

[Third 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 explicit and implicit bias training.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on February 24, 2021, with amendments.

(Sponsorship Updated As Of: 3/25/2021)

1 AN ACT concerning <sup>3</sup>**[implicit]**<sup>3</sup> bias training and supplementing  
2 Title 26 <sup>3</sup>and Title 45<sup>3</sup> 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  
8 and every birthing center licensed in the State pursuant to P.L.1971,  
9 c.136 (C.26:2H-1 et seq.) shall implement an evidence-based  
10 <sup>3</sup>explicit and<sup>3</sup> implicit bias training program for <sup>1</sup>:

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

16 (2) all <sup>3</sup>**[administrative and clerical]** supportive services<sup>3</sup> staff  
17 members<sup>2</sup>, as defined by the Department of Health,<sup>2</sup> who interact  
18 with pregnant <sup>2</sup>**[women]** persons<sup>2</sup> at the hospital or birthing center

19 A hospital or birthing center that implements an<sup>3</sup> explicit and<sup>3</sup>  
20 implicit bias training program pursuant to this section shall ensure  
21 that the program is structured in a manner that permits health care  
22 professionals to be eligible to receive continuing education credits  
23 for participation in the program<sup>1</sup>.

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 <sup>1</sup>, or  
27 interacting with<sup>1</sup>, pregnant <sup>2</sup>**[women]** persons<sup>2</sup>;

28 (2) identifying <sup>3</sup>environmental,<sup>3</sup> personal, interpersonal,  
29 institutional, and cultural 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 <sup>3</sup>**[and]**,<sup>3</sup>  
33 ethnic<sup>3</sup>, and other marginalized<sup>3</sup> 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  
38 decision-making and their effects on <sup>3</sup>explicit and<sup>3</sup> implicit bias;

39 (8) a discussion on <sup>3</sup>**[health]**<sup>3</sup> inequities and racial <sup>3</sup>**[and]**,<sup>3</sup>  
40 ethnic <sup>3</sup>and other<sup>3</sup> disparities within the field of perinatal care, and  
41 how <sup>3</sup>explicit and<sup>3</sup> implicit bias may contribute to pregnancy-  
42 related deaths and maternal and infant health outcomes; <sup>2</sup>**[and]**<sup>2</sup>

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:

<sup>1</sup>Senate SHH committee amendments adopted July 22, 2020.

<sup>2</sup>Senate SBA committee amendments adopted August 25, 2020.

<sup>3</sup>Assembly AAP committee amendments adopted February 24, 2021.

1 (9) corrective measures to decrease <sup>3</sup>explicit and<sup>3</sup> implicit bias  
2 at the interpersonal and institutional levels<sup>2</sup>; and

3 (10) review of the annual report of the New Jersey Maternal  
4 Mortality Review Committee.<sup>2</sup>

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

12 c. A health care professional who provides perinatal treatment  
13 and care to pregnant <sup>2</sup>[women] persons<sup>2</sup> at a hospital that provides  
14 inpatient maternity services or a birthing center licensed in the State  
15 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) <sup>1</sup>and all  
16 <sup>3</sup>[administrative and clerical] supportive<sup>3</sup> staff members who  
17 interact with pregnant <sup>2</sup>[women] persons<sup>2</sup> at the hospital or  
18 birthing center<sup>1</sup> shall:

19 (1) complete the training program on <sup>3</sup>explicit and<sup>3</sup> implicit bias  
20 at such times and intervals as the hospital or birthing center shall  
21 require;

22 (2) complete a refresher course under the training program,  
23 designed to provide the health care professional <sup>1</sup>or  
24 <sup>3</sup>[administrative or clerical] supportive<sup>3</sup> staff member<sup>1</sup> with  
25 updated information about racial, ethnic, and cultural identity, and  
26 best practices in decreasing interpersonal and institutional implicit  
27 bias, every two years or on a more frequent basis, if deemed  
28 necessary by the hospital or birthing center ; and

29 (3) receive a certification <sup>2</sup>of completion<sup>2</sup> from the hospital or  
30 birthing center upon successful completion of the training program.

31 d. <sup>1</sup>A health care professional who completes a continuing  
32 education course on <sup>3</sup>explicit and<sup>3</sup> implicit bias pursuant to section  
33 2, 3, <sup>2</sup>[or]<sup>2</sup> 4 <sup>3</sup>[<sup>2</sup>, or 5<sup>2</sup>], 5, or 7<sup>3</sup> of P.L. , c. (C. , C. ,  
34 or C. ) (pending before the Legislature as this bill) shall be  
35 deemed to have satisfied the <sup>3</sup>explicit and<sup>3</sup> implicit bias training  
36 requirement set forth in subsection c. of this section for the  
37 licensure or certification period in which the continuing education  
38 course was completed.

39 e.<sup>1</sup> <sup>2</sup>In the event that a hospital or birthing center fails to  
40 implement an <sup>3</sup>explicit and<sup>3</sup> implicit bias training program pursuant  
41 to this section, the Department of Health shall invoke penalties or  
42 take administrative action against the hospital or birthing center.  
43 Any penalties imposed or administrative actions taken by the  
44 department pursuant to this subsection may be imposed in a  
45 summary proceeding.

1 f.<sup>2</sup> As used in this section:

2 <sup>3</sup>“Explicit bias” means attitudes and beliefs about a person or  
3 group on a conscious level.<sup>3</sup>

4 <sup>2</sup>“Health care professional” means a person licensed or certified  
5 to practice a health care profession pursuant to Title 45 of the  
6 Revised Statutes.<sup>2</sup>

7 “Implicit bias” means a bias in judgment or behavior that results  
8 from subtle cognitive processes, including implicit prejudice and  
9 implicit stereotypes, that often operate at a level below conscious  
10 awareness and without intentional control.

11 “Implicit stereotypes” means the unconscious attributions of  
12 particular qualities to a member of a certain social group,  
13 influenced by experience, and based on learned associations  
14 between various qualities and social categories, including race and  
15 gender.

16 <sup>2</sup>“Perinatal care” means the provision of care during pregnancy,  
17 labor, delivery, postpartum and neonatal periods.<sup>2</sup>

18

19 <sup>1</sup>2. The State Board of Medical Examiners shall require that the  
20 number of credits of continuing medical education required of each  
21 person licensed as a physician who provides <sup>2</sup>[prenatal or]<sup>2</sup>  
22 perinatal treatment and care to pregnant <sup>2</sup>[women] persons<sup>2</sup>, as a  
23 condition of biennial registration pursuant to section 1 of P.L.1971,  
24 c.236 (C.45:9-6.1), include one credit of educational programs or  
25 topics concerning <sup>3</sup>explicit and<sup>3</sup> implicit bias, which educational  
26 programs and topics shall meet the requirements for a training  
27 program set forth in subsection b. of section 1 of  
28 P.L. , c. (C. ) (pending before the Legislature as this bill).  
29 The continuing medical education requirement in this subsection  
30 shall be subject to the provisions of section 10 of P.L.2001, c.307  
31 (C.45:9-7.1) <sup>2</sup>[, including, but not limited to, the authority of the  
32 board to waive the provisions of this section for a specific  
33 individual if the board deems it is appropriate to do so]<sup>2,1</sup>

34

35 <sup>1</sup>3. The State Board of Medical Examiners shall require that the  
36 number of credits of continuing medical education required of each  
37 person licensed as a physician assistant who provides  
38 <sup>2</sup>[prenatal or ]<sup>2</sup> perinatal treatment and care to pregnant <sup>2</sup>[women]  
39 persons<sup>2</sup>, as a condition of biennial renewal pursuant to section 4 of  
40 P.L.1991, c.378 (C.45:9-27.13), include one credit of educational  
41 programs or topics concerning <sup>3</sup>explicit and<sup>3</sup> implicit bias, which  
42 educational programs and topics shall meet the requirements for a  
43 training program set forth in subsection b. of section 1 of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill).  
45 The continuing medical education requirement in this subsection  
46 shall be subject to the provisions of section 16 of P.L.1991, c.378

1 (C.45:9-27.25) <sup>2</sup>[, including, but not limited to, the authority of the  
2 board to waive the provisions of this section for a specific  
3 individual if the board deems it is appropriate to do so.]<sup>2, 1</sup>  
4

5 <sup>2</sup>4. As a condition of being appointed as a member of the State  
6 Board of Medical Examiners, or the member's continued  
7 appointment to the board, a board member shall complete an  
8 evidence-based <sup>3</sup>explicit and<sup>3</sup> implicit bias training program  
9 approved by the Division of Consumer Affairs in the Department of  
10 Law and Public Safety <sup>3</sup>that is equivalent to the training program  
11 provided for in subsection b. of section 1 of P.L. , c. (C. )  
12 (pending before the Legislature as this bill)<sup>3</sup>. The board member  
13 shall complete, and acknowledge the completion of, the training  
14 program at a frequency determined by the division.<sup>2</sup>  
15

16 <sup>2</sup>[<sup>1</sup>4.] <sup>5, 2</sup> The New Jersey Board of Nursing shall require that  
17 the number of credits of continuing education required of each  
18 person licensed as a professional nurse or a practical nurse who  
19 provides <sup>2</sup>[prenatal or]<sup>2</sup> perinatal treatment and care to pregnant  
20 <sup>2</sup>[women] persons<sup>2</sup>, as a condition of biennial license renewal,  
21 include one credit of educational programs or topics concerning  
22 <sup>3</sup>explicit and<sup>3</sup> implicit bias, which educational programs and topics  
23 shall meet the requirements for a training program set forth in  
24 subsection b. of section 1 of P.L. , c. (C. ) (pending before  
25 the Legislature as this bill). <sup>2</sup>[The board may, in its discretion,  
26 wave the continuing education requirement set forth in this section  
27 on an individual basis for reasons of hardship, such as illness or  
28 disability, retirement of the license, or other good cause. A waiver  
29 shall apply only to the current biennial renewal period at the time of  
30 board issuance.<sup>1</sup>]<sup>2</sup>  
31

32 <sup>2</sup>6. As a condition of being appointed as a member of the New  
33 Jersey Board of Nursing, or the member's continued appointment to  
34 the board, a board member shall complete an evidence-based  
35 <sup>3</sup>explicit and<sup>3</sup> implicit bias training program approved by the  
36 Division of Consumer Affairs in the Department of Law and Public  
37 Safety <sup>3</sup>that is equivalent to the training program provided for in  
38 subsection b. of section 1 of P.L. , c. (C. ) (pending before  
39 the Legislature as this bill)<sup>3</sup>. The board member shall complete,  
40 and acknowledge the completion of, the training program at a  
41 frequency determined by the division.<sup>2</sup>  
42

43 <sup>2</sup>7. A certified nurse midwife, certified professional midwife, or  
44 certified midwife who was licensed prior to the effective date of  
45 this act shall, as a condition of license renewal, complete at least

1 one credit of educational programs or topics concerning <sup>3</sup>explicit  
2 and<sup>3</sup> implicit bias, which educational programs and topics shall  
3 meet the requirements for a training program set forth in subsection  
4 b. of section 1 of P.L. , c. (C.) (pending before the Legislature as  
5 this bill).<sup>2</sup>

6  
7 <sup>1</sup>~~[2.]~~ <sup>2</sup>~~[5.1]~~ <sup>8.2</sup> The Department of Health <sup>1</sup>and the Director of  
8 the Division of Consumer Affairs in the Department of Law and  
9 Public Safety<sup>1</sup> shall adopt rules and regulations, pursuant to the  
10 provisions of the "Administrative Procedure Act," P.L.1968, c.410  
11 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

12  
13 <sup>1</sup>~~[3.]~~ <sup>2</sup>~~[6.1]~~ <sup>9.2</sup> This act shall take effect on the first day of the  
14 sixth month next following the date of enactment.