

ASSEMBLY, No. 1464

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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District 6 (Burlington and Camden)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

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District 7 (Burlington)

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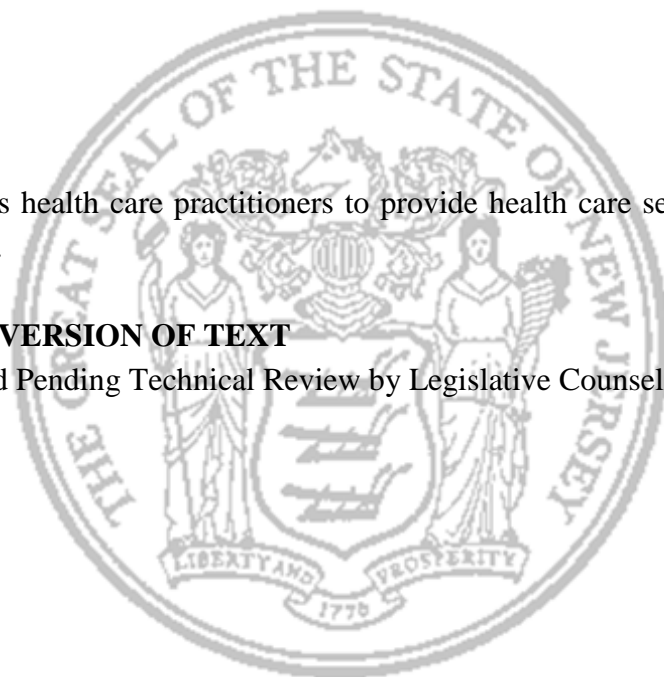
**Assemblymen Singleton, Benson, Assemblywoman N.Munoz,
Assemblyman Zwicker, Assemblywomen Jimenez, Pinkin, McKnight and
Assemblyman Johnson**

SYNOPSIS

Authorizes health care practitioners to provide health care services through telemedicine.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/7/2017)

1 AN ACT authorizing the provision of health care services through
2 telemedicine, supplementing and amending various parts of the
3 statutory law, and repealing R.S.45:9-18 and R.S.45:9-18.1.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. Unless specifically prohibited or limited
9 by federal or State law, a health care practitioner may remotely
10 provide health care services to a patient in the State, and a bona fide
11 relationship between health care practitioner and patient may be
12 established, through the use of telemedicine.

13 b. A health care practitioner who provides a health care service
14 to a patient through the use of telemedicine shall be subject to the
15 same standards of care and rules of practice as are applicable to
16 traditional in-person practice, and the use of telemedicine shall not
17 alter or diminish any existing duty or responsibility of the health
18 care practitioner, or any assistant thereof, including, but not limited
19 to, any duty or responsibility related to recordkeeping, or the
20 maintenance of patient confidentiality. Any health care practitioner
21 who engages in telemedicine in a manner that does not comply with
22 the ordinary standards of care or rules of practice applicable to in-
23 person practice, shall be subject to discipline by the respective
24 licensing board, as provided by law.

25 c. A health care practitioner is authorized to engage in
26 consultations with an out-of-state peer professional, including, but
27 not limited to, a sub-specialist, using electronic or other means, and
28 shall not be required to obtain an additional license or separate
29 authorization in order to do so.

30 d. Notwithstanding any other provision of law to the contrary,
31 and in order to facilitate the increased use of telemedicine as
32 authorized by this section, when a health care practitioner proposes
33 to engage in telemedicine with patients in a hospital, the governing
34 body of the hospital, as necessary and appropriate, shall verify and
35 approve the credentials of, and grant telemedicine practice
36 privileges to, such practitioner, based solely upon the
37 recommendations of the hospital's medical staff, which
38 recommendations have been derived from information provided by
39 the originating site employer.

40 e. In accordance with the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.), the State boards or other
42 entities that, pursuant to Title 45 of the Revised Statutes, are
43 responsible for the licensure of health care practitioners in the State,
44 shall each adopt rules and regulations that are applicable to the
45 health care practitioners under their respective jurisdictions, as may
46 be necessary to clarify that such practitioners, when engaged in

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 telemedicine, will be subject to the same rules of practice and
2 standards of care as are applicable to health care practitioners who
3 are engaged in the provision of health care services to patients
4 through the use of traditional in-person means or methods. Such
5 rules and regulations may require an applicant for an initial or
6 renewed practice license to provide proof of their successful
7 completion of training in the effective use of technology and the
8 maintenance of records and patient confidentiality when engaging
9 in telemedicine.

10 f. As used in this section:

11 “Health care practitioner” means an individual who provides a
12 health care service to a patient in the State, and includes, but is not
13 limited to, a physician, nurse practitioner, psychologist,
14 psychiatrist, psychoanalyst, licensed clinical social worker,
15 physician assistant, or any other health care professional acting
16 within the scope of a valid license or certification issued pursuant to
17 Title 45 of the Revised Statutes.

18 “Health care service” means any health-related service,
19 including, but not limited to, diagnosis, testing, or treatment of
20 physical or mental human disease or dysfunction; consultation
21 related to such diagnosis, testing, or treatment; and any other
22 service which is rendered for the purpose of determining the status
23 of, or maintaining or restoring, an individual’s physical or mental
24 health, and for which a license or certification is required, as a pre-
25 condition to the rendering thereof, pursuant to Title 45 of the
26 Revised Statutes.

27 “Originating site employer” means the person or entity that
28 employs a health care practitioner at the site where the practitioner
29 originates and renders services, through the use of telemedicine, to
30 a patient who is located at a remote site.

31 “Telemedicine” means the delivery of a health care service using
32 electronic communications, information technology, or other
33 electronic or technological means to bridge the gap between the
34 health care practitioner who is located at one site, and a patient who
35 is located at a different, remote site, either with or without the
36 assistance of an intervening health care provider, and which
37 typically involves the provision of health care services through the
38 application of secure, two-way videoconferencing or store-and-
39 forward technology that is designed to replicate the traditional in-
40 person encounter and interaction between health care practitioner
41 and patient by allowing for interactive, real-time visual and auditory
42 communication, and the electronic transmission of images,
43 diagnostics, and medical records. “Telemedicine” does not include
44 the use of audio-only telephone conversation, electronic mail,
45 instant messaging, phone text, or facsimile transmission.

46

47 2. (New section) The Board of Medical Examiners shall
48 evaluate the Telemedicine Licensure Compact currently being

1 promoted by the Federation of State Medical Boards, and shall
2 determine what State actions and legislation are necessary to allow
3 the State to participate in the compact. Within 180 days after the
4 effective date of P.L. , c. (C.) (pending before the
5 Legislature as this bill), the board shall submit a report to the
6 Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
7 19.1), to the Legislature, containing its findings on the matter, and
8 providing recommendations for legislation or other State action that
9 may be necessary to implement the Telemedicine Licensure
10 Compact in this State.

11

12 3. (New section) a. Unless specifically prohibited or limited
13 by federal or State law, health care services that are delivered to a
14 patient through the use of telemedicine shall be covered, under the
15 State Medicaid and NJ FamilyCare programs, to the same extent
16 that such services would be covered if they were delivered through
17 traditional in-person means or methods. In-person contact between
18 a health care practitioner and a patient shall not be required as a
19 condition of provider reimbursement under the Medicaid or NJ
20 FamilyCare programs for: (1) health care services that are
21 delivered through the use of telemedicine, so long as the use of
22 telemedicine in the particular case is not medically contraindicated,
23 and the services would otherwise be eligible for reimbursement
24 under such programs if delivered in person; and (2) professional
25 fees and facility fees associated with the delivery of health care
26 services through the use of telemedicine, as authorized by section 1
27 of P.L. , c. (C.) (pending before the Legislature as this
28 bill), so long as the fees would otherwise be eligible for
29 reimbursement under such programs in the case of in-person service
30 delivery. Health care services delivered through telemedicine shall
31 be reimbursed at a rate that is equal to the reimbursement rate
32 provided for in-person services.

33 b. Unless expressly required by federal or State law, the
34 Commissioner of Human Services shall not establish any siting or
35 location restrictions on a patient or health care practitioner as a
36 condition of reimbursement under the Medicaid or NJ FamilyCare
37 programs, and shall authorize reimbursement for health care
38 services that are provided through telemedicine, as required by this
39 section, even if the patient is located in his or her own home or in
40 another non-medical facility at the time of the patient's receipt of
41 such services.

42 c. The Commissioner of Human Services, in consultation with
43 the Commissioner of Children and Families, shall apply for such
44 State plan amendments or waivers as may be necessary to
45 implement the provisions of this section, and shall secure federal
46 financial participation for State expenditures under the federal
47 Medicaid program and Children's Health Insurance Program.

1 d. The Commissioner of Human Services, in consultation with
2 the Commissioner of Children and Families, shall adopt rules and
3 regulations, pursuant to the “Administrative Procedure Act,”
4 P.L.1968, c.410 (C.52:14B-1 et seq.), as may be necessary to
5 implement the provisions of this section.

6 e. As used in this section:

7 “Health care practitioner” means an individual who provides a
8 health care service to a patient in the State, and includes, but is not
9 limited to, a physician, nurse practitioner, psychologist,
10 psychiatrist, psychoanalyst, licensed clinical social worker,
11 physician assistant, or any other health care professional acting
12 within the scope of a valid license or certification issued pursuant to
13 Title 45 of the Revised Statutes.

14 “Health care service” means any health-related service,
15 including, but not limited to, diagnosis, testing, or treatment of
16 physical or mental human disease or dysfunction; consultation
17 related to such diagnosis, testing, or treatment; and any other
18 service which is rendered for the purpose of determining the status
19 of, or maintaining or restoring, an individual’s physical or mental
20 health, and for which a license or certification is required, as a pre-
21 condition to the rendering thereof, pursuant to Title 45 of the
22 Revised Statutes.

23 “Medicaid” means the Medicaid program established pursuant to
24 P.L.1968, c.413 (C.30:4D-1 et seq.).

25 “NJ FamilyCare” means the NJ FamilyCare Program established
26 pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

27 “Telemedicine” means the same as that term is defined by
28 section 1 of P.L. , c. (C.) (pending before the Legislature
29 as this bill).

30
31 4. (New section) a. Unless specifically prohibited or limited
32 by federal or State law, any carrier that offers a managed care plan
33 in this State shall provide coverage for health care services that are
34 delivered to a covered person through the use of telemedicine, to
35 the same extent that the services would be covered if they were
36 delivered through in-person means or methods. In-person contact
37 between a health care practitioner and a patient shall not be required
38 as a condition of carrier reimbursement under a managed care plan
39 for: (1) covered services that are delivered through the use of
40 telemedicine, so long as the use of telemedicine in the particular
41 case is not medically contraindicated, and the services would
42 otherwise be eligible for reimbursement if delivered in person; and
43 (2) professional fees and facility fees associated with the delivery of
44 covered services through the use of telemedicine, so long as the fees
45 would otherwise be eligible for reimbursement in the case of in-
46 person service delivery. Covered services delivered through the use
47 of telemedicine shall be reimbursed at a rate that is equal to the
48 reimbursement rate provided for in-person services.

1 b. Unless expressly required by federal or State law, a carrier
2 shall not establish any siting or location restrictions on a patient or
3 health care practitioner as a condition of reimbursement under a
4 managed care plan, and shall authorize reimbursement for health
5 care services that are delivered through telemedicine, as required by
6 this section, even if the patient is located in his or her own home or
7 in another non-medical facility at the time of the patient's receipt of
8 such services.

9 c. A carrier may:

10 (1) charge a deductible, co-payment, or coinsurance for a
11 covered service delivered through telemedicine, so long as it does
12 not exceed the deductible, co-payment, or coinsurance applicable to
13 such service when delivered in person;

14 (2) limit coverage to services that are delivered by health care
15 providers in the health benefits plan's network; and

16 (3) require originating site health care providers to document the
17 reasons the services are being delivered through the use of
18 telemedicine rather than in person.

19 d. Nothing in this section shall be construed to:

20 (1) prohibit a carrier from providing coverage for only those
21 health care services that are medically necessary, subject to the
22 terms and conditions of the covered person's health benefits plan;
23 or

24 (2) require a carrier to reimburse a remote site health care
25 provider if the remote site health care provider has insufficient
26 information to render an opinion.

27 e. As used in this section:

28 "Carrier" means the same as that term is defined by section 2 of
29 P.L.1997, c.192 (C.26:2S-2).

30 "Covered person" means the same as that term is defined by
31 section 2 of P.L.1997, c.192 (C.26:2S-2).

32 "Covered service" means the same as that term is defined by
33 section 2 of P.L.1997, c.192 (C.26:2S-2).

34 "Health care practitioner" means an individual who provides a
35 health care service to a patient in the State, and includes, but is not
36 limited to, a physician, nurse practitioner, psychologist,
37 psychiatrist, psychoanalyst, licensed clinical social worker,
38 physician assistant, or any other health care professional acting
39 within the scope of a valid license or certification issued pursuant to
40 Title 45 of the Revised Statutes.

41 "Health care provider" means the same as that term is defined by
42 section 2 of P.L.1997, c.192 (C.26:2S-2).

43 "Managed care plan" means the same as that term is defined by
44 section 2 of P.L.1997, c.192 (C.26:2S-2).

45 "Originating site" means the site at which a health care
46 practitioner originates and renders services, through the use of
47 telemedicine, to a patient who is located at a remote site.

1 “Remote site” means the distant site at which a patient receives
2 health care services that are being rendered thereto, through the use
3 of telemedicine, by a health care practitioner located at an
4 originating site.

5 “Telemedicine” means the same as that term is defined by
6 section 1 of P.L. , c. (C.) (pending before the Legislature
7 as this bill).

8
9 5. (New section) a. The State Health Benefits Commission
10 shall ensure that every contract purchased thereby, which provides
11 hospital and medical expense benefits, also provides coverage for
12 health care services that are delivered to a covered person through
13 the use of telemedicine, to the same extent that the services would
14 be covered if they were delivered through in-person means or
15 methods. In-person contact between a health care practitioner and a
16 patient shall not be required as a condition of carrier reimbursement
17 under a health benefits contract for: (1) health care services that are
18 delivered through the use of telemedicine, so long as the use of
19 telemedicine in the particular case is not medically contraindicated,
20 and the services would otherwise be eligible for reimbursement if
21 delivered in person; and (2) professional fees and facility fees
22 associated with the delivery of health care services through the use
23 of telemedicine, so long as the fees would otherwise be eligible for
24 reimbursement in the case of in-person service delivery. A contract
25 purchased by the State Health Benefits Commission shall provide
26 for the reimbursement of health care services delivered through the
27 use of telemedicine at a rate that is equal to the reimbursement rate
28 provided for in-person services.

29 b. Unless expressly required by federal or State law, a health
30 benefits contract purchased by the State Health Benefits
31 Commission shall not establish any siting or location restrictions on
32 a patient or health care practitioner as a condition of reimbursement
33 thereunder, and shall authorize reimbursement for health care
34 services that are delivered through telemedicine, as required by this
35 section, even if the patient is located in his or her own home or in
36 another non-medical facility at the time of the patient’s receipt of
37 such services.

38 c. A contract purchased by the State Health Benefits
39 Commission may:

40 (1) provide for a deductible, co-payment, or coinsurance for a
41 health care service delivered through telemedicine, so long as it
42 does not exceed the deductible, co-payment, or coinsurance
43 applicable to such service when delivered in person;

44 (2) limit coverage to services that are delivered by health care
45 providers in the health benefits plan’s network; and

46 (3) require originating site health care providers to document the
47 reasons the services are being delivered through the use of
48 telemedicine rather than in person.

1 d. Nothing in this section shall be construed to:

2 (1) prohibit the State Health Benefits Commission from
3 purchasing a contract that provides coverage for only those health
4 care services that are medically necessary, subject to the terms and
5 conditions of the covered person's health benefits plan; or

6 (2) require the contract purchased by the State Health Benefits
7 Commission to provide for the reimbursement of a remote site
8 health care provider if the remote site health care provider has
9 insufficient information to render an opinion.

10 e. As used in this section:

11 "Health care practitioner" means an individual who provides a
12 health care service to a patient in the State, and includes, but is not
13 limited to, a physician, nurse practitioner, psychologist,
14 psychiatrist, psychoanalyst, licensed clinical social worker,
15 physician assistant, or any other health care professional acting
16 within the scope of a valid license or certification issued pursuant to
17 Title 45 of the Revised Statutes.

18 "Health care provider" means and includes a health care
19 practitioner, and a hospital or other health care facility licensed
20 pursuant to Title 26 of the Revised Statutes.

21 "Health care service" means any health-related service,
22 including, but not limited to, diagnosis, testing, or treatment of
23 physical or mental human disease or dysfunction; consultation
24 related to such diagnosis, testing, or treatment; and any other
25 service which is rendered for the purpose of determining the status
26 of, or maintaining or restoring, an individual's physical or mental
27 health, and for which a license or certification is required, as a pre-
28 condition to the rendering thereof, pursuant to Title 45 of the
29 Revised Statutes.

30 "Originating site" means the site at which a health care
31 practitioner originates and renders health care services, through the
32 use of telemedicine, to a patient who is located at a remote site.

33 "Remote site" means the distant site at which a patient receives
34 health care services that are being rendered thereto, through the use
35 of telemedicine, by a health care practitioner who is located at an
36 originating site.

37 "Telemedicine" means the same as that term is defined by
38 section 1 of P.L. , c. (C.) (pending before the Legislature
39 as this bill).

40

41 6. (New section) a. The School Employees' Health Benefits
42 Commission shall ensure that every contract purchased thereby,
43 which provides hospital and medical expense benefits, also provides
44 coverage for health care services that are delivered to a covered
45 person through the use of telemedicine, to the same extent that the
46 services would be covered if they were provided through in-person
47 means or methods. In-person contact between a health care
48 practitioner and a patient shall not be required as a condition of

1 reimbursement under such a contract for: (1) health care services
2 that are delivered through the use of telemedicine, so long as the
3 use of telemedicine in the particular case is not medically
4 contraindicated, and the services would otherwise be eligible for
5 reimbursement if delivered in person; and (2) professional fees and
6 facility fees associated with the delivery of health care services
7 through the use of telemedicine, so long as the fees would otherwise
8 be eligible for reimbursement in the case of in-person service
9 delivery. A contract purchased by the School Employees' Health
10 Benefits Commission shall provide for the reimbursement of health
11 care services delivered through the use of telemedicine at a rate that
12 is equal to the reimbursement rate provided for in-person services.

13 b. Unless expressly required by federal or State law, a health
14 benefits contract purchased by the School Employees' Health
15 Benefits Commission shall not establish any siting or location
16 restrictions on a patient or health care practitioner as a condition of
17 reimbursement thereunder, and shall authorize reimbursement for
18 health care services that are delivered through telemedicine, as
19 required by this section, even if the patient is located in his or her
20 own home or in another non-medical facility at the time of the
21 patient's receipt of such services.

22 c. A contract purchased by the School Employees' Health
23 Benefits Commission may:

24 (1) provide for a deductible, co-payment, or coinsurance for a
25 health care service delivered through telemedicine, so long as it
26 does not exceed the deductible, co-payment, or coinsurance
27 applicable to such service when delivered in person;

28 (2) limit coverage to services that are delivered by health care
29 providers in the health benefits plan's network; and

30 (3) require originating site health care providers to document the
31 reasons the services are being delivered through the use of
32 telemedicine rather than in person.

33 d. Nothing in this section shall be construed to:

34 (1) prohibit the School Employees' Health Benefits Commission
35 from purchasing a contract that provides coverage for only those
36 health care services that are medically necessary, subject to the
37 terms and conditions of the covered person's health benefits plan;
38 or

39 (2) require the contract purchased by the School Employees'
40 Health Benefits Commission to provide for the reimbursement of a
41 remote site health care provider if the remote site health care
42 provider has insufficient information to render an opinion.

43 e. As used in this section:

44 "Health care practitioner" means an individual who provides a
45 health care service to a patient in the State, and includes, but is not
46 limited to, a physician, nurse practitioner, psychologist,
47 psychiatrist, psychoanalyst, licensed clinical social worker,
48 physician assistant, or any other health care professional acting

1 within the scope of a valid license or certification issued pursuant to
2 Title 45 of the Revised Statutes.

3 “Health care provider” means and includes a health care
4 practitioner, and a hospital or other health care facility licensed
5 pursuant to Title 26 of the Revised Statutes.

6 “Health care service” means any health-related service,
7 including, but not limited to, diagnosis, testing, or treatment of
8 physical or mental human disease or dysfunction; consultation
9 related to such diagnosis, testing, or treatment; and any other
10 service which is rendered for the purpose of determining the status
11 of, or maintaining or restoring, an individual’s physical or mental
12 health, and for which a license or certification is required, as a pre-
13 condition to the rendering thereof, pursuant to Title 45 of the
14 Revised Statutes.

15 “Originating site” means the site at which a health care
16 practitioner originates and renders health care services, through the
17 use of telemedicine, to a patient who is located at a remote site.

18 “Remote site” means the distant site at which a patient receives
19 health care services that are being rendered thereto, through the use
20 of telemedicine, by a health care practitioner who is located at an
21 originating site.

22 “Telemedicine” means the same as that term is defined by
23 section 1 of P.L. , c. (C.) (pending before the Legislature
24 as this bill).

25

26 7. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to
27 read as follows:

28 5. a. The commissioner shall adopt rules and regulations ,
29 pursuant to the "Administrative Procedure Act," P.L.1968,
30 c.410 (C.52:14B-1 et seq.) , regarding a screening service and its
31 staff **【that】** , as may be necessary to effectuate the following
32 purposes and procedures:

33 **【a. A】** (1) Except when mental health screening services are
34 provided remotely, through the use of telemedicine, a screening
35 service shall serve as the facility in the public mental health care
36 treatment system wherein a person believed to be in need of
37 involuntary commitment to outpatient treatment, a short-term care
38 facility, a psychiatric facility , or a special psychiatric hospital
39 **【undergoes】** will undergo an assessment to determine what mental
40 health services are appropriate for the person and where those
41 services may be most appropriately provided in the least restrictive
42 environment.

43 The screening service may provide emergency and consensual
44 treatment to the person receiving the assessment , and may transport
45 the person or detain the person up to 24 hours for the purposes of
46 providing the treatment and conducting the assessment.

47 **【b.】** (2) When a person is assessed by a mental health screener ,
48 either directly, through traditional in-person means or methods, or

1 remotely, through the use of telemedicine, and the mental health
2 screeener determines that the person's involuntary commitment to
3 treatment seems necessary, the screener shall provide, on a
4 screening document prescribed by the division, information
5 regarding the person's history and available alternative facilities and
6 services that are deemed inappropriate for the person. When
7 appropriate and available, and as permitted by law, the screener
8 shall make reasonable efforts to gather information from the
9 person's family or significant others for the purposes of preparing
10 the screening document. If a psychiatrist, in consideration of this
11 document and in conjunction with the psychiatrist's own complete
12 assessment, concludes that the person is in need of commitment to
13 treatment, the psychiatrist shall complete the screening certificate.
14 The screening certificate shall be completed by a psychiatrist except
15 in those circumstances where the division's contract with the
16 screening service provides that another physician may complete the
17 certificate.

18 Upon completion of the screening certificate, screening service
19 staff shall determine, in consultation with the psychiatrist or another
20 physician, as appropriate, the least restrictive environment for the
21 appropriate treatment to which the person shall be assigned or
22 admitted, taking into account the person's prior history of
23 hospitalization and treatment and the person's current mental health
24 condition. Screening service staff shall designate:

25 **[(1)]** (a) inpatient treatment for the person if he is immediately
26 or imminently dangerous ₂ or if outpatient treatment is deemed
27 inadequate to render the person unlikely to be dangerous to self,
28 others ₂ or property within the reasonably foreseeable future; and

29 **[(2)]** (b) outpatient treatment for the person when outpatient
30 treatment is deemed sufficient to render the person unlikely to be
31 dangerous to self, others ₂ or property within the reasonably
32 foreseeable future.

33 If the screening service staff determines that the person is in
34 need of involuntary commitment to outpatient treatment, the
35 screening service staff shall consult with an outpatient treatment
36 provider to arrange, if possible, for an appropriate interim plan of
37 outpatient treatment in accordance with section 9 of P.L.2009,
38 c.112 (C.30:4-27.8a).

39 If a person has been admitted three times or has been an inpatient
40 for 60 days at a short-term care facility during the preceding 12
41 months, consideration shall be given to not placing the person in a
42 short-term care facility.

43 The person shall be admitted to the appropriate facility or
44 assigned to the appropriate outpatient treatment provider, as
45 appropriate for treatment, as soon as possible. Screening service
46 staff are authorized to coordinate the initiation of outpatient
47 treatment ₂ or to transport **[the person]** ₂ or arrange for
48 transportation of ₂ the person to the appropriate facility.

1 **[c.]** (3) If the mental health screener determines that the
2 person is not in need of assignment or commitment to an outpatient
3 treatment provider, or admission or commitment to a short-term
4 care facility, psychiatric facility , or special psychiatric hospital, the
5 screener shall refer the person to an appropriate community mental
6 health or social services agency or appropriate professional or
7 inpatient care in a psychiatric unit of a general hospital.

8 **[d.]** (4) A mental health screener shall make a screening
9 outreach visit , or shall conduct a mental health screening through
10 the use of telemedicine, if the screener determines, based on
11 clinically relevant information provided by an individual with
12 personal knowledge of the person subject to screening, that the
13 person may need involuntary commitment to treatment and **[the**
14 **person]** is unwilling or unable to come to the screening service for
15 an assessment.

16 **[e.]** (5) If the mental health screener **[pursuant to this**
17 **assessment]** determines that there is reasonable cause to believe
18 that **[a]** the person is in need of involuntary commitment to
19 treatment, the screener shall so certify the need on a form prepared
20 by the division.

21 b. The rules and regulations adopted pursuant to this section
22 shall authorize the initiation and completion of mental health
23 screening through the use of telemedicine, subject only to the
24 existing rules and regulations that are applicable to in-person
25 mental health screening processes. A mental health screener shall
26 not be required to obtain a separate license or authorization in order
27 to engage in telemedicine for mental health screening purposes, and
28 shall not be required to request and obtain a waiver from existing
29 rules, as provided in N.J.A.C.10:31-11.1 et seq., prior to engaging
30 in the mental health screening process by means of telemedicine.

31 c. As used in this section, “telemedicine” means the same as
32 that term is defined by section 1 of P.L. , c. (C.) (pending
33 before the Legislature as this bill).

34 (cf: P.L.2009, c.112, s.5)

35
36 8. Section 5 of P.L.1939, c.115 (C.45:9-5.1) is amended to read
37 as follows:

38 5. **[Within the meaning of this chapter (45:9-1 et seq.), except]**

39 a. Except as [herein] may be otherwise expressly provided by
40 law , [and except for the purposes of the exemptions hereinafter
41 contained in sections 45:9-14.1 to 45:9-14.10, inclusive, the phrase
42 "the practice of medicine or surgery" and the phrase "the practice of
43 medicine and surgery" shall include] as used in Chapter 9 of Title
44 45 of the Revised Statutes:

45 “Board” means the Board of Medical Examiners established
46 pursuant to R.S.45:9-1.

1 “Medical practice license” means a board-issued license that
2 authorizes the holder thereof to engage in the practice of medicine
3 with patients in this State, and includes a license that is issued to an
4 in-State applicant, following an examination thereof, as provided by
5 R.S.45:9-6, and a reciprocal license that is issued to an out-of-State
6 applicant, without an examination thereof, as provided by R.S.45:9-
7 13.

8 “Physician” means a person who possesses a current and valid
9 license to engage in the practice of medicine.

10 “Practice of medicine” means the practice of any branch of
11 medicine [and/or] or surgery, including, but not limited to, the
12 practice of osteopathy, as defined by section 17 of P.L.1939,
13 c.115 (C.45:9-14.3), and [any method of] the diagnosis or
14 treatment of any human ailment, disease, pain, injury, deformity, or
15 mental or physical condition [, and the term "physician and
16 surgeon" or "physician or surgeon" shall be deemed to include
17 practitioners in any branch of medicine and/or surgery or method of
18 treatment of human ailment, disease, pain, injury, deformity, mental
19 or physical condition. Within the meaning of this act, except as
20 herein otherwise specifically provided, and except for the purposes
21 of the exemptions hereinafter contained in sections 45:9-14.1 to
22 45:9-14.10, inclusive, the practice of medicine and/or surgery shall
23 be deemed to include, inter alia, the practice of osteopathy, and
24 nothing herein contained shall be construed to exempt the holder of
25 a license issued under or validated by the provisions contained in
26 sections 45:9-14.1 to 45:9-14.10, inclusive, from the operation of
27 the provisions contained in section 45:9-16 of this Title. A
28 professional] using any means or method, including, but not limited
29 to, telemedicine. “Practice of medicine” does not include the
30 practice of healing through spiritual, religious, or mental means
31 alone, such as through prayer, provided that no material medicine is
32 prescribed or used, and no physical manipulation or material means
33 are employed, for healing purposes.

34 “Professional school or [college shall be taken to mean]
35 college” means a medical school or college , or any other school or
36 college having purposes similar to a medical school or college [;
37 provided, however, that as to any applicant for a license under the
38 provisions of this chapter who, prior to October first, one thousand
39 nine hundred and thirty-five, matriculated in such a school or
40 college, a professional school or college shall, for the purposes of
41 the provisions contained in sections 45:9-6 to 45:9-11, inclusive, be
42 taken to mean a medical school or college which required the study
43 of medicine and surgery in all of its branches. In all instances,
44 unless] , which, except as otherwise provided, [such school or
45 college shall be] has been approved by the board.

1 “Telemedicine” means the same as that term is defined by
2 section 1 of P.L. , c. (C.) (pending before the Legislature
3 as this bill).

4 b. Notwithstanding any other law, rule, or regulation to the
5 contrary:

6 (1) Whenever, in any law, rule, or regulation, reference is made
7 to “a physician or surgeon,” “a physician and surgeon,” “a person
8 licensed to practice medicine or surgery,” “a person licensed to
9 practice medicine and surgery,” “a physician licensed to practice
10 medicine or surgery,” or “a physician licensed to practice medicine
11 and surgery,” the same shall be deemed to mean a “physician,” as
12 defined by subsection a. of this section.

13 (2) Whenever, in any law, rule, or regulation, reference is made
14 to the “practice of medicine or surgery” or the “practice of medicine
15 and surgery,” the same shall be deemed to mean the “practice of
16 medicine,” as defined by subsection a. of this section.

17 (3) Whenever, in any law, rule, or regulation, reference is made
18 to a “license to practice medicine or surgery” or a “license to
19 practice medicine and surgery,” the same shall be deemed to mean a
20 “medical practice license,” as defined by subsection a. of this
21 section.

22 (4) Whenever, in any law, rule, or regulation, reference is made
23 to a “permit to practice medicine or surgery” or a “permit to
24 practice medicine and surgery,” the same shall be deemed to mean a
25 permit or certificate of registration that is issued, pursuant to
26 section 12 of P.L.1989, c.300 (C.45:9-19.12), to a person who is
27 engaging in the practice of medicine while in training.

28 (cf: P.L.1953, c.233, s.2)

29
30 9. R.S.45:9-6 is amended to read as follows:

31 45:9-6. **【All persons commencing the】** a. (1) No person shall
32 engage in the unauthorized practice of medicine **【or surgery】** in this
33 State. Any person who proposes to commence the practice of
34 medicine with any patient in the State shall first apply to the board
35 for a license **【so】** to do so, in accordance with the provisions of
36 subsection b. of this section, or the provisions of R.S.45:9-13, as
37 appropriate.

38 (2) A person shall be regarded as engaging in the unauthorized
39 practice of medicine in this State if the person, despite not being
40 licensed under this section or R.S.45:9-13: (a) holds himself or
41 herself out to the public as being able to diagnose, treat, issue
42 prescriptions for, or engage in physical operations to address, any
43 human ailment, disease, pain, injury, deformity, or mental or
44 physical condition, whether through the use of traditional in-person
45 means or methods, or through telemedicine; (b) holds himself or
46 herself out to the public as being able to diagnose or treat any
47 human ailment, disease, pain, injury, deformity, or mental or
48 physical condition through the use of quasi-medical processes, such

1 as faithcurism, faith healing, mind healing, laying on of hands, or
 2 similar non-traditional healing systems; or (c) actively engages in
 3 any of the activities described in subparagraphs (a) and (b) of this
 4 paragraph.

5 (3) Except as otherwise provided by section 3 of P.L.1989,
 6 c.153 (C.45:9-41.19), or by any other law, the association of a
 7 person's name with a medical abbreviation or designation, such as
 8 "doctor," "physician," "surgeon," "Dr.," "M.D.," "M.B.,"
 9 "professor of medicine," "professor of surgery," or any other title
 10 intended or designed to identify the person as a physician, shall
 11 constitute evidence of the person's engagement in the practice of
 12 medicine. [The board shall, except]

13 b. Except as [herein] otherwise provided by R.S.45:9-13, the
 14 board shall examine all [qualified] applicants for [such] a medical
 15 practice license. Every license applicant shall present to the board
 16 secretary [of the board], at least 20 days before [the
 17 commencement of] the examination at which [he desires] the
 18 applicant wishes to be examined, a written application for
 19 admission to the examination on a form provided by the board,
 20 together with satisfactory proof that [he] the applicant is more than
 21 21 years of age, is of good moral character, and is either a citizen of
 22 the United States or has declared his intention to become [such] a
 23 U.S. citizen. [He] The applicant shall also present [to] the board
 24 with a certificate [of] from the Commissioner of Education of this
 25 State showing that [, before entering a professional school or
 26 college, he had] the applicant has obtained an academic education
 27 consisting of a [4 years'] four year course of study in an approved
 28 public or private high school , or [the] an equivalent [thereof]
 29 course of study, prior to commencing training at a professional
 30 school or college, and shall additionally submit to the board, any
 31 other information and proofs required by R.S.45:9-7 and R.S.45:9-
 32 8.

33 c. Any license issued to an applicant [prior to becoming] who
 34 is not yet a citizen of the United States shall be treated as a
 35 temporary license , and shall be subject to the provisions of
 36 [Revised Statutes 45:9-14] R.S.45:9-14.

37 (cf: P.L.1968, c.16, s.1)

38

39 10. Section 1 of P.L.1971, c.236 (C.45:9-6.1) is amended to read
 40 as follows:

41 1. a. All [persons who are licensed to practice medicine and
 42 surgery] physicians engaging in the practice of medicine with
 43 patients in this State shall be required , on or before July 1
 44 biennially , to register on [the] a form prescribed by the board and
 45 furnished by the executive director [of the board] thereof, and to
 46 pay a biennial registration fee to be determined by the board. Upon

1 receipt of a physician's biennial registration form and fee payment,
2 the board shall provide the physician with a biennial certificate of
3 registration, which confirms the physician's compliance with this
4 section.

5 b. The license of any **[licensee]** physician who fails to procure
6 **[any]** a biennial certificate of registration, pursuant to subsection a.
7 of this section, shall be automatically suspended on July 1. It shall
8 be the duty of the executive director of the board , on June 1 of each
9 year , to send a written notice to the last known address of each
10 **[licensee]** physician practicing in the State whose license is
11 expiring that year, regardless of whether the physician is a State
12 resident or not, **[at his last address on file with the board,]**
13 reminding the physician that **[his]** the biennial registration fee is
14 due on or before July 1 , and that **[his]** the physician's license to
15 practice in this State will be suspended if **[he does not procure**
16 **said]** the fee is not paid and the certificate procured by July 1 of
17 that year.

18 c. Any **[licensee]** person whose medical practice license has
19 been suspended under this section may **[be]** have their license
20 reinstated by the payment of all past due annual registration fees
21 and , in addition thereto , a fee to be determined by the board to
22 cover cost of reinstatement.

23 d. Any **[person]** physician who **[desires]** intends to retire from
24 the practice of medicine **[and surgery,]** and refrain, during the
25 period of retirement **[to refrain]** , from practicing under the terms
26 of **[his]** their medical practice license, may, upon application to the
27 executive director of the board, **[may]** be registered biennially as a
28 retired physician, without the payment of **[any]** the registration fee
29 required by subsection a. of this section **[, as a retired physician].**
30 The certificate of registration **[which shall be]** issued to a retired
31 physician shall state, among other things, that the holder has been
32 licensed to practice in New Jersey, but **[that]** , during **[his]** the
33 period of retirement **[he]** , shall not so practice. The holder of such
34 a certificate of registration **[as a retired licensee]** shall be entitled
35 to resume the practice of medicine at any time; provided **[, he]** that
36 the retired physician first **[shall have obtained]** obtains, from the
37 executive director , a biennial certificate of registration for
38 practicing physicians, as **[herein before]** provided in subsection a.
39 of this section. Any person who holds a certificate of registration as
40 a retired physician shall, during the period of such retirement, be
41 regarded as an unlicensed person, and any such person who
42 commences or continues the practice of medicine under the terms of
43 their medical practice license, without first having obtained a
44 biennial certificate of registration authorizing the physician to

1 resume such practice, shall be liable to the penalties prescribed by
2 R.S.45:9-22.

3 e. If an applicant for reinstatement of licensure has not engaged
4 in the practice of medicine in any jurisdiction for a period of more
5 than five years, or the board's review of the reinstatement
6 application establishes a basis for concluding that there may be
7 clinical deficiencies in need of remediation, **【before reinstatement】**
8 the board may require the applicant , prior to reinstatement, to
9 submit to, and successfully pass, an examination or **【an】** skills
10 assessment **【of skills】**. If that examination or skills assessment
11 identifies clinical deficiencies or educational needs, the board may
12 require the **【licensee】** applicant, as a condition of reinstatement of
13 licensure, to take and successfully complete any educational
14 training, or to submit to any supervision, monitoring , or limitations
15 **【, as】** that the board determines are necessary to assure that the
16 **【licensee practices】** applicant, once reinstated, will practice with
17 reasonable skill and safety.

18 f. The license to practice medicine **【and surgery of】** , which is
19 held by any person who fails to procure **【any】** a biennial certificate
20 of registration **【, or in lieu thereof a biennial certificate of**
21 registration】 either as a practicing physician or a retired 【licensee】
22 physician, shall , at the time and in the manner required by this act
23 **【shall】** , be automatically suspended. Any person whose license
24 **【shall have been】** is automatically suspended shall, during the
25 period of such suspension, be regarded as an unlicensed person , and
26 **【, in case he shall continue or engage in】** any such person who
27 commences or continues the practice of medicine under the terms of
28 **【his】** their medical practice license during such period **【,】** shall be
29 liable to the penalties prescribed by R.S.45:9-22. **【Any person to**
30 whom a certificate of registration as a retired licensee shall have
31 been issued who shall continue or engage in practice under the
32 terms of his license without first having obtained a certificate of
33 registration authorizing him to resume such practice, shall be liable
34 to the penalties prescribed by R.S.45:9-22 for practicing without a
35 license. It shall be the duty of each such licensee holding】

36 g. Each physician who holds a biennial certificate of
37 registration 【to practice medicine and surgery in this State】 that has
38 been issued under this section , whether a State resident or not, 【to】
39 shall notify the executive director of the board , in writing , of any
40 change in **【his】** the physician's office address or **【his】** employment
41 within ten days after such change **【shall have】** has taken place.

42 h. This section shall not be construed so as to render
43 inoperative the provisions of R.S.45:9-17.

44 (cf: P.L.2001, c.307, s.5)

45

46 11. R.S.45:9-7 is amended to read as follows:

1 45:9-7. Except as otherwise provided in this chapter **[9** of
2 Title 45 of the Revised Statutes] and in addition to any other
3 requirements provided thereby , every applicant for admission to an
4 examination for a medical practice license **[to practice medicine**
5 and surgery] shall **[also]** present proof acceptable to the board
6 demonstrating that , in addition **[to]**, and subsequent to **[,]**
7 obtaining the preliminary education specified in R.S.45:9-6, and
8 prior to commencing **[his]** study in a professional school or
9 college, **[he]** the applicant had completed a satisfactory course of
10 study in a college or school of arts and science accredited by an
11 agency recognized by the board, the duration of **[such]** which
12 course **[to have been]** was at least two years in length, **[during**
13 which period he had earned no] and resulted in the accrual of not
14 less than 60 course-hour credits, **[which credits include one three-**
15 credit course] including three credits each in chemistry, physics
16 and biology.

17 An applicant whose premedical education does not meet the
18 requirements set forth in this section may, at the discretion of the
19 board, be permitted to remediate the substantive deficiencies in a
20 manner determined by rules adopted by the board, and be deemed
21 eligible for licensure. The board may waive the educational
22 requirements of this section for any applicant who demonstrates that
23 he has attained the substantial equivalent of these requirements
24 through his post-secondary education, competency,
25 accomplishments and achievements in the practice of medicine
26 **[and surgery]**.

27 (cf: P.L.1993, c.145, s.1)

28

29 12. R.S.45:9-8 is amended to read as follows:

30 45:9-8. a. Except as otherwise provided in **[R.S.45:9-1 et seq.]**
31 this chapter, and in addition to any other requirements provided
32 thereby, every applicant for admission to **[licensure by]** an
33 examination **[to]** for a medical practice **[medicine and surgery]**
34 license shall **[, in addition to the requirements set forth in R.S.45:9-
35 1 et seq.]**:

36 **[a.]** (1) Prove to the board that the applicant has received (a) a
37 diploma from some legally incorporated professional school or
38 college of the United States, Canada or other foreign country,
39 which school or college, in the opinion of the board, was in good
40 standing at the time of the issuance of the diploma, or (b) a license
41 conferring the full right to practice all of the branches of medicine
42 and surgery in some foreign country; **[and]**

43 (2) **[Shall further prove]** Prove to the board that, prior to the
44 receipt of such diploma or license, as aforesaid, the applicant had
45 studied not less than **[4]** four full school years, including four
46 satisfactory courses of lectures of at least eight months each, either

1 consecutively or in four different calendar years, in some legally
2 incorporated and registered American or foreign professional school
3 or schools, college or colleges in good standing in the opinion of
4 the board, which courses shall have included a thorough and
5 satisfactory course of instruction in medicine and surgery; and

6 **【b. (1) The】** ~~(3) (a) If the~~ applicant **【, if he has】** graduated
7 from a professional school or college **【after July 1, 1916 and】**
8 before July 1, 2003, **【shall further】** prove to the board that, **【after**
9 **receiving such】** following graduation and receipt of a diploma or
10 license, **【he】** the applicant has completed **【an】** at least a one-year
11 internship , acceptable to the board **【for at least one year】** , in a
12 hospital approved **【by the board】** thereby , or , in lieu thereof **【he】** ,
13 has completed one year of post-graduate work , acceptable to the
14 board , in a school or hospital approved by the board, unless
15 required by regulation to complete additional post-graduate work;
16 or

17 **【(2) The】** ~~(b) If the~~ applicant **【, if he has】** graduated from a
18 **【medical】** professional school or college after July 1, 2003, **【shall**
19 **further】** prove to the board that, **【after receiving his】** following
20 graduation and receipt of a diploma, **【he】** the applicant has
21 completed , and received academic credit for , at least two years of
22 post-graduate training in an accredited program and has signed a
23 contract for a third year of post-graduate training in an accredited
24 program, and , moreover, that at least two years of that training are
25 in the same field , or would, when considered together, be credited
26 toward the criteria for certification by a single specialty board
27 recognized by the American Board of Medical Specialties **【or】** , the
28 American Osteopathic Association , or another certification entity
29 **【with】** having comparable standards **【that】** , and which is
30 acceptable to the board.

31 **【c.】** b. If an applicant for licensure has not engaged in practice
32 for a period of more than five years, or the board's review of the
33 application establishes a basis for concluding that there may be
34 clinical deficiencies in need of remediation, the board may require
35 the applicant to submit to, and successfully pass, an examination or
36 an assessment of skills. If that examination or assessment identifies
37 clinical deficiencies or educational needs, the board may require an
38 applicant, as a condition of licensure, to take and successfully
39 complete any educational training, or to submit to any supervision,
40 monitoring or limitations, as the board determines are necessary to
41 assure that the applicant will practice with reasonable skill and
42 safety.

43 (cf: P.L.2001, c.307, s.6)

44

45 13. R.S.45:9-13 is amended to read as follows:

1 45:9-13. **【Any】** a. (1) Whenever an applicant for a medical
2 practice license **【to practice medicine and surgery, upon proving】**
3 submits evidence to the board showing that **【he】** the applicant has
4 been examined and licensed by the examining and licensing board
5 of another **【State】** state of the United States , or by the National
6 Board of Medical Examiners , or **【by certificates of】** has received a
7 certificate from the National Board of Examiners for Osteopathic
8 Physicians and Surgeons, the board shall issue a reciprocal medical
9 practice license to the applicant, without conducting an examination
10 as required by R.S.45:9-6, provided that the criteria identified in
11 section 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been
12 satisfied.

13 (2) If a person applies for reciprocal medical practice licensure,
14 pursuant to subsection a. of this section, and the board finds that the
15 criteria in section 3 of P.L.2013, c.182 (C.45:1-7.5) are not
16 satisfied, the board may still elect, in **【the】** its discretion **【of the**
17 board of medical examiners of this State, be granted】 , to issue a
18 reciprocal medical practice license **【to practice medicine and**
19 surgery】 to such applicant, without further examination **【upon**
20 payment to the treasurer of the board of a license fee of \$150.00;】
21 thereof, provided **【,】** that such applicant **【shall furnish proof】**
22 establishes that he or she can fulfill the requirements **【demanded in**
23 the other sections】 of this article relating to applicants for
24 **【admission】** licensure by examination. **【In any such application for**
25 a license without examination, all】

26 b. For the purposes of this section, any questions **【of】** related
27 to the academic requirements of other **【States】** states shall be
28 determined by the Commissioner of Education of this State.

29 c. The board is authorized to impose a licensing fee of \$150 in
30 association with the issuance of a reciprocal medical practice
31 license under this section.

32 (cf: P.L.1973, c.166, s.3)

33

34 14. R.S.45:9-15 is amended to read as follows:

35 45:9-15. **【All examinations】** Any examination that is provided
36 in association with the issuance or reinstatement of a medical
37 practice license shall be written in the English language, and, except
38 as otherwise provided in **【the exemptions contained in】** this chapter
39 **【(45:9-1, et seq.), the questions】** , shall **【be】** include such questions
40 as can be answered in common by all schools of practice. The
41 examinations shall **【be】** test applicants in the following subjects:
42 Pharmacology and therapeutics; obstetrics and gynecology;
43 diagnosis, including diseases of the skin, nose and throat; surgery,
44 including surgical anatomy and diseases of the eye, ear and genito-
45 urinary organs; anatomy; physiology; chemistry; histology;
46 pathology; bacteriology; hygiene; medical jurisprudence; and such

1 other subjects as the board may decide. If any applicant has
2 completed a course of four full school years of study in , and has
3 **【been regularly】** graduated from , a school of homeopathy or
4 eclecticism, the member or members of the board of those schools,
5 respectively, shall examine such applicant in the pharmacology and
6 therapeutics of the school from which such applicant has **【been】** so
7 graduated. All examinations shall be both scientific and practical,
8 and of sufficient severity to test the candidate's fitness to engage in
9 the practice of medicine **【and surgery】**. If the applicant passes the
10 examination **【is satisfactory】**, the board shall issue or reinstate, as
11 appropriate, a medical practice license entitling the applicant to
12 engage in the practice of medicine **【and/or surgery】** with patients in
13 this State. **【Said】** The application and examination papers shall be
14 retained in the files of the board for a period of five years, and shall
15 be prima facie evidence of all matters therein contained. All
16 licenses shall be signed by the president and secretary of the board
17 and attested by the seal thereof. All licenses granted under the
18 exemptions contained in this chapter **【(45:9-1, et seq.)】** shall bear
19 indication of the **【school of】** practice area in which the licensee is
20 limited to practice, by virtue of **【said】** the license **【to practice】**.
21 (cf: P.L.1939, c.115, s.25)

22
23 15. R.S.45:9-19 is amended to read as follows:

24 45:9-19. The clerk of every court wherein **【any person**
25 licensed to practice medicine and surgery in this state】 a physician
26 is convicted of a crime shall **【make】** submit a written report thereof
27 **【in writing】** to the board , upon blanks provided **【by the board】**
28 thereby. The report shall state the name and address of the person
29 so convicted, the date thereof, the nature of the crime of which **【he】**
30 the person was convicted , and the sentence imposed by the court.
31 (cf: R.S.45:9-19)

32
33 16. Section 12 of P.L.1989, c.300 (C.45:9-19.12) is amended to
34 read as follows:

35 12. The State Board of Medical Examiners shall, by regulation,
36 provide for the issuance of permits to, or the registration of, persons
37 engaging in either the practice of medicine **【or surgery】** or the
38 practice of podiatric medicine while in training, and shall establish
39 the scope of permissible practice by **【these】** such persons , within
40 the context of an accredited graduate medical education program
41 conducted at a hospital licensed by the Department of Health. **【A】**
42 The holder of a permit **【holder】** or certificate of registration issued
43 pursuant to this section shall be **【permitted】** authorized to engage in
44 practice outside the context of a graduate medical education
45 program , for additional remuneration , only if that practice **【is】**:

1 a. **【Approved】** is approved by the director of the graduate
2 medical education program in which the permit holder is
3 participating; and

4 b. **【With respect to any practice】** (1) when conducted at or
5 through a health care facility licensed by the Department of Health,
6 is supervised by a plenary licensee who shall either remain on the
7 premises of the health care facility or be available through
8 electronic communications; or

9 **【c. With respect to any practice】** (2) when conducted outside of
10 a health care facility licensed by the Department of Health, is
11 supervised by a plenary licensee who shall remain on the premises.
12 (cf: P.L.2012, c.17, s.409)

13

14 17. Section 16 of P.L.1989, c.300 (C.45:9-19.14) is amended to
15 read as follows:

16 16. A physician or podiatrist whose federal or State privilege to
17 purchase, dispense , or prescribe controlled substances has been
18 revoked, suspended , or otherwise limited shall not be permitted to
19 administer , dispense, or prescribe controlled substances in a health
20 care facility licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et
21 seq.) **【or】** , a health maintenance organization operating pursuant to
22 P.L.1973, c.337 (C.26:2J-1 et seq.), or a telemedicine situation,
23 unless **【the administration】** such action has been approved by the
24 State Board of Medical Examiners. The board may condition its
25 approval on the physician's or podiatrist's participation in a licensed
26 health care practitioner treatment program recognized by the board.
27 (cf: P.L.1989, c.300, s.16)

28

29 18. Section 25 of P.L.1989, c.300 (C.45:9-19.15) is amended to
30 read as follows:

31 25. a. The State Board of Medical Examiners shall increase the
32 licensing fee of physicians and podiatrists in an amount sufficient to
33 fund the costs of establishing and operating the Medical Practitioner
34 Review Panel and the position of medical director, established
35 pursuant to P.L.1989, c.300 (C.45:9-19.4 et al.).

36 b. The board shall establish a reduced licensing fee for
37 physicians and podiatrists who are 65 years of age or older and who
38 have no affiliation status with a licensed health care facility or a
39 health maintenance organization.

40 c. The board shall charge the following licensing fees to a
41 physician whose professional practice is limited to providing patient
42 care exclusively without compensation or the expectation or
43 promise of compensation and in a facility or through a program
44 conducted under the supervision of a physician licensed by and in
45 good standing with the State: \$150 for the license application fee;
46 \$125 each for the initial and biennial registration fees, respectively;
47 and \$100 for the endorsement fee.

1 Nothing in this subsection, except for the licensing fee, shall be
2 construed to exempt any person from , or abrogate any provision
3 in , Title 45 of the Revised Statutes **[or]** , any other **[Title]** law
4 applicable to the practice of medicine **[or surgery and]** , or any
5 regulations adopted pursuant thereto , including, but not limited to,
6 requirements for licensure or coverage by medical malpractice
7 liability insurance.

8 (cf: P.L.2001, c.410, s.1)

9
10 19. Section 1 of P.L.2005, c.257 (C.45:9-19.16a) is amended to
11 read as follows:

12 1. Notwithstanding the provisions of section 8 of P.L.1978,
13 c.73 (C.45:1-21) or any other law to the contrary, in any case in
14 which **[it]** the board receives documentation demonstrating that a
15 physician's authority to engage in the practice of medicine **[and**
16 **surgery is]** has been revoked by another state or by an out-of-State
17 agency or authority, or is currently subject to a final or interim
18 order of active suspension or other bar to clinical practice , which
19 has been imposed by **[any other state, agency or authority]** such
20 State or entity, the **[State Board of Medical Examiners]** board shall
21 immediately suspend the physician's medical practice license when
22 the action of the other state, agency , or authority is grounded on
23 facts that demonstrate that the physician's continued practice would
24 endanger or pose a risk to the public health or safety pending a
25 determination of findings by the board. Otherwise, when such an
26 action of another state, or out-of-State agency or authority , is
27 grounded on facts which would provide a basis for disciplinary
28 sanction in this State **[for reasons]** , consistent with section 8 of
29 P.L.1978, c.73 (C.45:1-21) , for actions or inactions involving gross
30 or repeated negligence, fraud , or other professional misconduct
31 adversely affecting the public health, safety or welfare, the board
32 may immediately suspend the physician's license, pending a
33 determination of findings by the board. The documentation from
34 the other state, or from the out-of-state agency or authority , shall
35 be a part of the record , and shall establish conclusively the facts
36 upon which the board rests its determination in any disciplinary
37 proceeding or action undertaken pursuant to this section. The
38 **[State Board of Medical Examiners]** board shall provide written
39 notification to the physician whose license is suspended pursuant to
40 the requirements of this section **[. The board]** , and shall provide
41 the physician with an opportunity to submit relevant evidence in
42 mitigation , or, for good cause shown, an opportunity for oral
43 argument , but only as to the discipline imposed by this State.
44 **[That relevant]** Relevant evidence in mitigation **[or oral argument]**
45 may be submitted to **[or]** , and oral argument conducted before , the
46 board or a committee **[to which it is has]** that has been delegated
47 the authority to hear argument and make **[a recommendation]**

1 recommendations to the board. A final determination as to
2 discipline shall be made within 60 days **[of]** after the date **[of]**
3 mailing or personal service of the notice **[on which the written**
4 notification is mailed to or served on the physician in accordance
5 with this section.

6 (cf: P.L.2005, c.257, s.1)

7

8 20. R.S.45:9-21 is amended to read as follows:

9 45:9-21. The prohibitory provisions of Article II of this
10 chapter, which relate to medical practice licensure and the practice
11 of medicine in this State, shall not apply to the following:

12 a. A person who is commissioned **[surgeon or physician of]** **by**
13 the regular United States Army, Navy, or Marine hospital service to
14 engage in the practice of medicine while so commissioned, and
15 who engages in such practice while actively engaged in the
16 performance of his official duties. This exemption shall not apply
17 to reserve officers of the United States Army, Navy or Marine
18 Corps, or to any officer of the National Guard of any state or of the
19 United States;

20 b. A **[lawfully qualified]** physician **[or surgeon of]** from
21 another state **[taking]** who temporarily takes charge **[temporarily,**
22 on written permission of the board,] of the practice of a **[lawfully**
23 qualified] physician **[or surgeon of]** in this State during **[his]** the
24 latter physician's temporary absence from the State **[, upon written**
25 request to the board for permission so to do. Before such
26 permission is granted by the board and before any person may enter
27 upon such practice he must submit **]; provided that: (1) the out-of-**
28 State physician receives written permission from the board to do so,
29 following submission of a written request and \$50 fee thereto; (2)
30 the out-of-State physician has submitted proof to the board showing
31 that **[he]** the physician can fulfill the requirements **[demanded in**
32 the other sections] of this article relating to applicants for
33 **[admission]** medical practice licensure by examination or
34 **[indorsement from another state. Such permission may be granted]**
35 applicants for reciprocal medical practice licensure; and (3) the
36 temporary placement will last for a total period of not less than two
37 weeks, nor more than four months **[upon payment of a fee of \$50.**
38 The board], or, in **[its]** the discretion **[may extend such**
39 permission for further] of the board, for additional periods of two
40 weeks to four months, but **[not to exceed in the]**, in no case, for a
41 period that exceeds an aggregate of one year;

42 c. A physician **[or surgeon of]** located in another state of the
43 United States **[and]** who is duly authorized under the laws thereof
44 to engage in the practice of medicine **[or surgery]** therein, **[if]** so
45 long as such **[practitioner]** physician does not **[open an office or**

- 1 place for] engage in the practice of [his profession] medicine,
2 including telemedicine, with patients in this State;
- 3 d. A person [while actually] who is actively serving as a
4 member of the resident medical staff of any legally incorporated
5 charitable or municipal hospital or asylum approved by the board [. Hereafter] , except that such exemption [of any such resident
6 physician] shall not apply with respect to any [individual after he
7 shall have] person who has served as a resident physician for a total
8 period of five years;
- 9 e. The practice of dentistry by any legally qualified and
10 registered dentist;
- 11 f. The ministration to, or treatment or healing of, the sick or
12 suffering by [prayer or] spiritual , religious, or mental means alone,
13 including through the use of prayer, whether gratuitously or for
14 compensation, [and without] , provided that such ministration,
15 treatment, or healing does not involve the use of any [drug material
16 remedy] drugs or medicine, physical manipulation, or material
17 means of healing;
- 18 g. The practice of optometry by any legally qualified and
19 registered optometrist;
- 20 h. The practice of podiatric medicine by any legally licensed
21 podiatrist;
- 22 i. The practice of pharmacy by a legally licensed and
23 registered pharmacist of this State, [but] except that this
24 [exception] exemption shall not be extended to give [to said] a
25 licensed pharmacist the right and authority to carry on the business
26 of a dispensary, unless the dispensary [shall be] is in charge of a
27 [legally licensed and registered] physician [and surgeon] of this
28 State;
- 29 j. [A person claiming the right to practice medicine and
30 surgery in this State who has been practicing therein since before
31 July 4, 1890, if said right or title was obtained upon a duly
32 registered diploma, of which the holder and applicant was the
33 lawful possessor, issued by a legally chartered medical institution
34 which, in the opinion of the board, was in good standing at the time
35 the diploma was issued;] (deleted by amendment, P.L. _____,
36 c. (pending before the Legislature as this bill).
- 37 k. A professional nurse, [or] a registered physical therapist, or
38 a masseur, while operating , in each particular case , under the
39 specific direction of a [regularly licensed] physician [or surgeon.
40 This] in this State, except that this exemption shall not apply to
41 such assistants of persons who are licensed as osteopaths,
42 chiropractors, optometrists , or other practitioners holding limited
43 licenses;
- 44 l. A person [while giving] who engages in the provision of
45 aid, assistance , or relief in an emergency or accident [cases]
- 46

1 situation, either under the direction of a physician, or pending the
 2 arrival of , or transport of the patient to, a [regularly licensed]
 3 physician [, or surgeon or under the direction thereof];

4 m. The operation of a bio-analytical laboratory by a licensed
 5 bio-analytical laboratory director, or by any person working under
 6 the direct and constant supervision of a licensed bio-analytical
 7 laboratory director;

8 n. Any [employee of a State or county institution holding]
 9 person who holds the degree of M.D. or D.O., and is regularly
 10 employed , on a [salary] salaried basis , on [its] the medical staff
 11 of a State or county agency or institution, or as a member of the
 12 teaching or scientific staff of a State agency, [may apply] and who,
 13 following application to [the State Board of Medical Examiners of
 14 New Jersey] , and [may], in the discretion of [said] , the board,
 15 [be] is granted an exemption from the provisions of this chapter;
 16 provided [said employee] that such person continues to be
 17 employed as a member of the medical staff of a State agency or
 18 county institution , or as a member of the teaching or scientific staff
 19 of a State agency , and does not [conduct any type of] engage in
 20 the private [medical] practice of medicine;

21 o. The practice of chiropractic by any legally licensed
 22 chiropractor; or

23 p. The practice of a physician assistant in compliance with the
 24 provisions of P.L.1991, c.378 (C.45:9-27.10 et al.).
 25 (cf: P.L.2005, c.259, s.16)

26
 27 21. R.S.45:9-22 is amended to read as follows:

28 45:9-22. a. Any person [commencing or continuing] who
 29 commences or continues the practice of medicine [and surgery] in
 30 this State without first having obtained a medical practice license,
 31 as provided in [this chapter or any supplement thereto] R.S.45:9-6
 32 or R.S.45:9-13, or without having obtained a certificate of biennial
 33 registration, as provided in section 1 of P.L.1971, c.236 (C.45:9-
 34 6.1), or in any other manner that is contrary to [any of] the
 35 provisions of this chapter [or any supplement thereto,] ; or who
 36 [practices] commences or continues the practice of medicine [and
 37 surgery] under a false or assumed name, or [falsely impersonates]
 38 while impersonating another practitioner of a like or different name
 39 [,] ; or who buys, sells , or fraudulently obtains a medical practice
 40 license, any record or registration pertaining thereto, or a diploma
 41 [as a doctor of medicine and surgery or any branch thereof, or
 42 method of treatment of human ailment, disease, pain, injury,
 43 deformity, mental or physical condition] indicating that the person
 44 has successfully completed training at a professional school or
 45 college in the practice of medicine; [or a license to practice
 46 medicine and surgery, record or registration pertaining to the same,

1 or] ; and any person , company , or association who [shall employ
2 for a stated salary or otherwise,] employs an unlicensed person, on
3 a paid or unpaid basis, in a job that entails the practice of medicine,
4 or [aid or assist] who aids or assists any such person [not regularly
5 licensed to practice medicine and surgery in this State, to] in the
6 practice of medicine [and surgery therein] with patients in the
7 State, or who violates any of the provisions of Article II of this
8 chapter [or any supplement thereto], shall be liable to a penalty of
9 [two hundred dollars (\$200.00), for the first offense] \$200.

10 b. Every person [practicing] engaged in the practice of
11 medicine [and surgery] under a firm name , and every person
12 [practicing] engaged in the practice of medicine [and surgery or]
13 as an employee of another , shall cause [his] the person's name to
14 be conspicuously displayed and kept in a conspicuous place at the
15 entrance of the place where such practice [shall be] is conducted [,
16 and any] . Any person who [shall neglect to cause his name to be
17 displayed as herein required,] fails to comply with this requirement
18 shall be liable to a penalty of [one hundred dollars (\$100.00)]
19 \$100.

20 c. The penalties provided for by this section shall be sued for
21 and recovered in a summary manner, by and in the name of the
22 [State Board of Medical Examiners of New Jersey] board, [in a
23 summary manner,] pursuant to ["the penalty enforcement law"
24 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"
25 P.L.1999, c.274 (C.2A:58-10 et seq.) [and the Rules Governing the
26 Courts of the State of New Jersey]. [Process] The Superior Court
27 and the municipal court shall have jurisdiction to enforce the
28 provisions of the "Penalty Enforcement Law of 1999" in connection
29 with this section, and process shall be either in the nature of a
30 summons or warrant.

31 (cf: P.L.1989, c.153, s.21)

32

33 22. Section 1 of P.L.1975, c.297 (C.45:9-22.1) is amended to
34 read as follows:

35 1. No physician and no professional service corporation
36 engaged in the practice of medicine [and surgery] in this State shall
37 charge a patient an extra fee for services rendered in completing a
38 medical claim form in connection with a health insurance policy.
39 Any person violating the provisions of this [act] section shall be
40 subject to a fine of [\$100.00] \$100 for each offense.

41 Such penalty shall be [collected and enforced by summary
42 proceedings pursuant to "the penalty enforcement law"
43 (N.J.S.2A:58-1 et seq.)] sued for and recovered in a summary
44 manner, by and in the name of the board, pursuant to the "Penalty
45 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

1 The Superior Court and the municipal court shall have jurisdiction
2 **【within its territory of such proceedings. Process】** to enforce the
3 provisions of the “Penalty Enforcement Law of 1999” in connection
4 with this section, and process shall be either in the nature of a
5 summons or warrant **【and shall issue in the name of the State, upon**
6 **the complaint of the State Board of Medical Examiners】**.

7 (cf: P.L.1991, c.91, s.453)

8

9 23. Section 1 of P.L.1997, c.249 (C.45:9-22.19) is amended to
10 read as follows.

11 1. a. A physician may prescribe, dispense, or administer a
12 medication or drug, including a controlled or non-controlled
13 substance, to a patient in this State, provided that:

14 (1) the physician has first engaged in a face-to-face examination
15 of the patient, either directly, through traditional in-person means or
16 methods, or remotely, through the use of telemedicine, as defined in
17 section 1 of P.L. , c. (C.) (pending before the Legislature
18 as this bill), in a manner that conforms to the accepted standards of
19 care and rules of practice; and

20 (2) the prescription, dispensation, or administration of the
21 medication or drug is done in compliance with any laws, rules, or
22 regulations, including, but not limited to, the provisions of
23 subsection b. and c. of this section, which are applicable to the
24 particular substance being prescribed, dispensed, or administered.

25 b. A physician **【licensed pursuant to chapter 9 of Title 45 of**
26 **the Revised Statutes】** may prescribe a Schedule II controlled
27 dangerous substance for **【the】** use **【of】** by a patient , in any
28 quantity which does not exceed a 30-day supply, as defined by
29 regulations adopted by the **【State Board of Medical Examiners】**
30 board, in consultation with the Department of Health and Senior
31 Services **【. The】** , provided that the physician 【shall document】
32 documents the diagnosis and the medical need for the prescription
33 in the patient's medical record, in accordance with guidelines
34 established by the **【State Board of Medical Examiners】** board.

35 **【b.】** c. A physician may issue multiple prescriptions
36 authorizing **【the】** a patient to receive a total of up to a 90-day
37 supply of a Schedule II controlled dangerous substance, provided
38 that the following conditions are met:

39 (1) each separate prescription is issued for a legitimate medical
40 purpose by the physician acting in the usual course of professional
41 practice;

42 (2) the physician provides written instructions on each
43 prescription, other than the first prescription if it is to be filled
44 immediately, indicating the earliest date on which a pharmacy may
45 fill each prescription;

1 (3) the physician determines that providing the patient with
2 multiple prescriptions in this manner does not create an undue risk
3 of diversion or abuse; and

4 (4) the physician complies with all other applicable State and
5 federal laws and regulations.

6 (cf: P.L.2009, c.165, s.1)

7
8 24. Section 3 of P.L.2003, c.96 (C.45:9-22.23) is amended to
9 read as follows:

10 3. a. The following information shall be included **【for】** in each
11 profile of a physician, podiatrist , or optometrist, as applicable:

12 (1) Name of all **【medical】** professional schools or colleges
13 attended by the physician or podiatrist, or optometry schools
14 attended by the optometrist, as the case may be, and the dates of
15 graduation;

16 (2) Graduate medical or optometry education, including all
17 internships, residencies , and fellowships;

18 (3) Year first licensed;

19 (4) Year first licensed in New Jersey;

20 (5) Location or locations of the **【physician's, podiatrist's or**
21 **optometrist's】** practitioner's office practice **【site or sites, as**
22 **applicable】** , if any, and an indication as to whether the practitioner
23 is available to provide health care services remotely, through the
24 use of telemedicine;

25 (6) A description of any criminal convictions for crimes of the
26 first, second, third , or fourth degree within the most recent 10
27 years. For the purposes of this paragraph, a person shall be deemed
28 to be convicted of a crime if the individual pleaded guilty or was
29 found or adjudged guilty by a court of competent jurisdiction. The
30 description of criminal convictions shall not include any
31 convictions that have been expunged. The following statement
32 shall be included with the information about criminal convictions:
33 "Information provided in this section may not be comprehensive.
34 Courts in New Jersey are required by law to provide information
35 about criminal convictions to the State Board of Medical Examiners
36 (or the New Jersey State Board of Optometrists).";

37 (7) A description of any final board disciplinary actions within
38 the most recent 10 years, except that any such disciplinary action
39 that is being appealed shall be identified;

40 (8) A description of any final disciplinary actions by appropriate
41 licensing boards in other states within the most recent 10 years,
42 except that any such disciplinary action that is being appealed shall
43 be identified. The following statement shall be included with the
44 information about disciplinary actions in other states: "Information
45 provided in this section may not be comprehensive. The State
46 Board of Medical Examiners (or the New Jersey State Board of
47 Optometrists) receives information about disciplinary actions in

1 other states from physicians (or optometrists) themselves and
2 outside sources.";

3 (9) In the case of physicians and podiatrists, a description of the
4 circumstances surrounding: (a) any revocation or involuntary
5 restriction of the practitioner's privileges at a health care facility by
6 the governing body or another official thereof, which has been
7 imposed, in accordance with rules of procedural due process, for
8 reasons related to the practitioner's competence **[or]** , misconduct ,
9 or impairment **[taken by a health care facility's governing body or**
10 **any other official of the health care facility after procedural due**
11 **process has been afforded]**; (b) the practitioner's resignation from ,
12 or nonrenewal of medical staff membership at **[the] , a** health care
13 facility for reasons related to the practitioner's competence **[or]** ,
14 misconduct , or impairment; or (c) the restriction of the
15 practitioner's privileges at a health care facility **[taken]** in lieu of ,
16 or **[in] as** settlement **[of] for,** a pending disciplinary case related to
17 the practitioner's competence **[or]** , misconduct , or impairment.
18 Only those cases that have occurred within the most recent 10 years
19 and that were reported by the health care facility pursuant to section
20 2 of P.L.2005, c.83 (C.26:2H-12.2b) shall be included in the profile;
21 and

22 (10) All medical malpractice court judgments and all medical
23 malpractice arbitration awards reported to the applicable board, in
24 which a payment has been awarded to the complaining party during
25 the most recent five years, and all settlements of medical
26 malpractice claims reported to the board, in which a payment is
27 made to the complaining party within the most recent five years, as
28 follows:

29 (a) Pending medical malpractice claims shall not be included in
30 the profile , and information on pending medical malpractice claims
31 shall not be disclosed to the public;

32 (b) A medical malpractice judgment that is being appealed shall
33 be so identified;

34 (c) The context in which the payment of a medical malpractice
35 claim occurs shall be identified by categorizing the number of
36 judgments, arbitration awards , and settlements against the
37 **[physician, podiatrist or optometrist] practitioner** into three
38 graduated categories: average, above average , and below average
39 **[number of judgments, arbitration awards and settlements]**. These
40 groupings shall be arrived at by **[comparing] determining** the
41 number of **[an individual physician's, podiatrist's or optometrist's]**
42 medical malpractice judgments, arbitration awards , and settlements
43 **[to] associated with the particular practitioner, and comparing**
44 these values with the experience of other **[physicians, podiatrists ,**
45 **or optometrists] practitioners** within the same **[speciality]**
46 specialty. In addition to any information provided by a physician,

1 podiatrist , or optometrist, an insurer or insurance association
2 authorized to issue medical malpractice liability insurance in the
3 State shall, at the request of the division, provide data and
4 information necessary to effectuate this subparagraph; and

5 (d) The following statement shall be included with the
6 information concerning medical malpractice judgments, arbitration
7 awards , and settlements: "Settlement of a claim and, in particular,
8 the dollar amount of the settlement may occur for a variety of
9 reasons, which do not necessarily reflect negatively on the
10 professional competence or conduct of the physician (or podiatrist
11 or optometrist). A payment in settlement of a medical malpractice
12 action or claim should not be construed as creating a presumption
13 that medical malpractice has occurred."

14 b. If requested by a physician, podiatrist , or optometrist, the
15 following information shall be included in **【a physician's,**
16 **podiatrist's or optometrist's】** the practitioner's profile:

17 (1) Names of the hospitals where the **【physician, podiatrist or**
18 **optometrist】** practitioner has practice privileges;

19 (2) Appointments of the physician or podiatrist to **【medical】**
20 professional school or college faculties, or of the optometrist to
21 optometry school faculties, within the most recent 10 years;

22 (3) Information regarding any board certification granted by a
23 specialty board or other certifying entity recognized by the
24 American Board of Medical Specialties, the American Osteopathic
25 Association or the American Board of Podiatric Medicine, or by
26 any other national professional organization that has been
27 demonstrated to have comparable standards;

28 (4) Information regarding any translating services that may be
29 available at the **【physician's, podiatrist's or optometrist's】**
30 practitioner's office practice **【site or sites, as applicable, or】**
31 locations, any translating services that may be available to a patient
32 who is receiving health care services remotely, through the use of
33 telemedicine, and any languages , other than English , that are
34 spoken by the **【physician, podiatrist or optometrist】** practitioner;

35 (5) Information regarding whether the **【physician, podiatrist or**
36 **optometrist】** practitioner participates in the Medicaid program or
37 accepts **【assignment】** assignments under the Medicare program;

38 (6) Information regarding the medical insurance plans in which
39 the **【physician, podiatrist or optometrist】** practitioner is a
40 participating provider;

41 (7) Information concerning the hours during which the
42 **【physician, podiatrist or optometrist conducts his】** practitioner
43 engages in traditional in-person practice , and the hours during
44 which the practitioner is available to engage in remote practice,
45 through the use of telemedicine; and

1 (8) Information concerning the accessibility of the practitioner's
2 office practice **【site or sites】** locations **【, as applicable,】** to persons
3 with disabilities.

4 The following disclaimer shall be included with the information
5 supplied by the **【physician, podiatrist or optometrist】** practitioner
6 pursuant to this subsection: "This information has been provided by
7 the physician (or podiatrist or optometrist) but has not been
8 independently verified by the State Board of Medical Examiners (or
9 the New Jersey State Board of Optometrists) or the Division of
10 Consumer Affairs."

11 If the **【physician, podiatrist or optometrist】** practitioner includes
12 information regarding medical insurance plans in which the
13 practitioner is a participating provider, the following disclaimer
14 shall be included with that information: "This information may be
15 subject to change. Contact your health benefits plan to verify if the
16 physician (or podiatrist or optometrist) currently participates in the
17 plan."

18 c. Before a profile is made available to the public, each
19 **【physician, podiatrist or optometrist】** practitioner shall be provided
20 with a copy of **【his】** their respective profile. The **【physician,**
21 **podiatrist or optometrist】** practitioner shall be given 30 calendar
22 days to correct a factual inaccuracy that may appear in the profile
23 and **【so】** advise the Division of Consumer Affairs ₂ or its
24 designated agent ₂ thereof; however, upon receipt of a written
25 request that the division or its designated agent deems reasonable,
26 the **【physician, podiatrist or optometrist】** practitioner may be
27 granted an extension of up to 15 calendar days to correct a factual
28 inaccuracy and **【so】** advise the division or its designated agent.

29 d. If new information or a change in existing information is
30 received by the division concerning a **【physician, podiatrist or**
31 **optometrist】** practitioner, the **【physician, podiatrist or optometrist】**
32 practitioner shall be provided with a copy of the proposed profile
33 revision ₂ and shall be given 30 calendar days to correct a factual
34 inaccuracy and **【to】** return the corrected information to the division
35 or its designated agent.

36 e. The profile and any revisions thereto shall not be made
37 available to the public until after the review period provided for in
38 this section has lapsed.

39 (cf: P.L.2005, c.83, s.18)

40
41 25. Section 1 of P.L.1975, c.240 (C.45:9-27.5) is amended to
42 read as follows:

43 1. As used in **【this act】** P.L.1975, c.240 (C.45:9-27.5 et seq.):

44 a. **【"Physician or surgeon"】** "Physician" means a person
45 **【licensed or permitted】** who possesses a current and valid license or

1 permit, which authorizes the person to engage in the practice of
2 medicine [or surgery] with patients in this State.

3 b. "Contingent fee arrangement" means an agreement for
4 medical services of one or more physicians [or surgeons],
5 including any associated or forwarding medical practitioners, under
6 which compensation in whole or in part is contingent upon the
7 successful accomplishment or disposition of the legal claim to
8 which such medical services are related.

9 (cf: P.L.1975, c. 240, s.1)

10

11 26. Section 2 of P.L.1975, c.240 (C.45:9-27.6) is amended to
12 read as follows:

13 2. Any physician [or surgeon] who renders treatment which
14 [he] the physician knows or reasonably should know is or will be
15 related to, or is or will be the basis of, a legal claim for workmen's
16 compensation or damages in negligence shall provide [his] the
17 patient with a true, accurate and itemized copy of the bill for
18 treatment rendered. Such physician [or surgeon should] shall
19 certify and attest by his signature on all originals and copies of such
20 bills to the actuality and accuracy of the examinations and
21 treatments rendered and the amounts charged for them.

22 (cf: P.L.1975, c.240, s.2)

23

24 27. Section 4 of P.L.1975, c.240 (C.45:9-27.8)

25 4. In any matter where medical services rendered to a client
26 form any part of the basis of a legal claim for damages or
27 workmen's compensation, a physician [or surgeon] shall not
28 contract for, charge, or collect a contingent fee.

29 (cf: P.L.1975, c.240, s.4)

30

31 28. Section 4 of P.L.1991, c.378 (C.45:9-27.13) is amended to
32 read as follows:

33 4. a. The board shall issue a license as a physician assistant to
34 an applicant who has fulfilled the following requirements:

35 (1) Is at least 18 years of age;

36 (2) Is of good moral character;

37 (3) Has successfully completed an approved program; and

38 (4) Has passed the national certifying examination administered
39 by the National Commission on Certification of Physician
40 Assistants, or its successor.

41 b. In addition to the requirements of subsection a. of this
42 section, an applicant for renewal of a license as a physician
43 assistant shall:

44 (1) Execute and submit a sworn statement made on a form
45 provided by the board that neither the license for which renewal is
46 sought nor any similar license or other authority issued by another
47 jurisdiction has been revoked, suspended or not renewed; and

1 (2) Present satisfactory evidence that any continuing education
2 requirements have been completed as required by this act.

3 c. **【The】** Whenever an applicant for a license under this section
4 submits evidence to the board showing that the applicant has been
5 examined and licensed as a physician assistant by the examining
6 and licensing board of another state of the United States, the board
7 shall issue a reciprocal practice license to the applicant based on
8 such evidence, and in lieu of the examination required by paragraph
9 (4) of subsection a. of this section, provided that the criteria
10 identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed
11 to have been satisfied. If the board determines that the criteria in
12 section 3 of P.L.2013, c.182 (C.45:1-7.5) are not satisfied, the
13 board, in consultation with the committee, may **【accept】** still elect,
14 in its discretion, to issue a reciprocal license to the applicant, in lieu
15 of the examination required by paragraph (4) of subsection a. of this
16 section, provided that the applicant submits proof showing that
17 **【an】** the applicant **【for licensure】** holds a current license in **【a】**
18 another state which has standards substantially equivalent to those
19 of this State.

20 d. The board shall issue a temporary license to an applicant
21 who meets the requirements of paragraphs (1), (2) and (3) of
22 subsection a. of this section and who is either waiting to take the
23 first scheduled examination following completion of an approved
24 program ₂ or is awaiting the results of the examination. The
25 temporary license shall expire upon the applicant's receipt of
26 notification of failure to pass the examination.

27 (cf: P.L.1993, c.337, s.1)

28

29 29. Section 6 of P.L.1991, c.378 (C.45:9-27.15) is amended to
30 read as follows:

31 6. a. A physician assistant may practice in all medical care
32 settings, including, but not limited to, a physician's office, a health
33 care facility, an institution, a veterans' home ₂ or a private home, or
34 may practice through the use of telemedicine, as defined by section
35 1 of P.L. ₂, c. (C. ₂) (pending before the Legislature as this
36 bill), provided that:

37 (1) the physician assistant is under the direct supervision of a
38 physician **【pursuant to】** , as provided by section 9 of **【this act】**
39 P.L.1991, c.378 (C.45:9-27.18) ;

40 (2) the practice of the physician assistant is limited to those
41 procedures authorized under section 7 of **【this act】** P.L.1991,
42 c.378 (C.45:9-27.16) ;

43 (3) an appropriate notice of employment has been filed with the
44 board pursuant to subsection b. of section 5 of **【this act】** P.L.1991,
45 c.378 (C.45:9-27.14) ;

1 (4) the supervising physician or physician assistant advises the
2 patient at the time that services are rendered that they are to be
3 performed by the physician assistant;

4 (5) the physician assistant conspicuously wears an identification
5 tag using the term "physician assistant" whenever acting in that
6 capacity; and

7 (6) any entry by a physician assistant in a clinical record is
8 appropriately signed and followed by the designation, "PA-C."

9 b. Any physician assistant who practices in violation of any of
10 the conditions specified in subsection a. of this section shall be
11 deemed to have engaged in professional misconduct in violation of
12 subsection f. of section 8 of P.L.1978, c.73 (C.45:1-21).

13 (cf: P.L.1992, c.102, s.4)

14

15 30. Section 1 of P.L.1947, c.262 (C.45:11-23) is amended to
16 read as follows:

17 1. a. As used in **[this act]** P.L.1947, c.262 (C.45:11-23 et
18 seq.):

19 **[a. The words "the board" mean]** "Advanced practice nurse"
20 means a person who holds a certification in accordance with section
21 8 or 9 of P.L.1991, c.377 (C.45:11-47 or C.45:11-48).

22 "Board" means the New Jersey Board of Nursing created by
23 **[this act]** section 2 of P.L.1947, c.262 (C.45:11-24).

24 **[b. The practice of nursing as a registered professional nurse is**
25 **defined as diagnosing and treating human]**

26 "Collaborating physician" means a person who is licensed to
27 practice medicine, pursuant to chapter 9 of Title 45 of the Revised
28 Statutes, and who agrees to work with an advanced practice nurse.

29 "Homemaker-home health aide" means a person employed with
30 a home care services agency who performs nursing regimens or
31 tasks that have been delegated thereto, pursuant to the authority of a
32 registered professional nurse.

33 "Home care services agency" means and includes any agency,
34 facility, or other entity that is engaged in the business of procuring
35 or offering to procure employment for homemaker-home health
36 aides in exchange for a direct or indirect fee, and includes home
37 health agencies, assisted living residences, comprehensive personal
38 care homes, assisted living programs, or alternate family care
39 sponsor agencies licensed by the Department of Health pursuant to
40 P.L.1971, c.136 (C.26:2H-1 et seq.); and health care service firms
41 or nonprofit homemaker-home health aide agencies regulated by the
42 Division of Consumer Affairs and the Attorney General, pursuant to
43 the respective provisions of P.L.1989, c.331 (C.34:8-43 et seq.),
44 P.L.2002, c.126 (C.34:8-45.1 et seq.), and P.L.1960, c.39 (C.56:8-1
45 et seq.).

1 “Licensed practical nurse” means a person who is licensed,
2 pursuant to R.S.45:11-27, to engage in the practice of practical
3 nursing.

4 “Practical nursing” means nursing practice that involves the
5 performance of tasks and responsibilities within the framework of
6 casefinding, the reinforcement of the patient and family teaching
7 program through health teaching and health counseling, and the
8 provision of supportive and restorative care, all under the direction
9 of a registered professional nurse or a licensed or otherwise legally
10 authorized physician or dentist.

11 “Professional nursing” means nursing practice that involves the
12 identification of, and discrimination between, physical and
13 psychosocial patient responses , including the signs, symptoms, and
14 processes that denote a patient’s health need or reaction to actual or
15 potential physical [and] or emotional health problems, and the
16 selection and implementation of therapeutic measures essential to
17 the effective management of such patient responses, through [such
18 services as] the use of casefinding, health teaching, health
19 counseling, [and provision of] supportive or restorative patient care
20 [supportive to or restorative of life and well-being], and
21 [executing] the execution of medical regimens as prescribed by a
22 licensed or otherwise legally authorized physician or dentist , using
23 any authorized means or methods, including telemedicine, as
24 defined by section 1 of P.L. , c. (C.) (pending before the
25 Legislature as this bill). [Diagnosing in the context of nursing
26 practice means the identification of and discrimination between
27 physical and psychosocial signs and symptoms essential to effective
28 execution and management of the nursing regimen within the scope
29 of practice of the registered professional nurse. Such diagnostic
30 privilege is distinct from a medical diagnosis. Treating means
31 selection and performance of those therapeutic measures essential
32 to the effective management and execution of the nursing regimen.
33 Human responses means those signs, symptoms, and processes
34 which denote the individual's health need or reaction to an actual or
35 potential health problem. The practice of nursing as a licensed
36 practical nurse is defined as performing tasks and responsibilities
37 within the framework of casefinding; reinforcing the patient and
38 family teaching program through health teaching, health counseling
39 and provision of supportive and restorative care, under the direction
40 of a registered nurse or licensed or otherwise legally authorized
41 physician or dentist. The]

42 “Registered professional nurse” means a person who is licensed,
43 pursuant to R.S.45:11-26, to engage in the practice of professional
44 nursing.

45 b. As used in P.L.1947, c.262 (C.45:11-23 et seq.), the terms
46 "nursing," "professional nursing," and "practical nursing" [as used
47 in this act] shall not be construed to include :

- 1 (1) nursing performed, in the prescribed course of study or
2 training, by students who are enrolled in a school of nursing
3 accredited or approved by the board **【performed in the prescribed**
4 **course of study and training, nor】** ;
- 5 (2) nursing performed by a graduate of a school identified in
6 paragraph (1) of this subsection, in **【hospitals, institutions and**
7 **agencies】** a hospital, institution, or agency approved by the board
8 for this purpose **【by graduates of such schools pending】** , during the
9 period of time that the graduate is awaiting the results of the first
10 licensing examination scheduled by the board following the
11 graduate's completion of a course of study **【and training】** and the
12 attaining of the age qualification for examination, or **【thereafter】** ,
13 with the approval of the board **【in the case of each individual**
14 **pending】** , during such extended period of time that the graduate is
15 awaiting the results of any subsequent examinations; **【nor shall any**
16 **of said terms be construed to include】**
- 17 (3) nursing performed by a nurse who is qualified under the
18 laws of another state or country, for a period not exceeding 12
19 months **【unless】** or, if approved by the board **【shall approve】** , for a
20 longer period of time , in **【hospitals, institutions or agencies by a**
21 **nurse legally qualified under the laws of another state or country】** a
22 hospital, institution, or agency in this State, pending the nurse's
23 receipt of results of an application for licensing under **【this act】**
24 P.L.1947, c.262 (C.45:11-23 et seq.), **【if】** provided that such nurse
25 does not represent or hold himself or herself out to the public as a
26 nurse who is licensed to practice **【under this act】** in this State; **【nor**
27 **shall any of said terms be construed to include the practice of】**
- 28 (4) nursing **【in this State】** performed by any legally qualified
29 nurse of another state whose engagement made outside of this State
30 requires such nurse to accompany and care for the patient while in
31 this State during the period of such engagement, not to exceed six
32 months in this State, **【if】** provided that such nurse does not
33 represent or hold himself or herself out to the public as a nurse who
34 is licensed to practice in this State; **【nor shall any of said terms be**
35 **construed to include】**
- 36 (5) nursing performed by employees or officers of the United
37 States Government or any agency or service thereof while in the
38 discharge of **【his or her】** their official duties; **【nor shall any of said**
39 **terms be construed to include】**
- 40 (6) services performed by nurses aides, attendants, orderlies and
41 ward helpers in hospitals, institutions , and agencies , or by
42 technicians, physiotherapists, or medical secretaries**【,** and such
43 duties performed by said persons aforementioned shall not be
44 subject to rules or regulations which the board may prescribe

1 concerning nursing; nor shall any of said terms be construed to
2 include】 ;

3 (7) first aid nursing assistance, or gratuitous care provided by
4 friends or members of the family of a sick or infirm person 【, or】 ;

5 (8) incidental care of the sick by a person employed primarily as
6 a domestic or housekeeper, notwithstanding that the occasion for
7 such employment may be sickness, 【if】 provided that such
8 incidental care does not constitute professional nursing and 【such】
9 the person engaging in such care does not claim or purport to be a
10 licensed nurse; 【nor shall any of said terms be construed to
11 include】 and

12 (9) services rendered in accordance with the practice of the
13 religious tenets of any well-recognized church or denomination
14 which subscribes to the art of healing by prayer. A person who is
15 otherwise qualified shall not be denied licensure as a professional
16 nurse or practical nurse by reason of the circumstances that such
17 person is in religious life and has taken a vow of poverty.

18 【c. "Homemaker-home health aide" means a person who is
19 employed by a home care services agency and who is performing
20 delegated nursing regimens or nursing tasks delegated through the
21 authority of a duly licensed registered professional nurse. "Home
22 care services agency" means home health agencies, assisted living
23 residences, comprehensive personal care homes, assisted living
24 programs or alternate family care sponsor agencies licensed by the
25 Department of Health and Senior Services pursuant to P.L.1971,
26 c.136 (C.26:2H-1 et al.), nonprofit homemaker-home health aide
27 agencies, and health care service firms regulated by the Director of
28 the Division of Consumer Affairs in the Department of Law and
29 Public Safety and the Attorney General pursuant to P.L.1989,
30 c.331 (C.34:8-43 et seq.) and P.L.1960, c.39 (C.56:8-1 et seq.)
31 respectively, which are engaged in the business of procuring or
32 offering to procure employment for homemaker-home health aides,
33 where a fee may be exacted, charged or received directly or
34 indirectly for procuring or offering to procure that employment.

35 d. "Advanced practice nurse" means a person who holds a
36 certification in accordance with section 8 or 9 of P.L.1991,
37 c.377 (C.45:11-47 or 45:11-48).

38 e. "Collaborating physician" means a person licensed to
39 practice medicine and surgery pursuant to chapter 9 of Title 45 of
40 the Revised Statutes who agrees to work with an advanced practice
41 nurse.】

42 c. Nothing in 【this act】 P.L.1947, c.262 (C.45:11-23 et seq.)
43 shall 【confer the authority to】 be deemed to provide a person who
44 is licensed to practice nursing with the authority to practice
45 【another】 any other health profession 【as currently defined in】 ,

1 unless the person first obtains the appropriate license therefor,
2 pursuant to Title 45 of the Revised Statutes.
3 (cf: P.L.2004, c.122, s.1)
4

5 31. Section 4 of P.L.1947, c.262 (C.45:11-26) is amended to
6 read as follows:

7 4. a. Qualifications of applicants. An applicant for a license to
8 practice professional nursing shall submit evidence to the board
9 **[evidence]** , in such form as the board may prescribe , showing that
10 **[said]** the applicant: (1) has attained **[his or her eighteenth**
11 **birthday]** the age of 18; (2) is of good moral character, is not a
12 habitual user of drugs , and has never been convicted or has not
13 pleaded nolo contendere, non vult contendere or non vult to an
14 indictment, information or complaint alleging a violation of any
15 Federal or State law relating to narcotic drugs; (3) holds a diploma
16 from an accredited 4-year high school or the equivalent thereof as
17 determined by the New Jersey State Department of Education; and
18 (4) has completed a course of professional nursing study in an
19 accredited school of professional nursing , as defined by the board ,
20 and holds a diploma therefrom.

21 Notwithstanding anything herein contained, any person who
22 possesses the educational and school of professional nursing
23 qualifications for registration required by the law of this State at the
24 time of his or her graduation from an accredited school of
25 professional nursing shall be deemed to possess the qualifications
26 identified in paragraphs (3) and (4) [prescribed hereinabove in] of
27 this subsection.

28 Notwithstanding anything herein contained, any person who
29 **[shall have]** possesses the qualifications identified in paragraphs
30 (1) and (2) of this subsection, and **[shall have]** who has graduated
31 from a school of professional nursing, which need not be an
32 accredited school, shall be deemed to have qualifications identified
33 in paragraphs (3) and (4) of this subsection, but only upon
34 complying with such reasonable requirements as to high school and
35 school of nursing studies and training as the board may prescribe;
36 and provided [, however] further, that such person **[shall make]**
37 submits an application , in the form and manner prescribed by the
38 board , within **[1]** one year from the effective date of **[this act]**
39 P.L.1947, c.262 (C.45:11-23 et seq.), [and shall] satisfactorily
40 **[complete such]** complies with the reasonable requirements
41 established by the board, and successfully **[pass]** passes the
42 examinations required thereby, within two years after the filing of
43 the application, which examinations shall be limited to the subject
44 matters in the curriculum required by the board at the time of the
45 applicant's graduation, as provided for in subsection b. **[hereof,**
46 within 2 years after the date of the filing of such application] of this
47 section.

1 b. License.

2 (1) By examination. The applicant shall be required to pass a
3 written examination in such subjects as the board may determine,
4 which examination may be supplemented by an oral or practical
5 examination, or both. Upon successfully passing such examinations
6 the applicant shall be licensed by the board to practice professional
7 nursing.

8 (2) By indorsement without examination. ~~【The】 Whenever an~~
9 ~~applicant submits evidence to the board showing that the applicant~~
10 ~~has been examined and licensed as a registered or professional~~
11 ~~nurse by the examining and licensing board of another state of the~~
12 ~~United States, the board shall issue a reciprocal practice license to~~
13 ~~the applicant, by indorsement, and without conducting a written~~
14 ~~examination thereof, provided that the criteria identified in section~~
15 ~~3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.~~
16 ~~If the board determines that these statutory criteria are not satisfied,~~
17 ~~the board may still elect, in its discretion, to issue a reciprocal~~
18 ~~professional nursing license 【to practice professional nursing】 ,~~
19 ~~without examination , to an applicant who has been duly licensed or~~
20 ~~registered as a registered or professional nurse , by examination or~~
21 ~~by original waiver , under the laws of another State, territory , or~~
22 ~~possession of the United States, or the District of Columbia, or any~~
23 ~~foreign country, if , in the opinion of the board , the applicant has~~
24 ~~the qualifications required by 【this act】 P.L.1947, c.262 (C.45:11-~~
25 ~~23 et seq.) for the licensing of professional nurses, or possesses~~
26 ~~equivalent qualifications.~~

27 c. Fees. An applicant for a license by examination shall pay to
28 the board , at the time of application , a fee of ~~【\$25.00】 \$25,~~ and ,
29 at the time of each application for re-examination , a fee of
30 ~~【\$20.00】 \$20.~~ An applicant for a reciprocal license without
31 examination shall pay to the board , at the time of application , a fee
32 of ~~【\$15.00】 \$15.~~

33 d. Nurses registered under a previous law. Any person who
34 ~~【on】 , as of the effective date of 【this act】 P.L.1947,~~
35 ~~c.262 (C.45:11-23 et seq.), holds a subsisting certificate of~~
36 ~~registration as a registered nurse , which was issued pursuant to the~~
37 ~~provisions of the act repealed by 【section 22 of this act】 P.L.1947,~~
38 ~~c.262 (C.45:11-23 et seq.), shall be deemed to be licensed as a~~
39 ~~professional nurse under 【this act】 P.L.1947, c.262 (C.45:11-23 et~~
40 ~~seq.) during the calendar year in which 【this act shall take】~~
41 ~~P.L.1947, c.262 (C.45:11-23 et seq.) takes effect, and such person~~
42 ~~and any person who heretofore held a certificate of registration~~
43 ~~under 【said act hereby】 such repealed 【as aforesaid】 act shall be~~
44 ~~entitled to a renewal of such license as 【in the case of】 provided for~~
45 ~~professional nurses who are licensed 【originally under this act】~~
46 ~~pursuant to P.L.1947, c.262 (C.45:11-23 et seq.).~~

1 e. Title and abbreviations used by licensee. Any person who
2 holds a license to practice professional nursing , which has been
3 issued under this [act] section, shall , during the effective period of
4 such license , be entitled to use the title "Registered Nurse" and the
5 abbreviation "R.N." The effective period of a license , or a renewal
6 thereof , shall commence on the date of issuance and shall terminate
7 at the end of the calendar year in which it is issued, and shall not
8 include any period of suspension ordered by the board as
9 hereinafter provided.

10 (cf: P.L.1966, c.186, s.2)

11
12 32. Section 5 of P.L.1947, c.262 (C.45:11-27) is amended to
13 read as follows:

14 5. a. Qualifications of applicants. An applicant for a license to
15 practice practical nursing shall submit evidence to the board
16 **[evidence]** , in such form as the board may prescribe , showing that
17 the applicant ; (1) has attained **[his or her eighteenth birthday]** the
18 age of 18; (2) is of good moral character, is not an habitual user of
19 drugs , and has never been convicted or has not pleaded nolo
20 contendere, non vult contendere or non vult to an indictment,
21 information , or complaint alleging a violation of any Federal or
22 State law relating to narcotic drugs; (3) has completed **[2]** two
23 years of high school or the equivalent thereof, as determined by the
24 New Jersey State Department of Education; (4) has completed a
25 course of study in a school of practical nursing approved by the
26 board , and holds a diploma either therefrom, or **[holds a diploma]**
27 from a school of practical nursing operated by a board of education
28 in this State ; and (5) is certified by the Department of Education as
29 having completed the number of hours of instruction in the subjects
30 **[in the]** and curriculum prescribed by the board **[and an approved**
31 **course of affiliation]** , or has equivalent qualifications as
32 determined by the board.

33 b. License.

34 (1) By examination. The applicant shall be required to pass a
35 written examination in such subjects as the board may determine,
36 which examination may be supplemented by an oral or practical
37 examination₂, or both. Upon successfully passing such examinations,
38 the applicant shall be licensed by the board to practice practical
39 nursing.

40 (2) By indorsement without examination. **[The]** Whenever an
41 applicant submits evidence to the board showing that the applicant
42 has been examined and licensed as a practical nurse, or as a person
43 entitled to perform similar services under a different title, by the
44 examining and licensing board of another state of the United States,
45 the board shall issue a reciprocal practice license to the applicant,
46 by indorsement, and without conducting an examination thereof,
47 provided that the criteria identified in section 3 of P.L.2013,

1 c.182 (C.45:1-7.5) are deemed to have been satisfied. If the board
2 determines that these statutory criteria are not satisfied, the board
3 **【shall】** may still elect, in its discretion, to issue a reciprocal
4 practical nursing license 【to practice practical nursing】 , without
5 examination , to any applicant who has been duly licensed as a
6 practical nurse or as a person who is entitled to perform similar
7 services under a different title , either by 【practical nurse】
8 examination or by original waiver , under the laws of another State,
9 territory , or possession of the United States, or the District of
10 Columbia, if , in the opinion of the board , the applicant has the
11 qualifications required by 【this act】 P.L.1947, c.262 (C.45:11-23 et
12 seq.) for the licensing of practical nurses , or possesses equivalent
13 qualifications.

14 (3) Waiver. If application therefor is made, upon a form
15 prescribed by the board, on or before September 1, 1958, the board
16 shall issue , without examination , a license to practice practical
17 nursing to an applicant who submits evidence to the board
18 **【evidence】** , in such form as the board may prescribe , showing that
19 the applicant has the qualifications identified in paragraphs (1) and
20 (2) **【provided in】** of subsection 【"a"】 a. of this section , and had ,
21 within 【5】 five years prior to application , at least 【2】 two years of
22 satisfactory experience in practical nursing, at least 【1】 one year of
23 which shall have been performed in this State , except in cases of
24 **【such】** nursing performed in an agency or service of the Federal
25 Government; provided, however, that except in cases of such
26 nursing performed in an agency or service of the Federal
27 Government, such applicant is indorsed under oath by 【2】 two
28 physicians who are duly licensed to practice medicine 【and
29 surgery】 in New Jersey , and who have personal knowledge of the
30 applicant's qualifications and satisfactory performance of practical
31 nursing , and by 【2】 two persons who have employed the applicant.

32 c. Fees. An applicant for license by examination shall pay to
33 the board , at the time of application , a fee of **【\$20.00】** \$20, and at
34 the time of each application for re-examination , a fee of **【\$10.00】**
35 \$10. 【At the time of application an】 An applicant for a reciprocal
36 license , without examination , or for a license by waiver, shall pay
37 to the board , at the time of application, a fee of 【\$10.00, and an
38 applicant for license by waiver shall pay to the board a fee of
39 \$10.00】 \$10.

40 d. Title used by licensee. Any person who holds a license to
41 practice practical nursing , which has been issued under this **【act】**
42 section, shall , during the effective period of such license , be
43 entitled to practice practical nursing and to use the title "Licensed
44 Practical Nurse" and the abbreviation "L.P.N." The effective period
45 of a license or a renewal thereof shall commence on the date of
46 issuance , and shall terminate at the end of the calendar year in

1 which it is issued, and shall not include any period of suspension
2 ordered by the board as hereinafter provided.

3 (cf: P.L.1966, c.186, s.3)

4

5 33. Section 8 of P.L.1991, c.377 (C.45:11-47) is amended to
6 read as follows:

7 8. a. The New Jersey Board of Nursing may issue a certification
8 as an advanced practice nurse to an applicant who fulfills the
9 following requirements:

10 (1) Is at least 18 years of age;

11 (2) Is of good moral character;

12 (3) Is a registered professional nurse;

13 (4) Has successfully completed an educational program,
14 including pharmacology, approved by the board; and

15 (5) Has passed a written examination approved by the board.

16 b. In addition to the requirements of subsection a. of this
17 section, an applicant for renewal of a certification as an advanced
18 practice nurse shall present satisfactory evidence that, in the period
19 since the certification was issued or last renewed, all continuing
20 education requirements have been completed as required by
21 regulations adopted by the board.

22 c. **【The】** Notwithstanding the provisions of paragraph (5) of
23 subsection a. of this section to the contrary, whenever an applicant
24 submits evidence to the board showing that the applicant has been
25 examined and licensed or certified as an advanced practice nurse, or
26 as a person entitled to perform similar services under a different
27 title, by the examining and licensing or certification board of
28 another state of the United States, the board shall certify the
29 applicant as an advanced practice nurse, by indorsement, and
30 without conducting an examination thereof, provided that the
31 criteria identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are
32 deemed to have been satisfied. If the board determines that these
33 statutory criteria are not satisfied, the board may **【accept, in lieu of**
34 the**】** still elect, in its discretion, to certify the applicant as an
35 advanced practice nurse, by indorsement, and without requiring the
36 applicant to undergo the written examination required by paragraph
37 (5) of subsection a. of this section, provided that the applicant
38 submits proof showing that **【an】** the applicant **【for certification】**
39 holds a current license or certification as an advanced practice
40 nurse, or as a person entitled to perform similar services under a
41 different title, in a state which has standards substantially
42 equivalent to those of this State.

43 (cf: P.L.1999, c.85, s.6)

44

45 34. Section 10 of P.L.1991, c.377 (C.45:11-49) is amended to
46 read as follows:

47 10. a. In addition to all other tasks which a registered
48 professional nurse may, by law, perform, an advanced practice

1 nurse may manage preventive care services, and diagnose and
2 manage deviations from wellness and long-term illnesses, consistent
3 with the needs of the patient and within the scope of practice of the
4 advanced practice nurse, by:

- 5 (1) initiating laboratory and other diagnostic tests;
- 6 (2) prescribing or ordering medications and devices, as
7 authorized by subsections b. and c. of this section; and
- 8 (3) prescribing or ordering treatments, including referrals to
9 other licensed health care professionals, and performing specific
10 procedures in accordance with the provisions of this subsection.

11 b. An advanced practice nurse may order medications and
12 devices in the inpatient setting, subject to the following conditions:

13 (1) the collaborating physician and advanced practice nurse
14 shall address in the joint protocols whether prior consultation with
15 the collaborating physician is required to initiate an order for a
16 controlled dangerous substance;

17 (2) the order is written in accordance with standing orders or
18 joint protocols developed in agreement between a collaborating
19 physician and the advanced practice nurse, or pursuant to the
20 specific direction of a physician;

21 (3) the advanced practice nurse authorizes the order by signing
22 **his** the nurse's own name, printing the nurse's name and
23 certification number, and printing the collaborating physician's
24 name;

25 (4) the physician is present or readily available through
26 electronic communications;

27 (5) the charts and records of the patients treated by the advanced
28 practice nurse are reviewed by the collaborating physician and the
29 advanced practice nurse within the period of time specified by rule
30 adopted by the Commissioner of Health and Senior Services
31 pursuant to section 13 of P.L.1991, c.377 (C.45:11-52);

32 (6) the joint protocols developed by the collaborating physician
33 and the advanced practice nurse are reviewed, updated and signed at
34 least annually by both parties; and

35 (7) the advanced practice nurse has completed six contact hours
36 of continuing professional education in pharmacology related to
37 controlled substances, including pharmacologic therapy and
38 addiction prevention and management, in accordance with
39 regulations adopted by the New Jersey Board of Nursing. The six
40 contact hours shall be in addition to New Jersey Board of Nursing
41 pharmacology education requirements for advanced practice nurses
42 related to initial certification and recertification of an advanced
43 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.

44 c. An advanced practice nurse may prescribe medications and
45 devices in **all** any other medically appropriate **settings** setting,
46 or while engaging in telemedicine, as defined by section 1 of
47 P.L. , c. (C.) (pending before the Legislature as this bill),
48 subject to the following conditions:

- 1 (1) the collaborating physician and advanced practice nurse
2 shall address in the joint protocols whether prior consultation with
3 the collaborating physician is required to initiate a prescription for a
4 controlled dangerous substance;
- 5 (2) the prescription is written in accordance with standing orders
6 or joint protocols developed in agreement between a collaborating
7 physician and the advanced practice nurse, or pursuant to the
8 specific direction of a physician;
- 9 (3) the advanced practice nurse writes the prescription on a New
10 Jersey Prescription Blank pursuant to P.L.2003, c.280 (C.45:14-40
11 et seq.), signs **【his】** the nurse's name to the prescription and prints
12 **【his】** the nurse's name and certification number;
- 13 (4) the prescription is dated and includes the name of the patient
14 and the name, address , and telephone number of the collaborating
15 physician;
- 16 (5) the physician is present or readily available through
17 electronic communications;
- 18 (6) the charts and records of the patients treated by the advanced
19 practice nurse are periodically reviewed by the collaborating
20 physician and the advanced practice nurse;
- 21 (7) the joint protocols developed by the collaborating physician
22 and the advanced practice nurse are reviewed, updated and signed at
23 least annually by both parties; and
- 24 (8) the advanced practice nurse has completed six contact hours
25 of continuing professional education in pharmacology related to
26 controlled substances, including pharmacologic therapy and
27 addiction prevention and management, in accordance with
28 regulations adopted by the New Jersey Board of Nursing. The six
29 contact hours shall be in addition to New Jersey Board of Nursing
30 pharmacology education requirements for advanced practice nurses
31 related to initial certification and recertification of an advanced
32 practice nurse as set forth in N.J.A.C.13:37-7.2 and 13:37-7.5.
- 33 d. The joint protocols employed pursuant to subsections b. and
34 c. of this section shall conform with standards adopted by the
35 Director of the Division of Consumer Affairs pursuant to section 12
36 of P.L.1991, c.377 (C.45:11-51) or section 10 of P.L.1999,
37 c.85 (C.45:11-49.2), as applicable.
- 38 e. (Deleted by amendment, P.L.2004, c.122.)
39 (cf: P.L.2004, c.122, s.2)
- 40
- 41 35. Section 2 of P.L.1966, c.282 (C.45:14B-2) is amended to
42 read as follows:
 - 43 2. As used in **【this act】** P.L.1966, c.282 (C.45:14B-1 et seq.),
44 **【unless the context clearly requires】** and except as otherwise **【and**
45 **except as in this act expressly otherwise】** provided therein:

1 **[(a)]** “Board” means the State Board of Psychological
2 Examiners established pursuant to section 9 of P.L.1966,
3 c.282 (C.45:14B-9).

4 “Licensed practicing psychologist” means an individual to whom
5 a license has been issued pursuant to the provisions of **[this act]**
6 P.L.1966, c.282 (C.45:14B-1 et seq.), which license is in force and
7 not suspended or revoked as of the particular time in question.

8 **[(b)]** The “practice” **[(Practice]** of psychology” means the
9 rendering of professional psychological services for a fee, monetary
10 or otherwise, to an individual or group of individuals [, singly or in
11 groups], whether in the general public or in public or private
12 organizations, by any authorized means or method, including
13 telemedicine, as defined by section 1 of P.L. , c. (C.)
14 (pending before the Legislature as this bill) [either public or
15 private, for a fee, monetary or otherwise].

16 “Professional psychological services” means the application of
17 psychological principles and procedures in the assessment,
18 counseling , or psychotherapy of individuals for the purposes of
19 promoting the optimal development of their potential or
20 ameliorating their personality disturbances and maladjustments as
21 manifested in personal and interpersonal situations. **[Within the**
22 **meaning of this act, professional psychological services]**
23 “Professional psychological services” does not include the
24 application for a fee, monetary or otherwise, of psychological
25 principles and procedures for purposes other than those described in
26 this section.

27 **[(c)]** “Board” means the State Board of Psychological Examiners
28 acting as such under the provisions of this act.

29 **[(d)]** “Recognized educational institution” means any educational
30 institution **[which] that** is a **[2-year] two-year** junior college or
31 **[one which] that** grants the Bachelor's, Master's, **[and] or** Doctor's
32 degrees**[, or any one or more thereof]**, and which is recognized by
33 the New Jersey State Board of Education or by any accrediting
34 body acceptable to the State Board of Psychological Examiners.
35 (cf: P.L.1966, c.282, s.2)

36
37 36. Section 14 of P.L.1966, c.282 (C.45:14B-14) is amended to
38 read as follows:

39 14. Each person desiring to obtain a license as a practicing
40 psychologist shall make application therefor to the board upon such
41 form , and in such manner , as the board shall prescribe , and shall
42 furnish evidence satisfactory to the board showing that **[he] the**
43 applicant:

44 **[(a)]** a. Is at least 21 years of age;

45 **[(b)]** b. Is of good moral character;

1 **[(c)]** c. Is not engaged in any practice or conduct which would
2 be a ground for refusing to issue, suspending , or revoking a license
3 issued pursuant to **[this act]** P.L.1966, c. 282 (C.45:14B-1 et seq.);
4 and

5 **[(d)]** d. Qualifies for reciprocal licensing **[by an examination**
6 **of credentials or]** , as provided by section 20 of P.L.1966,
7 c.282 (C.45:14B-20), or for admission to an assembled licensure
8 examination to be conducted by the board pursuant to section 18
9 of P.L.1966, c.282 (C.45:14B-18).

10 (cf: P.L.1966, c.282, s.14)

11
12 37. Section 20 of P.L.1966, c.282 (C.45:14B-20) is amended to
13 read as follows:

14 20. **[The]** Whenever an applicant for a license under P.L.1966,
15 c.282 (C.45:14B-1 et seq.) submits evidence to the board showing
16 that the applicant has been examined and licensed by the examining
17 and licensing board of another state of the United States, the board
18 shall issue a reciprocal practice license to the applicant, without
19 conducting a written examination thereof, provided that the criteria
20 identified in section 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed
21 to have been satisfied. If the board determines that these statutory
22 criteria are not satisfied, the board may still elect, in its discretion,
23 to issue a reciprocal practice license [by an examination of
24 credentials] , without prior examination, to any applicant who
25 presents evidence that **[he]** the applicant: **[(a)]** is licensed or
26 certified as a psychologist in another State **[with]** , which has
27 licensure or certification requirements [for said license or
28 certificate] that are substantially similar to this State, such that the
29 board is of the opinion that **[said]** the applicant is competent to
30 engage in the practice of psychology in this State ; or [(b)] holds a
31 diploma from a nationally recognized psychological board or
32 agency.

33 (cf: P.L.1966, c.282, s.20)

34
35 38. Section 3 of P.L.2000, c.57 (C.45:14BB-3) is amended to
36 read as follows:

37 3. As used in **[this act]** P.L.2000, c.57 (C.45:14BB-1 et seq.):

38 "Advisory committee" means the Certified Psychoanalysts
39 Advisory Committee established pursuant to section 4 of **[this act]**
40 P.L.2000, c.57 (C.45:14BB-4).

41 "Director" means the Director of the Division of Consumer
42 Affairs in the Department of Law and Public Safety or his
43 designee.

44 "National psychoanalytic association" means a national
45 professional organization of psychoanalysts that conducts on-site

1 visits of psychoanalytic institutes applying for association
2 membership.

3 "Psychoanalytic services" means therapeutic services **【that】** ,
4 which are based on an understanding of the unconscious and how
5 unconscious processes affect the human mind as a whole, including
6 actions, thoughts, perceptions , and emotions , and which are
7 delivered to a patient by a State certified psychoanalyst through any
8 appropriate means or method, including, but not limited to,
9 telemedicine.

10 "State certified psychoanalyst" means an individual who has met
11 the eligibility requirements contained in section 6 of **【this act】**
12 P.L.2000, c.57 (C.45:14BB-6) and holds a current, valid certificate
13 of State certification.

14 (cf: P.L.2000, c.57, s.3)

15

16 39. Section 10 of P.L.2000, c.57 (C.45:14BB-10) is amended to
17 read as follows:

18 10. a. Notwithstanding the provisions of section 6 of P.L.2000,
19 c.57 (C.45:14BB-6) to the contrary, whenever an applicant for
20 certification under P.L.2000, c.57 (C.45:14BB-1 et seq.) submits
21 evidence to the director showing that the applicant has been
22 examined and licensed or certified as a psychoanalyst by the
23 examining and licensing board of another state of the United States,
24 the director shall certify the applicant as a State certified
25 psychoanalyst, by indorsement, and without conducting an
26 examination thereof, provided that the criteria identified in section
27 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.
28 If the director determines that these statutory criteria are not
29 satisfied, the director may still elect, in his or her discretion, to
30 certify the applicant as a State certified psychoanalyst, by
31 endorsement, and without requiring the applicant to undergo the
32 examination required by subsection e. of section 6 of P.L.2000,
33 c.57 (C.45:14BB-6), provided that the conditions described in
34 section b. of this section are satisfied.

35 b. The director may waive the education, experience , and
36 examination requirements for State certification **【pursuant to this**
37 **act】** that are provided by P.L.2000, c.57 (C.45:14BB-1 et seq.), and
38 may issue a State certification , by endorsement , to any applicant
39 who holds a current license, registration , or certificate to practice
40 psychoanalysis issued by the agency of another state or country
41 which, in the opinion of the director, has requirements for licensure,
42 registration , or certification that are equivalent to , or higher than
43 **【those required to be certified pursuant to this act】** the requirements
44 provided by P.L.2000, c.57 (C.45:14BB-1 et seq.).

45 (cf: P.L.2000, c.57, s.10)

1 40. Section 3 of P.L.1991, c.134 (C.45:15BB-3) is amended to
2 read as follows:

3 3. As used in **[this act]** P.L.1991, c.134 (C.45:15BB-1 et seq.):

4 "Board" means the State Board of Social Work Examiners,
5 established in section 10 of **[this act]** P.L.1991, c.134 (C.45:15BB-
6 10).

7 "Certified social worker" means a person who holds a current,
8 valid certificate issued pursuant to subsection c. of section 6 or
9 subsection c. of section 8 of **[this act]** P.L.1991, c.134 (C.45:15BB-
10 6 or C.45:15BB-8).

11 "Clinical social work" means the professional application of
12 social work methods and values in the assessment and
13 psychotherapeutic counseling of individuals, families, or groups **[.**
14 **Clinical social work services shall include]** using any authorized
15 means or method, including telemedicine, as defined by section 1 of
16 P.L. , c. (C.) (pending before the Legislature as this bill).
17 The practice of clinical social work includes, but shall not be
18 limited to: assessment; psychotherapy; client-centered advocacy;
19 and consultation.

20 "Director" means the Director of the Division of Consumer
21 Affairs.

22 "Licensed clinical social worker" means a person who holds a
23 current, valid license issued pursuant to subsection a. of section 6 or
24 subsection a. or d. of section 8 of **[this act]** P.L.1991,
25 c.134 (C.45:15BB-6 or C.45:15BB-8).

26 "Licensed social worker" means a person who holds a current,
27 valid license issued pursuant to subsection b. of section 6 or
28 subsection b. of section 8 of **[this act]** P.L.1991,
29 c.134 (C.45:15BB-6 or C.45:15BB-8).

30 "Psychotherapeutic counseling" means the ongoing interaction
31 between a social worker and an individual, family , or group for the
32 purpose of helping to resolve symptoms of mental disorder,
33 psychosocial stress, relationship problems , or difficulties in coping
34 with the social environment, through the practice of psychotherapy.

35 "Social work" means the activity directed at enhancing,
36 protecting , or restoring a person's capacity for social functioning,
37 whether impaired by physical, environmental, or emotional factors.
38 The practice of social work shall include, but shall not be limited to:
39 policy and administration; clinical social work; social work
40 counseling; planning and community organization; social work
41 education; and research.

42 "Social work counseling" means the professional application of
43 social work methods and values in advising and providing guidance
44 to individuals, families , or groups for the purpose of enhancing,
45 protecting , or restoring the capacity for coping with the social
46 environment, exclusive of the practice of psychotherapy.

1 "Supervision" means the direct review of a supervisee for the
2 purpose of teaching, training, administration, accountability, or
3 clinical review by a supervisor in the same area of specialized
4 practice.

5 (cf: P.L.1995, c.66, s.1)

6
7 41. Section 7 of P.L.1991, c.134 (C.45:15BB-7) is amended to
8 read as follows:

9 7. **【An】** Notwithstanding the provisions of section 6 of
10 P.L.1991, c.134 (C.45:15BB-6) to the contrary, whenever an
11 applicant for licensure under P.L.1991, c.134 (C.45:15BB-1 et seq.)
12 submits evidence to the board showing that the applicant has been
13 examined and licensed by the examining and licensing board of
14 another state of the United States, the board shall issue a reciprocal
15 practice license to the applicant, without conducting a written
16 examination thereof, provided that the criteria identified in section
17 3 of P.L.2013, c.182 (C.45:1-7.5) are deemed to have been satisfied.
18 If the board determines that these statutory criteria are not satisfied,
19 the board may **【be exempted】** still elect, in its discretion, to issue a
20 reciprocal practice license to the applicant, and thereby exempt the
21 applicant from the **【requirement of】** provisions of P.L.1991,
22 c.134 (C.45:15BB-1 et seq.) requiring the taking and passing of any
23 licensure examination **【provided for in this act if】** , provided that
24 the applicant **【satisfies the board that the applicant】** is licensed or
25 registered under the laws of a state, territory, or jurisdiction of the
26 United States, which, in the opinion of the board, imposes
27 substantially the same educational and experiential requirements as
28 this **【act】** State, and the applicant, pursuant to the laws of **【the】**
29 such state, territory, or jurisdiction, has taken and passed an
30 examination similar to that from which exemption is sought.

31 (cf: P.L.1991, c.134, s.7)

32
33 42. The following sections of law are repealed:

34 R.S.45:9-18; and

35 R.S.45:9-18.1.

36
37 43. This act shall take effect immediately, and sections 4, 5, and
38 6 of this act shall apply to contracts that are entered into on or after
39 the effective date hereof.

40
41
42 STATEMENT

43
44 This bill would authorize health care practitioners in the State –
45 including physicians, nurse practitioners, psychologists,
46 psychiatrists, psychoanalysts, licensed clinical social workers,
47 physician assistants, and any other health care professional acting

1 within the scope of a valid license or certification issued pursuant to
2 Title 45 of the Revised Statutes – to deliver health care services,
3 and establish a practitioner/patient relationship, through the use of
4 telemedicine. This authorization would extend to mental health
5 screeners, who, as specified by the bill, would be allowed to engage
6 in mental health screening procedures through telemedicine without
7 necessitating a waiver from existing rules.

8 “Telemedicine” is defined by the bill to mean the delivery of a
9 health care service using electronic communications, information
10 technology, or other electronic or technological means to bridge the
11 gap between the health care practitioner who is located at one site,
12 and a patient who is located at a different, remote site, either with or
13 without the assistance of an intervening health care provider, and
14 which typically involves the provision of health care services
15 through the application of secure, two-way videoconferencing or
16 store-and-forward technology that is designed to replicate the
17 traditional in-person encounter and interaction between health care
18 practitioner and patient by allowing for interactive, real-time visual
19 and auditory communication, and the electronic transmission of
20 images, diagnostics, and medical records. “Telemedicine” would
21 not include the use of audio-only telephone conversation, electronic
22 mail, instant messaging, phone text, or facsimile transmission.

23 Pursuant to the bill’s provisions, the delivery of health care
24 services through the use of telemedicine would be subject to the
25 same standards of care and rules of practice as are applicable to
26 traditional in-person practice, and the use of telemedicine would not
27 reduce or eliminate any existing duty or responsibility of the health
28 care practitioner, or any assistant thereof, including any duty or
29 responsibility related to recordkeeping or the maintenance of patient
30 confidentiality. Any health care practitioner who engages in
31 telemedicine without complying with the ordinary standards of care
32 or rules of practice applicable to in-person practice would be
33 subject to discipline by the respective licensing board, as provided
34 by law.

35 The bill would authorize an out-of-State health care practitioner
36 to engage in telemedicine with patients in this State, but only
37 pursuant to a reciprocal medical practice (or other appropriate
38 practice) license. Existing law at N.J.S.A.45:1-7.5 – which was
39 enacted in 2013 and became effective on July 1, 2014 – already
40 provides that a reciprocal license must be granted to any out-of-
41 State health care practitioner, upon application therefor, if: (1) the
42 other state has substantially equivalent requirements for licensure,
43 registration, or certification; (2) the applicant has practiced in the
44 profession within the five-year period preceding application; (3) the
45 respective New Jersey State board receives documentation showing
46 that the applicant’s out-of-State license is in good standing, and that
47 the applicant has no conviction for a disqualifying offense; and (4)
48 an agent in this State is designated for service of process if the non-

1 resident applicant does not have an office in this State. Consistent
2 with the provisions of N.J.S.A.45:1-7.5, this bill would amend the
3 individual practice laws pertaining to the reciprocal licensure (or
4 licensure by indorsement) of physicians, nurse practitioners, social
5 workers, psychologists, psychoanalysts, and physician assistants –
6 which, in most cases, currently provide only for discretionary
7 reciprocal licensure – in order to clarify that a reciprocal license:
8 (1) must be granted if the conditions established by N.J.S.A.45:1-
9 7.5 are satisfied; and (2) may still be granted, in the discretion of
10 the respective licensing board, in cases where those statutory
11 conditions are not satisfied.

12 In addition to clarifying the existing State law that pertains to the
13 reciprocal licensing of health care practitioners, the bill would also
14 require the Board of Medical Examiners to evaluate the interstate
15 Telemedicine Licensure Compact that is currently being promoted
16 by the Federation of State Medical Boards, and which, if adopted,
17 would establish a universally-accepted and more simplistic system
18 of reciprocal licensing for physicians. Within 180 days after the
19 bill's effective date, the board would be required to submit to the
20 Governor and Legislature, a report of its findings on the matter, and
21 recommendations for legislation or other State action necessary to
22 implement the compact in this State.

23 In order to facilitate the use of telemedicine in this State, and
24 except when contrary to federal or State law, the bill would prohibit
25 the State Medicaid and NJ FamilyCare programs, as well as any
26 private health benefits plan – including those provided by private
27 carriers, and those contained in contracts purchased by the State
28 Health Benefits Commission and the School Employees' Health
29 Benefits Commission – from requiring in-person contact between a
30 health care practitioner and a patient, or from establishing any siting
31 or location restrictions on a health care practitioner or a patient, as a
32 condition of reimbursement under the respective program or plan.
33 The bill would further require such programs and plans to provide
34 coverage and reimbursement for: (1) health care services that are
35 delivered through telemedicine, to the same extent, and at the same
36 reimbursement rate, that such services are covered and reimbursed
37 when provided in-person (so long as the use of telemedicine is not
38 medically contraindicated), and (2) any professional or facility fees
39 that may be associated with the delivery of covered services
40 through telemedicine, so long as such fees would otherwise be
41 eligible for coverage or reimbursement in the case of in-person
42 service delivery.

43 Finally, the bill would specify that a health care practitioner may
44 engage in consultations with out-of-State peer professionals,
45 including, but not limited to, a sub-specialist, using electronic or
46 other means, without obtaining a separate license or authorization
47 therefor.

1 In addition to the substantive changes described above, the bill
2 would incorporate a number of technical and stylistic changes to the
3 existing laws that govern the practice of various types of health care
4 practitioners, as is necessary to both accomplish the bill’s purposes
5 and enhance clarity and readability in these areas. In particular, the
6 bill would:

7 (1) redefine various statutory terms and revise various statutory
8 provisions that are used to delineate the scope of practice for
9 various health care practitioners, in order to expressly include
10 telemedicine as an acceptable means or method of practice and
11 service delivery;

12 (2) update language contained in relevant sections of Title 45 of
13 the Revised Statutes, in order to reflect the changes that have been
14 made by the bill;

15 (3) ensure that the laws being amended by the bill contain
16 modern language, avoid the use of archaic or redundant
17 terminology, use language consistently from section to section, and
18 conform to modern tenets of statutory drafting (including, for
19 instance, the tenet that provides for the alphabetization of
20 definitional terms);

21 (4) consolidate two existing sections of law (R.S.45:9-18 and
22 R.S.45:9-18.1) that are used to help define both the “practice of
23 medicine” and the unauthorized practice thereof, but which are
24 presently allocated separately from other similar provisions of law,
25 and incorporate these provisions into a more logical and cohesive
26 statutory location – in particular, into the existing statutory
27 definitions and sections of law that outline the parameters of
28 acceptable medical practice;

29 (5) repeal the existing sections of law being consolidated; and

30 (6) eliminate certain provisions of law which are applicable to a
31 class of people who are no longer practicing (specifically, persons
32 who matriculated in college prior to 1935 and persons who were
33 practicing medicine before July 4, 1890).