ASSEMBLY, No. 2087

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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Assemblywoman Vainieri Huttle and Assemblyman Karabinchak

SYNOPSIS

Requires institution of higher education to report allegation of sexual misconduct by health care professional to licensing board for investigation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning health care professionals employed by institutions of higher education and supplementing chapter 3B of Title 18A of the New Jersey Statutes.

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

1. a. In the event that an institution of higher education receives a report of alleged sexual misconduct committed by a health care professional employed by the institution, the institution shall promptly notify the State licensing board that issued the license or other authorization to practice to the health care professional, of the allegation.

b. Following receipt of notice from an institution of higher education concerning alleged sexual misconduct by a health care professional pursuant to subsection a. of this section, the licensing board shall initiate an investigation concerning the information received and obtain any additional information that may be necessary in order to determine if disciplinary charges should be pursued or if an application to suspend or otherwise limit the health care professional's license or other authorization to practice should be initiated.

c. An institution of higher education which provides notification to a licensing board, in good faith and without malice, concerning alleged sexual misconduct by a health care professional, pursuant to this section, shall not be liable for civil damages to any person in any cause of action arising out of the notification.

d. Nothing in this section shall be construed to preclude, or in any way restrict, an institution of higher education from responding to and investigating an allegation of sexual misconduct for the purpose of imposing disciplinary action on the alleged perpetrator of the misconduct.

e. Nothing in this section shall be construed to preclude, or in any way restrict, an institution of higher education from reporting any suspected crime or offense to the appropriate law enforcement authorities.

f. As used in this section:

"Health care professional" means a health care professional as defined in section 9 of P.L.2005, c.83 (C.45:1-34).

"Licensing board" means a professional or occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety which licenses or otherwise authorizes a health care professional to practice a health care profession.

2. This act shall take effect immediately.

STATEMENT

Under this bill, if an institution of higher education receives a report of alleged sexual misconduct committed by a health care professional employed by the institution, the institution will be required to promptly notify the State licensing board that issued the license to practice to the health care professional. The bill directs the licensing board to initiate an investigation concerning the information received by the institution of higher education in order to determine if disciplinary charges should be pursued or if an application to suspend or otherwise limit the health care professional's license should be initiated. The bill provides immunity from liability to institutions of higher education for good faith notifications made to licensing boards pursuant to the bill's provisions.