificate, screening service  
23 staff shall determine, in consultation with the psychiatrist or another  
24 physician, as appropriate, the least restrictive environment for the  
25 appropriate treatment to which the person shall be assigned or  
26 admitted, taking into account the person's prior history of  
27 hospitalization and treatment and the person's current mental health  
28 condition. Screening service staff shall designate:

29 **【(1)】** (a) inpatient treatment for the person if he is immediately  
30 or imminently dangerous , or if outpatient treatment is deemed  
31 inadequate to render the person unlikely to be dangerous to self,  
32 others , or property within the reasonably foreseeable future; and

33 **【(2)】** (b) outpatient treatment for the person when outpatient  
34 treatment is deemed sufficient to render the person unlikely to be  
35 dangerous to self, others , or property within the reasonably  
36 foreseeable future.

37 If the screening service staff determines that the person is in  
38 need of involuntary commitment to outpatient treatment, the  
39 screening service staff shall consult with an outpatient treatment  
40 provider to arrange, if possible, for an appropriate interim plan of  
41 outpatient treatment in accordance with section 9 of P.L.2009, c.112  
42 (C.30:4-27.8a).

43 If a person has been admitted three times or has been an inpatient  
44 for 60 days at a short-term care facility during the preceding 12  
45 months, consideration shall be given to not placing the person in a  
46 short-term care facility.

47 The person shall be admitted to the appropriate facility or  
48 assigned to the appropriate outpatient treatment provider, as

1 appropriate for treatment, as soon as possible. Screening service  
2 staff are authorized to coordinate the initiation of outpatient  
3 treatment , or to transport **【the person】** , or arrange for  
4 transportation of , the person to the appropriate facility.

5 **【c.】** (3) If the mental health screener determines that the  
6 person is not in need of assignment or commitment to an outpatient  
7 treatment provider, or admission or commitment to a short-term  
8 care facility, psychiatric facility , or special psychiatric hospital, the  
9 screener shall refer the person to an appropriate community mental  
10 health or social services agency or appropriate professional or  
11 inpatient care in a psychiatric unit of a general hospital.

12 **【d.】** (4) A mental health screener shall make a screening  
13 outreach visit , or shall conduct a mental health screening through  
14 the use of telemedicine, if the screener determines, based on  
15 clinically relevant information provided by an individual with  
16 personal knowledge of the person subject to screening, that the  
17 person may need involuntary commitment to treatment and **【the**  
18 **person】** is unwilling or unable to come to the screening service for  
19 an assessment.

20 **【e.】** (5) If the mental health screener **【pursuant to this**  
21 **assessment】** determines that there is reasonable cause to believe  
22 that **【a】** the person is in need of involuntary commitment to  
23 treatment, the screener shall so certify the need on a form prepared  
24 by the division.

25 b. (1) The rules and regulations adopted pursuant to this  
26 section shall authorize the initiation and completion of mental  
27 health screening through the use of telemedicine, subject only to the  
28 existing rules and regulations that are applicable to in-person  
29 mental health screening processes. A mental health screener shall  
30 not be required to obtain a separate license or authorization in order  
31 to engage in telemedicine for mental health screening purposes, and  
32 shall not be required to request and obtain a waiver from existing  
33 rules, as provided in N.J.A.C.10:31-11.1 et seq., prior to engaging  
34 in the mental health screening process by means of telemedicine.

35 c. As used in this section, "telemedicine" means the same as  
36 that term is defined by section 1 of P.L. , c. (C. ) (pending  
37 before the Legislature as this bill).

38 (cf: P.L.2009, c.112, s.5)

39

40 8. Section 5 of P.L.1939, c.115 (C.45:9-5.1) is amended to read  
41 as follows:

42 5. **【Within the meaning of this chapter (45:9-1 et seq.), except】**

43 a. Except as **【herein】** may be otherwise expressly provided by  
44 law , **【and except for the purposes of the exemptions hereinafter**  
45 contained in sections 45:9-14.1 to 45:9-14.10, inclusive, the phrase  
46 "the practice of medicine or surgery" and the phrase "the practice of

1 medicine and surgery" shall include **】** as used in Chapter 9 of Title  
2 45 of the Revised Statutes:

3 “Board” means the Board of Medical Examiners established  
4 pursuant to R.S.45:9-1.

5 “Medical practice license” means a board-issued license that  
6 authorizes the holder thereof to engage in the practice of medicine  
7 with patients in this State, and includes a license that is issued to an  
8 in-State applicant, following an examination thereof, as provided by  
9 R.S.45:9-6, and a reciprocal license that is issued to an out-of-State  
10 applicant, without an examination thereof, as provided by R.S.45:9-  
11 13.

12 “Physician” means a person who possesses a current and valid  
13 license to engage in the practice of medicine.

14 “Practice of medicine” means the practice of any branch of  
15 medicine **【and/or】** or surgery, including, but not limited to, the  
16 practice of osteopathy, as defined by section 17 of P.L.1939, c.115  
17 (C.45:9-14.3), and **【any method of】** the diagnosis or treatment of  
18 any human ailment, disease, pain, injury, deformity, or mental or  
19 physical condition **【**, and the term "physician and surgeon" or  
20 "physician or surgeon" shall be deemed to include practitioners in  
21 any branch of medicine and/or surgery or method of treatment of  
22 human ailment, disease, pain, injury, deformity, mental or physical  
23 condition. Within the meaning of this act, except as herein  
24 otherwise specifically provided, and except for the purposes of the  
25 exemptions hereinafter contained in sections 45:9-14.1 to 45:9-  
26 14.10, inclusive, the practice of medicine and/or surgery shall be  
27 deemed to include, inter alia, the practice of osteopathy, and  
28 nothing herein contained shall be construed to exempt the holder of  
29 a license issued under or validated by the provisions contained in  
30 sections 45:9-14.1 to 45:9-14.10, inclusive, from the operation of  
31 the provisions contained in section 45:9-16 of this Title. A  
32 professional **】** using any means or method, including, but not limited  
33 to, telemedicine. “Practice of medicine” does not include the  
34 practice of healing through spiritual, religious, or mental means  
35 alone, such as through prayer, provided that no material medicine is  
36 prescribed or used, and no physical manipulation or material means  
37 are employed, for healing purposes.

38 “Professional school or **【college shall be taken to mean】**  
39 college” means a medical school or college , or any other school or  
40 college having purposes similar to a medical school or college **【**;  
41 provided, however, that as to any applicant for a license under the  
42 provisions of this chapter who, prior to October first, one thousand  
43 nine hundred and thirty-five, matriculated in such a school or  
44 college, a professional school or college shall, for the purposes of  
45 the provisions contained in sections 45:9-6 to 45:9-11, inclusive, be  
46 taken to mean a medical school or college which required the study  
47 of medicine and surgery in all of its branches. In all instances,

1 unless] , which, except as otherwise provided, [such school or  
2 college shall be] has been approved by the board.

3 “Telemedicine” means the same as that term is defined by  
4 section 1 of P.L. , c. (C. ) (pending before the Legislature  
5 as this bill).

6 b. Notwithstanding any other law, rule, or regulation to the  
7 contrary:

8 (1) Whenever, in any law, rule, or regulation, reference is made  
9 to “a physician or surgeon,” “a physician and surgeon,” “a person  
10 licensed to practice medicine or surgery,” “a person licensed to  
11 practice medicine and surgery,” “a physician licensed to practice  
12 medicine or surgery,” or “a physician licensed to practice medicine  
13 and surgery,” the same shall be deemed to mean a “physician,” as  
14 defined by subsection a. of this section.

15 (2) Whenever, in any law, rule, or regulation, reference is made  
16 to the “practice of medicine or surgery” or the “practice of medicine  
17 and surgery,” the same shall be deemed to mean the “practice of  
18 medicine,” as defined by subsection a. of this section.

19 (3) Whenever, in any law, rule, or regulation, reference is made  
20 to a “license to practice medicine or surgery” or a “license to  
21 practice medicine and surgery,” the same shall be deemed to mean a  
22 “medical practice license,” as defined by subsection a. of this  
23 section.

24 (4) Whenever, in any law, rule, or regulation, reference is made  
25 to a “permit to practice medicine or surgery” or a “permit to  
26 practice medicine and surgery,” the same shall be deemed to mean a  
27 permit or certificate of registration that is issued, pursuant to  
28 section 12 of P.L.1989, c.300 (C.45:9-19.12), to a person who is  
29 engaging in the practice of medicine while in training.

30 (cf: P.L.1953, c.233, s.2)

31

32 9. R.S.45:9-6 is amended to read as follows:

33 45:9-6. **【All persons commencing the】** a. (1) No person shall  
34 engage in the unauthorized practice of medicine 【or surgery】 in this  
35 State . Any person who proposes to commence the practice of  
36 medicine with any patient in the State shall first apply to the board  
37 for a license 【so】 to do so, in accordance with the provisions of  
38 subsection b. of this section, or the provisions of R.S.45:9-13, as  
39 appropriate.

40 (2) A person shall be regarded as engaging in the unauthorized  
41 practice of medicine in this State if the person, despite not being  
42 licensed under this section or R.S.45:9-13: (a) holds himself or  
43 herself out to the public as being able to diagnose, treat, issue  
44 prescriptions for, or engage in physical operations to address, any  
45 human ailment, disease, pain, injury, deformity, or mental or  
46 physical condition, whether through the use of traditional in-person  
47 means or methods, or through telemedicine; (b) holds himself or

1 herself out to the public as being able to diagnose or treat any  
2 human ailment, disease, pain, injury, deformity, or mental or  
3 physical condition through the use of quasi-medical processes, such  
4 as faithcurism, faith healing, mind healing, laying on of hands, or  
5 similar non-traditional healing systems; or (c) actively engages in  
6 any of the activities described in subparagraphs (a) and (b) of this  
7 paragraph.

8 (3) Except as otherwise provided by section 3 of P.L.1989,  
9 c.153 (C.45:9-41.19), or by any other law, the association of a  
10 person's name with a medical abbreviation or designation, such as  
11 "doctor," "physician," "surgeon," "Dr.," "M.D.," "M.B.,"  
12 "professor of medicine," "professor of surgery," or any other title  
13 intended or designed to identify the person as a physician, shall  
14 constitute evidence of the person's engagement in the practice of  
15 medicine. [The board shall, except]

16 b. Except as [herein] otherwise provided by R.S.45:9-13, the  
17 board shall examine all [qualified] applicants for [such] a medical  
18 practice license. Every license applicant shall present to the board  
19 secretary [of the board], at least 20 days before [the  
20 commencement of] the examination at which [he desires] the  
21 applicant wishes to be examined, a written application for  
22 admission to the examination on a form provided by the board,  
23 together with satisfactory proof that [he] the applicant is more than  
24 21 years of age, is of good moral character, and is either a citizen of  
25 the United States or has declared his intention to become [such] a  
26 U.S. citizen. [He] The applicant shall also present [to] the board  
27 with a certificate [of] from the Commissioner of Education of this  
28 State showing that [, before entering a professional school or  
29 college, he had] the applicant has obtained an academic education  
30 consisting of a [4 years'] four year course of study in an approved  
31 public or private high school , or [the] an equivalent [thereof]  
32 course of study, prior to commencing training at a professional  
33 school or college, and shall additionally submit to the board, any  
34 other information and proofs required by R.S.45:9-7 and R.S.45:9-  
35 8.

36 c. Any license issued to an applicant [prior to becoming] who  
37 is not yet a citizen of the United States shall be treated as a  
38 temporary license , and shall be subject to the provisions of  
39 [Revised Statutes 45:9-14] R.S.45:9-14.

40 (cf: P.L.1968, c.16, s.1)

41

42 10. Section 1 of P.L.1971, c.236 (C.45:9-6.1) is amended to read  
43 as follows:

44 1. a. All [persons who are licensed to practice medicine and  
45 surgery] physicians engaging in the practice of medicine with  
46 patients in this State shall be required , on or before July 1

1 biennially, to register on ~~the~~ a form prescribed by the board and  
2 furnished by the executive director ~~of the board~~ thereof, and to  
3 pay a biennial registration fee to be determined by the board. Upon  
4 receipt of a physician's biennial registration form and fee payment,  
5 the board shall provide the physician with a biennial certificate of  
6 registration, which confirms the physician's compliance with this  
7 section.

8 b. The license of any ~~licensee~~ physician who fails to procure  
9 ~~any~~ a biennial certificate of registration, pursuant to subsection a.  
10 of this section, shall be automatically suspended on July 1. It shall  
11 be the duty of the executive director of the board, on June 1 of each  
12 year, to send a written notice to the last known address of each  
13 ~~licensee~~ physician practicing in the State whose license is  
14 expiring that year, regardless of whether the physician is a State  
15 resident or not, [at his last address on file with the board,]  
16 reminding the physician that [his] the biennial registration fee is  
17 due on or before July 1, and that [his] the physician's license to  
18 practice in this State will be suspended if [he does not procure  
19 said] the fee is not paid and the certificate procured by July 1 of  
20 that year.

21 c. Any ~~licensee~~ person whose medical practice license has  
22 been suspended under this section may ~~be~~ have their license  
23 reinstated by the payment of all past due annual registration fees  
24 and, in addition thereto, a fee to be determined by the board to  
25 cover cost of reinstatement.

26 d. Any ~~person~~ physician who ~~desires~~ intends to retire from  
27 the practice of medicine ~~and surgery,~~ and refrain, during the  
28 period of retirement [to refrain], from practicing under the terms  
29 of ~~his~~ their medical practice license, may, upon application to the  
30 executive director of the board, ~~may~~ be registered biennially as a  
31 retired physician, without the payment of ~~any~~ the registration fee  
32 required by subsection a. of this section [, as a retired physician].  
33 The certificate of registration ~~which shall be~~ issued to a retired  
34 physician shall state, among other things, that the holder has been  
35 licensed to practice in New Jersey, but ~~that~~, during ~~his~~ the  
36 period of retirement [he], shall not so practice. The holder of such  
37 a certificate of registration ~~as a retired licensee~~ shall be entitled  
38 to resume the practice of medicine at any time; provided ~~[, he]~~ that  
39 the retired physician first [shall have obtained] obtains, from the  
40 executive director, a biennial certificate of registration for  
41 practicing physicians, as [herein before] provided in subsection a.  
42 of this section. Any person who holds a certificate of registration as  
43 a retired physician shall, during the period of such retirement, be  
44 regarded as an unlicensed person, and any such person who  
45 commences or continues the practice of medicine under the terms of



1 their medical practice license, without first having obtained a  
2 biennial certificate of registration authorizing the physician to  
3 resume such practice, shall be liable to the penalties prescribed by  
4 R.S.45:9-22.

5 e. If an applicant for reinstatement of licensure has not engaged  
6 in the practice of medicine in any jurisdiction for a period of more  
7 than five years, or the board's review of the reinstatement  
8 application establishes a basis for concluding that there may be  
9 clinical deficiencies in need of remediation, **【before reinstatement】**  
10 the board may require the applicant , prior to reinstatement, to  
11 submit to, and successfully pass, an examination or **【an】** skills  
12 assessment **【of skills】**. If that examination or skills assessment  
13 identifies clinical deficiencies or educational needs, the board may  
14 require the **【licensee】** applicant, as a condition of reinstatement of  
15 licensure, to take and successfully complete any educational  
16 training, or to submit to any supervision, monitoring  , or limitations  
17 **【, as】** that the board determines are necessary to assure that the  
18 **【licensee practices】** applicant, once reinstated, will practice with  
19 reasonable skill and safety.

20 f. The license to practice medicine **【and surgery of】** , which is  
21 held by any person who fails to procure **【any】** a biennial certificate  
22 of registration **【, or in lieu thereof a biennial certificate of**  
23 registration】 **either** as a practicing physician or a retired 【licensee】  
24 physician, shall , at the time and in the manner required by this act  
25 **【shall】** , be automatically suspended. Any person whose license  
26 **【shall have been】** is automatically suspended shall, during the  
27 period of such suspension, be regarded as an unlicensed person  ,  
28 and **【, in case he shall continue or engage in】** any such person who  
29 commences or continues the practice of medicine under the terms of  
30 **【his】** their medical practice license during such period **【,】** shall be  
31 liable to the penalties prescribed by R.S.45:9-22. **【Any person to**  
32 whom a certificate of registration as a retired licensee shall have  
33 been issued who shall continue or engage in practice under the  
34 terms of his license without first having obtained a certificate of  
35 registration authorizing him to resume such practice, shall be liable  
36 to the penalties prescribed by R.S.45:9-22 for practicing without a  
37 license. It shall be the duty of each such licensee holding】

38 g. Each physician who holds a biennial certificate of  
39 registration 【to practice medicine and surgery in this State】 that has  
40 been issued under this section , whether a State resident or not, **【to】**  
41 shall notify the executive director of the board  , in writing  , of any  
42 change in **【his】** the physician's office address or **【his】** employment  
43 within ten days after such change **【shall have】** has taken place.

44 h. This section shall not be construed so as to render  
45 inoperative the provisions of R.S.45:9-17.

46 (cf: P.L.2001, c.307, s.5)

1 11. R.S.45:9-7 is amended to read as follows:

2 45:9-7. Except as otherwise provided in this chapter **[9 of**  
3 Title 45 of the Revised Statutes] and in addition to any other  
4 requirements provided thereby , every applicant for admission to an  
5 examination for a medical practice license **[to practice medicine**  
6 **and surgery]** shall **[also]** present proof acceptable to the board  
7 demonstrating that , in addition **[to]**, and subsequent , to **[,]**  
8 obtaining the preliminary education specified in R.S.45:9-6, and  
9 prior to commencing **[his]** study in a professional school or  
10 college, **[he]** the applicant had completed a satisfactory course of  
11 study in a college or school of arts and science accredited by an  
12 agency recognized by the board, the duration of **[such]** which  
13 course **[to have been]** was at least two years in length, **[during**  
14 **which period he had earned no]** and resulted in the accrual of not  
15 less than 60 course-hour credits, **[which credits include one three-**  
16 **credit course]** including three credits each in chemistry, physics ,  
17 and biology.

18 An applicant whose premedical education does not meet the  
19 requirements set forth in this section may, at the discretion of the  
20 board, be permitted to remediate the substantive deficiencies in a  
21 manner determined by rules adopted by the board, and be deemed  
22 eligible for licensure. The board may waive the educational  
23 requirements of this section for any applicant who demonstrates that  
24 he has attained the substantial equivalent of these requirements  
25 through his post-secondary education, competency,  
26 accomplishments , and achievements in the practice of medicine  
27 **[and surgery]**.

28 (cf: P.L.1993, c.145, s.1)

29

30 12. R.S.45:9-8 is amended to read as follows:

31 45:9-8. a. Except as otherwise provided in **[R.S.45:9-1 et seq.]**  
32 this chapter, and in addition to any other requirements provided  
33 thereby, every applicant for admission to **[licensure by]** an  
34 examination **[to]** for a medical practice **[medicine and surgery]**  
35 license shall **[, in addition to the requirements set forth in R.S.45:9-  
36 1 et seq.]**:

37 **[a.]** (1) Prove to the board that the applicant has received (a) a  
38 diploma from some legally incorporated professional school or  
39 college of the United States, Canada , or other foreign country,  
40 which school or college, in the opinion of the board, was in good  
41 standing at the time of the issuance of the diploma, or (b) a license  
42 conferring the full right to practice all of the branches of medicine  
43 and surgery in some foreign country; **[and]**

44 (2) **[Shall further prove]** Prove to the board that, prior to the  
45 receipt of such diploma or license, as aforesaid, the applicant had  
46 studied not less than **[4]** four full school years, including four

1 satisfactory courses of lectures of at least eight months each, either  
2 consecutively or in four different calendar years, in some legally  
3 incorporated and registered American or foreign professional school  
4 or schools, college or colleges in good standing in the opinion of  
5 the board, which courses shall have included a thorough and  
6 satisfactory course of instruction in medicine and surgery; and

7 **【b. (1) The】** (3) (a) If the applicant **【, if he has】** graduated  
8 from a professional school or college **【after July 1, 1916 and】**  
9 before July 1, 2003, **【shall further】** prove to the board that, **【after**  
10 **receiving such】** following graduation and receipt of a diploma or  
11 license, 【he】 the applicant has completed **【an】** at least a one-year  
12 internship acceptable to the board **【for at least one year】** in a  
13 hospital approved **【by the board】** thereby , or in lieu thereof **【he】** ,  
14 has completed one year of post-graduate work acceptable to the  
15 board in a school or hospital approved by the board, unless  
16 required by regulation to complete additional post-graduate work;  
17 or

18 **【(2) The】** (b) If the applicant **【, if he has】** graduated from a  
19 **【medical】** professional school or college after July 1, 2003, **【shall**  
20 **further】** prove to the board that, **【after receiving his】** following  
21 graduation and receipt of a diploma, 【he】 the applicant has  
22 completed and received academic credit for at least two years of  
23 post-graduate training in an accredited program and has signed a  
24 contract for a third year of post-graduate training in an accredited  
25 program, and moreover, that at least two years of that training are  
26 in the same field or would, when considered together, be credited  
27 toward the criteria for certification by a single specialty board  
28 recognized by the American Board of Medical Specialties **【or】** the  
29 American Osteopathic Association or another certification entity  
30 **【with】** having comparable standards **【that】** , and which is  
31 acceptable to the board.

32 **【c.】** b. If an applicant for licensure has not engaged in practice  
33 for a period of more than five years, or the board's review of the  
34 application establishes a basis for concluding that there may be  
35 clinical deficiencies in need of remediation, the board may require  
36 the applicant to submit to, and successfully pass, an examination or  
37 an assessment of skills. If that examination or assessment identifies  
38 clinical deficiencies or educational needs, the board may require an  
39 applicant, as a condition of licensure, to take and successfully  
40 complete any educational training, or to submit to any supervision,  
41 monitoring or limitations, as the board determines are necessary to  
42 assure that the applicant will practice with reasonable skill and  
43 safety.

44 (cf: P.L.2001, c.307, s.6)

45

46 13. R.S.45:9-13 is amended to read as follows:

1       45:9-13. **【Any】** a. (1) Whenever an applicant for a medical  
2 practice license **【to practice medicine and surgery, upon proving】**  
3 submits evidence to the board showing that **【he】** the applicant has  
4 been examined and licensed by the examining and licensing board  
5 of another **【State】** state of the United States , or by the National  
6 Board of Medical Examiners , or **【by certificates of】** has received a  
7 certificate from the National Board of Examiners for Osteopathic  
8 Physicians and Surgeons, the board shall issue a reciprocal medical  
9 practice license to the applicant, without conducting an examination  
10 as required by R.S.45:9-6, provided that the criteria identified in  
11 section 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been  
12 satisfied.

13       (2) If a person applies for reciprocal medical practice licensure,  
14 pursuant to subsection a. of this section, and the board finds that the  
15 criteria in section 3 of P.L.2013, c.182 (C.45:1-7.5) are not  
16 satisfied, the board may still elect, in **【the】** its discretion **【of the**  
17 board of medical examiners of this State, be granted】 , to issue a  
18 reciprocal medical practice license **【to practice medicine and**  
19 surgery】 to such applicant, without further examination **【upon**  
20 payment to the treasurer of the board of a license fee of \$150.00;】  
21 thereof, provided **【,】** that such applicant **【shall furnish proof】**  
22 establishes that he or she can fulfill the requirements **【demanded in**  
23 the other sections】 of this article relating to applicants for  
24 **【admission】** licensure by examination. **【In any such application for**  
25 a license without examination, all】

26       b. For the purposes of this section, any questions **【of】** related  
27 to the academic requirements of other **【States】** states shall be  
28 determined by the Commissioner of Education of this State.

29       c. The board is authorized to impose a licensing fee of \$150 in  
30 association with the issuance of a reciprocal medical practice  
31 license under this section.

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

33

34       14. R.S.45:9-15 is amended to read as follows:

35       45:9-15. **【All examinations】** Any examination that is provided  
36 in association with the issuance or reinstatement of a medical  
37 practice license shall be written in the English language, and, except  
38 as otherwise provided in **【the exemptions contained in】** this chapter  
39 **【(45:9-1, et seq.), the questions】** , shall **【be】** include such questions  
40 as can be answered in common by all schools of practice. The  
41 examinations shall **【be】** test applicants in the following subjects:  
42 Pharmacology and therapeutics; obstetrics and gynecology;  
43 diagnosis, including diseases of the skin, nose and throat; surgery,  
44 including surgical anatomy and diseases of the eye, ear and genito-  
45 urinary organs; anatomy; physiology; chemistry; histology;  
46 pathology; bacteriology; hygiene; medical jurisprudence; and such

1 other subjects as the board may decide. If any applicant has  
2 completed a course of four full school years of study in , and has  
3 **【been regularly】** graduated from , a school of homeopathy or  
4 eclecticism, the member or members of the board of those schools,  
5 respectively, shall examine such applicant in the pharmacology and  
6 therapeutics of the school from which such applicant has **【been】** so  
7 graduated. All examinations shall be both scientific and practical,  
8 and of sufficient severity to test the candidate's fitness to engage in  
9 the practice of medicine **【and surgery】**. If the applicant passes the  
10 examination **【is satisfactory】**, the board shall issue or reinstate, as  
11 appropriate, a medical practice license entitling the applicant to  
12 engage in the practice of medicine **【and/or surgery】** with patients in  
13 this State. **【Said】** The application and examination papers shall be  
14 retained in the files of the board for a period of five years, and shall  
15 be prima facie evidence of all matters therein contained. All  
16 licenses shall be signed by the president and secretary of the board  
17 and attested by the seal thereof. All licenses granted under the  
18 exemptions contained in this chapter **【(45:9-1, et seq.)】** shall bear  
19 indication of the **【school of】** practice area in which the licensee is  
20 limited to practice, by virtue of **【said】** the license **【to practice】**.  
21 (cf: P.L.1939, c.115, s.25)

22  
23 15. R.S.45:9-19 is amended to read as follows:

24 45:9-19. The clerk of every court wherein **【any person licensed**  
25 **to practice medicine and surgery in this state】** a physician is  
26 convicted of a crime shall **【make】** submit a written report thereof  
27 **【in writing】** to the board , upon blanks provided **【by the board】**  
28 thereby. The report shall state the name and address of the person  
29 so convicted, the date thereof, the nature of the crime of which **【he】**  
30 the person was convicted , and the sentence imposed by the court.  
31 (cf: R.S.45:9-19)

32  
33 16. Section 12 of P.L.1989, c.300 (C.45:9-19.12) is amended to  
34 read as follows:

35 12. The State Board of Medical Examiners shall, by regulation,  
36 provide for the issuance of permits to, or the registration of, persons  
37 engaging in either the practice of medicine **【or surgery】** or the  
38 practice of podiatric medicine while in training, and shall establish  
39 the scope of permissible practice by **【these】** such persons , within  
40 the context of an accredited graduate medical education program  
41 conducted at a hospital licensed by the Department of Health. **【A】**  
42 The holder of a permit **【holder】** or certificate of registration issued  
43 pursuant to this section shall be **【permitted】** authorized to engage in  
44 practice outside the context of a graduate medical education  
45 program , for additional remuneration , only if that practice **【is】**:

1 a. **【Approved】** is approved by the director of the graduate  
2 medical education program in which the permit holder is  
3 participating; and

4 b. **【With respect to any practice】** (1) when conducted at or  
5 through a health care facility licensed by the Department of Health,  
6 is supervised by a plenary licensee who shall either remain on the  
7 premises of the health care facility or be available through  
8 electronic communications; or

9 **【c. With respect to any practice】** (2) when conducted outside of  
10 a health care facility licensed by the Department of Health, is  
11 supervised by a plenary licensee who shall remain on the premises.  
12 (cf: P.L.2012, c.17, s.409)

13

14 17. Section 16 of P.L.1989, c.300 (C.45:9-19.14) is amended to  
15 read as follows:

16 16. A physician or podiatrist whose federal or State privilege to  
17 purchase, dispense , or prescribe controlled substances has been  
18 revoked, suspended , or otherwise limited shall not be permitted to  
19 administer , dispense, or prescribe controlled substances in a health  
20 care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et  
21 seq.) **【or】** , a health maintenance organization operating pursuant to  
22 P.L.1973, c.337 (C.26:2J-1 et seq.), or a telemedicine situation,  
23 unless **【the administration】** such action has been approved by the  
24 State Board of Medical Examiners. The board may condition its  
25 approval on the physician's or podiatrist's participation in a licensed  
26 health care practitioner treatment program recognized by the board.  
27 (cf: P.L.1989, c.300, s.16)

28

29 18. Section 25 of P.L.1989, c.300 (C.45:9-19.15) is amended to  
30 read as follows:

31 25. a. The State Board of Medical Examiners shall increase the  
32 licensing fee of physicians and podiatrists in an amount sufficient to  
33 fund the costs of establishing and operating the Medical Practitioner  
34 Review Panel and the position of medical director, established  
35 pursuant to P.L.1989, c.300 (C.45:9-19.4 et al.).

36 b. The board shall establish a reduced licensing fee for  
37 physicians and podiatrists who are 65 years of age or older and who  
38 have no affiliation status with a licensed health care facility or a  
39 health maintenance organization.

40 c. The board shall charge the following licensing fees to a  
41 physician whose professional practice is limited to providing patient  
42 care exclusively without compensation or the expectation or  
43 promise of compensation and in a facility or through a program  
44 conducted under the supervision of a physician licensed by and in  
45 good standing with the State: \$150 for the license application fee;  
46 \$125 each for the initial and biennial registration fees, respectively;  
47 and \$100 for the endorsement fee.

1 Nothing in this subsection, except for the licensing fee, shall be  
2 construed to exempt any person from , or abrogate any provision  
3 in , Title 45 of the Revised Statutes **[or]** , any other **[Title]** law  
4 applicable to the practice of medicine **[or surgery and]** , or any  
5 regulations adopted pursuant thereto , including, but not limited to,  
6 requirements for licensure or coverage by medical malpractice  
7 liability insurance.

8 (cf: P.L.2001, c.410, s.1)

9  
10 19. Section 1 of P.L.2005, c.257 (C.45:9-19.16a) is amended to  
11 read as follows:

12 1. Notwithstanding the provisions of section 8 of P.L.1978,  
13 c.73 (C.45:1-21) or any other law to the contrary, in any case in  
14 which **[it]** the board receives documentation demonstrating that a  
15 physician's authority to engage in the practice of medicine **[and**  
16 **surgery is]** has been revoked by another state or by an out-of-State  
17 agency or authority, or is currently subject to a final or interim  
18 order of active suspension or other bar to clinical practice , which  
19 has been imposed by **[any other state, agency or authority]** such  
20 State or entity, the **[State Board of Medical Examiners]** board shall  
21 immediately suspend the physician's medical practice license when  
22 the action of the other state, agency , or authority is grounded on  
23 facts that demonstrate that the physician's continued practice would  
24 endanger or pose a risk to the public health or safety pending a  
25 determination of findings by the board. Otherwise, when such an  
26 action of another state, or out-of-State agency or authority , is  
27 grounded on facts which would provide a basis for disciplinary  
28 sanction in this State **[for reasons]** , consistent with section 8 of  
29 P.L.1978, c.73 (C.45:1-21) , for actions or inactions involving gross  
30 or repeated negligence, fraud , or other professional misconduct  
31 adversely affecting the public health, safety or welfare, the board  
32 may immediately suspend the physician's license, pending a  
33 determination of findings by the board. The documentation from  
34 the other state, or from the out-of-state agency or authority , shall  
35 be a part of the record , and shall establish conclusively the facts  
36 upon which the board rests its determination in any disciplinary  
37 proceeding or action undertaken pursuant to this section. The  
38 **[State Board of Medical Examiners]** board shall provide written  
39 notification to the physician whose license is suspended pursuant to  
40 the requirements of this section **[. The board]** , and shall provide  
41 the physician with an opportunity to submit relevant evidence in  
42 mitigation , or, for good cause shown, an opportunity for oral  
43 argument , but only as to the discipline imposed by this State.  
44 **[That relevant]** Relevant evidence in mitigation **[or oral argument]**  
45 may be submitted to **[or]** , and oral argument conducted before , the  
46 board or a committee **[ to which it is has]** that has been delegated  
47 the authority to hear argument and make **[a recommendation]**

1 recommendations to the board. A final determination as to  
2 discipline shall be made within 60 days **[of]** after the date **[of]**  
3 mailing or personal service of the notice **[on which the written**  
4 notification is mailed to or served on the physician in accordance  
5 with this section.

6 (cf: P.L.2005, c.257, s.1)

7

8 20. R.S.45:9-21 is amended to read as follows:

9 45:9-21. The prohibitory provisions of Article II of this  
10 chapter, which relate to medical practice licensure and the practice  
11 of medicine in this State, shall not apply to the following:

12 a. A person who is commissioned **[surgeon or physician of]** by  
13 the regular United States Army, Navy, or Marine hospital service to  
14 engage in the practice of medicine while so commissioned, and  
15 who engages in such practice while actively engaged in the  
16 performance of his official duties. This exemption shall not apply  
17 to reserve officers of the United States Army, Navy or Marine  
18 Corps, or to any officer of the National Guard of any state or of the  
19 United States;

20 b. A **[lawfully qualified]** physician **[or surgeon of]** from  
21 another state **[taking]** who temporarily takes charge **[temporarily,**  
22 on written permission of the board,] of the practice of a **[lawfully**  
23 qualified] physician **[or surgeon of]** in this State during **[his]** the  
24 latter physician's temporary absence from the State **[, upon written**  
25 request to the board for permission so to do. Before such  
26 permission is granted by the board and before any person may enter  
27 upon such practice he must submit] ; provided that: (1) the out-of-  
28 State physician receives written permission from the board to do so,  
29 following submission of a written request and \$50 fee thereto; (2)  
30 the out-of-State physician has submitted proof to the board showing  
31 that **[he]** the physician can fulfill the requirements **[demanded in**  
32 the other sections] of this article relating to applicants for  
33 **[admission]** medical practice licensure by examination or  
34 **[indorsement from another state. Such permission may be granted]**  
35 applicants for reciprocal medical practice licensure; and (3) the  
36 temporary placement will last for a total period of not less than two  
37 weeks, nor more than four months **[upon payment of a fee of \$50.**  
38 The board] , or, in **[its]** the discretion **[may extend such**  
39 permission for further] of the board, for additional periods of two  
40 weeks to four months, but **[not to exceed in the]** , in no case, for a  
41 period that exceeds an aggregate of one year;

42 c. A physician **[or surgeon of]** located in another state of the  
43 United States **[and]** who is duly authorized under the laws thereof  
44 to engage in the practice of medicine **[or surgery]** therein, **[if]** so  
45 long as such **[practitioner]** physician does not **[open an office or**



- 1 place for] engage in the practice of [his profession] medicine,  
2 including telemedicine, with patients in this State;
- 3 d. A person [while actually] who is actively serving as a  
4 member of the resident medical staff of any legally incorporated  
5 charitable or municipal hospital or asylum approved by the board [. Hereafter] , except that such exemption [of any such resident  
6 physician] shall not apply with respect to any [individual after he  
7 shall have] person who has served as a resident physician for a total  
8 period of five years;
- 9 e. The practice of dentistry by any legally qualified and  
10 registered dentist;
- 11 f. The ministration to, or treatment or healing of, the sick or  
12 suffering by [prayer or] spiritual , religious, or mental means alone,  
13 including through the use of prayer, whether gratuitously or for  
14 compensation, [and without] , provided that such ministration,  
15 treatment, or healing does not involve the use of any [drug material  
16 remedy] drugs or medicine, physical manipulation, or material  
17 means of healing;
- 18 g. The practice of optometry by any legally qualified and  
19 registered optometrist;
- 20 h. The practice of podiatric medicine by any legally licensed  
21 podiatrist;
- 22 i. The practice of pharmacy by a legally licensed and  
23 registered pharmacist of this State, [but] except that this  
24 [exception] exemption shall not be extended to give [to said] a  
25 licensed pharmacist the right and authority to carry on the business  
26 of a dispensary, unless the dispensary [shall be] is in charge of a  
27 [legally licensed and registered] physician [and surgeon] of this  
28 State;
- 29 j. [A person claiming the right to practice medicine and  
30 surgery in this State who has been practicing therein since before  
31 July 4, 1890, if said right or title was obtained upon a duly  
32 registered diploma, of which the holder and applicant was the  
33 lawful possessor, issued by a legally chartered medical institution  
34 which, in the opinion of the board, was in good standing at the time  
35 the diploma was issued;] (deleted by amendment, P.L. \_\_\_\_\_,  
36 c. (pending before the Legislature as this bill).
- 37 k. A professional nurse, [or] a registered physical therapist, or  
38 a masseur, while operating , in each particular case , under the  
39 specific direction of a [regularly licensed] physician [or surgeon.  
40 This] in this State, except that this exemption shall not apply to  
41 such assistants of persons who are licensed as osteopaths,  
42 chiropractors, optometrists , or other practitioners holding limited  
43 licenses;
- 44 l. A person [while giving] who engages in the provision of  
45 aid, assistance , or relief in an emergency or accident [cases]
- 46

1 situation, either under the direction of a physician, or pending the  
2 arrival of , or transport of the patient to, a [regularly licensed]  
3 physician [ , or surgeon or under the direction thereof];

4 m. The operation of a bio-analytical laboratory by a licensed  
5 bio-analytical laboratory director, or by any person working under  
6 the direct and constant supervision of a licensed bio-analytical  
7 laboratory director;

8 n. Any [employee of a State or county institution holding]  
9 person who holds the degree of M.D. or D.O., and is regularly  
10 employed , on a [salary] salaried basis , on [its] the medical staff  
11 of a State or county agency or institution, or as a member of the  
12 teaching or scientific staff of a State agency, [may apply] and who,  
13 following application to [the State Board of Medical Examiners of  
14 New Jersey] , and [may], in the discretion of [said] , the board,  
15 [be] is granted an exemption from the provisions of this chapter;  
16 provided [said employee] that such person continues to be  
17 employed as a member of the medical staff of a State agency or  
18 county institution , or as a member of the teaching or scientific staff  
19 of a State agency , and does not [conduct any type of] engage in  
20 the private [medical] practice of medicine;

21 o. The practice of chiropractic by any legally licensed  
22 chiropractor; or

23 p. The practice of a physician assistant in compliance with the  
24 provisions of P.L.1991, c.378 (C.45:9-27.10 et al.).  
25 (cf: P.L.2005, c.259, s.16)

26  
27 21. R.S.45:9-22 is amended to read as follows:

28 45:9-22. a. Any person [commencing or continuing] who  
29 commences or continues the practice of medicine [and surgery] in  
30 this State without first having obtained a medical practice license,  
31 as provided in [this chapter or any supplement thereto] R.S.45:9-6  
32 or R.S.45:9-13, or without having obtained a certificate of biennial  
33 registration, as provided in section 1 of P.L.1971, c.236 (C.45:9-  
34 6.1), or in any other manner that is contrary to [any of] the  
35 provisions of this chapter [or any supplement thereto,] ; or who  
36 [practices] commences or continues the practice of medicine [and  
37 surgery] under a false or assumed name, or [falsely impersonates]  
38 while impersonating another practitioner of a like or different name  
39 [ , ] ; or who buys, sells , or fraudulently obtains a medical practice  
40 license, any record or registration pertaining thereto, or a diploma  
41 [as a doctor of medicine and surgery or any branch thereof, or  
42 method of treatment of human ailment, disease, pain, injury,  
43 deformity, mental or physical condition] indicating that the person  
44 has successfully completed training at a professional school or  
45 college in the practice of medicine; [or a license to practice  
46 medicine and surgery, record or registration pertaining to the same,

1 or] ; and any person , company , or association who [shall employ  
2 for a stated salary or otherwise,] employs an unlicensed person, on  
3 a paid or unpaid basis, in a job that entails the practice of medicine,  
4 or [aid or assist] who aids or assists any such person [not regularly  
5 licensed to practice medicine and surgery in this State, to] in the  
6 practice of medicine [and surgery therein] with patients in the  
7 State, or who violates any of the provisions of Article II of this  
8 chapter [or any supplement thereto], shall be liable to a penalty of  
9 [two hundred dollars (\$200.00), for the first offense] \$200.

10 b. Every person [practicing] engaged in the practice of  
11 medicine [and surgery] under a firm name , and every person  
12 [practicing] engaged in the practice of medicine [and surgery or]  
13 as an employee of another , shall cause [his] the person's name to  
14 be conspicuously displayed and kept in a conspicuous place at the  
15 entrance of the place where such practice [shall be] is conducted [,  
16 and any] . Any person who [shall neglect to cause his name to be  
17 displayed as herein required,] fails to comply with this requirement  
18 shall be liable to a penalty of [one hundred dollars (\$100.00)]  
19 \$100.

20 c. The penalties provided for by this section shall be sued for  
21 and recovered in a summary manner, by and in the name of the  
22 [State Board of Medical Examiners of New Jersey] board, [in a  
23 summary manner,] pursuant to ["the penalty enforcement law"  
24 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
25 P.L.1999, c.274 (C.2A:58-10 et seq.) [and the Rules Governing the  
26 Courts of the State of New Jersey]. [Process] The Superior Court  
27 and the municipal court shall have jurisdiction to enforce the  
28 provisions of the "Penalty Enforcement Law of 1999" in connection  
29 with this section, and process shall be either in the nature of a  
30 summons or warrant.

31 (cf: P.L.1989, c.153, s.21)

32

33 22. Section 1 of P.L.1975, c.297 (C.45:9-22.1) is amended to  
34 read as follows:

35 1. No physician and no professional service corporation  
36 engaged in the practice of medicine [and surgery] in this State shall  
37 charge a patient an extra fee for services rendered in completing a  
38 medical claim form in connection with a health insurance policy.  
39 Any person violating the provisions of this [act] section shall be  
40 subject to a fine of [\$100.00] \$100 for each offense.

41 Such penalty shall be [collected and enforced by summary  
42 proceedings pursuant to "the penalty enforcement law"  
43 (N.J.S.2A:58-1 et seq.)] sued for and recovered in a summary  
44 manner, by and in the name of the board, pursuant to the "Penalty  
45 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

1 The Superior Court and the municipal court shall have jurisdiction  
2 **【within its territory of such proceedings. Process】** to enforce the  
3 provisions of the “Penalty Enforcement Law of 1999” in connection  
4 with this section, and process shall be either in the nature of a  
5 summons or warrant **【and shall issue in the name of the State, upon**  
6 **the complaint of the State Board of Medical Examiners】**.  
7 (cf: P.L.1991, c.91, s.453)

8  
9 23. Section 1 of P.L.1997, c.249 (C.45:9-22.19) is amended to  
10 read as follows.

11 1. a. A physician may prescribe, dispense, or administer a  
12 medication or drug, including a controlled or non-controlled  
13 substance, to a patient in this State, provided that:

14 (1) the physician has first engaged in a face-to-face examination  
15 of the patient, either directly, through traditional in-person means or  
16 methods, or remotely, through the use of telemedicine, as defined in  
17 section 1 of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill), in a manner that conforms to the accepted standards of  
19 care and rules of practice; and

20 (2) the prescription, dispensation, or administration of the  
21 medication or drug is done in compliance with any laws, rules, or  
22 regulations, including, but not limited to, the provisions of  
23 subsection b. and c. of this section, which are applicable to the  
24 particular substance being prescribed, dispensed, or administered.

25 b. A physician **【licensed pursuant to chapter 9 of Title 45 of**  
26 **the Revised Statutes】** may prescribe a Schedule II controlled  
27 dangerous substance for **【the】** use **【of】** by a patient , in any  
28 quantity which does not exceed a 30-day supply, as defined by  
29 regulations adopted by the **【State Board of Medical Examiners】**  
30 board, in consultation with the Department of Health and Senior  
31 Services **【. The】** , provided that the physician 【shall document】  
32 documents the diagnosis and the medical need for the prescription  
33 in the patient's medical record, in accordance with guidelines  
34 established by the **【State Board of Medical Examiners】** board.

35 **【b.】** c. A physician may issue multiple prescriptions  
36 authorizing **【the】** a patient to receive a total of up to a 90-day  
37 supply of a Schedule II controlled dangerous substance, provided  
38 that the following conditions are met:

39 (1) each separate prescription is issued for a legitimate medical  
40 purpose by the physician acting in the usual course of professional  
41 practice;

42 (2) the physician provides written instructions on each  
43 prescription, other than the first prescription if it is to be filled  
44 immediately, indicating the earliest date on which a pharmacy may  
45 fill each prescription;

1 (3) the physician determines that providing the patient with  
2 multiple prescriptions in this manner does not create an undue risk  
3 of diversion or abuse; and

4 (4) the physician complies with all other applicable State and  
5 federal laws and regulations.

6 (cf: P.L.2009, c.165, s.1)

7  
8 24. Section 3 of P.L.2003, c.96 (C.45:9-22.23) is amended to  
9 read as follows:

10 3. a. The following information shall be included **【for】** in each  
11 profile of a physician, podiatrist , or optometrist, as applicable:

12 (1) Name of all **【medical】** professional schools or colleges  
13 attended by the physician or podiatrist, or optometry schools  
14 attended by the optometrist, as the case may be, and the dates of  
15 graduation;

16 (2) Graduate medical or optometry education, including all  
17 internships, residencies , and fellowships;

18 (3) Year first licensed;

19 (4) Year first licensed in New Jersey;

20 (5) Location or locations of the **【physician's, podiatrist's or**  
21 **optometrist's】** practitioner's office practice **【site or sites, as**  
22 **applicable】** , if any, and an indication as to whether the practitioner  
23 is available to provide health care services remotely, through the  
24 use of telemedicine;

25 (6) A description of any criminal convictions for crimes of the  
26 first, second, third , or fourth degree within the most recent 10  
27 years. For the purposes of this paragraph, a person shall be deemed  
28 to be convicted of a crime if the individual pleaded guilty or was  
29 found or adjudged guilty by a court of competent jurisdiction. The  
30 description of criminal convictions shall not include any  
31 convictions that have been expunged. The following statement  
32 shall be included with the information about criminal convictions:  
33 "Information provided in this section may not be comprehensive.  
34 Courts in New Jersey are required by law to provide information  
35 about criminal convictions to the State Board of Medical Examiners  
36 (or the New Jersey State Board of Optometrists).";

37 (7) A description of any final board disciplinary actions within  
38 the most recent 10 years, except that any such disciplinary action  
39 that is being appealed shall be identified;

40 (8) A description of any final disciplinary actions by appropriate  
41 licensing boards in other states within the most recent 10 years,  
42 except that any such disciplinary action that is being appealed shall  
43 be identified. The following statement shall be included with the  
44 information about disciplinary actions in other states: "Information  
45 provided in this section may not be comprehensive. The State  
46 Board of Medical Examiners (or the New Jersey State Board of  
47 Optometrists) receives information about disciplinary actions in

1 other states from physicians (or optometrists) themselves and  
2 outside sources.";

3 (9) In the case of physicians and podiatrists, a description of the  
4 circumstances surrounding: (a) any revocation or involuntary  
5 restriction of the practitioner's privileges at a health care facility by  
6 the governing body or another official thereof, which has been  
7 imposed, in accordance with rules of procedural due process, for  
8 reasons related to the practitioner's competence **[or]** , misconduct ,  
9 or impairment **[taken by a health care facility's governing body or**  
10 **any other official of the health care facility after procedural due**  
11 **process has been afforded]**; (b) the practitioner's resignation from ,  
12 or nonrenewal of medical staff membership at **[the] , a** health care  
13 facility for reasons related to the practitioner's competence **[or]** ,  
14 misconduct , or impairment; or (c) the restriction of the  
15 practitioner's privileges at a health care facility **[taken]** in lieu of ,  
16 or **[in] as** settlement **[of] for,** a pending disciplinary case related to  
17 the practitioner's competence **[or]** , misconduct , or impairment.  
18 Only those cases that have occurred within the most recent 10 years  
19 and that were reported by the health care facility pursuant to section  
20 2 of P.L.2005, c.83 (C.26:2H-12.2b) shall be included in the profile;  
21 and

22 (10) All medical malpractice court judgments and all medical  
23 malpractice arbitration awards reported to the applicable board, in  
24 which a payment has been awarded to the complaining party during  
25 the most recent five years, and all settlements of medical  
26 malpractice claims reported to the board, in which a payment is  
27 made to the complaining party within the most recent five years, as  
28 follows:

29 (a) Pending medical malpractice claims shall not be included in  
30 the profile , and information on pending medical malpractice claims  
31 shall not be disclosed to the public;

32 (b) A medical malpractice judgment that is being appealed shall  
33 be so identified;

34 (c) The context in which the payment of a medical malpractice  
35 claim occurs shall be identified by categorizing the number of  
36 judgments, arbitration awards , and settlements against the  
37 **[physician, podiatrist or optometrist] practitioner** into three  
38 graduated categories: average, above average , and below average  
39 **[number of judgments, arbitration awards and settlements]**. These  
40 groupings shall be arrived at by **[comparing] determining** the  
41 number of **[an individual physician's, podiatrist's or optometrist's]**  
42 medical malpractice judgments, arbitration awards , and settlements  
43 **[to] associated with the particular practitioner, and comparing**  
44 these values with the experience of other **[physicians, podiatrists ,**  
45 **or optometrists] practitioners** within the same **[speciality]**  
46 specialty. In addition to any information provided by a physician,

1 podiatrist , or optometrist, an insurer or insurance association  
2 authorized to issue medical malpractice liability insurance in the  
3 State shall, at the request of the division, provide data and  
4 information necessary to effectuate this subparagraph; and

5 (d) The following statement shall be included with the  
6 information concerning medical malpractice judgments, arbitration  
7 awards , and settlements: "Settlement of a claim and, in particular,  
8 the dollar amount of the settlement may occur for a variety of  
9 reasons, which do not necessarily reflect negatively on the  
10 professional competence or conduct of the physician (or podiatrist  
11 or optometrist). A payment in settlement of a medical malpractice  
12 action or claim should not be construed as creating a presumption  
13 that medical malpractice has occurred."

14 b. If requested by a physician, podiatrist , or optometrist, the  
15 following information shall be included in **【a physician's,**  
16 **podiatrist's or optometrist's】** the practitioner's profile:

17 (1) Names of the hospitals where the **【physician, podiatrist or**  
18 **optometrist】** practitioner has practice privileges;

19 (2) Appointments of the physician or podiatrist to **【medical】**  
20 professional school or college faculties, or of the optometrist to  
21 optometry school faculties, within the most recent 10 years;

22 (3) Information regarding any board certification granted by a  
23 specialty board or other certifying entity recognized by the  
24 American Board of Medical Specialties, the American Osteopathic  
25 Association or the American Board of Podiatric Medicine, or by  
26 any other national professional organization that has been  
27 demonstrated to have comparable standards;

28 (4) Information regarding any translating services that may be  
29 available at the **【physician's, podiatrist's or optometrist's】**  
30 practitioner's office practice **【site or sites, as applicable, or】**  
31 locations, any translating services that may be available to a patient  
32 who is receiving health care services remotely, through the use of  
33 telemedicine, and any languages , other than English , that are  
34 spoken by the **【physician, podiatrist or optometrist】** practitioner;

35 (5) Information regarding whether the **【physician, podiatrist or**  
36 **optometrist】** practitioner participates in the Medicaid program or  
37 accepts **【assignment】** assignments under the Medicare program;

38 (6) Information regarding the medical insurance plans in which  
39 the **【physician, podiatrist or optometrist】** practitioner is a  
40 participating provider;

41 (7) Information concerning the hours during which the  
42 **【physician, podiatrist or optometrist conducts his】** practitioner  
43 engages in traditional in-person practice , and the hours during  
44 which the practitioner is available to engage in remote practice,  
45 through the use of telemedicine; and

1 (8) Information concerning the accessibility of the practitioner's  
2 office practice **【site or sites】** locations **【, as applicable,】** to persons  
3 with disabilities.

4 The following disclaimer shall be included with the information  
5 supplied by the **【physician, podiatrist or optometrist】** practitioner  
6 pursuant to this subsection: "This information has been provided by  
7 the physician (or podiatrist or optometrist) but has not been  
8 independently verified by the State Board of Medical Examiners (or  
9 the New Jersey State Board of Optometrists) or the Division of  
10 Consumer Affairs."

11 If the **【physician, podiatrist or optometrist】** practitioner includes  
12 information regarding medical insurance plans in which the  
13 practitioner is a participating provider, the following disclaimer  
14 shall be included with that information: "This information may be  
15 subject to change. Contact your health benefits plan to verify if the  
16 physician (or podiatrist or optometrist) currently participates in the  
17 plan."

18 c. Before a profile is made available to the public, each  
19 **【physician, podiatrist or optometrist】** practitioner shall be provided  
20 with a copy of **【his】** their respective profile. The **【physician,**  
21 **podiatrist or optometrist】** practitioner shall be given 30 calendar  
22 days to correct a factual inaccuracy that may appear in the profile  
23 and **【so】** advise the Division of Consumer Affairs <sub>2</sub> or its  
24 designated agent <sub>2</sub> thereof; however, upon receipt of a written  
25 request that the division or its designated agent deems reasonable,  
26 the **【physician, podiatrist or optometrist】** practitioner may be  
27 granted an extension of up to 15 calendar days to correct a factual  
28 inaccuracy and **【so】** advise the division or its designated agent.

29 d. If new information or a change in existing information is  
30 received by the division concerning a **【physician, podiatrist or**  
31 **optometrist】** practitioner, the **【physician, podiatrist or optometrist】**  
32 practitioner shall be provided with a copy of the proposed profile  
33 revision <sub>2</sub> and shall be given 30 calendar days to correct a factual  
34 inaccuracy and **【to】** return the corrected information to the division  
35 or its designated agent.

36 e. The profile and any revisions thereto shall not be made  
37 available to the public until after the review period provided for in  
38 this section has lapsed.

39 (cf: P.L.2005, c.83, s.18)

40  
41 25. Section 1 of P.L.1975, c.240 (C.45:9-27.5) is amended to  
42 read as follows:

43 1. As used in **【this act】** P.L.1975, c.240 (C.45:9-27.5 et seq.):

44 a. **【"Physician or surgeon"】** "Physician" means a person  
45 **【licensed or permitted】** who possesses a current and valid license or



1 permit, which authorizes the person to engage in the practice of  
2 medicine [or surgery] with patients in this State.

3 b. "Contingent fee arrangement" means an agreement for  
4 medical services of one or more physicians [or surgeons],  
5 including any associated or forwarding medical practitioners, under  
6 which compensation    in whole or in part    is contingent upon the  
7 successful accomplishment or disposition of the legal claim to  
8 which such medical services are related.

9 (cf: P.L.1975, c.240, s.1)

10

11 26. Section 2 of P.L.1975, c.240 (C.45:9-27.6) is amended to  
12 read as follows:

13 2. Any physician [or surgeon] who renders treatment    which  
14 [he] the physician knows or reasonably should know is or will be  
15 related to, or is or will be the basis of, a legal claim for workmen's  
16 compensation or damages in negligence    shall provide [his] the  
17 patient with a true, accurate    and itemized copy of the bill for  
18 treatment rendered. Such physician [or surgeon should] shall  
19 certify and attest by his signature on all originals and copies of such  
20 bills to the actuality and accuracy of the examinations and  
21 treatments rendered and the amounts charged for them.

22 (cf: P.L.1975, c.240, s.2)

23

24 27. Section 4 of P.L.1975, c.240 (C.45:9-27.8)

25 4. In any matter where medical services rendered to a client  
26 form any part of the basis of a legal claim for damages or  
27 workmen's compensation, a physician [or surgeon] shall not  
28 contract for, charge, or collect a contingent fee.

29 (cf: P.L.1975, c.240, s.4)

30

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

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

- 35 (1) Is at least 18 years of age;  
36 (2) Is of good moral character;  
37 (3) Has successfully completed an approved program; and  
38 (4) Has passed the national certifying examination administered  
39 by the National Commission on Certification of Physician  
40 Assistants, or its successor.

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

- 44 (1) Execute and submit a sworn statement made on a form  
45 provided by the board that neither the license for which renewal is  
46 sought nor any similar license or other authority issued by another  
47 jurisdiction has been revoked, suspended or not renewed; and

1 (2) Present satisfactory evidence that any continuing education  
2 requirements have been completed as required by this act.

3 c. **【The】** Whenever an applicant for a license under this section  
4 submits evidence to the board showing that the applicant has been  
5 examined and licensed as a physician assistant by the examining  
6 and licensing board of another state of the United States, the board  
7 shall issue a reciprocal practice license to the applicant based on  
8 such evidence, and in lieu of the examination required by paragraph  
9 (4) of subsection a. of this section, provided that the criteria  
10 identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed  
11 to have been satisfied. If the board determines that the criteria in  
12 section 3 of P.L.2013, c.182 (C.45:1-7.5) are not satisfied, the board,  
13 in consultation with the committee, may **【accept】** still elect, in its  
14 discretion, to issue a reciprocal license to the applicant, in lieu of  
15 the examination required by paragraph (4) of subsection a. of this  
16 section, provided that the applicant submits proof showing that  
17 **【an】** the applicant **【for licensure】** holds a current license in **【a】**  
18 another state which has standards substantially equivalent to those  
19 of this State.

20 d. The board shall issue a temporary license to an applicant  
21 who meets the requirements of paragraphs (1), (2) and (3) of  
22 subsection a. of this section and who is either waiting to take the  
23 first scheduled examination following completion of an approved  
24 program <sub>2</sub> or is awaiting the results of the examination. The  
25 temporary license shall expire upon the applicant's receipt of  
26 notification of failure to pass the examination.

27 (cf: P.L.1993, c.337, s.1)

28

29 29. Section 6 of P.L.1991, c.378 (C.45:9-27.15) is amended to  
30 read as follows:

31 6. a. A physician assistant may practice in all medical care  
32 settings, including, but not limited to, a physician's office, a health  
33 care facility, an institution, a veterans' home <sub>2</sub> or a private home, or  
34 may practice through the use of telemedicine, as defined by section  
35 1 of P.L. <sub>2</sub>, c. <sub>2</sub> (C. <sub>2</sub>) (pending before the Legislature as this  
36 bill), provided that:

37 (1) the physician assistant is under the direct supervision of a  
38 physician **【pursuant to】** , as provided by section 9 of **【this act】**  
39 P.L.1991, c.378 (C.45:9-27.18) ;

40 (2) the practice of the physician assistant is limited to those  
41 procedures authorized under section 7 of **【this act】** P.L.1991, c.378  
42 (C.45:9-27.16) ;

43 (3) an appropriate notice of employment has been filed with the  
44 board pursuant to subsection b. of section 5 of **【this act】** P.L.1991,  
45 c.378 (C.45:9-27.14) ;

1 (4) the supervising physician or physician assistant advises the  
2 patient at the time that services are rendered that they are to be  
3 performed by the physician assistant;

4 (5) the physician assistant conspicuously wears an identification  
5 tag using the term "physician assistant" whenever acting in that  
6 capacity; and

7 (6) any entry by a physician assistant in a clinical record is  
8 appropriately signed and followed by the designation, "PA-C."

9 b. Any physician assistant who practices in violation of any of  
10 the conditions specified in subsection a. of this section shall be  
11 deemed to have engaged in professional misconduct in violation of  
12 subsection f. of section 8 of P.L.1978, c.73 (C.45:1-21).

13 (cf: P.L.1992, c.102, s.4)

14

15 30. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to  
16 read as follows:

17 1. a. As used in **[this act]** P.L.1947, c.262 (C.45:11-23 et  
18 seq.):

19 **[a. The words "the board" mean]** "Advanced practice nurse"  
20 means a person who holds a certification in accordance with section  
21 8 or 9 of P.L.1991, c.377 (C.45:11-47 or C.45:11-48).

22 "Board" means the New Jersey Board of Nursing created by  
23 **[this act]** section 2 of P.L.1947, c.262 (C.45:11-24).

24 **[b. The practice of nursing as a registered professional nurse is**  
25 **defined as diagnosing and treating human]**

26 "Collaborating physician" means a person who is licensed to  
27 practice medicine, pursuant to chapter 9 of Title 45 of the Revised  
28 Statutes, and who agrees to work with an advanced practice nurse.

29 "Homemaker-home health aide" means a person employed with  
30 a home care services agency who performs nursing regimens or  
31 tasks that have been delegated thereto, pursuant to the authority of a  
32 registered professional nurse.

33 "Home care services agency" means and includes any agency,  
34 facility, or other entity that is engaged in the business of procuring  
35 or offering to procure employment for homemaker-home health  
36 aides in exchange for a direct or indirect fee, and includes home  
37 health agencies, assisted living residences, comprehensive personal  
38 care homes, assisted living programs, or alternate family care  
39 sponsor agencies licensed by the Department of Health pursuant to  
40 P.L.1971, c.136 (C.26:2H-1 et al.); and health care service firms or  
41 nonprofit homemaker-home health aide agencies regulated by the  
42 Division of Consumer Affairs and the Attorney General, pursuant to  
43 the respective provisions of P.L.1989, c.331 (C.34:8-43 et seq.),  
44 P.L.2002, c.126 (C.34:8-45.1 et seq.), and P.L.1960, c.39 (C.56:8-1  
45 et seq.).

1       “Licensed practical nurse” means a person who is licensed,  
2 pursuant to R.S.45:11-27, to engage in the practice of practical  
3 nursing.

4       “Practical nursing” means nursing practice that involves the  
5 performance of tasks and responsibilities within the framework of  
6 casefinding, the reinforcement of the patient and family teaching  
7 program through health teaching and health counseling, and the  
8 provision of supportive and restorative care, all under the direction  
9 of a registered professional nurse or a licensed or otherwise legally  
10 authorized physician or dentist.

11       “Professional nursing” means nursing practice that involves the  
12 identification of, and discrimination between, physical and  
13 psychosocial patient responses , including the signs, symptoms, and  
14 processes that denote a patient’s health need or reaction to actual or  
15 potential physical [and] or emotional health problems, and the  
16 selection and implementation of therapeutic measures essential to  
17 the effective management of such patient responses, through [such  
18 services as] the use of casefinding, health teaching, health  
19 counseling, [and provision of] supportive or restorative patient care  
20 [supportive to or restorative of life and well-being], and  
21 [executing] the execution of medical regimens as prescribed by a  
22 licensed or otherwise legally authorized physician or dentist , using  
23 any authorized means or methods, including telemedicine, as  
24 defined by section 1 of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill). [Diagnosing in the context of nursing  
26 practice means the identification of and discrimination between  
27 physical and psychosocial signs and symptoms essential to effective  
28 execution and management of the nursing regimen within the scope  
29 of practice of the registered professional nurse. Such diagnostic  
30 privilege is distinct from a medical diagnosis. Treating means  
31 selection and performance of those therapeutic measures essential  
32 to the effective management and execution of the nursing regimen.  
33 Human responses means those signs, symptoms, and processes  
34 which denote the individual's health need or reaction to an actual or  
35 potential health problem. The practice of nursing as a licensed  
36 practical nurse is defined as performing tasks and responsibilities  
37 within the framework of casefinding; reinforcing the patient and  
38 family teaching program through health teaching, health counseling  
39 and provision of supportive and restorative care, under the direction  
40 of a registered nurse or licensed or otherwise legally authorized  
41 physician or dentist. The]

42       “Registered professional nurse” means a person who is licensed,  
43 pursuant to R.S.45:11-26, to engage in the practice of professional  
44 nursing.

45       b. As used in P.L.1947, c.262 (C.45:11-23 et seq.), the terms  
46 "nursing," "professional nursing," and "practical nursing" [as used  
47 in this act] shall not be construed to include :

1       (1) nursing performed, in the prescribed course of study or  
2 training, by students who are enrolled in a school of nursing  
3 accredited or approved by the board **【performed in the prescribed**  
4 **course of study and training, nor】** ;

5       (2) nursing performed by a graduate of a school identified in  
6 paragraph (1) of this subsection, in **【hospitals, institutions and**  
7 **agencies】** a hospital, institution, or agency approved by the board  
8 for this purpose **【by graduates of such schools pending】** , during the  
9 period of time that the graduate is awaiting the results of the first  
10 licensing examination scheduled by the board following the  
11 graduate's completion of a course of study **【and training】** and the  
12 attaining of the age qualification for examination, or **【thereafter】** ,  
13 with the approval of the board **【in the case of each individual**  
14 **pending】** , during such extended period of time that the graduate is  
15 awaiting the results of any subsequent examinations; **【nor shall any**  
16 **of said terms be construed to include】**

17       (3) nursing performed by a nurse who is qualified under the laws  
18 of another state or country, for a period not exceeding 12 months  
19 **【unless】** or, if approved by the board **【shall approve】** , for a longer  
20 period of time , in **【hospitals, institutions or agencies by a nurse**  
21 **legally qualified under the laws of another state or country】** a  
22 hospital, institution, or agency in this State, pending the nurse's  
23 receipt of results of an application for licensing under **【this act】**  
24 P.L.1947, c.262 (C.45:11-23 et seq.), **【if】** provided that such nurse  
25 does not represent or hold himself or herself out to the public as a  
26 nurse who is licensed to practice **【under this act】** in this State; **【nor**  
27 **shall any of said terms be construed to include the practice of】**

28       (4) nursing **【in this State】** performed by any legally qualified  
29 nurse of another state whose engagement made outside of this State  
30 requires such nurse to accompany and care for the patient while in  
31 this State during the period of such engagement, not to exceed six  
32 months in this State, **【if】** provided that such nurse does not  
33 represent or hold himself or herself out to the public as a nurse who  
34 is licensed to practice in this State; **【nor shall any of said terms be**  
35 **construed to include】**

36       (5) nursing performed by employees or officers of the United  
37 States Government or any agency or service thereof while in the  
38 discharge of **【his or her】** their official duties; **【nor shall any of said**  
39 **terms be construed to include】**

40       (6) services performed by nurses aides, attendants, orderlies and  
41 ward helpers in hospitals, institutions , and agencies , or by  
42 technicians, physiotherapists, or medical secretaries**【,** and such  
43 duties performed by said persons aforementioned shall not be  
44 subject to rules or regulations which the board may prescribe

1 concerning nursing; nor shall any of said terms be construed to  
2 include】 ;

3 (7) first aid nursing assistance, or gratuitous care provided by  
4 friends or members of the family of a sick or infirm person 【, or】 ;

5 (8) incidental care of the sick by a person employed primarily as  
6 a domestic or housekeeper, notwithstanding that the occasion for  
7 such employment may be sickness, 【if】 provided that such  
8 incidental care does not constitute professional nursing and 【such】  
9 the person engaging in such care does not claim or purport to be a  
10 licensed nurse; 【nor shall any of said terms be construed to  
11 include】 and

12 (9) services rendered in accordance with the practice of the  
13 religious tenets of any well-recognized church or denomination  
14 which subscribes to the art of healing by prayer. A person who is  
15 otherwise qualified shall not be denied licensure as a professional  
16 nurse or practical nurse by reason of the circumstances that such  
17 person is in religious life and has taken a vow of poverty.

18 【c. "Homemaker-home health aide" means a person who is  
19 employed by a home care services agency and who is performing  
20 delegated nursing regimens or nursing tasks delegated through the  
21 authority of a duly licensed registered professional nurse. "Home  
22 care services agency" means home health agencies, assisted living  
23 residences, comprehensive personal care homes, assisted living  
24 programs or alternate family care sponsor agencies licensed by the  
25 Department of Health and Senior Services pursuant to P.L.1971,  
26 c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health aide  
27 agencies, and health care service firms regulated by the Director of  
28 the Division of Consumer Affairs in the Department of Law and  
29 Public Safety and the Attorney General pursuant to P.L.1989, c.331  
30 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)  
31 respectively, which are engaged in the business of procuring or  
32 offering to procure employment for homemaker-home health aides,  
33 where a fee may be exacted, charged or received directly or  
34 indirectly for procuring or offering to procure that employment.

35 d. "Advanced practice nurse" means a person who holds a  
36 certification in accordance with section 8 or 9 of P.L.1991, c.377  
37 (C.45:11-47 or 45:11-48).

38 e. "Collaborating physician" means a person licensed to  
39 practice medicine and surgery pursuant to chapter 9 of Title 45 of  
40 the Revised Statutes who agrees to work with an advanced practice  
41 nurse.】

42 c. Nothing in 【this act】 P.L.1947, c.262 (C.45:11-23 et seq.)  
43 shall 【confer the authority to】 be deemed to provide a person who  
44 is licensed to practice nursing with the authority to practice  
45 【another】 any other health profession 【as currently defined in】 ,  
46 unless the person first obtains the appropriate license therefor.

1 pursuant to Title 45 of the Revised Statutes.

2 (cf: P.L.2004, c.122, s.1)

3

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

6 4. a. Qualifications of applicants. An applicant for a license  
7 to practice professional nursing shall submit evidence to the board  
8 **【evidence】** , in such form as the board may prescribe , showing that  
9 **【said】** the applicant: (1) has attained **【his or her eighteenth**  
10 **birthday】** the age of 18; (2) is of good moral character, is not a  
11 habitual user of drugs , and has never been convicted or has not  
12 pleaded nolo contendere, non vult contendere or non vult to an  
13 indictment, information or complaint alleging a violation of any  
14 Federal or State law relating to narcotic drugs; (3) holds a diploma  
15 from an accredited 4-year high school or the equivalent thereof as  
16 determined by the New Jersey State Department of Education; and  
17 (4) has completed a course of professional nursing study in an  
18 accredited school of professional nursing , as defined by the board ,  
19 and holds a diploma therefrom.

20 Notwithstanding anything herein contained, any person who  
21 possesses the educational and school of professional nursing  
22 qualifications for registration required by the law of this State at the  
23 time of his or her graduation from an accredited school of  
24 professional nursing shall be deemed to possess the qualifications  
25 identified in paragraphs (3) and (4) **【prescribed hereinabove in】** of  
26 this subsection.

27 Notwithstanding anything herein contained, any person who  
28 **【shall have】** possesses the qualifications identified in paragraphs  
29 (1) and (2) of this subsection, and **【shall have】** who has graduated  
30 from a school of professional nursing, which need not be an  
31 accredited school, shall be deemed to have qualifications identified  
32 in paragraphs (3) and (4) of this subsection, but only upon  
33 complying with such reasonable requirements as to high school and  
34 school of nursing studies and training as the board may prescribe;  
35 and provided **【, however】** further, that such person **【shall make】**  
36 submits an application , in the form and manner prescribed by the  
37 board , within **【1】** one year from the effective date of **【this act】**  
38 P.L.1947, c. 262 (C.45:11-23 et seq.), **【and shall】** satisfactorily  
39 **【complete such】** complies with the reasonable requirements  
40 established by the board, and successfully **【pass】** passes the  
41 examinations required thereby, within two years after the filing of  
42 the application, which examinations shall be limited to the subject  
43 matters in the curriculum required by the board at the time of the  
44 applicant's graduation, as provided for in subsection b. **【hereof,**  
45 within 2 years after the date of the filing of such application】 of this  
46 section.

47 b. License.

1 (1) By examination. The applicant shall be required to pass a  
2 written examination in such subjects as the board may determine,  
3 which examination may be supplemented by an oral or practical  
4 examination, or both. Upon successfully passing such examinations  
5 the applicant shall be licensed by the board to practice professional  
6 nursing.

7 (2) By indorsement without examination. **【The】** Whenever an  
8 applicant submits evidence to the board showing that the applicant  
9 has been examined and licensed as a registered or professional  
10 nurse by the examining and licensing board of another state of the  
11 United States, the board shall issue a reciprocal practice license to  
12 the applicant, by indorsement, and without conducting a written  
13 examination thereof, provided that the criteria identified in section  
14 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.  
15 If the board determines that these statutory criteria are not satisfied,  
16 the board may still elect, in its discretion, to issue a reciprocal  
17 professional nursing license **【to practice professional nursing】** ,  
18 without examination , to an applicant who has been duly licensed or  
19 registered as a registered or professional nurse , by examination or  
20 by original waiver , under the laws of another State, territory , or  
21 possession of the United States, or the District of Columbia, or any  
22 foreign country, if , in the opinion of the board , the applicant has  
23 the qualifications required by **【this act】** P.L.1947, c.262 (C.45:11-  
24 23 et seq.) for the licensing of professional nurses, or possesses  
25 equivalent qualifications.

26 c. Fees. An applicant for a license by examination shall pay to  
27 the board , at the time of application , a fee of **【\$25.00】** \$25, and ,  
28 at the time of each application for re-examination , a fee of  
29 **【\$20.00】** \$20. An applicant for a reciprocal license without  
30 examination shall pay to the board , at the time of application , a fee  
31 of **【\$15.00】** \$15.

32 d. Nurses registered under a previous law. Any person who  
33 **【on】** , as of the effective date of **【this act】** P.L.1947, c.262  
34 (C.45:11-23 et seq.), holds a subsisting certificate of registration as  
35 a registered nurse , which was issued pursuant to the provisions of  
36 the act repealed by **【section 22 of this act】** P.L.1947, c.262  
37 (C.45:11-23 et seq.), shall be deemed to be licensed as a  
38 professional nurse under **【this act】** P.L.1947, c.262 (C.45:11-23 et  
39 seq.) during the calendar year in which **【this act shall take】**  
40 P.L.1947, c.262 (C.45:11-23 et seq.) takes effect, and such person  
41 and any person who heretofore held a certificate of registration  
42 under **【said act hereby】** such repealed **【as aforesaid】** act shall be  
43 entitled to a renewal of such license as **【in the case of】** provided for  
44 professional nurses who are licensed **【originally under this act】**  
45 pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).

46 e. Title and abbreviations used by licensee. Any person who  
47 holds a license to practice professional nursing , which has been



1 issued under this **act** section, shall , during the effective period of  
2 such license , be entitled to use the title "Registered Nurse" and the  
3 abbreviation "R.N." The effective period of a license , or a renewal  
4 thereof , shall commence on the date of issuance and shall terminate  
5 at the end of the calendar year in which it is issued, and shall not  
6 include any period of suspension ordered by the board as  
7 hereinafter provided.

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

9

10 32. 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 evidence to the board  
14 **evidence** , in such form as the board may prescribe , showing that  
15 the applicant : (1) has attained **his or her eighteenth birthday** the  
16 age of 18; (2) is of good moral character, is not an habitual user of  
17 drugs , and has never been convicted or has not pleaded nolo  
18 contendere, non vult contendere or non vult to an indictment,  
19 information , or complaint alleging a violation of any Federal or  
20 State law relating to narcotic drugs; (3) has completed **2** two  
21 years of high school or the equivalent thereof, as determined by the  
22 New Jersey State Department of Education; (4) has completed a  
23 course of study in a school of practical nursing approved by the  
24 board , and holds a diploma either therefrom, or **holds a diploma**  
25 from a school of practical nursing operated by a board of education  
26 in this State ; and (5) is certified by the Department of Education as  
27 having completed the number of hours of instruction in the subjects  
28 **in the** and curriculum prescribed by the board **and an approved**  
29 **course of affiliation** , or has equivalent qualifications as  
30 determined by the board.

31 b. License.

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

38 (2) By indorsement without examination. **The** Whenever an  
39 applicant submits evidence to the board showing that the applicant  
40 has been examined and licensed as a practical nurse, or as a person  
41 entitled to perform similar services under a different title, by the  
42 examining and licensing board of another state of the United States,  
43 the board shall issue a reciprocal practice license to the applicant,  
44 by indorsement, and without conducting an examination thereof,  
45 provided that the criteria identified in section 3 of P.L.2013, c.182  
46 (C.45:1-7.5) are deemed to have been satisfied. If the board  
47 determines that these statutory criteria are not satisfied, the board

1 **【shall】** may still elect, in its discretion, to issue a reciprocal  
2 practical nursing license **【to practice practical nursing】** , without  
3 examination , to any applicant who has been duly licensed as a  
4 practical nurse or as a person who is entitled to perform similar  
5 services under a different title , either by **【practical nurse】**  
6 examination or by original waiver , under the laws of another State,  
7 territory , or possession of the United States, or the District of  
8 Columbia, if , in the opinion of the board , the applicant has the  
9 qualifications required by **【this act】** P.L.1947, c.262 (C.45:11-23 et  
10 seq.) for the licensing of practical nurses , or possesses equivalent  
11 qualifications.

12 (3) Waiver. If application therefor is made, upon a form  
13 prescribed by the board, on or before September 1, 1958, the board  
14 shall issue , without examination , a license to practice practical  
15 nursing to an applicant who submits evidence to the board  
16 **【evidence】** , in such form as the board may prescribe , showing that  
17 the applicant has the qualifications identified in paragraphs (1) and  
18 (2) **【provided in】** of subsection **【"a"】** a. of this section , and had ,  
19 within **【5】** five years prior to application , at least **【2】** two years of  
20 satisfactory experience in practical nursing, at least **【1】** one year of  
21 which shall have been performed in this State , except in cases of  
22 **【such】** nursing performed in an agency or service of the Federal  
23 Government; provided, however, that except in cases of such  
24 nursing performed in an agency or service of the Federal  
25 Government, such applicant is indorsed under oath by **【2】** two  
26 physicians who are duly licensed to practice medicine **【and**  
27 surgery】 in New Jersey , and who have personal knowledge of the  
28 applicant's qualifications and satisfactory performance of practical  
29 nursing , and by **【2】** two persons who have employed the applicant.

30 c. Fees. An applicant for license by examination shall pay to  
31 the board , at the time of application , a fee of **【\$20.00】** \$20, and at  
32 the time of each application for re-examination , a fee of **【\$10.00】**  
33 \$10. **【At the time of application an】** An applicant for a reciprocal  
34 license , without examination , or for a license by waiver, shall pay  
35 to the board , at the time of application, a fee of **【\$10.00**, and an  
36 applicant for license by waiver shall pay to the board a fee of  
37 **【\$10.00】** \$10.

38 d. Title used by licensee. Any person who holds a license to  
39 practice practical nursing , which has been issued under this **【act】**  
40 section, shall , during the effective period of such license , be  
41 entitled to practice practical nursing and to use the title "Licensed  
42 Practical Nurse" and the abbreviation "L.P.N." The effective period  
43 of a license or a renewal thereof shall commence on the date of  
44 issuance , and shall terminate at the end of the calendar year in  
45 which it is issued, and shall not include any period of suspension

1 ordered by the board as hereinafter provided.

2 (cf: P.L.1966, c.186, s.3)

3

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

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

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

10 (2) Is of good moral character;

11 (3) Is a registered professional nurse;

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

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

15 b. In addition to the requirements of subsection a. of this  
16 section, an applicant for renewal of a certification as an advanced  
17 practice nurse shall present satisfactory evidence that, in the period  
18 since the certification was issued or last renewed, all continuing  
19 education requirements have been completed as required by  
20 regulations adopted by the board.

21 c. 【The】 Notwithstanding the provisions of paragraph (5) of  
22 subsection a. of this section to the contrary, whenever an applicant  
23 submits evidence to the board showing that the applicant has been  
24 examined and licensed or certified as an advanced practice nurse, or  
25 as a person entitled to perform similar services under a different  
26 title, by the examining and licensing or certification board of  
27 another state of the United States, the board shall certify the  
28 applicant as an advanced practice nurse, by indorsement, and  
29 without conducting an examination thereof, provided that the  
30 criteria identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are  
31 deemed to have been satisfied. If the board determines that these  
32 statutory criteria are not satisfied, the board may 【accept, in lieu of  
33 the】 still elect, in its discretion, to certify the applicant as an  
34 advanced practice nurse, by indorsement, and without requiring the  
35 applicant to undergo the written examination required by paragraph  
36 (5) of subsection a. of this section, provided that the applicant  
37 submits proof showing that 【an】 the applicant 【for certification】  
38 holds a current license or certification as an advanced practice  
39 nurse, or as a person entitled to perform similar services under a  
40 different title, in a state which has standards substantially  
41 equivalent to those of this State.

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

43

44 34. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to  
45 read as follows:

46 10. a. In addition to all other tasks which a registered  
47 professional nurse may, by law, perform, an advanced practice  
48 nurse may manage preventive care services, and diagnose and

1 manage deviations from wellness and long-term illnesses, consistent  
2 with the needs of the patient and within the scope of practice of the  
3 advanced practice nurse, by:

- 4 (1) initiating laboratory and other diagnostic tests;  
5 (2) prescribing or ordering medications and devices, as  
6 authorized by subsections b. and c. of this section; and  
7 (3) prescribing or ordering treatments, including referrals to  
8 other licensed health care professionals, and performing specific  
9 procedures in accordance with the provisions of this subsection.

10 b. An advanced practice nurse may order medications and  
11 devices in the inpatient setting, subject to the following conditions:

12 (1) the collaborating physician and advanced practice nurse  
13 shall address in the joint protocols whether prior consultation with  
14 the collaborating physician is required to initiate an order for a  
15 controlled dangerous substance;

16 (2) the order is written in accordance with standing orders or  
17 joint protocols developed in agreement between a collaborating  
18 physician and the advanced practice nurse, or pursuant to the  
19 specific direction of a physician;

20 (3) the advanced practice nurse authorizes the order by signing  
21 **his** the nurse's own name, printing the nurse's name and  
22 certification number, and printing the collaborating physician's  
23 name;

24 (4) the physician is present or readily available through  
25 electronic communications;

26 (5) the charts and records of the patients treated by the advanced  
27 practice nurse are reviewed by the collaborating physician and the  
28 advanced practice nurse within the period of time specified by rule  
29 adopted by the Commissioner of Health and Senior Services  
30 pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

31 (6) the joint protocols developed by the collaborating physician  
32 and the advanced practice nurse are reviewed, updated and signed at  
33 least annually by both parties; and

34 (7) the advanced practice nurse has completed six contact hours  
35 of continuing professional education in pharmacology related to  
36 controlled substances, including pharmacologic therapy and  
37 addiction prevention and management, in accordance with  
38 regulations adopted by the New Jersey Board of Nursing. The six  
39 contact hours shall be in addition to New Jersey Board of Nursing  
40 pharmacology education requirements for advanced practice nurses  
41 related to initial certification and recertification of an advanced  
42 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.

43 c. An advanced practice nurse may prescribe medications and  
44 devices in **all** any other medically appropriate **settings** setting,  
45 or while engaging in telemedicine, as defined by section 1 of  
46 P.L. , c. (C. ) (pending before the Legislature as this bill),  
47 subject to the following conditions:

- 1 (1) the collaborating physician and advanced practice nurse  
2 shall address in the joint protocols whether prior consultation with  
3 the collaborating physician is required to initiate a prescription for a  
4 controlled dangerous substance;
- 5 (2) the prescription is written in accordance with standing orders  
6 or joint protocols developed in agreement between a collaborating  
7 physician and the advanced practice nurse, or pursuant to the  
8 specific direction of a physician;
- 9 (3) the advanced practice nurse writes the prescription on a New  
10 Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-40  
11 et seq.), signs **his** the nurse's name to the prescription and prints  
12 **his** the nurse's name and certification number;
- 13 (4) the prescription is dated and includes the name of the patient  
14 and the name, address , and telephone number of the collaborating  
15 physician;
- 16 (5) the physician is present or readily available through  
17 electronic communications;
- 18 (6) the charts and records of the patients treated by the advanced  
19 practice nurse are periodically reviewed by the collaborating  
20 physician and the advanced practice nurse;
- 21 (7) the joint protocols developed by the collaborating physician  
22 and the advanced practice nurse are reviewed, updated and signed at  
23 least annually by both parties; and
- 24 (8) the advanced practice nurse has completed six contact hours  
25 of continuing professional education in pharmacology related to  
26 controlled substances, including pharmacologic therapy and  
27 addiction prevention and management, in accordance with  
28 regulations adopted by the New Jersey Board of Nursing. The six  
29 contact hours shall be in addition to New Jersey Board of Nursing  
30 pharmacology education requirements for advanced practice nurses  
31 related to initial certification and recertification of an advanced  
32 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.
- 33 d. The joint protocols employed pursuant to subsections b. and  
34 c. of this section shall conform with standards adopted by the  
35 Director of the Division of Consumer Affairs pursuant to section 12  
36 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999, c.85  
37 (C.45:11-49.2), as applicable.
- 38 e. (Deleted by amendment, P.L.2004, c.122.)  
39 (cf: P.L.2004, c.122, s.2)  
40
- 41 35. Section 2 of P.L.1966, c.282 (C.45:14B-2) is amended to  
42 read as follows:
- 43 2. As used in **this act** P.L.1966, c.282 (C.45:14B-1 et seq.),  
44 **unless the context clearly requires** and except as otherwise **and**  
45 **except as in this act expressly otherwise** provided therein:

1 **[(a)]** “Board” means the State Board of Psychological  
 2 Examiners established pursuant to section 9 of P.L.1966, c.282  
 3 (C.45:14B-9).

4 "Licensed practicing psychologist" means an individual to whom  
 5 a license has been issued pursuant to the provisions of **[this act]**  
 6 P.L.1966, c.282 (C.45:14B-1 et seq.), which license is in force and  
 7 not suspended or revoked as of the particular time in question.

8 **[(b)]** The "practice" **[(b)]** “Practice of psychology” means the  
 9 rendering of professional psychological services for a fee, monetary  
 10 or otherwise, to an individual or group of individuals **[, singly or in**  
 11 **groups]**, whether in the general public or in public or private  
 12 organizations, by any authorized means or method, including  
 13 telemedicine, as defined by section 1 of P.L. , c. (C. )  
 14 (pending before the Legislature as this bill) **[either public or**  
 15 **private, for a fee, monetary or otherwise]**.

16 "Professional psychological services" means the application of  
 17 psychological principles and procedures in the assessment,  
 18 counseling , or psychotherapy of individuals for the purposes of  
 19 promoting the optimal development of their potential or  
 20 ameliorating their personality disturbances and maladjustments as  
 21 manifested in personal and interpersonal situations. **[Within the**  
 22 **meaning of this act, professional psychological services]**  
 23 “Professional psychological services” does not include the  
 24 application for a fee, monetary or otherwise, of psychological  
 25 principles and procedures for purposes other than those described in  
 26 this section.

27 **[(c)]** "Board" means the State Board of Psychological Examiners  
 28 acting as such under the provisions of this act.

29 **[(d)]** "Recognized educational institution" means any educational  
 30 institution **[which]** that is a **[2-year]** two-year junior college or  
 31 **[one which]** that grants the Bachelor's, Master's, **[and]** or Doctor's  
 32 degrees**[, or any one or more thereof]**, and which is recognized by  
 33 the New Jersey State Board of Education or by any accrediting  
 34 body acceptable to the State Board of Psychological Examiners.  
 35 (cf: P.L.1966, c.282, s.2)

36  
 37 36. Section 14 of P.L.1966, c.282 (C.45:14B-14) is amended to  
 38 read as follows:

39 14. Each person desiring to obtain a license as a practicing  
 40 psychologist shall make application therefor to the board upon such  
 41 form , and in such manner , as the board shall prescribe , and shall  
 42 furnish evidence satisfactory to the board showing that **[he]** the  
 43 applicant:

44 **[(a)]** a. Is at least 21 years of age;

45 **[(b)]** b. Is of good moral character;

1       **[(c)] c.** Is not engaged in any practice or conduct which would  
2 be a ground for refusing to issue, suspending <sub>2</sub> or revoking a license  
3 issued pursuant to **[this act]** P.L.1966, c. 282 (C.45:14B-1 et seq.);  
4 and

5       **[(d)] d.** Qualifies for reciprocal licensing **[**by an examination of  
6 credentials or**]** <sub>2</sub>, as provided by section 20 of P.L.1966, c.282  
7 (C.45:14B-20), or for admission to an assembled licensure  
8 examination <sub>2</sub> to be conducted by the board pursuant to section 18  
9 of P.L.1966, c.282 (C.45:14B-18).

10 (cf: P.L.1966, c.282, s.14)

11  
12       37. Section 20 of P.L.1966, c.282 (C.45:14B-20) is amended to  
13 read as follows:

14       20. **[The]** a. Whenever an applicant for a license under  
15 P.L.1966, c.282 (C.45:14B-1 et seq.) submits evidence to the board  
16 showing that the applicant has been examined and licensed by the  
17 examining and licensing board of another state of the United States,  
18 the board shall issue a reciprocal practice license to the applicant,  
19 without conducting a written examination thereof, provided that the  
20 criteria identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are  
21 deemed to have been satisfied. If the board determines that these  
22 statutory criteria are not satisfied, the board may still elect, in its  
23 discretion, to issue a reciprocal practice license **[**by an examination  
24 of credentials**]** <sub>2</sub>, without prior examination, to any applicant who  
25 presents evidence that **[he]** the applicant: (a) is licensed or  
26 certified as a psychologist in another State **[with]** <sub>2</sub>, which has  
27 licensure or certification requirements **[**for said license or  
28 certificate**]** that are substantially similar to this State, such that the  
29 board is of the opinion that **[said]** the applicant is competent to  
30 engage in the practice of psychology in this State <sub>2</sub> or (b) holds a  
31 diploma from a nationally recognized psychological board or  
32 agency.

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

34  
35       38. Section 3 of P.L.2000, c.57 (C.45:14BB-3) is amended to  
36 read as follows:

37       3. As used in **[this act]** P.L.2000, c.57 (C.45:14BB-1 et seq.):

38       "Advisory committee" means the Certified Psychoanalysts  
39 Advisory Committee established pursuant to section 4 of **[this act]**  
40 P.L.2000, c.57 (C.45:14BB-4).

41       "Director" means the Director of the Division of Consumer  
42 Affairs in the Department of Law and Public Safety <sub>2</sub> or his  
43 designee.

44       "National psychoanalytic association" means a national  
45 professional organization of psychoanalysts that conducts on-site  
46 visits of psychoanalytic institutes applying for association  
47 membership.

1 "Psychoanalytic services" means therapeutic services **【that】** ,  
2 which are based on an understanding of the unconscious and how  
3 unconscious processes affect the human mind as a whole, including  
4 actions, thoughts, perceptions , and emotions , and which are  
5 delivered to a patient by a State certified psychoanalyst through any  
6 appropriate means or method, including, but not limited to,  
7 telemedicine.

8 "State certified psychoanalyst" means an individual who has met  
9 the eligibility requirements contained in section 6 of **【this act】**  
10 P.L.2000, c.57 (C.45:14BB-1 et seq.) and holds a current, valid  
11 certificate of State certification.  
12 (cf: P.L.2000, c.57, s.3)

13

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

16 10. a. Notwithstanding the provisions of section 6 of P.L.2000,  
17 c.57 (C.45:14BB-6) to the contrary, whenever an applicant for  
18 certification under P.L.2000, c.57 (C.45:14BB-1 et seq.) submits  
19 evidence to the director showing that the applicant has been  
20 examined and licensed or certified as a psychoanalyst by the  
21 examining and licensing board of another state of the United States,  
22 the director shall certify the applicant as a State certified  
23 psychoanalyst, by indorsement, and without conducting an  
24 examination thereof, provided that the criteria identified in section  
25 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.  
26 If the director determines that these statutory criteria are not  
27 satisfied, the director may still elect, in his or her discretion, to  
28 certify the applicant as a State certified psychoanalyst, by  
29 endorsement, and without requiring the applicant to undergo the  
30 examination required by subsection e. of section 6 of P.L.2000, c.57  
31 (C.45:14BB-6), provided that the conditions described in section b.  
32 of this section are satisfied.

33 b. The director may waive the education, experience , and  
34 examination requirements for State certification **【pursuant to this**  
35 **act】** that are provided by P.L.2000, c.57 (C.45:14BB-1 et seq.), and  
36 may issue a State certification , by endorsement , to any applicant  
37 who holds a current license, registration , or certificate to practice  
38 psychoanalysis issued by the agency of another state or country  
39 which, in the opinion of the director, has requirements for licensure,  
40 registration , or certification that are equivalent to , or higher than  
41 **【those required to be certified pursuant to this act】** the requirements  
42 provided by P.L.2000, c.57 (C.45:14BB-1 et seq.).

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

44

45 40. Section 3 of P.L.1991, c.134 (C.45:15BB-3) is amended to  
46 read as follows:

47 3. As used in **【this act】** P.L.1991, c.134 (C.45:15BB-1 et seq.):



1 "Board" means the State Board of Social Work Examiners,  
2 established in section 10 of **[this act]** P.L.1991, c.134 (C.45:15BB-  
3 10).

4 "Certified social worker" means a person who holds a current,  
5 valid certificate issued pursuant to subsection c. of section 6 or  
6 subsection c. of section 8 of **[this act]** P.L.1991, c.134 (C.45:15BB-  
7 6 or C.45:15BB-8).

8 "Clinical social work" means the professional application of  
9 social work methods and values in the assessment and  
10 psychotherapeutic counseling of individuals, families, or groups **[.**  
11 **Clinical social work services shall include]** using any authorized  
12 means or method, including telemedicine, as defined by section 1 of  
13 P.L. , c. (C. ) (pending before the Legislature as this bill).  
14 The practice of clinical social work includes, but shall not be  
15 limited to: assessment; psychotherapy; client-centered advocacy;  
16 and consultation.

17 "Director" means the Director of the Division of Consumer  
18 Affairs.

19 "Licensed clinical social worker" means a person who holds a  
20 current, valid license issued pursuant to subsection a. of section 6 or  
21 subsection a. or d. of section 8 of **[this act]** P.L.1991, c.134  
22 (C.45:15BB-6 or C.45:15BB-8).

23 "Licensed social worker" means a person who holds a current,  
24 valid license issued pursuant to subsection b. of section 6 or  
25 subsection b. of section 8 of **[this act]** P.L.1991, c.134  
26 (C.45:15BB-6 or C.45:15BB-8).

27 "Psychotherapeutic counseling" means the ongoing interaction  
28 between a social worker and an individual, family , or group for the  
29 purpose of helping to resolve symptoms of mental disorder,  
30 psychosocial stress, relationship problems , or difficulties in coping  
31 with the social environment, through the practice of psychotherapy.

32 "Social work" means the activity directed at enhancing,  
33 protecting , or restoring a person's capacity for social functioning,  
34 whether impaired by physical, environmental, or emotional factors.  
35 The practice of social work shall include, but shall not be limited to:  
36 policy and administration; clinical social work; social work  
37 counseling; planning and community organization; social work  
38 education; and research.

39 "Social work counseling" means the professional application of  
40 social work methods and values in advising and providing guidance  
41 to individuals, families , or groups for the purpose of enhancing,  
42 protecting , or restoring the capacity for coping with the social  
43 environment, exclusive of the practice of psychotherapy.

44 "Supervision" means the direct review of a supervisee for the  
45 purpose of teaching, training, administration, accountability , or  
46 clinical review by a supervisor in the same area of specialized

1 practice.  
2 (cf: P.L.1995, c.66, s.1)

3  
4 41. Section 7 of P.L.1991, c.134 (C.45:15BB-7) is amended to  
5 read as follows:

6 7. **【An】** a. Notwithstanding the provisions of section 6 of  
7 P.L.1991, c.134 (C.45:15BB-6) to the contrary, whenever an  
8 applicant for licensure under P.L.1991, c.134 (C.45:15BB-1 et seq.)  
9 submits evidence to the board showing that the applicant has been  
10 examined and licensed by the examining and licensing board of  
11 another state of the United States, the board shall issue a reciprocal  
12 practice license to the applicant, without conducting a written  
13 examination thereof, provided that the criteria identified in section  
14 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.  
15 If the board determines that these statutory criteria are not satisfied,  
16 the board may **【be exempted】** still elect, in its discretion, to issue a  
17 reciprocal practice license to the applicant, and thereby exempt the  
18 applicant from the **【requirement of】** provisions of P.L.1991, c.134  
19 (C.45:15BB-1 et seq.) requiring the taking and passing of any  
20 licensure examination **【provided for in this act if】** , provided that  
21 the 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】** State, and the applicant, pursuant to the laws of **【the】**  
26 such state, territory, or jurisdiction, has taken and passed an  
27 examination similar to that from which exemption is sought.

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

29  
30 42. The following sections of law are repealed:  
31 R.S.45:9-18; and  
32 R.S.45:9-18.1.

33  
34 43. This act shall take effect immediately, and sections 4, 5, and  
35 6 of this act shall apply to contracts that are entered into on or after  
36 the effective date hereof.

37

38

39

#### STATEMENT

40

41 This bill would authorize health care practitioners in the State –  
42 including physicians, nurse practitioners, psychologists,  
43 psychiatrists, psychoanalysts, licensed clinical social workers,  
44 physician assistants, and any other health care professional acting  
45 within the scope of a valid license or certification issued pursuant to  
46 Title 45 of the Revised Statutes – to deliver health care services,  
47 and establish a practitioner/patient relationship, through the use of

1 telemedicine. This authorization would extend to mental health  
2 screeners, who, as specified by the bill, would be allowed to engage  
3 in mental health screening procedures through telemedicine without  
4 necessitating a waiver from existing rules.

5 “Telemedicine” is defined by the bill to mean the delivery of a  
6 health care service using electronic communications, information  
7 technology, or other electronic or technological means to bridge the  
8 gap between the health care practitioner who is located at one site,  
9 and a patient who is located at a different, remote site, either with or  
10 without the assistance of an intervening health care provider, and  
11 which typically involves the provision of health care services  
12 through the application of secure, two-way videoconferencing or  
13 store-and-forward technology that is designed to replicate the  
14 traditional in-person encounter and interaction between health care  
15 practitioner and patient by allowing for interactive, real-time visual  
16 and auditory communication, and the electronic transmission of  
17 images, diagnostics, and medical records. “Telemedicine” would  
18 not include the use of audio-only telephone conversation, electronic  
19 mail, instant messaging, phone text, or facsimile transmission.

20 Pursuant to the bill’s provisions, the delivery of health care  
21 services through the use of telemedicine would be subject to the  
22 same standards of care and rules of practice as are applicable to  
23 traditional in-person practice, and the use of telemedicine would not  
24 reduce or eliminate any existing duty or responsibility of the health  
25 care practitioner, or any assistant thereof, including any duty or  
26 responsibility related to recordkeeping or the maintenance of patient  
27 confidentiality. Any health care practitioner who engages in  
28 telemedicine without complying with the ordinary standards of care  
29 or rules of practice applicable to in-person practice would be  
30 subject to discipline by the respective licensing board, as provided  
31 by law.

32 The bill would authorize an out-of-State health care practitioner  
33 to engage in telemedicine with patients in this State, but only  
34 pursuant to a reciprocal medical practice (or other appropriate  
35 practice) license. Existing law at N.J.S.A.45:1-7.5 – which was  
36 enacted in 2013 and became effective on July 1, 2014 – already  
37 provides that a reciprocal license must be granted to any out-of-  
38 State health care practitioner, upon application therefor, if: (1) the  
39 other state has substantially equivalent requirements for licensure,  
40 registration, or certification; (2) the applicant has practiced in the  
41 profession within the five-year period preceding application; (3) the  
42 respective New Jersey State board receives documentation showing  
43 that the applicant’s out-of-State license is in good standing, and that  
44 the applicant has no conviction for a disqualifying offense; and (4)  
45 an agent in this State is designated for service of process if the non-  
46 resident applicant does not have an office in this State. Consistent  
47 with the provisions of N.J.S.A.45:1-7.5, this bill would amend the  
48 individual practice laws pertaining to the reciprocal licensure (or

1 licensure by indorsement) of physicians, nurse practitioners, social  
2 workers, psychologists, psychoanalysts, and physician assistants –  
3 which, in most cases, currently provide only for discretionary  
4 reciprocal licensure – in order to clarify that a reciprocal license:  
5 (1) must be granted if the conditions established by N.J.S.A.45:1-  
6 7.5 are satisfied; and (2) may still be granted, in the discretion of  
7 the respective licensing board, in cases where those statutory  
8 conditions are not satisfied.

9 In addition to clarifying the existing State law that pertains to the  
10 reciprocal licensing of health care practitioners, the bill would also  
11 require the Board of Medical Examiners to evaluate the interstate  
12 Telemedicine Licensure Compact that is currently being promoted  
13 by the Federation of State Medical Boards, and which, if adopted,  
14 would establish a universally-accepted and more simplistic system  
15 of reciprocal licensing for physicians. Within 180 days after the  
16 bill's effective date, the board would be required to submit to the  
17 Governor and Legislature, a report of its findings on the matter, and  
18 recommendations for legislation or other State action necessary to  
19 implement the compact in this State.

20 In order to facilitate the use of telemedicine in this State, and  
21 except when contrary to federal or State law, the bill would prohibit  
22 the State Medicaid and NJ FamilyCare programs, as well as any  
23 private health benefits plan – including those provided by private  
24 carriers, and those contained in contracts purchased by the State  
25 Health Benefits Commission and the School Employees' Health  
26 Benefits Commission – from requiring in-person contact between a  
27 health care practitioner and a patient, or from establishing any siting  
28 or location restrictions on a health care practitioner or a patient, as  
29 a condition of reimbursement under the respective program or plan.  
30 The bill would further require such programs and plans to provide  
31 coverage and reimbursement for: (1) health care services that are  
32 delivered through telemedicine, to the same extent, and at the same  
33 reimbursement rate, that such services are covered and reimbursed  
34 when provided in-person (so long as the use of telemedicine is not  
35 medically contraindicated), and (2) any professional or facility fees  
36 that may be associated with the delivery of covered services  
37 through telemedicine, so long as such fees would otherwise be  
38 eligible for coverage or reimbursement in the case of in-person  
39 service delivery.

40 Finally, the bill would specify that a health care practitioner may  
41 engage in consultations with out-of-State peer professionals,  
42 including, but not limited to, a sub-specialist, using electronic or  
43 other means, without obtaining a separate license or authorization  
44 therefor.

45 In addition to the substantive changes described above, the bill  
46 would incorporate a number of technical and stylistic changes to the  
47 existing laws that govern the practice of various types of health care  
48 practitioners, as is necessary to both accomplish the bill's purposes

1 and enhance clarity and readability in these areas. In particular, the  
2 bill would:

3 (1) redefine various statutory terms and revise various statutory  
4 provisions that are used to delineate the scope of practice for  
5 various health care practitioners, in order to expressly include  
6 telemedicine as an acceptable means or method of practice and  
7 service delivery;

8 (2) update language contained in relevant sections of Title 45 of  
9 the Revised Statutes, in order to reflect the changes that have been  
10 made by the bill;

11 (3) ensure that the laws being amended by the bill contain  
12 modern language, avoid the use of archaic or redundant  
13 terminology, use language consistently from section to section, and  
14 conform to modern tenets of statutory drafting (including, for  
15 instance, the tenet that provides for the alphabetization of  
16 definitional terms);

17 (4) consolidate two existing sections of law (R.S.45:9-18 and  
18 R.S.45:9-18.1) that are used to help define both the “practice of  
19 medicine” and the unauthorized practice thereof, but which are  
20 presently allocated separately from other similar provisions of law,  
21 and incorporate these provisions into a more logical and cohesive  
22 statutory location – in particular, into the existing statutory  
23 definitions and sections of law that outline the parameters of  
24 acceptable medical practice;

25 (5) repeal the existing sections of law being consolidated; and

26 (6) eliminate certain provisions of law which are applicable to a  
27 class of people who are no longer practicing (specifically, persons  
28 who matriculated in college prior to 1935 and persons who were  
29 practicing medicine before July 4, 1890).