

P.L. 2005, CHAPTER 259, *approved January 4, 2006*  
Assembly, No. 2024 (*First Reprint*)

1 **AN ACT** concerning podiatrists and revising various parts of the  
2 statutory law.

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

6  
7 1. R.S.45:5-1 is amended to read as follows:

8 45:5-1. The degree of ["D.S.C." is the abbreviation for "doctor of  
9 surgical chiropody" and the degree of "D.P." is the abbreviation for  
10 "doctor of podiatry" and the degree of] "D.P.M." is the abbreviation  
11 for "doctor of podiatric medicine" when used in this chapter.  
12 (cf: P.L.1983, c.529, s.1)

13  
14 2. R.S.45:5-2 is amended to read as follows:

15 45:5-2. The State Board of Medical Examiners, hereinafter in this  
16 chapter designated as the "board," shall, in addition to the  
17 examinations provided for in chapter 9 of [this] Title [(s. 45:9-1 et  
18 seq.)] 45 of the Revised Statutes, hold meetings for the examination  
19 of all applicants under this chapter for a license to practice [podiatry]  
20 podiatric medicine in this State, which meetings shall be held at the  
21 capitol building on the third Tuesday of June and October of each  
22 year, and at such other times and places as the board may deem  
23 expedient. The board shall keep an official record of all such  
24 meetings, and an official register of all applicants for a license to  
25 practice [podiatry] podiatric medicine in this State. The register shall  
26 show the name, age, nativity, last and intended place of residence of  
27 each candidate, the time he has spent in obtaining a competent  
28 academic education, and an education in [podiatry] podiatric medicine  
29 in a school teaching [podiatry] podiatric medicine, and the names and  
30 location of all [podiatry] podiatric medicine schools or examining  
31 boards which have granted the applicant any degree or certificate of  
32 attendance upon lectures upon [podiatry] podiatric medicine, or State  
33 examinations. The register shall also show whether said applicant was  
34 examined, licensed or rejected under this chapter, and it shall be prima  
35 facie evidence of all matters therein contained.

36 (cf: P.L.1965, c.141, s.2)

37  
38 3. R.S.45:5-3 is amended to read as follows:

39 45:5-3. All persons desiring to commence the practice of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ARP committee amendments adopted May 3, 2004.

1   [chiropody] podiatric medicine in this State shall apply to the board  
2 for a license so to do. Every such applicant for examination shall  
3 present to the secretary of said board, at least ten days before the  
4 commencement of the examination at which he is to be examined, a  
5 written application on a form provided by the board, together with  
6 satisfactory proof that he is a citizen of the United States more than  
7 twenty-one years of age, is of good moral character, has obtained a  
8 certificate from the Commissioner of Education of this State, showing  
9 that before entering a school or college of [chiropody] podiatric  
10 medicine he had obtained an academic education consisting of a four  
11 years' course of study in an approved public or private high school or  
12 the equivalent thereof, and has received a diploma conferring the  
13 degree of doctor of [surgical chiropody] podiatric medicine from  
14 some legally incorporated school or college of [chiropody] podiatric  
15 medicine of the United States requiring personal attendance, in good  
16 standing in the opinion of the board at the time of issuance of such  
17 diploma, and that prior to the receipt of such diploma from any such  
18 school or college of [chiropody] podiatric medicine of the United  
19 States, he had studied [chiropody] podiatric medicine not less than  
20 two full school years, including two satisfactory courses of lectures of  
21 at least eight months each, in two different calendar years in some  
22 legally incorporated American school or college of [chiropody]  
23 podiatric medicine requiring personal attendance, in good standing in  
24 the opinion of said board, and wherein the curriculum of study shall  
25 include instruction in the following branches:

26     Practical [chiropody] podiatric medicine, [chiropodial] podiatric  
27 orthopaedics, dermatology, diagnosis, anatomy, physiology,  
28 therapeutics in all its branches, pathology, histology, bacteriology,  
29 pharmacy and materia medica, chemistry, [minor] surgery and  
30 bandaging pertaining to the ailments of the feet or ankles.  
31 (cf: P.L.1947, c.355, s.2)  
32

33     4. R.S.45:5-4 is amended to read as follows:

34     45:5-4. No person who shall have graduated after January first,  
35 one thousand nine hundred and thirty-four, shall be admitted to  
36 examination for license to practice [chiropody] podiatric medicine  
37 unless, in addition to the requirements of [section] R.S.45:5-3 [of this  
38 Title] he shall prove further to the board that after the receipt of the  
39 diploma conferring the degree of doctor of [surgical chiropody]  
40 podiatric medicine he had served an [internship] internship in a duly  
41 licensed clinic, connected or affiliated with a school or college of  
42 [chiropody] podiatric medicine and approved by the board, for one  
43 full school year of not less than eight months, consisting of a minimum  
44 number of four hundred and eighty hours devoted to the practice of

1    [chiropody] podiatric medicine in all its branches.

2    (cf: P.L.1947, c.355, s.3)

3

4       5. R.S.45:5-5 is amended to read as follows:

5       45:5-5. No person who shall have graduated after January first,  
6    one thousand nine hundred and thirty-eight, shall be admitted to  
7    examination for license to practice [chiropody] podiatric medicine  
8    unless in addition to the above requirements, as set forth in [section]  
9    R.S.45:5-3 [of this Title], he shall prove further to the said board that  
10   prior to the receipt of diploma conferring the degree of doctor of  
11   [surgical chiropody] podiatric medicine, he had studied [chiropody]  
12   podiatric medicine not less than three full school years, including three  
13   satisfactory courses of at least eight months each, in three different  
14   calendar years in some legally incorporated American school or  
15   college of [chiropody] podiatric medicine requiring personal  
16   attendance, in good standing in the opinion of said board, and wherein  
17   the curriculum of study shall include instructions as provided in [said  
18   section] R.S.45:5-3, and that after the receipt of such diploma, as  
19   aforesaid, he had served an [internship] internship in a duly licensed  
20   clinic, connected or affiliated with a school or college of [chiropody]  
21   podiatric medicine and approved by said board, for one full school  
22   year of not less than eight months, consisting of a minimum number of  
23   four hundred and eighty hours devoted to the practice of [chiropody]  
24   podiatric medicine in all its branches.

25   (cf: P.L.1947, c.355, s.4)

26

27       6. Section 5 of P.L. 1954, c.261 (C.45:5-5.1) is amended to read  
28   as follows:

29       5. No person who shall have graduated after January 1, 1955, shall  
30   be admitted to examination for a license to practice [chiropody]  
31   podiatric medicine unless in addition to the requirements set forth in  
32   [section] R.S.45:5-3 [of this Title], he shall prove further to the said  
33   board (1) that prior to the receipt of a diploma conferring the degree  
34   of doctor of [surgical chiropody] podiatric medicine, he had  
35   completed a satisfactory course of one full school year in a legally  
36   incorporated and recognized college or university, approved by the  
37   Commissioner of Education of this State; (2) that he had then studied  
38   [chiropody] podiatric medicine for not less than 4 full school years,  
39   including the satisfactory completion of 4 courses of at least 8 months  
40   each, in 4 different calendar years in a legally incorporated American  
41   school or college of [chiropody] podiatric medicine, requiring  
42   personal attendance, in good standing in the opinion of said board,  
43   wherein the curriculum of study included instructions as provided in  
44   [section] R.S.45:5-3; and that (3) after the receipt of such diploma,  
45   as aforesaid, he had served a rotating internship in a duly licensed  
46   clinic, hospital or institution approved by the board, for one full year

1 devoted to the practice of [chiroprody] podiatric medicine in all its  
2 branches.

3 (cf: P.L.1962, c.187, s.1)

5 7. Section 10 of P.L.1965, c.141 (C.45:5-5.2) is amended to read  
6 as follows:

7 10. Any person desiring to commence the practice of [podiatry]  
8 podiatric medicine in this State who has graduated from a college of  
9 [podiatry] podiatric medicine approved by the board after May 1,  
10 1964 shall apply to the board for a license so to do. Every such  
11 applicant for examination shall present to the secretary of said board,  
12 at least 20 days before the commencement of the examination at which  
13 he is to be examined, a written application on a form provided by the  
14 board, together with satisfactory proof that he is a citizen of the  
15 United States, more than 21 years of age, is of good moral character,  
16 and

17 (1) He has obtained an academic education consisting of a 4-year  
18 course of study in an approved public or private high school or the  
19 equivalent thereof, and

20 (2) He has completed a satisfactory course of 2 full school years  
21 in a legally incorporated and recognized college or university,  
22 approved by the board, and

23 (3) He has studied [podiatry] podiatric medicine for not less than  
24 4 full school years, including the satisfactory completion of 4 courses  
25 of at least 8 months each, in 4 different calendar years, or has  
26 graduated from an equivalent accelerated course, in a legally  
27 incorporated American school or college of [podiatry] podiatric  
28 medicine, requiring personal attendance, in good standing in the  
29 opinion of said board, wherein the curriculum of study included  
30 instruction in the following branches:

31 Practical [podiatry] podiatric medicine, podiatric orthopedics,  
32 dermatology, diagnosis, anatomy, physiology, therapeutics in all its  
33 branches, pathology, histology, bacteriology, pharmacy and materia  
34 medica, chemistry, [minor] surgery and bandaging pertaining to the  
35 ailments of the feet or ankles, and

36 (4) He has received a doctorate degree in [podiatry] podiatric  
37 medicine, and

38 (5) Thereafter he has served [an internship] a residency in a duly  
39 licensed clinic, hospital, or institution, approved by the board, for 1  
40 full year devoted to the practice of [podiatry] podiatric medicine in all  
41 its branches.

42 (cf: P.L.1977, c.46, s.1)

44 8. R.S.45:5-7 is amended to read as follows:

45 45:5-7. All examinations shall be written in the English language,  
46 but the board, in its discretion, may use supplementary oral or

1 practical examinations, either of the whole class or of individuals. The  
2 examinations shall be in all subjects taught and practiced in the legally  
3 incorporated schools or colleges of [podiatry] podiatric medicine, in  
4 good standing in the opinion of the board, which confer the degree of  
5 doctor of [surgical chiropody] podiatric medicine or other doctorate  
6 degree in [podiatry] podiatric medicine. Said application and  
7 examination papers shall be deposited in the files of the said board for  
8 at least five years, and they shall be prima facie evidence of all matters  
9 therein contained. All licenses shall be signed by the president and  
10 secretary of the board and shall be attested by the seal thereof.

11 If the examination is satisfactory, the board shall issue a license  
12 entitling the applicant to practice [podiatry] podiatric medicine in this  
13 State.

14 ["Podiatry"] "Podiatric medicine" or "practice of [podiatry]  
15 podiatric medicine" is defined to be the diagnosis or treatment of or  
16 the holding out of a right or ability to diagnose or treat any ailment of  
17 the human foot or ankle, including local manifestations of systemic  
18 diseases as they appear on the lower leg [or], foot or ankle but not  
19 treatment of systemic diseases of any other part of the body, or the  
20 holding out of a right or ability to treat the same by any one or more  
21 of the following means: local medical, mechanical, surgical,  
22 manipulative and physio-therapeutic, including the application of any  
23 of the aforementioned means to the lower leg and ankle for the  
24 treatment of a foot or ankle ailment. Such means shall not be  
25 construed to include the amputation of the leg or foot. The term  
26 "local medical" hereinbefore mentioned shall be construed to mean the  
27 prescription or use of a therapeutic agent or remedy where the action  
28 or reaction is intended for a localized area or part. A podiatrist is a  
29 physician within the scope of this chapter, and may be referred to as  
30 a podiatric physician.

31 Every person practicing [podiatry] podiatric medicine under this  
32 act shall at all times conspicuously display in his place of practice his  
33 license and yearly registration to practice. It shall be unlawful to  
34 practice [podiatry] podiatric medicine in this State without so  
35 displaying such license and registration. Any applicant for a license to  
36 practice [podiatry] podiatric medicine upon proving that he has been  
37 examined and licensed by the examining and licensing board of another  
38 state, territory of the United States, or the District of Columbia, may  
39 in the discretion of the board be granted a license to practice  
40 [podiatry] podiatric medicine without further examination upon  
41 payment to the board of a license fee of \$100.00; provided, such  
42 applicant shall furnish proof that he can fulfill the requirements  
43 demanded in the other sections of this chapter relating to applicants  
44 for admission by examinations; provided further, that the laws of such  
45 state, territory or the District of Columbia accord equal reciprocal  
46 rights to a licensed podiatrist of this State, who desires to practice his

1 profession in such state, territory or the District of Columbia; provided  
2 further, that said applicant has been in lawful and ethical practice of  
3 **[podiatry]** podiatric medicine in the state, territory or District of  
4 Columbia from which he applies for five full consecutive years next  
5 prior to filing his application; and provided, further, that said applicant  
6 shall, within six months after the issuance of his license hereunder,  
7 remove to this State, establish his permanent and only legal residence  
8 and cease to operate his practice in the state from which he applies and  
9 not use such license for part-time practice in this State. An affidavit  
10 setting forth his intention to comply with the requirements of this  
11 proviso must be filed with the application for license. In any such  
12 application for a license without examination, all reciprocal questions  
13 of academic requirements of other states, territories or the District of  
14 Columbia shall be determined by the board. The board shall consider  
15 each application for such license on its individual merits and may, in  
16 its discretion and without establishing a precedent, waive the  
17 requirements for **[internship]** residency in lieu of 10 or more years of  
18 active and continuous ethical practice outside of this State.

19 The board may issue to any licensed podiatrist of this State, known  
20 to it to be of good moral character and who has conducted an ethical  
21 practice in this State, and who desires to remove his residence and  
22 practice to another state, a certificate or certification authenticated  
23 with its seal, which shall attest such information as may be necessary  
24 for competent boards of other states to determine reciprocity  
25 qualifications, upon payment of a fee of \$10.00.

26 The board may, in its discretion, accept in lieu of its own  
27 examination, either in whole or in part, the certificate of the National  
28 Board of **[Podiatry]** Podiatric Medical Examiners; and provided  
29 further, that the applicant satisfies in all other respects the  
30 requirements for licensure by examination. Such application to the  
31 board shall be accompanied by an application fee of \$100.00 plus  
32 \$10.00 for verification. In the event an oral or practical examination  
33 or both is given under this provision, an additional fee of \$25.00 may  
34 be required for examiner compensation.

35 The board, in its discretion, may grant a license without further  
36 examination to any person whose previous license has been revoked  
37 under R.S.45:5-8 and upon payment to the board of a license fee of  
38 \$100.00.

39 (cf: P.L.1993, c.185, s.1)

40

41 9. R.S.45:5-9 is amended to read as follows:

42 45:5-9. <sup>1</sup>a.<sup>1</sup> Every licensed podiatrist shall procure <sup>1</sup>[each year]  
43 every two years<sup>1</sup> from the <sup>1</sup>**[secretary]** executive director <sup>1</sup>bf of the  
44 board, on or before November 1, <sup>1</sup>**[an annual]** a biennial<sup>1</sup>certificate of  
45 registration, which shall be issued by <sup>1</sup>**[said secretary]** the executive  
46 director<sup>1</sup> upon payment of a fee <sup>1</sup>**[of \$15.00]** to be determined by the

1 board<sup>1</sup>. The <sup>1</sup>[secretary] executive director shall mail to each  
 2 licensed podiatrist on or before October 1 <sup>1</sup>[each year] every two  
 3 years<sup>1</sup> a printed blank form to be properly filled in and returned to  
 4 <sup>1</sup>[said secretary] the executive director<sup>1</sup> by such licensed person on  
 5 or before the succeeding November 1, together with such fee. Upon  
 6 the receipt of said form properly filled in, and such fee, the <sup>1</sup>[annual]  
 7 biennial<sup>1</sup> certificate of registration shall be issued and transmitted.  
 8 <sup>1</sup>[Said secretary shall annually, on or before January 1, mail to each  
 9 licensed podiatrist who has registered for the preceding year a list  
 10 containing the names and post-office addresses of all licensed  
 11 podiatrists who have registered under this section for said year.]<sup>1</sup>  
 12 Every licensed podiatrist who continues the practice of [podiatry]  
 13 podiatric medicine after having failed to secure <sup>1</sup>[an annual] a  
 14 biennial<sup>1</sup> certificate of registration at the time and in the manner  
 15 required by this section shall be subject to a penalty of \$25.00 for each  
 16 failure. Immediately after November 1, the <sup>1</sup>[secretary] executive  
 17 director<sup>1</sup> shall send by registered mail to every podiatrist who has  
 18 failed to obtain <sup>1</sup>[an annual] a biennial<sup>1</sup> registration certificate for the  
 19 ensuing <sup>1</sup>[year] two-year period<sup>1</sup> a notice that their license will be  
 20 automatically suspended within 30 days unless the penalty and  
 21 <sup>1</sup>[annual]<sup>1</sup> registration fee is paid immediately. Upon failure to  
 22 register after such notice, the license of such person shall be  
 23 automatically suspended and shall not be reinstated except upon full  
 24 payment of penalty and <sup>1</sup>[annual]<sup>1</sup> registration fee. However, such  
 25 suspension shall not apply to anyone who has ceased to practice in this  
 26 State. Any person whose license shall have been automatically  
 27 suspended under this section shall during such period of suspension be  
 28 regarded as an unlicensed person, and if he continue to engage in the  
 29 practice of [podiatry] podiatric medicine during such period, he shall  
 30 be liable to the penalties prescribed by [sections] R.S.45:5-11 [and  
 31 45:5-12 of this chapter].

32 <sup>1</sup>b. If an applicant for reinstatement of licensure has not engaged  
 33 in practice in any jurisdiction for a period of more than five years, or  
 34 the board's review of the reinstatement application establishes a basis  
 35 for concluding that there may be clinical deficiencies in need of  
 36 remediation, before reinstatement the board may require the applicant  
 37 to submit to, and successfully pass, an examination or an assessment  
 38 of skills. If that examination or assessment identifies clinical  
 39 deficiencies or educational needs, the board may require the licensee,  
 40 as a condition of reinstatement of licensure, to take and successfully  
 41 complete any educational training, or to submit to any supervision,  
 42 monitoring or limitations, as the board determines are necessary to  
 43 assure that the licensee practices with reasonable skill and safety.<sup>1</sup>  
 44 (cf: P.L.2001, c.307, s.4)

45  
 46

10. R.S.45:5-10 is amended to read as follows:

1       45:5-10. Nothing in this chapter shall be construed to prohibit a  
2       duly licensed physician from treating diseases or ailments of the feet  
3       or ankles, or a lawfully qualified podiatrist residing in another State  
4       from meeting registered podiatrists of this State in consultation, or any  
5       legally qualified podiatrist of another State from taking charge of the  
6       practice of a legally qualified podiatrist of this State temporarily on  
7       written permission of the board during the latter's absence therefrom  
8       and upon the latter's written request to the board for permission so to  
9       do. Such permission may be granted for a period of not more than  
10      3 months upon payment of a fee of \$10.00. The board, in its  
11      discretion and upon payment of an additional fee of \$10.00, may  
12      extend such permission for a further period but not to exceed  
13      6 months. Nothing in this act shall prohibit the fitting, recommending  
14      or sale of corrective shoes, arch supports or other mechanical  
15      appliances by retail dealers or manufacturers, provided, however, that  
16      they shall not be made or fabricated from plaster casts or models or by  
17      any other means for specific individual persons except upon the  
18      prescription of a podiatrist or physician.  
19      (cf: P.L.1965, c.141, s.6)

20

21      11. R.S.45:5-11 is amended to read as follows:

22      45:5-11. (a) Whoever practices [podiatry] podiatric medicine in  
23      this State without first having obtained and filed the license herein  
24      provided for, or contrary to any of the provisions of this chapter, or  
25      whoever practices [podiatry] podiatric medicine under a false or  
26      assumed name, or falsely impersonates another practitioner of a like  
27      or different name, or buys, sells, or fraudulently obtains any diploma  
28      as a podiatrist, or any [podiatry] podiatric medicine license, record or  
29      registration, or aids or assists any person not regularly licensed and  
30      registered to practice [podiatry] podiatric medicine in this State, to  
31      practice [podiatry] podiatric medicine therein, or whoever violates  
32      any of the provisions of this chapter, shall be liable to a penalty of  
33      \$200.00.

34      Every person practicing [podiatry] podiatric medicine and every  
35      person practicing [podiatry] podiatric medicine as an employee of  
36      another shall cause his name to be conspicuously displayed and kept  
37      in a conspicuous place at the entrance of the place where such practice  
38      shall be conducted, and any person who shall neglect to cause his  
39      name to be displayed as herein required shall be liable to a penalty of  
40      \$100.00.

41      Using the title doctor or its abbreviation in the practice of  
42      [podiatry] podiatric medicine must be qualified by the word or words  
43      "podiatrist" or "surgeon podiatrist." Any person who violates this  
44      provision shall be liable to a penalty of \$100.00.

45      It shall be unlawful for any person not licensed under this act to use  
46      terms, titles, words or letters which would designate or imply that he



1 or she is qualified to treat foot or ankle ailments, or to hold himself or  
2 herself out as being able to diagnose, treat, operate, or prescribe for  
3 any ailment of the human foot or ankle, or offer or attempt to  
4 diagnose, treat, operate or prescribe for any ailment of the human foot  
5 or ankle.

6 (b) The Superior Court and municipal courts, within their  
7 respective territorial jurisdictions, shall have jurisdiction to hear and  
8 determine actions for penalties under this chapter. The penalties  
9 provided for by this section shall be sued for and recovered by and in  
10 the name of the State Board of Medical Examiners of New Jersey, as  
11 plaintiff. Penalties imposed because of the violation of any provision  
12 of this chapter shall be collected and enforced by summary  
13 proceedings pursuant to ["the penalty enforcement law"  
14 (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999,"  
15 P.L.1999, c.274 (C.2A:58-10 et seq.). Process shall issue at the suit  
16 of the board, as plaintiff, and shall be either in the nature of a  
17 summons or warrant.

18 (cf: P.L.1991, c.91, s.450)

19  
20 12. Section 5 of P.L.1943, c.95 (C.45:5-17) is amended to read as  
21 follows:

22 5. The Superior Court may in an action at the suit of the Attorney  
23 General or of the said board prevent and restrain the practice of  
24 **[podiatry]** podiatric medicine in this State by any person who has not  
25 first obtained and filed the license herein provided for, or the violation  
26 by any person of the provisions of this act; or of the practice of  
27 **[podiatry]** podiatric medicine by any person under a false or assumed  
28 name; or the false presentation of another practitioner of a like or  
29 different name; or for practicing **[podiatry]** podiatric medicine under  
30 any name, title or heading other than that under which he or she has  
31 a license to practice **[podiatry]** podiatric medicine. This section shall  
32 not apply nor shall it in any manner be construed to apply to persons  
33 practicing healing by spiritual or religious means if no material  
34 medicine is prescribed or used and no manipulation or material means  
35 are used.

36 (cf: P.L.1965, c.141, s.9)

37  
38 13. Section 1 of P.L.1966, c.89 (C.45:5-20) is amended to read as  
39 follows:

40 1. The services of a podiatrist **[(chiropract)]** which he is  
41 authorized by law to perform shall be considered as medical or surgical  
42 services under the Workmen's Compensation Act, or any standard  
43 health and accident, disability, sickness or other insurance policy, or  
44 coverage under labor-management trustee plan, union welfare plan,  
45 employee organization plan, employee benefit plan, or any private  
46 insurance or welfare plan, for which he shall be entitled to

1 compensation under said act, or under any such policy or plan if such  
2 policy or plan provides compensation for medical or surgical services  
3 and does not exclude services which, under the law, such podiatrist  
4 [(chiropracist)] is authorized to perform.

5 (cf: P.L.1966, c.89, s.1)

6  
7 14. Section 9 of P.L.1989, c.300 (C.45:9-19.9) is amended to read  
8 as follows:

9 9. a. The review panel shall receive:

10 (1) Notice from a health care facility or health maintenance  
11 organization, pursuant to section 1 of P.L.1983, c.247  
12 (C.26:2H-12.2);

13 (2) Notice from an insurer or insurance association or a  
14 practitioner, pursuant to section 2 of P.L.1983, c.247 (C.17:30D-17),  
15 regarding a medical malpractice claim settlement, judgment or  
16 arbitration award or a termination or denial of, or surcharge on, the  
17 medical malpractice liability insurance coverage of a practitioner; and

18 b. The review panel may receive referrals from the board which  
19 may include complaints alleging professional misconduct,  
20 incompetence, negligence or impairment of a practitioner from other  
21 health care providers and consumers of health care.

22 c. Upon receipt of a notice or complaint pursuant to this section,  
23 the review panel shall promptly investigate the information received  
24 and obtain any additional information that may be necessary in order  
25 to make a recommendation to the board. The review panel may seek  
26 the assistance of a consultant or other knowledgeable person, as  
27 necessary, in making its recommendation. The review panel may  
28 request the board or the Attorney General to exercise investigative  
29 powers pursuant to section 5 of P.L.1978, c.73 (C.45:1-18) in the  
30 conduct of its investigation.

31 (1) If the review panel has reasonable cause to believe that a  
32 practitioner represents an imminent danger to his patients, the review  
33 panel shall immediately notify the State Board of Medical Examiners  
34 and the Attorney General and recommend the initiation of an  
35 application before the board to temporarily suspend or otherwise limit  
36 the practitioner's license pending further proceedings by the review  
37 panel or the board.

38 If the board temporarily suspends or otherwise limits the license,  
39 the board shall notify each licensed health care facility and health  
40 maintenance organization with which the practitioner is affiliated and  
41 every practitioner in the State with which the practitioner is directly  
42 associated in his private practice.

43 (2) A practitioner who is the subject of an investigation shall be  
44 promptly notified of the investigation, pursuant to procedures adopted  
45 by regulation of the board that give consideration to the health, safety  
46 and welfare of the practitioner's patients and to the necessity for a

1 confidential or covert investigation by the review panel. At the panel's  
2 request or upon a good cause showing by the practitioner an informal  
3 hearing shall be scheduled before the review panel or a subcommittee  
4 of at least three review panel members, in accordance with regulations  
5 adopted by the board. The hearing shall be transcribed and the  
6 practitioner shall be entitled to a copy of the transcript, at his own  
7 expense. A practitioner who presents information to the review panel  
8 is entitled to be represented by counsel.

9 (3) Notwithstanding any provision of this section to the contrary,  
10 in any case in which the board determines to conduct an investigation  
11 of a practitioner who it has reasonable cause to believe represents an  
12 imminent danger to his patients, the board may direct the review panel  
13 to provide the board with its files pertaining to that practitioner and  
14 may direct the review panel to promptly terminate its investigation of  
15 that practitioner without making a recommendation pursuant to  
16 subsection d. of this section.

17 Upon request of the review panel, the State Board of Medical  
18 Examiners shall provide the review panel with any information  
19 contained in the board's files concerning a practitioner.

20 d. Upon completion of its review, the review panel shall prepare a  
21 report recommending one of the following dispositions:

22 (1) Recommend to the State Board of Medical Examiners that the  
23 matter be referred to the Attorney General for the initiation of  
24 disciplinary action against the practitioner who is the subject of the  
25 notice or complaint, pursuant to <sup>1</sup>[R.S.45:9-16 or] <sup>1</sup> section 8 or 9 of  
26 P.L.1978, c.73 (C.45:1-21 and 45:1-22);

27 (2) Defer making a recommendation to the board pending the  
28 outcome of litigation or a health care facility or health maintenance  
29 organization disciplinary proceeding, if there is no evidence that the  
30 practitioner's professional conduct may jeopardize or improperly risk  
31 the health, safety or life of a patient;

32 (3) Refer the practitioner to the appropriate licensed health care  
33 practitioner treatment program recognized by the State Board of  
34 Medical Examiners and promptly notify the medical director of the  
35 board of the referral; <sup>1</sup>[or] <sup>1</sup>

36 (4) <sup>1</sup>Refer the practitioner to the appropriate focused education  
37 program recognized by the State Board of Medical Examiners and  
38 promptly notify the educational director of the board of the referral;  
39 or

40 (5)<sup>1</sup> Find that no further action is warranted at this time.

41 e. A member of the State Board of Medical Examiners shall not  
42 participate by voting or any other action in any matter before the  
43 board on which the board member has participated previously as a  
44 review panel member.

45 f. The State Board of Medical Examiners may affirm, reject or  
46 modify any disposition of the review panel. After its consideration of

1 the panel recommendation the board shall notify the practitioner who  
2 has been the subject of a notice or complaint of the review panel's  
3 recommendation and the board's determination.

4 g. Nothing in this section shall be construed to prevent or limit the  
5 State Board of Medical Examiners, the Director of the Division of  
6 Consumer Affairs in the Department of Law and Public Safety or the  
7 Attorney General from taking any other action permitted by law  
8 against a practitioner who is the subject of an investigation by the  
9 review panel.

10 h. For the purposes of this section, "practitioner" means a person  
11 licensed to practice: medicine and surgery under chapter 9 of Title 45  
12 of the Revised Statutes or a medical resident or intern; or **[podiatry]**  
13 podiatric medicine under chapter 5 of Title 45 of the Revised Statutes.

14 <sup>1</sup>i. As used in this section, "focused education program" means an  
15 individualized and systematic process to assess the educational needs  
16 of a licensee based on scientific analysis, technical skill and  
17 interpersonal evaluation as they relate to the licensee's professional  
18 practice, and the institution of remedial education and any supervision,  
19 monitoring or limitations of the licensee.<sup>1</sup>

20 (cf: P.L.2001, c.307, s.8)

21  
22 15. Section 12 of P.L.1989, c.300 (C.45:9-19.12) is amended to  
23 read as follows:

24 12. The State Board of Medical Examiners shall, by regulation,  
25 provide for the issuance of permits to, or registration of, persons  
26 engaging in the practice of medicine or surgery or **[podiatry]** podiatric  
27 medicine while in training, and establish the scope of permissible  
28 practice by these persons <sup>1</sup>within the context of an accredited graduate  
29 medical education program conducted at a hospital licensed by the  
30 Department of Health and Senior Services. A permit holder shall be  
31 permitted to engage in practice outside the context of a graduate  
32 medical education program for additional remuneration only if that  
33 practice is:

34 a. Approved by the director of the graduate medical education  
35 program in which the permit holder is participating; and

36 b. With respect to any practice at or through a health care facility  
37 licensed by the Department of Health and Senior Services, supervised  
38 by a plenary licensee who shall either remain on the premises of the  
39 health care facility or be available through electronic communications;  
40 or

41 c. With respect to any practice outside of a health care facility  
42 licensed by the Department of Health and Senior Services, supervised  
43 by a plenary licensee who shall remain on the premises<sup>1</sup>.

44 (cf: P.L.2001, c.307, s.9)

45  
46 16. R.S.45:9-21 is amended to read as follows:

- 1       45:9-21. The prohibitory provisions of this chapter shall not apply  
2 to the following:
- 3       a. A commissioned surgeon or physician of the regular United  
4 States Army, Navy, or Marine hospital service while so commissioned  
5 and actively engaged in the performance of his official duties. This  
6 exemption shall not apply to reserve officers of the United States  
7 Army, Navy or Marine Corps, or to any officer of the National Guard  
8 of any state or of the United States;
- 9       b. A lawfully qualified physician or surgeon of another state taking  
10 charge temporarily, on written permission of the board, of the practice  
11 of a lawfully qualified physician or surgeon of this State during his  
12 absence from the State, upon written request to the board for  
13 permission so to do. Before such permission is granted by the board  
14 and before any person may enter upon such practice he must submit  
15 proof that he can fulfill the requirements demanded in the other  
16 sections of this article relating to applicants for admission by  
17 examination or indorsement from another state. Such permission may  
18 be granted for a period of not less than two weeks nor more than four  
19 months upon payment of a fee of \$50. The board in its discretion may  
20 extend such permission for further periods of two weeks to four  
21 months but not to exceed in the aggregate one year;
- 22       c. A physician or surgeon of another state of the United States and  
23 duly authorized under the laws thereof to practice medicine or surgery  
24 therein, if such practitioner does not open an office or place for the  
25 practice of his profession in this State;
- 26       d. A person while actually serving as a member of the resident  
27 medical staff of any legally incorporated charitable or municipal  
28 hospital or asylum approved by the board. Hereafter such exemption  
29 of any such resident physician shall not apply with respect to any  
30 individual after he shall have served as a resident physician for a total  
31 period of five years;
- 32       e. The practice of dentistry by any legally qualified and registered  
33 dentist;
- 34       f. The ministration to, or treatment of, the sick or suffering by  
35 prayer or spiritual means, whether gratuitously or for compensation,  
36 and without the use of any drug material remedy;
- 37       g. The practice of optometry by any legally qualified and registered  
38 optometrist;
- 39       h. The practice of [podiatry] podiatric medicine by any legally  
40 licensed podiatrist;
- 41       i. The practice of pharmacy by a legally licensed and registered  
42 pharmacist of this State, but this exception shall not be extended to  
43 give to said licensed pharmacist the right and authority to carry on the  
44 business of a dispensary, unless the dispensary shall be in charge of a  
45 legally licensed and registered physician and surgeon of this State;
- 46       j. A person claiming the right to practice medicine and surgery in

1 this State who has been practicing therein since before July 4, 1890,  
2 if said right or title was obtained upon a duly registered diploma, of  
3 which the holder and applicant was the lawful possessor, issued by a  
4 legally chartered medical institution which, in the opinion of the board,  
5 was in good standing at the time the diploma was issued;

6 k. A [podiatrist,] professional nurse, or a registered physical  
7 therapist, masseur, while operating in each particular case under the  
8 specific direction of a regularly licensed physician or surgeon. This  
9 exemption shall not apply to such assistants of persons who are  
10 licensed as osteopaths, chiropractors, optometrists or other  
11 practitioners holding limited licenses;

12 l. A person while giving aid, assistance or relief in emergency or  
13 accident cases pending the arrival of a regularly licensed physician, or  
14 surgeon or under the direction thereof;

15 m. The operation of a bio-analytical laboratory by a licensed  
16 bio-analytical laboratory director, or any person working under the  
17 direct and constant supervision of a licensed bio-analytical laboratory  
18 director;

19 n. Any employee of a State or county institution holding the degree  
20 of M.D. or D.O., regularly employed on a salary basis on its medical  
21 staff or as a member of the teaching or scientific staff of a State  
22 agency, may apply to the State Board of Medical Examiners of New  
23 Jersey and may, in the discretion of said board, be granted exemption  
24 from the provisions of this chapter; provided said employee continues  
25 as a member of the medical staff of a State agency or county  
26 institution or of the teaching or scientific staff of a State agency and  
27 does not conduct any type of private medical practice;

28 o. The practice of chiropractic by any legally licensed chiropractor;  
29 or

30 p. The practice of a physician assistant in compliance with the  
31 provisions of P.L.1991, c.378 (C.45:9-27.10 et al.).

32 (cf: P.L.1991, c.378, s.20)

33  
34 17. Section 3 of P.L.1991, c.512 (C.45:12B-3) is amended to read  
35 as follows:

36 3. As used in this act:

37 "Board" means the Orthotics and Prosthetics Board of Examiners  
38 created by section 4 of this act.

39 "Chairperson" means the member that is elected yearly by the  
40 board.

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

43 "Orthotic appliance" means, solely for the purposes of this act, a  
44 brace or support but does not include fabric and elastic supports,  
45 corsets, arch supports, trusses, elastic hose, canes, crutches, cervical  
46 collars, dental appliances or other similar devices carried in stock and

1 sold by drug stores, department stores, corset shops or surgical supply  
2 facilities.

3 "Orthotics" means the science or practice of measuring, designing,  
4 constructing, assembling, fitting, adjusting or servicing orthotic  
5 appliances for the correction or alleviation of musculoskeletal diseases,  
6 injuries, or deformities as permitted by prescriptions from a licensed  
7 doctor of medicine, dentist, or podiatrist.

8 "Licensed orthotist" means any person who practices orthotics and  
9 who represents himself to the public by title or by description of  
10 services, under any title incorporating such terms as "orthotics,"  
11 "orthotists," "orthotic," or "L.O." or any similar title or description of  
12 services, provided that the individual has met the eligibility  
13 requirements contained in section 11 of this act and has been duly  
14 licensed under this act.

15 "Licensed orthotist assistant" means a person who is licensed  
16 pursuant to the provisions of this amendatory and supplementary act  
17 and who assists a licensed orthotist under his supervision.

18 "Person" means any individual, corporation, partnership,  
19 association, or other organization.

20 "Prosthetic appliance" means, solely for the purposes of this act,  
21 any artificial device that is not surgically implanted and that is used to  
22 replace a missing limb, appendage, or any other external human body  
23 part including devices such as artificial limbs, hands, fingers, feet and  
24 toes, but excluding dental appliances and largely cosmetic devices such  
25 as artificial breasts, eyelashes, wigs, or other devices which could not  
26 by their use have a significantly detrimental impact upon the  
27 musculoskeletal functions of the body.

28 "Prosthetics" means the science or practice of measuring, designing,  
29 constructing, assembling, fitting, adjusting or servicing prosthetic  
30 appliances as permitted by prescriptions from a licensed doctor of  
31 medicine or podiatry podiatric medicine.

32 "Licensed prosthetist" means a person who practices prosthetics  
33 and who represents himself to the public by title or by description of  
34 services, under any title incorporating such terms as "prosthetics,"  
35 "prosthetist," "prosthetic," or "L.P." or any similar title or description  
36 of services, provided that the individual has met the eligibility  
37 requirements contained in section 11 and has been duly licensed under  
38 this act.

39 "Licensed prosthetist assistant" means a person who is licensed  
40 pursuant to the provisions of this amendatory and supplementary act  
41 and who assists a licensed prosthetist under his supervision.

42 "Licensed prosthetist-orthotist" means any person who practices  
43 both disciplines of prosthetics and orthotics and who represents  
44 himself to the public by title or by description of services, under any  
45 title incorporating such terms as "prosthetics-orthotics,"  
46 "prosthetist-orthotist," "prosthetic- orthotic," or "L.P.O." or any

1 similar title or description of services, provided that the individual has  
2 met the eligibility requirements contained in section 11 and has been  
3 duly licensed in both disciplines of prosthetics and orthotics under this  
4 act.

5 "Licensed prosthetist-orthotist assistant" means a person who is  
6 licensed pursuant to the provisions of this amendatory and  
7 supplementary act and who assists a licensed prosthetist-orthotist  
8 under his supervision.

9 (cf: P.L.1999, c.115, s.1)

10  
11 18. Section 5 of P.L.1991, c.512 (C.45:12B-5) is amended to read  
12 as follows:

13 5. The board shall consist of 11 residents of this State, 10 of whom  
14 shall be appointed by the Governor with the advice and consent of the  
15 Senate, as follows. Two members shall be orthotists who shall fulfill  
16 the licensure requirements of this act, and two members shall be  
17 prosthetists who shall fulfill the licensure requirements of this act.  
18 Two members shall be prosthetist-orthotists who shall fulfill the  
19 licensure requirements of this act. One member shall be licensed to  
20 practice medicine and surgery in this State pursuant to chapter 9 of  
21 Title 45 of the Revised Statutes and one member shall be a doctor of  
22 podiatric medicine licensed to practice [podiatry] podiatric medicine  
23 pursuant to chapter 5 of Title 45 of the Revised Statutes. Two  
24 members shall be public members, one of whom is a prosthetic user  
25 and one of whom is an orthotic user. One member shall be a member  
26 of the executive branch who shall be appointed by the Governor.  
27 Members shall be appointed to affect balanced geographic  
28 representation from the central, northern and southern areas of the  
29 State. The board shall annually elect from its members a chairperson  
30 and a vice-chairperson.

31 (cf: P.L.1991, c.512, s.5)

32  
33 19. Section 18 of P.L.1991, c.512 (C.45:12B-18) is amended to  
34 read as follows:

35 18. The provisions of this act shall not apply to:

36 a. The activities and services of any person who is licensed to  
37 practice medicine and surgery, dentistry or [podiatry] podiatric  
38 medicine by this State;

39 b. The activities and services of a student, fellow, or trainee in  
40 orthotics or prosthetics pursuing a course of study at an accredited  
41 college or university, or working in a recognized training center or  
42 research facility, if these activities and services constitute a part of his  
43 course of study under a supervisor licensed pursuant to this act;

44 c. The design, modification, fabrication and application of upper  
45 extremity adaptive equipment, finger splints and hand splints by an  
46 occupational therapist or a licensed physical therapist;



1 d. The provision of corsets and soft cervical collars by licensed  
2 physical therapists;

3 e. The provision of lower extremity orthotics made of fabric,  
4 canvas, neoprene or elastic with or without metal or plastic insertable  
5 or removable hinges or stays by licensed physical therapists;

6 f. The provision by a licensed physical therapist of any lower  
7 extremity, low temperature splint or ankle foot orthotic when such  
8 bracing is for the evaluation or treatment of an adult patient for less  
9 than three months or a pediatric patient for less than one year without  
10 the consultation of a licensed orthotist and when the braces do not  
11 become the patient's property;

12 g. The provision of any off-the-shelf ankle foot orthosis made of  
13 fabric, canvas, neoprene, elastic with or without metal or plastic  
14 inserts and any low temperature posterior leaf ankle foot orthosis by  
15 a licensed physical therapist;

16 h. The provision of any high temperature posterior leaf ankle foot  
17 orthosis by a licensed physical therapist conducting research at a  
18 college or university accredited by a regional or national accrediting  
19 agency recognized by the United States Secretary of Education in  
20 accordance with standard protocols;

21 i. The management of lower extremity prosthetic volumetric  
22 changes by a licensed physical therapist. Any non-reversible changes  
23 shall be addressed by the treating licensed physical therapist only after  
24 direct consultation with the treating prosthetist; or

25 j. The activities and services of a certified pedorthist; except that  
26 this subsection shall not prevent any certified pedorthist from applying  
27 for and obtaining a license under the provisions of P.L.1991, c.512  
28 (C.45:12B-1 et seq.) limiting that person's practice of orthotics and  
29 prosthetics to the ankle and below. As used in this subsection:  
30 "certified pedorthist" means a person certified by the American Board  
31 for Certification in Pedorthics, or its successor, in the design,  
32 manufacture, fit and modification of shoes and related foot appliances  
33 from the ankle and below as prescribed by a licensed doctor of  
34 medicine or [podiatry] podiatric medicine for the amelioration of  
35 painful or disabling conditions of the foot; and "foot appliances"  
36 includes, but is not limited to, prosthetic fillers and orthotic appliances  
37 for use from the ankle and below.

38 (cf: P.L.1999, c.115, s.8)

39  
40 20. Section 2 of P.L.1997, c.353 (C.2C:21-4.2) is amended to read  
41 as follows:

42 2. As used in this act:

43 "Health care claims fraud" means making, or causing to be made,  
44 a false, fictitious, fraudulent, or misleading statement of material fact  
45 in, or omitting a material fact from, or causing a material fact to be  
46 omitted from, any record, bill, claim or other document, in writing,

1 electronically or in any other form, that a person attempts to submit,  
2 submits, causes to be submitted, or attempts to cause to be submitted  
3 for payment or reimbursement for health care services.

4 "Practitioner" means a person licensed in this State to practice  
5 medicine and surgery, chiropractic, [podiatry] podiatric medicine,  
6 dentistry, optometry, psychology, pharmacy, nursing, physical therapy,  
7 or law; any other person licensed, registered or certified by any State  
8 agency to practice a profession or occupation in the State of New  
9 Jersey or any person similarly licensed, registered, or certified in  
10 another jurisdiction.

11 (cf: P.L.1997, c.353, s.2)

12  
13 21. Section 14 of P.L.1989, c.300 (C.2C:21-20) is amended to  
14 read as follows:

15 14. A person is guilty of a crime of the third degree if he knowingly  
16 does not possess a license or permit to practice medicine and surgery  
17 or [podiatry] podiatric medicine, or knowingly has had the license or  
18 permit suspended, revoked or otherwise limited by an order entered by  
19 the State Board of Medical Examiners, and he:

- 20 a. engages in that practice;  
21 b. exceeds the scope of practice permitted by the board order;  
22 c. holds himself out to the public or any person as being eligible to  
23 engage in that practice;  
24 d. engages in any activity for which such license or permit is a  
25 necessary prerequisite, including, but not limited to, the ordering of  
26 controlled dangerous substances or prescription legend drugs from a  
27 distributor or manufacturer; or  
28 e. practices medicine or surgery or [podiatry] podiatric medicine  
29 under a false or assumed name or falsely impersonates another person  
30 licensed by the board.

31 (cf: P.L.1989, c.300, s.14)

32  
33 22. Section 3 of P.L.1969, c.232 (C.14A:17-3) is amended to read  
34 as follows:

35 3. Terms defined. As used in this act, the following words shall  
36 have the meanings indicated:

37 (1) "Professional service" shall mean any type of personal service  
38 to the public which requires as a condition precedent to the rendering  
39 of such service the obtaining of a license or other legal authorization  
40 and which prior to the passage of this act and by reason of law could  
41 not be performed by a corporation. By way of example and without  
42 limiting the generality thereof, the personal services which come within  
43 the provisions of this act are the personal services rendered by  
44 certified public accountants, architects, optometrists, professional  
45 engineers, land surveyors, land planners, chiropractors, physical  
46 therapists, registered professional nurses, dentists, osteopaths,

1 physicians and surgeons, doctors of medicine, doctors of dentistry,  
2 podiatrists, [chiropodists,] veterinarians and, subject to the Rules of  
3 the Supreme Court, attorneys-at-law;

4 (2) "Professional corporation" means a corporation which is  
5 organized under this act for the sole and specific purpose of rendering  
6 the same or closely allied professional service as its shareholders, each  
7 of whom must be licensed or otherwise legally authorized within this  
8 State to render such professional service;

9 (3) "Closely allied professional service" means and is limited to the  
10 practice of (a) architecture, professional engineering, land surveying  
11 and land planning and (b) any branch of medicine and surgery,  
12 optometry, physical therapy, registered professional nursing, and  
13 dentistry;

14 (4) "Domestic professional legal corporation" means a professional  
15 corporation incorporated under P.L.1969, c.232 (C.14A:17-1 et seq.)  
16 for the sole purpose of rendering legal services of the type provided by  
17 attorneys-at-law;

18 (5) "Foreign professional legal corporation" means a corporation  
19 incorporated under the laws of another state for the purpose of  
20 rendering legal services of the type provided by attorneys-at-law.  
21 (cf: P.L.1995, c.375, s.1)

22  
23 23. Section 3 of P.L.1975, c.301 (C.17:30D-3) is amended to read  
24 as follows:

25 3. As used in this act:

26 a. "Association" means the New Jersey Medical Malpractice  
27 Reinsurance Association established pursuant to the provisions of this  
28 act.

29 b. "Commissioner" means the Commissioner of Banking and  
30 Insurance.

31 c. "Licensed medical practitioner" means and includes all persons  
32 licensed in this State to practice medicine and surgery, chiropractic,  
33 [podiatry] podiatric medicine, dentistry, optometry, psychology,  
34 pharmacy, nursing, physical therapy and as a bioanalytical laboratory  
35 director.

36 d. "Medical malpractice liability insurance" means insurance  
37 coverage against the legal liability of the insured and against loss,  
38 damage or expense incident to a claim arising out of the death or  
39 injury of any person as the result of negligence or malpractice in  
40 rendering professional service by any licensed medical practitioner or  
41 health care facility or a claim arising out of ownership, operation or  
42 maintenance of the practitioner's or facility's business premises,  
43 including primary and excess coverages.

44 e. "Health care facility" means and includes all hospitals within this  
45 State, and any other health care facility as defined in the "Health Care  
46 Facilities Planning Act" (P.L.1971, c.136, C.26:2H-1 et seq.).

1 f. "Plan of operation" means the plan of operation of the  
2 association approved by the commissioner pursuant to the provisions  
3 of this act.

4 g. "Net direct premium written" means direct written personal  
5 injury liability and property damage liability insurance as provided in  
6 R.S.17:17-1 d. and e., excluding workmen's compensation and  
7 employer's liability insurance written in connection therewith, less  
8 policyholder dividends and return premiums for the unused or  
9 unabsorbed portion of premium deposits and excluding premiums  
10 ceded to or written by the association.

11 h. "Provider" means an insurer admitted and licensed in this State  
12 to write general liability insurance which has been qualified by the  
13 board of directors of the association and has not been disqualified by  
14 the commissioner.

15 (cf: P.L.1978, c.153, s.2)

16  
17 24. Section 2 of P.L.1983, c.247 (C.17:30D-17) is amended to  
18 read as follows:

19 2. a. Any insurer or insurance association authorized to issue  
20 medical malpractice liability insurance in the State shall notify the  
21 Medical Practitioner Review Panel established pursuant to section 8  
22 of P.L.1989, c.300 (C.45:9-19.8) in writing of any medical malpractice  
23 claim settlement, judgment or arbitration award involving any  
24 practitioner licensed by the State Board of Medical Examiners and  
25 insured by the insurer or insurance association. Any practitioner  
26 licensed by the board who is not covered by medical malpractice  
27 liability insurance issued in this State, who has coverage through a  
28 self-insured health care facility or health maintenance organization, or  
29 has medical malpractice liability insurance which has been issued by an  
30 insurer or insurance association from outside the State shall notify the  
31 review panel in writing of any medical malpractice claim settlement,  
32 judgment or arbitration award to which the practitioner is a party. The  
33 review panel or board, as the case may be, shall not presume that the  
34 judgment or award is conclusive evidence in any disciplinary  
35 proceeding and the fact of a settlement is not admissible in any  
36 disciplinary proceeding.

37 In any malpractice action against a practitioner, a settlement  
38 prohibiting a complaint against the practitioner or the providing of  
39 information to the review panel or board concerning the underlying  
40 facts or circumstances of the action is void and unenforceable.

41 b. An insurer or insurance association authorized to issue medical  
42 malpractice liability insurance in the State shall notify the review panel  
43 in writing of any termination or denial of coverage to a practitioner or  
44 surcharge assessed on account of the practitioner's practice method or  
45 medical malpractice claims history.

46 c. The form of notification shall be prescribed by the Commissioner

1 of Banking and Insurance, shall contain such information as may be  
2 required by the board and the review panel and shall be made within  
3 seven days of the settlement, judgment or award or the final action for  
4 a termination or denial of, or surcharge on, the medical malpractice  
5 liability insurance. Upon request of the board, the review panel or the  
6 commissioner, an insurer or insurance association shall provide all  
7 records regarding the defense of a malpractice claim, the processing  
8 of the claim and the legal proceeding; except that nothing in this  
9 subsection shall be construed to authorize disclosure of any  
10 confidential communication which is otherwise protected by statute,  
11 court rule or common law.

12 An insurer or insurance association, or any employee thereof, shall  
13 be immune from liability for furnishing information to the review panel  
14 and the board in fulfillment of the requirements of this section unless  
15 the insurer or insurance association, or any employee thereof,  
16 knowingly provided false information.

17 d. An insurer, insurance association or practitioner who fails to  
18 notify the review panel as required pursuant to this section shall be  
19 subject to such penalties as the Commissioner of Banking and  
20 Insurance may determine pursuant to section 12 of P.L.1975, c.301  
21 (C.17:30D-12). In addition to, or in lieu of suspension or revocation,  
22 the commissioner may assess a fine which shall not exceed \$1,000 for  
23 the first offense and \$2,000 for the second and each subsequent  
24 offense, which may be recovered in a summary proceeding, brought in  
25 the name of the State in a court of competent jurisdiction pursuant to  
26 ["the penalty enforcement law," N.J.S.2A:58-1 et seq] the "Penalty  
27 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

28 e. A practitioner who fails to notify the review panel as required  
29 pursuant to this section shall be subject to disciplinary action and civil  
30 penalties pursuant to sections 8, 9 and 12 of P.L.1978, c.73  
31 (C.45:1-21 [to], 45:1-22 and 45:1-25).

32 f. An insurer or insurance association shall make available to the  
33 review panel or the board, upon request, any records of termination or  
34 denial of coverage to a practitioner or surcharge assessed on account  
35 of the practitioner's practice method or medical malpractice claims  
36 history, which occurred up to five years prior to the effective date of  
37 P.L.1989, c.300 (C.45:9-19.4 et al.).

38 g. For the purposes of this section, "practitioner" means a person  
39 licensed to practice: medicine and surgery under chapter 9 of Title 45  
40 of the Revised Statutes or a medical resident or intern; or [podiatry]  
41 podiatric medicine under chapter 5 of Title 45 of the Revised Statutes.  
42 (cf: P.L.1989, c.300, s.4)

43

44 25. Section 63 of P.L.1990, c.8 (C.17:33B-58) is amended to read  
45 as follows:

46 63. The State Board of Medical Examiners shall assess an annual

1 fee in the amount of \$100 payable by:

2 a. Each physician licensed to practice medicine or surgery in this  
3 State pursuant to the provisions of R.S.45:9-1 et seq., and certified or  
4 registered pursuant to the provisions of section 1 of P.L.1971, c.236  
5 (C.45:9-6.1), except physicians holding a certificate of registration as  
6 a retired physician pursuant to that section. As used in this subsection  
7 "physician" includes both doctors of medicine and doctors of  
8 osteopathy; and

9 b. Each person licensed in this State to practice [podiatry]  
10 podiatric medicine pursuant to the provisions of R.S.45:5-1 et seq. and  
11 registered pursuant to the provisions of R.S.45:5-9.

12 Fees imposed pursuant to this section shall be payable on or before  
13 July 1 of each calendar year from 1990 through 1996. Payments are  
14 to be remitted to the board and credited by the State Treasurer to the  
15 New Jersey Automobile Insurance Guaranty Fund created by section  
16 23 of this 1990 amendatory and supplementary act.

17 (cf: P.L.1990, c.8, s.63)

18

19 26. Section 1 of P.L.1953, c.283 (C.17:48A-26) is amended to  
20 read as follows:

21 1. Notwithstanding any other provision of the act to which this act  
22 is a supplement, benefits shall not be denied to an eligible individual  
23 for eligible services when such services are performed or rendered  
24 such persons by a licensed [chiropodist] podiatrist within the scope  
25 of his practice. The practice of [chiropody] podiatric medicine shall  
26 be deemed to be within the provisions of the act to which this act is a  
27 supplement and licensed [chiropodists] podiatrists shall have the  
28 privileges and benefits in the scope of their practice under such act as  
29 are afforded thereunder to licensed physicians and surgeons in the  
30 scope of their practice.

31 (cf: P.L.1953, c.283, s.1)

32

33 27. Section 1 of P.L.1985, c.236 (C.17:48E-1) is amended to read  
34 as follows:

35 1. As used in this act:

36 a. "Commissioner" means the Commissioner of Banking and  
37 Insurance.

38 b. "Board" and "board of directors" means the board of directors  
39 of the health service corporation.

40 c. "Elective surgical procedure" means any nonemergency surgical  
41 procedure which may be scheduled at the convenience of the patient  
42 or the surgeon without jeopardizing the patient's life or causing serious  
43 impairment to the patient's bodily functions.

44 d. "Eligible physician" means a physician licensed to practice  
45 medicine and surgery who holds the rank of Diplomate of an American  
46 Board (M.D.) or Certified Specialist (D.O.) in the surgical or medical

1 specialty for which surgery is proposed.

2 e. "Health service corporation" means a health service corporation  
3 established pursuant to the provisions of this act, which is organized,  
4 without capital stock and not for profit, for the purpose of (1)  
5 establishing, maintaining and operating a nonprofit health service plan  
6 and (2) supplying services in connection with (a) the providing of  
7 health care or (b) conducting the business of insurance as provided for  
8 in this act.

9 f. "Health service plan" means a plan under which contracts are  
10 issued providing complete or partial prepayment or postpayment of  
11 health care services and supplies eligible under the contracts for a  
12 given period to persons covered under the contracts where  
13 arrangements are made for payment for health care services and  
14 supplies directly to the provider thereof or to a covered person under  
15 those contracts.

16 g. "Hospital service corporation" means a hospital service  
17 corporation established pursuant to the provisions of P.L.1938, c.366  
18 (C.17:48-1 et seq.).

19 h. "Medical service corporation" means a medical service  
20 corporation established pursuant to the provisions of P.L.1940, c.74  
21 (C.17:48A-1 et seq.).

22 i. "Provider of health care services" shall include, but not be limited  
23 to: (1) a health service corporation, a hospital service corporation or  
24 medical service corporation; (2) a hospital or health care facility under  
25 contract with a health service corporation to provide health care  
26 services or supplies to persons who become subscribers under  
27 contracts with the health service corporation; (3) a hospital or health  
28 care facility which is maintained by a state or any of its political  
29 subdivisions; (4) a hospital or health care facility licensed by the  
30 Department of Health and Senior Services; (5) other hospitals or  
31 health care facilities, as designated by the Department of Health and  
32 Senior Services to provide health care services; (6) a registered  
33 nursing home providing convalescent care; (7) a nonprofit voluntary  
34 visiting nurse organization providing health care services other than in  
35 a hospital; (8) hospitals or other health care facilities located in other  
36 states, which are subject to the supervision of those states, which if  
37 located in this State would be eligible to be licensed or designated by  
38 the Department of Health and Senior Services; (9) nonprofit hospital,  
39 medical or health service plans of other states approved by the  
40 commissioner; (10) physicians licensed to practice medicine and  
41 surgery; (11) licensed chiropractors; (12) licensed dentists; (13)  
42 licensed optometrists; (14) licensed pharmacists; (15) licensed  
43 **[chiroprodists]** podiatrists; (16) registered bio-analytical laboratories;  
44 (17) licensed psychologists; (18) registered physical therapists; (19)  
45 certified nurse-midwives; (20) registered professional nurses; (21)  
46 licensed health maintenance organizations; (22) licensed audiologists;

1 (23) licensed speech-language pathologists; and (24) providers of  
2 other similar health care services or supplies as are approved by the  
3 commissioner.

4 j. "Second surgical opinion" means an opinion of an eligible  
5 physician based on that physician's examination of a person for the  
6 purpose of evaluating the medical advisability of that person  
7 undergoing an elective surgical procedure, but prior to the  
8 performance of the surgical procedure.

9 k. "Subscriber" means a person to whom a subscription certificate  
10 is issued by a health service corporation, and the term shall also  
11 include "policyholder," "member," or "employer" under a group  
12 contract where the context requires.

13 (cf: P.L.1997, c.419, s.1)

14  
15 28. Section 12 of P.L.1985, c.236 (C.17:48E-12) is amended to  
16 read as follows:

17 12. In any contract entered into by a health service corporation,  
18 which includes coverage for health care services provided by a  
19 physician, coverage shall be deemed to include health care services  
20 provided by a registered bio-analytic laboratory or physical therapist,  
21 a certified nurse-midwife, a registered professional nurse, or a licensed  
22 [chiropracist] podiatrist, dentist, optometrist, psychologist or  
23 chiropractor, when the provider performs an eligible service within the  
24 scope of his practice and for which he is not being compensated by a  
25 hospital or other health care facility. The practices of the providers of  
26 health care services shall be deemed to be within the provisions of this  
27 act and the providers shall have the privileges and benefits in the scope  
28 of their practices under this act afforded hereunder to other approved  
29 providers of health care services in the scope of their practices.

30 (cf: P.L.1985, c.236, s.12)

31  
32 29. N.J.S.18A:6-40 is amended to read as follows:

33 18A:6-40. For the purposes of this article, the term "qualifying  
34 academic certificate" shall be deemed to be any certificate issued by  
35 the commissioner certifying that the person to whom the same is  
36 issued has had the preliminary academic education required by the  
37 rules of the supreme court or by any law of this State at the time the  
38 certificate is issued for admission to an examination for license to  
39 practice law, medicine, dentistry, [chiropody] podiatric medicine,  
40 pharmacy, or for license as a certified public accountant, and for any  
41 other profession or vocation for which a certificate of academic  
42 education, issued by the commissioner, is now or may hereafter be  
43 required by law or by the rules of the supreme court or certifying that  
44 the person to whom the same is issued has had the education required  
45 for high school graduation in this state, as the case may be.

46 (cf: N.J.S.18A:6-40)



1       30. N.J.S.18A:68-17 is amended to read as follows:

2       18A:68-17. This article shall not apply to a school conducted for  
3 the sole purpose of training persons to practice midwifery or  
4 ~~[chiropractic]~~ podiatric medicine.

5 (cf: N.J.S.18A:68-17)

6

7       31. Section 3 of P.L.1981, c.295 (C.26:2D-26) is amended to read  
8 as follows:

9       3. As used in this act:

10      a. "Board" means the Radiologic Technology Board of Examiners  
11 created pursuant to section 5 of this act.

12      b. "License" means a certificate issued by the board authorizing the  
13 licensee to use equipment emitting ionizing radiation on human beings  
14 for diagnostic or therapeutic purposes in accordance with the  
15 provisions of this act.

16      c. "Chest x-ray technologist" means a person, other than a licensed  
17 practitioner, whose practice of radiologic technology is limited to the  
18 chest area for diagnostic purposes only.

19      d. "Commissioner" means the Commissioner of Environmental  
20 Protection.

21      e. "Dental x-ray technologist" means a person, other than a  
22 licensed practitioner, whose practice of radiologic technology is  
23 limited to intraoral radiography for diagnostic purposes only.

24      f. "Health physicist" means a person who is certified by the  
25 American Board of Health Physics or the American Board of  
26 Radiology in radiation physics.

27      g. "Licensed practitioner" means a person licensed or otherwise  
28 authorized by law to practice medicine, dentistry, dental hygiene,  
29 ~~[podiatry, chiropractic]~~ podiatric medicine, osteopathy or chiropractic.

30      h. "Radiation therapy technologist" means a person, other than a  
31 licensed practitioner, whose application of radiation on human beings  
32 is for therapeutic purposes.

33      i. "Diagnostic x-ray technologist" means a person, other than a  
34 licensed practitioner, whose application of radiation on human beings  
35 is for diagnostic purposes.

36      j. "Radiologic technologist" means any person who is licensed  
37 pursuant to this act.

38      k. "Radiologic technology" means the use of equipment emitting  
39 ionizing radiation on human beings for diagnostic or therapeutic  
40 purposes under the supervision of a licensed practitioner.

41      l. "Podiatric x-ray technologist" means a person, other than a  
42 licensed practitioner, whose practice of radiologic technology is  
43 limited to the operation of x-ray machines as used by podiatrists on the  
44 lower leg ~~[and]~~, foot and ankle area for diagnostic purposes only.

45      m. "Orthopedic x-ray technologist" means a person, other than a  
46 licensed practitioner, whose practice of radiologic technology is

1 limited to the spine and extremities for diagnostic purposes only.

2 n. "Urologic x-ray technologist" means a person, other than a  
3 licensed practitioner, whose practice of radiologic technology is  
4 limited to the abdomen and pelvic area for diagnostic purposes only.  
5 (cf: P.L.1985, c.540, s.1)

6

7 32. Section 4 of P.L.1981, c.295 (C.26:2D-27) is amended to read  
8 as follows:

9 4. a. Except as hereinafter provided, no person other than a  
10 licensed practitioner or the holder of a license as provided in this act  
11 shall use x-rays on a human being.

12 b. A person holding a license as a diagnostic x-ray technologist  
13 may use the title "licensed radiologic technologist" or the letters  
14 (LRT) (R) after his name. No other person shall be entitled to use the  
15 title or letters, or any other title or letters after his name that indicate  
16 or imply that he is a licensed diagnostic x-ray technologist; nor may  
17 any person hold himself out in any way, whether orally or in writing,  
18 expressly or by implication, as a licensed diagnostic technologist.

19 c. A person holding a limited license as a chest x-ray technologist  
20 may use the title "licensed chest x-ray technologist" or the letters  
21 (LRT)(C) after his name. No other person shall be entitled to use the  
22 title or letters, or any other title or letters after his name that indicate  
23 or imply that he is a licensed chest x-ray technologist; nor may any  
24 person hold himself out in any way, whether orally or in writing,  
25 expressly or by implication, as a licensed chest x-ray technologist.

26 d. A person holding a limited license as a dental x-ray technologist  
27 may use the title "licensed dental x-ray technologist" or the letters  
28 (LRT)(D) after his name. No other person shall be entitled to use the  
29 title or letters, or any other title or letters after his name that indicate  
30 or imply that he is a licensed dental x-ray technologist; nor may any  
31 person hold himself out in any way, whether orally or in writing,  
32 expressly or by implication, as a licensed dental x-ray technologist.

33 e. A person holding a license as a radiation therapy technologist  
34 may use the title "licensed therapy technologist" or (LRT)(T) after his  
35 name. No other person shall be entitled to use the title or letters, or  
36 any other title or letters after his name that indicate or imply that he is  
37 a licensed therapy technologist; nor may any person hold himself out  
38 in any way, whether orally or in writing, expressly or by implication,  
39 as a licensed therapy technologist.

40 f. A person holding a license as provided by this act shall use  
41 medical equipment emitting ionizing radiation on human beings only  
42 for diagnostic or therapeutic purposes on a case by case basis at the  
43 specific direction of a licensed practitioner, and only if the application  
44 of the equipment is limited in a manner hereinafter specified.

45 g. Nothing in the provisions of this act relating to radiologic  
46 technologists shall be construed to limit, enlarge or affect, in any

1 respect, the practice of their respective professions by duly licensed  
2 practitioners.

3 h. The requirement of a license shall not apply to a hospital  
4 resident specializing in radiology, who is not a licensed practitioner in  
5 the State of New Jersey, or a student enrolled in and attending a  
6 school or college of medicine, osteopathy, [chiroprody, podiatry]  
7 podiatric medicine, dentistry, dental hygiene, dental assistance,  
8 chiropractic or radiologic technology, who applies radiation to a  
9 human being while under the direct supervision of a licensed  
10 practitioner.

11 i. A person holding a license as a diagnostic x-ray technologist and  
12 a license as a radiation therapy technologist may use the letters  
13 (LRT)(R)(T) after his name.

14 j. A person holding a limited license as a podiatric x-ray  
15 technologist may use the title "licensed podiatric x-ray technologist"  
16 or the letters (LRT)(P) after his name. No other person shall be  
17 entitled to use the title or letters, or any other title or letters after his  
18 name that indicate or imply that he is a licensed podiatric x-ray  
19 technologist; nor may any person hold himself out in any way, whether  
20 orally or in writing, expressly or by implication, as a licensed podiatric  
21 x-ray technologist.

22 k. A person holding a limited license as an orthopedic x-ray  
23 technologist may use the title "licensed orthopedic x-ray technologist"  
24 or the letters (LRT)(O) after his name. No other person shall be  
25 entitled to use the title or letters, or any other title or letters after his  
26 name that indicate or imply that he is a licensed orthopedic x-ray  
27 technologist; nor may any person hold himself out in any way, whether  
28 orally or in writing, expressly or by implication, as a licensed  
29 orthopedic x-ray technologist.

30 l. A person holding a limited license as a urologic x-ray  
31 technologist may use the title "licensed urologic x-ray technologist" or  
32 the letters (LRT)(U) after his name. No other person shall be entitled  
33 to use the title or letters, or any other title or letters after his name that  
34 indicate or imply that he is a licensed urologic x-ray technologist; nor  
35 may any person hold himself out in any way, whether orally or in  
36 writing, expressly or by implication, as a licensed urologic x-ray  
37 technologist.

38 (cf: P.L.1985, c.540, s.2)

39

40 33. Section 5 of P.L.1981, c.295 (C.26:2D-28) is amended to read  
41 as follows:

42 5. a. There is created a Radiologic Technology Board of  
43 Examiners which shall be an agency of the Commission on Radiation  
44 Protection in the Department of Environmental Protection and which  
45 shall report to the commission. The board shall consist of two  
46 commission members appointed annually to the membership of the

1 board by the chairman of the commission, and 13 additional members  
2 appointed by the Governor with the advice and consent of the Senate.  
3 Of the members appointed by the Governor, two shall be radiologists  
4 who have practiced not less than five years; one shall be a licensed  
5 physician who has actively engaged in the practice of medicine not less  
6 than five years; one shall be a licensed dentist who has actively  
7 engaged in the practice of dentistry for not less than five years; one  
8 shall be a licensed podiatrist who has actively engaged in the practice  
9 of [podiatry] podiatric medicine for not less than five years; one shall  
10 be an administrator of a general hospital with at least five years'  
11 experience; one shall be a health physicist who has practiced not less  
12 than five years; three shall be practicing radiologic technologists with  
13 at least five years of experience in the practice of radiologic  
14 technology and holders of current certificates issued pursuant to this  
15 act; two shall be members of the general public; and one shall be a  
16 representative of the department designated by the Governor pursuant  
17 to subsection c. of section 2 of P.L.1971, c.60 (C.45:1-2.2)[;  
18 provided, however, that for the remainder of their prescribed terms the  
19 members of the x-ray technicians board created by section 4 of  
20 P.L.1968, c. 291 (C.45:25-4) shall constitute the membership of the  
21 board created by this section].

22 b. The terms of office of the members appointed by the Governor  
23 shall be three years. Vacancies shall be filled for an unexpired term  
24 only in the manner provided for the original appointment.

25 c. Members of the board shall serve without compensation but shall  
26 be reimbursed for their reasonable and necessary traveling and other  
27 expenses incurred in the performance of their official duties.

28 d. The commissioner shall designate an officer or employee of the  
29 department to act as secretary of the board who shall not be a member  
30 of the board.

31 e. The board, for the purpose of transacting its business, shall meet  
32 at least once every four months at times and places fixed by the board.  
33 At its first meeting each year it shall organize and elect from its  
34 members a chairman. Special meetings also may be held at times as  
35 the board may fix, or at the call of the chairman or the commissioner.  
36 A written and timely notice of the time, place and purpose of any  
37 special meeting shall be mailed by the secretary to all members of the  
38 board.

39 f. A majority of the members of the board shall constitute a  
40 quorum for the transaction of business at any meeting.

41 (cf: P.L.1987, c.121, s.1)

42

43 34. Section 1 of P.L.1983, c.247 (C.26:2H-12.2) is amended to  
44 read as follows:

45 1. A health care facility licensed pursuant to P.L.1971, c.136  
46 (C.26:2H-1 et seq.) or a health maintenance organization operating

1 pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.) shall notify the  
2 Medical Practitioner Review Panel established pursuant to section 8  
3 of P.L.1989, c.300 (C.45:9-19.8) in writing if a practitioner who is  
4 employed by, under contract to render professional services to, or has  
5 privileges at that health care facility or health maintenance  
6 organization:

7 a. voluntarily resigns from the staff if the facility or health  
8 maintenance organization is reviewing the practitioner's conduct or  
9 patient care or, through any member of the medical or administrative  
10 staff, has expressed an intention to do so;

11 b. voluntarily relinquishes any partial privilege to perform a specific  
12 procedure if the facility or health maintenance organization is  
13 reviewing the practitioner's conduct or patient care or, through any  
14 member of the medical or administrative staff, has expressed an  
15 intention to do so;

16 c. has full or partial privileges summarily or temporarily revoked  
17 or suspended, permanently reduced, suspended or revoked, has been  
18 discharged from the staff or has had a contract to render professional  
19 services terminated or rescinded for reasons relating to the  
20 practitioner's incompetency, misconduct or impairment;

21 d. agrees to the placement of conditions or limitations on the  
22 exercise of clinical privileges or practice within the health care facility  
23 or health maintenance organization including, but not limited to,  
24 second opinion requirements, nonroutine concurrent or retrospective  
25 review of admissions or care, nonroutine supervision by one or more  
26 members of the staff, or the completion of remedial education or  
27 training;

28 e. is granted a leave of absence pursuant to which the practitioner  
29 may not exercise clinical privileges or practice within the health care  
30 facility or health maintenance organization if the reasons provided in  
31 support of the leave relate to any physical, mental or emotional  
32 condition or drug or alcohol use, which might impair the practitioner's  
33 ability to practice with reasonable skill and safety; or

34 f. is a party to a medical malpractice liability suit, in which the  
35 health care facility or health maintenance organization is also a party,  
36 and in which there is a settlement, judgment or arbitration award.

37 The form of notification shall be prescribed by the Commissioner of  
38 Health and Senior Services, shall contain such information as may be  
39 required by the board and the review panel and shall be made within  
40 seven days of the date of the action, settlement, judgment or award.

41 A health care facility or health maintenance organization which fails  
42 to provide such notice or shall fail to cooperate with such request for  
43 information by the board or the review panel shall be subject to such  
44 penalties as the State Department of Health and Senior Services may  
45 determine pursuant to sections 13 and 14 of P.L.1971, c.136  
46 (C.26:2H-13 and 26:2H-14).

1 A health care facility or health maintenance organization, or any  
2 employee thereof, which provides information to the board, the review  
3 panel, or the Department of Health and Senior Services regarding a  
4 practitioner pursuant to the provisions of this section or section 3 of  
5 P.L.1989, c.300 (C.26:2H-12.2a), is not liable for damages for  
6 providing or reporting the information unless the health care facility or  
7 health maintenance organization, or employee, knowingly provided  
8 false information.

9 For the purposes of this section and section 3 of P.L.1989, c.300  
10 (C.26:2H-12.2a), "practitioner" means a person licensed to practice:  
11 medicine and surgery under chapter 9 of Title 45 of the Revised  
12 Statutes or a medical resident or intern; or [podiatry] podiatric  
13 medicine under chapter 5 of Title 45 of the Revised Statutes.  
14 (cf: P.L.1989, c.300, s.2)

15  
16 35. Section 2 of P.L.1972, c.70 (C.39:6A-2) is amended to read as  
17 follows:

18 2. As used in this act:

19 a. "Automobile" means a private passenger automobile of a private  
20 passenger or station wagon type that is owned or hired and is neither  
21 used as a public or livery conveyance for passengers nor rented to  
22 others with a driver; and a motor vehicle with a pickup body, a  
23 delivery sedan, a van, or a panel truck or a camper type vehicle used  
24 for recreational purposes owned by an individual or by husband and  
25 wife who are residents of the same household, not customarily used in  
26 the occupation, profession or business of the insured other than  
27 farming or ranching. An automobile owned by a farm family  
28 copartnership or corporation, which is principally garaged on a farm  
29 or ranch and otherwise meets the definitions contained in this section,  
30 shall be considered a private passenger automobile owned by two or  
31 more relatives resident in the same household.

32 b. "Essential services" means those services performed not for  
33 income which are ordinarily performed by an individual for the care  
34 and maintenance of such individual's family or family household.

35 c. "Income" means salary, wages, tips, commissions, fees and other  
36 earnings derived from work or employment.

37 d. "Income producer" means a person who, at the time of the  
38 accident causing personal injury or death, was in an occupational  
39 status, earning or producing income.

40 e. "Medical expenses" means reasonable and necessary expenses  
41 for treatment or services as provided by the policy, including medical,  
42 surgical, rehabilitative and diagnostic services and hospital expenses,  
43 provided by a health care provider licensed or certified by the State or  
44 by another state or nation, and reasonable and necessary expenses for  
45 ambulance services or other transportation, medication and other  
46 services as may be provided for, and subject to such limitations as

1 provided for, in the policy, as approved by the commissioner.  
2 "Medical expenses" shall also include any nonmedical remedial  
3 treatment rendered in accordance with a recognized religious method  
4 of healing.

5 f. "Hospital expenses" means the cost of treatment and services, as  
6 provided in the policy approved by the commissioner, by a licensed  
7 and accredited acute care facility which engages primarily in providing  
8 diagnosis, treatment and care of sick and injured persons on an  
9 inpatient or outpatient basis; the cost of covered treatment and  
10 services provided by an extended care facility which provides room  
11 and board and skilled nursing care 24 hours a day and which is  
12 recognized by the administrators of the federal Medicare program as  
13 an extended care facility; and the cost of covered services at an  
14 ambulatory surgical facility supervised by a physician licensed in this  
15 State or in another jurisdiction and recognized by the Commissioner  
16 of Health and Senior Services, or any other facility licensed, certified  
17 or recognized by the Commissioner of Health and Senior Services or  
18 the Commissioner of Human Services or a nationally recognized  
19 system such as the Commission on Accreditation of Rehabilitation  
20 Facilities, or by another jurisdiction in which it is located.

21 g. "Named insured" means the person or persons identified as the  
22 insured in the policy and, if an individual, his or her spouse, if the  
23 spouse is named as a resident of the same household, except that if the  
24 spouse ceases to be a resident of the household of the named insured,  
25 coverage shall be extended to the spouse for the full term of any policy  
26 period in effect at the time of the cessation of residency.

27 h. "Pedestrian" means any person who is not occupying, entering  
28 into, or alighting from a vehicle propelled by other than muscular  
29 power and designed primarily for use on highways, rails and tracks.

30 i. "Noneconomic loss" means pain, suffering and inconvenience.

31 j. "Motor vehicle" means a motor vehicle as defined in R.S.39:1-1,  
32 exclusive of an automobile as defined in subsection a. of this section.

33 k. "Economic loss" means uncompensated loss of income or  
34 property, or other uncompensated expenses, including, but not limited  
35 to, medical expenses.

36 l. "Health care provider" or "provider" means those persons  
37 licensed or certified to perform health care treatment or services  
38 compensable as medical expenses and shall include, but not be limited  
39 to, (1) a hospital or health care facility which is maintained by a state  
40 or any of its political subdivisions, (2) a hospital or health care facility  
41 licensed by the Department of Health and Senior Services, (3) other  
42 hospitals or health care facilities designated by the Department of  
43 Health and Senior Services to provide health care services, or other  
44 facilities, including facilities for radiology and diagnostic testing,  
45 freestanding emergency clinics or offices, and private treatment  
46 centers, (4) a nonprofit voluntary visiting nurse organization providing

1 health care services other than in a hospital, (5) hospitals or other  
2 health care facilities or treatment centers located in other states or  
3 nations, (6) physicians licensed to practice medicine and surgery, (7)  
4 licensed chiropractors, (8) licensed dentists, (9) licensed optometrists,  
5 (10) licensed pharmacists, (11) licensed **[chiroprodists]** podiatrists,  
6 (12) registered bio-analytical laboratories, (13) licensed psychologists,  
7 (14) licensed physical therapists, (16) certified nurse-midwives, (17)  
8 certified nurse-practitioners/clinical nurse-specialists, (18) licensed  
9 health maintenance organizations, (19) licensed orthotists and  
10 prosthetists, (20) licensed professional nurses, and (21) providers of  
11 other health care services or supplies, including durable medical  
12 goods.

13 m. "Medically necessary" means that the treatment is consistent  
14 with the symptoms or diagnosis, and treatment of the injury (1) is not  
15 primarily for the convenience of the injured person or provider, (2) is  
16 the most appropriate standard or level of service which is in  
17 accordance with standards of good practice and standard professional  
18 treatment protocols, as such protocols may be recognized or  
19 designated by the Commissioner of Banking and Insurance, in  
20 consultation with the Commissioner of Health and Senior Services or  
21 with a professional licensing or certifying board in the Division of  
22 Consumer Affairs in the Department of Law and Public Safety, or by  
23 a nationally recognized professional organization, and (3) does not  
24 involve unnecessary diagnostic testing.

25 n. "Standard automobile insurance policy" means an automobile  
26 insurance policy with at least the coverage required pursuant to  
27 sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4).

28 o. "Basic automobile insurance policy" means an automobile  
29 insurance policy pursuant to section 4 of P.L.1998, c.21  
30 (C.39:6A-3.1).

31 (cf: P.L.1998, c.21, s.2)

32

33 36. Section 1 of P.L.1973, c.322 (C.45:1-10) is amended to read  
34 as follows:

35 1. It shall be unlawful for any person licensed in the State of New  
36 Jersey to practice medicine or surgery, dentistry, osteopathy,  
37 **[podiatry]** podiatric medicine or chiropractic to agree with any  
38 clinical, bio-analytical or hospital laboratory, wheresoever located, to  
39 make payments to such laboratory for individual tests, combination of  
40 tests, or test series for patients unless such person discloses on the  
41 bills to patients and third party payors the name and address of such  
42 laboratory and the net amount or amounts paid or to be paid to such  
43 laboratory for individual tests, combination of tests or test series.

44 (cf: P.L.1977, c.323, s.1)

45

46 37. Section 1 of P.L.1975, c.300 (C.45:1-12) is amended to read



as follows:

1. No podiatrist, optometrist or psychologist and no professional service corporation engaging in the practice of [podiatry] podiatric medicine, optometry or psychology in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of \$100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners with respect to podiatrists, the New Jersey State Board of Optometry for optometrists or the State Board of Psychological Examiners for psychologists.  
(cf: P.L.1991, c.91, s.447)

38. This act shall take effect immediately.

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Revises references pertaining to podiatrists in statutes.