

[First Reprint]

SENATE, No. 3494

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 4, 2021

Sponsored by:

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District 34 (Essex and Passaic)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Senator Lagana

SYNOPSIS

Adds two public members to State Board of Chiropractic Examiners and prohibits licensure for individuals convicted of certain offenses.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on May 13, 2021, with amendments.

(Sponsorship Updated As Of: 12/20/2021)

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 read
40 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, or
45 licensure renewal, reactivation, or reinstatement. The review of
46 qualifications shall include a review of ¹the results from the

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 SCM committee amendments adopted May 13, 2021.

1 submission of fingerprints required of each applicant pursuant to
2 section 3 of P.L.2002, c.104 (C.45:1-30) and of¹ each applicant in the
3 National Practitioner Data Bank to ensure¹, at a minimum, that¹ no
4 information¹ [exists on file in the data bank demonstrating]
5 demonstrates¹ an applicant has been convicted of sexual assault,
6 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2
7 ¹[through 2C:14-4], N.J.S.2C:14-3, and N.J.S.2C:14-4¹ that is of the
8 first, second, third or fourth degree, endangering the welfare of a child
9 pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, ¹[or an]
10 attempting to lure or entice a child pursuant to section 1 of P.L.1993,
11 c.291 (C.2C:13-6),¹ or equivalent ¹[offense] offenses¹ in another
12 jurisdiction;

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

14 d. Issue **[and]**, renew, reactivate or reinstate licenses for
15 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and
16 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic
17 assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-
18 41.33 et seq.);

19 e. Refuse to admit a person to an examination, or refuse to issue a
20 license, or suspend, revoke or fail to renew, reactivate or reinstate the
21 license of a chiropractor or chiropractic assistant pursuant to the
22 provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if an applicant,
23 chiropractor, or chiropractic assistant is found to have been convicted
24 of sexual assault, criminal sexual contact or lewdness pursuant to
25 N.J.S.2C:14-2 ¹[through 2C:14-4], N.J.S.2C:14-3, and N.J.S.2C:14-
26 4¹ that is of the first, second, third or fourth degree, endangering the
27 welfare of a child pursuant to paragraph (1) of subsection a. of
28 N.J.S.2C:24-4, ¹[or an] attempting to lure or entice a child pursuant
29 to section 1 of P.L.1993, c.291 (C.2C:13-6),¹ or equivalent ¹[offense]
30 offenses¹ in another jurisdiction through utilization of the continuous
31 query function in the National Practitioner Data Bank or ¹review of the
32 results from the submission of fingerprints required of the applicant
33 pursuant to section 3 of P.L.2002, c.104 (C.45:1-30),¹ or any other
34 means;

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

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

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

45 i. Adopt and promulgate rules and regulations pursuant to the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)

1 necessary to effectuate the purposes of this act, R.S.45:9-14.5,
2 R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of
3 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-
4 41.5 et al.).

5 ¹j. Nothing in this section shall preclude the board from
6 considering criminal convictions for offenses other than those offenses
7 included in subsections a. and b. of this section, pursuant to section 8
8 of P.L.1978, c.73 (C.45:1-21), or from considering other information
9 provided by the National Practitioner Data Bank or any other source
10 when reviewing an applicant's qualifications for licensure as
11 authorized pursuant to this section.¹

12 (cf: P.L.2015, c.283, s.1)

13
14 ¹【3. (New section) Notwithstanding the provisions of any law,
15 rule, or regulation to the contrary, the term of each current board
16 member shall expire on the effective date of this act, and the
17 Governor shall appoint, with the advice and consent of the Senate,
18 new members to serve on the board pursuant to P.L.1989, c.153
19 (C.45:9-41.20 et seq.). The members appointed by the Governor
20 pursuant to this section shall serve for a term of three years except
21 that, of the first members appointed, four members shall serve for
22 terms of three years, four shall serve for terms of two years and four
23 shall serve for a term of one year.】¹

24
25 ¹3. (New section) a. Any entity designated in section 2 of
26 P.L.1978, c.73 (C.45:1-15), or any principal department of the
27 Executive Branch of State government or any entity within any
28 department or any other entity hereafter created to license or
29 otherwise regulate a health care profession or occupation shall not
30 issue an initial license, certification or registration, or renew,
31 reinstate or reactivate a license, certification or registration unless
32 the entity has first determined that no criminal history record or
33 record with the National Practitioner Data Bank exists
34 demonstrating that an applicant for a license, certification, or
35 registration in a health care profession or occupation has been
36 convicted of sexual assault, criminal sexual contact or lewdness
37 pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is
38 of the first, second, third or fourth degree, endangering the welfare
39 of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-
40 4, attempting to lure or entice a child pursuant to section 1 of
41 P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another
42 jurisdiction.

43 b. Nothing in this section shall preclude any entity designated
44 in section 2 of P.L.1978, c.73 (C.45:1-15), or any principal
45 department of the Executive Branch of State government or any
46 entity within any department or any other entity hereafter created to
47 license or otherwise regulate a health care profession or occupation

1 from considering criminal convictions for offenses other than those
2 offenses included in subsection a. of this section, pursuant to
3 section 8 of P.L.1978, c.73 (C.45:1-21), or from considering other
4 information provided by the National Practitioner Data Bank or any
5 other source when reviewing the qualifications of an applicant for
6 licensure, certification, or registration.¹

7
8 4. This act shall take effect immediately¹【, and section 3 shall
9 expire upon appointment of new members to the board by the
10 Governor】¹.