

[Second Reprint]
SENATE, No. 703

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires certain health care professionals to undergo implicit bias training.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on August 25, 2020, with amendments.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning implicit bias training and supplementing Title
2 26 ¹and Title 45¹ of the Revised Statutes.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. a. Every hospital that provides inpatient maternity services and
8 every birthing center licensed in the State pursuant to P.L.1971, c.136
9 (C.26:2H-1 et seq.) shall implement an evidence-based implicit bias
10 training program for ¹:

11 (1)¹ all health professionals who provide perinatal treatment and
12 care to pregnant ²**[women]** persons² at the hospital or birthing center
13 ²regardless of the compensation agreement, contractual status, or
14 privilege status that may exist between the health professional and the
15 hospital or birthing center^{2 1}; and

16 (2) all administrative and clerical staff members², as defined by
17 the Department of Health,² who interact with pregnant ²**[women]**
18 persons² at the hospital or birthing center

19 A hospital or birthing center that implements an implicit bias
20 training program pursuant to this section shall ensure that the program
21 is structured in a manner that permits health care professionals to be
22 eligible to receive continuing education credits for participation in the
23 program¹.

24 b. The training program shall include, but not be limited to:

25 (1) identifying previous and current unconscious biases and
26 misinformation when providing perinatal treatment and care to ¹, or
27 interacting with,¹ pregnant ²**[women]** persons²;

28 (2) identifying personal, interpersonal, institutional, and cultural
29 barriers to inclusion;

30 (3) information on the effects of historical and contemporary
31 exclusion and oppression of minority communities;

32 (4) information about cultural identity across racial and ethnic
33 groups;

34 (5) information about communicating more effectively across
35 racial, ethnic, religious, and gender identities;

36 (6) information about reproductive justice;

37 (7) a discussion on power dynamics and organizational decision-
38 making and their effects on implicit bias;

39 (8) a discussion on health inequities and racial and ethnic
40 disparities within the field of perinatal care, and how implicit bias may
41 contribute to pregnancy-related deaths and maternal and infant health
42 outcomes; ²**[and]**²

43 (9) corrective measures to decrease implicit bias at the
44 interpersonal and institutional levels²; and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted July 22, 2020.

²Senate SBA committee amendments adopted August 25, 2020.

1 (10) review of the annual report of the New Jersey Maternal
2 Mortality Review Committee.²

3 ²The Department of Health shall identify an implicit bias training
4 tool to be utilized by the implicit bias training program implemented
5 by a hospital or birthing center pursuant to this section. The use of the
6 department's training tool by a hospital or birthing center shall not
7 preclude the hospital or birthing center from utilizing additional or
8 customized training tools in addition to the department's training tool².

9 c. A health care professional who provides perinatal treatment
10 and care to pregnant ²persons² at a hospital that provides
11 inpatient maternity services or a birthing center licensed in the State
12 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) ¹and all administrative
13 and clerical staff members who interact with pregnant ²persons
14 at the hospital or birthing center¹ shall:

15 (1) complete the training program on implicit bias at such times
16 and intervals as the hospital or birthing center shall require;

17 (2) complete a refresher course under the training program,
18 designed to provide the health care professional ¹or administrative or
19 clerical staff member¹ with updated information about racial, ethnic,
20 and cultural identity, and best practices in decreasing interpersonal and
21 institutional implicit bias, every two years or on a more frequent basis,
22 if deemed necessary by the hospital or birthing center ; and

23 (3) receive a certification ²of completion² from the hospital or
24 birthing center upon successful completion of the training program.

25 d. ¹A health care professional who completes a continuing
26 education course on implicit bias pursuant to section 2, 3, ²[or]² 4², or
27 5² of P.L. , c. (C. , C. , or C.) (pending before the
28 Legislature as this bill) shall be deemed to have satisfied the implicit
29 bias training requirement set forth in subsection c. of this section for
30 the licensure or certification period in which the continuing education
31 course was completed.

32 e. ¹ ²In the event that a hospital or birthing center fails to
33 implement an implicit bias training program pursuant to this section,
34 the Department of Health shall invoke penalties or take administrative
35 action against the hospital or birthing center. Any penalties imposed
36 or administrative actions taken by the department pursuant to this
37 subsection may be imposed in a summary proceeding.

38 f. ² As used in this section:

39 ²"Health care professional" means a person licensed or certified to
40 practice a health care profession pursuant to Title 45 of the Revised
41 Statutes.²

42 "Implicit bias" means a bias in judgment or behavior that results
43 from subtle cognitive processes, including implicit prejudice and
44 implicit stereotypes, that often operate at a level below conscious
45 awareness and without intentional control.

1 “Implicit stereotypes” means the unconscious attributions of
2 particular qualities to a member of a certain social group, influenced
3 by experience, and based on learned associations between various
4 qualities and social categories, including race and gender.

5 ²“Perinatal care” means the provision of care during pregnancy,
6 labor, delivery, postpartum and neonatal periods.²

7
8 ¹2. The State Board of Medical Examiners shall require that the
9 number of credits of continuing medical education required of each
10 person licensed as a physician who provides ²[prenatal or]²
11 perinatal treatment and care to pregnant ²[women] persons², as a
12 condition of biennial registration pursuant to section 1 of P.L.1971,
13 c.236 (C.45:9-6.1), include one credit of educational programs or
14 topics concerning implicit bias, which educational programs and
15 topics shall meet the requirements for a training program set forth
16 in subsection b. of section 1 of P.L. , c. (C.) (pending
17 before the Legislature as this bill). The continuing medical
18 education requirement in this subsection shall be subject to the
19 provisions of section 10 of P.L.2001, c.307 (C.45:9-7.1) ²],
20 including, but not limited to, the authority of the board to waive the
21 provisions of this section for a specific individual if the board
22 deems it is appropriate to do so]^{2, 1}

23
24 ¹3. The State Board of Medical Examiners shall require that the
25 number of credits of continuing medical education required of each
26 person licensed as a physician assistant who provides ²[prenatal or
27]² perinatal treatment and care to pregnant ²[women] persons², as a
28 condition of biennial renewal pursuant to section 4 of P.L.1991,
29 c.378 (C.45:9-27.13), include one credit of educational programs or
30 topics concerning implicit bias, which educational programs and
31 topics shall meet the requirements for a training program set forth
32 in subsection b. of section 1 of P.L. , c. (C.) (pending
33 before the Legislature as this bill). The continuing medical
34 education requirement in this subsection shall be subject to the
35 provisions of section 16 of P.L.1991, c.378 (C.45:9-27.25) ²],
36 including, but not limited to, the authority of the board to waive the
37 provisions of this section for a specific individual if the board
38 deems it is appropriate to do so]^{2, 1}

39
40 ²4. As a condition of being appointed as a member of the State
41 Board of Medical Examiners, or the member’s continued
42 appointment to the board, a board member shall complete an
43 evidence-based implicit bias training program approved by the
44 Division of Consumer Affairs in the Department of Law and Public
45 Safety. The board member shall complete, and acknowledge the

1 completion of, the training program at a frequency determined by
2 the division.²

3
4 ²~~14.~~ ^{5.}² The New Jersey Board of Nursing shall require that
5 the number of credits of continuing education required of each
6 person licensed as a professional nurse or a practical nurse who
7 provides ²~~prenatal or~~² perinatal treatment and care to pregnant
8 ²~~women~~ persons², as a condition of biennial license renewal,
9 include one credit of educational programs or topics concerning
10 implicit bias, which educational programs and topics shall meet the
11 requirements for a training program set forth in subsection b. of
12 section 1 of P.L. , c. (C.) (pending before the Legislature
13 as this bill). ²~~The board may, in its discretion, waive the~~
14 continuing education requirement set forth in this section on an
15 individual basis for reasons of hardship, such as illness or disability,
16 retirement of the license, or other good cause. A waiver shall apply
17 only to the current biennial renewal period at the time of board
18 issuance.¹²

19
20 ²6. As a condition of being appointed as a member of the New
21 Jersey Board of Nursing, or the member's continued appointment to
22 the board, a board member shall complete an evidence-based
23 implicit bias training program approved by the Division of
24 Consumer Affairs in the Department of Law and Public Safety. The
25 board member shall complete, and acknowledge the completion of,
26 the training program at a frequency determined by the division.²

27
28 ²7. A certified nurse midwife, certified professional midwife, or
29 certified midwife who was licensed prior to the effective date of this
30 act shall, as a condition of license renewal, complete at least one credit
31 of educational programs or topics concerning implicit bias, which
32 educational programs and topics shall meet the requirements for a
33 training program set forth in subsection b. of section 1 of P.L. , c.
34 (C.) (pending before the Legislature as this bill).²

35
36 ¹~~2.~~ ²~~5.1~~ ^{8.}² The Department of Health ¹and the Director of
37 the Division of Consumer Affairs in the Department of Law and
38 Public Safety¹ shall adopt rules and regulations, pursuant to the
39 provisions of the "Administrative Procedure Act," P.L.1968, c.410
40 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

41
42 ¹~~3.~~ ²~~6.1~~ ^{9.}² This act shall take effect on the first day of the
43 sixth month next following the date of enactment.