

SENATE, No. 3494

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 4, 2021

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District 3 (Cumberland, Gloucester and Salem)

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District 37 (Bergen)

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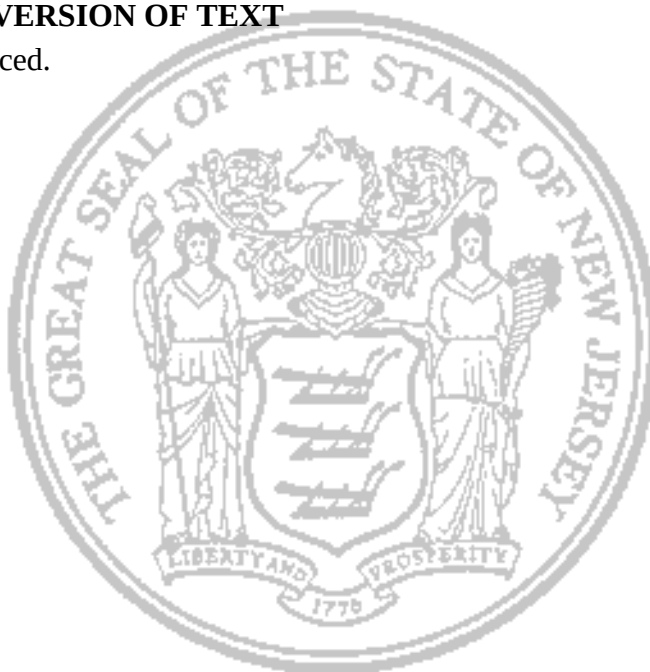
Senator Lagana

SYNOPSIS

Requires appointment of new State Board of Chiropractic Examiners, adds two public members to board membership, and prohibits licensure for individuals convicted of certain offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2021)

1 AN ACT concerning the State Board of Chiropractic Examiners and
2 criminal record of applicants to the board, and amending and
3 supplementing Title 45 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to
9 read as follows:

10 4. There is created within the Division of Consumer Affairs in
11 the Department of Law and Public Safety the State Board of
12 Chiropractic Examiners. The board shall consist of **[11]** 13
13 members who are residents of the State, **[two]** four of whom shall
14 be public members and one of whom shall be a State executive
15 department member appointed pursuant to the provisions of
16 P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members
17 shall be licensed chiropractors who have been actively engaged in
18 the practice of chiropractic in this State for at least five years
19 immediately preceding their appointments.

20 The Governor shall appoint each member, other than the State
21 executive department member, with the advice and consent of the
22 Senate, for a term of three years**],** except that three of the initial
23 chiropractic members of the board shall consist of the incumbent
24 chiropractic member of the State Board of Medical Examiners, who
25 shall serve until the expiration of his current term as a chiropractic
26 member, and the two incumbent chiropractic assistants of the State
27 Board of Medical Examiners, each of whom shall serve until the
28 expiration of his current term as a chiropractic assistant, and except
29 that of the remaining five chiropractic members first appointed, two
30 shall serve for terms of three years, two shall serve for terms of two
31 years and one shall serve for a term of one year**].** Each member
32 shall hold office until his successor has been qualified. Any
33 vacancy in the membership of the board shall be filled for the
34 unexpired term in the manner provided for the original appointment.
35 No member of the board may serve more than two successive terms
36 in addition to any unexpired term to which he has been appointed.
37 (cf: P.L.1989, c.153, s.4)

38
39 2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to
40 read as follows:

41 7. The board shall:

- 42 a. Appoint and prescribe the duties of an executive secretary.
43 The executive secretary shall serve at its pleasure;
44 b. Review the qualifications of applicants for initial licensure,
45 or licensure renewal, reactivation or reinstatement. The review of

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 qualifications shall include a review of each applicant in the
2 National Practitioner Data Bank to ensure no information exists on
3 file in the data bank demonstrating an applicant has been convicted
4 of sexual assault, criminal sexual contact or lewdness pursuant to
5 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
6 fourth degree, endangering the welfare of a child pursuant to
7 paragraph (1) of subsection a. of N.J.S.2C:24-4, or an equivalent
8 offense in another jurisdiction;

9 c. Insure the proper conduct and standards of examinations;

10 d. Issue **and**, renew, reactivate or reinstate licenses for
11 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and
12 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and
13 chiropractic assistants pursuant to sections 5 through 8 of P.L.2015,
14 c.283 (C.45:9-41.33 et seq.);

15 e. Refuse to admit a person to an examination, or refuse to
16 issue a license, or suspend, revoke or fail to renew, reactivate or
17 reinstate the license of a chiropractor or chiropractic assistant
18 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if
19 an applicant, chiropractor, or chiropractic assistant is found to have
20 been convicted of sexual assault, criminal sexual contact or
21 lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the
22 first, second, third or fourth degree, endangering the welfare of a
23 child pursuant to paragraph (1) of subsection a. N.J.S.2C:24-4, or
24 an equivalent offense in another jurisdiction through utilization of
25 the continuous query function in the National Practitioner Data
26 Bank or any other means;

27 f. Maintain a record of chiropractors and chiropractic assistants
28 licensed in this State, their places of business, places of residence
29 and the date and number of their licenses;

30 g. Prescribe or change the charges for examinations, licensures,
31 renewals and other services it performs pursuant to P.L.1974, c.46
32 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283
33 (C.45:9-41.33 et seq.);

34 h. Establish standards pursuant to which a chiropractor shall
35 maintain medical malpractice liability insurance coverage, at
36 appropriate amounts, as set forth in regulations; and

37 i. Adopt and promulgate rules and regulations pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.) necessary to effectuate the purposes of this act, R.S.45:9-14.5,
40 R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of
41 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233
42 (C.45:9-41.5 et al.).

43 (cf: P.L.2015, c.283, s.2)

44
45 3. (New section) Notwithstanding the provisions of any law,
46 rule, or regulation to the contrary, the term of each current board
47 member shall expire on the effective date of this act, and the
48 Governor shall appoint, with the advice and consent of the Senate,

1 new members to serve on the board pursuant to P.L.1989, c.153
2 (C.45:9-41.20 et seq.). The members appointed by the Governor
3 pursuant to this section shall serve for a term of three years except
4 that, of the first members appointed, four members shall serve for
5 terms of three years, four shall serve for terms of two years and four
6 shall serve for a term of one year.

7
8 4. This act shall take effect immediately, and section 3 shall
9 expire upon appointment of new members to the board by the
10 Governor.

11 12 13 STATEMENT 14

15 This bill requires the appointment of a new State Board of
16 Chiropractic Examiners, adds two public members to board
17 membership, and prohibits licensure for individuals convicted of
18 felony sexual offense.

19 The bill adds two public members to the State Board of
20 Chiropractic Examiners, for a total of 13 members. Additionally,
21 the bill requires that the board use the National Practitioner Data
22 Bank to determine if an applicant for initial licensure or licensure
23 renewal, reactivation or reinstatement has been convicted of sexual
24 assault, criminal sexual contact or lewdness pursuant to
25 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
26 fourth degree, endangering the welfare of a child pursuant
27 paragraph (1) of subsection a. to N.J.S.2C:24-4, or an equivalent
28 offense in another jurisdiction. The board also reserves the right,
29 under the bill, to not renew or to revoke or suspend the license of a
30 chiropractor or chiropractic assistant if information is discovered,
31 through the continuous use query function in the National
32 Practitioner Data Bank or by other means, that shows a chiropractor
33 or chiropractic assistant has been convicted of sexual assault,
34 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2
35 through 2C:14-4 that is of the first, second, third or fourth degree,
36 endangering the welfare of a child pursuant to paragraph (1) of
37 subsection a. of N.J.S.2C:24-4, or an equivalent offense in another
38 jurisdiction.

39 Lastly, under the bill, the terms of the current membership of the
40 board are to expire upon the enactment of the bill. The Governor,
41 with the advice and consent of the Senate, is required to appoint
42 new members.