

CHAPTER 79
(CORRECTED COPY)

AN ACT concerning bias training and supplementing Title 26 and Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.26:2H-12.108 Hospital, birthing center to provide bias training.

1. a. Every hospital that provides inpatient maternity services and every birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) shall implement an evidence-based explicit and implicit bias training program for:

(1) all health professionals who provide perinatal treatment and care to pregnant persons at the hospital or birthing center regardless of the compensation agreement, contractual status, or privilege status that may exist between the health professional and the hospital or birthing center; and

(2) all supportive services staff members, as defined by the Department of Health, who interact with pregnant persons at the hospital or birthing center.

A hospital or birthing center that implements an explicit and implicit bias training program pursuant to this section shall ensure that the program is structured in a manner that permits health care professionals to be eligible to receive continuing education credits for participation in the program.

b. The training program shall include, but not be limited to:

(1) identifying previous and current unconscious biases and misinformation when providing perinatal treatment and care to, or interacting with, pregnant persons;

(2) identifying environmental, personal, interpersonal, institutional, and cultural barriers to inclusion;

(3) information on the effects of historical and contemporary exclusion and oppression of minority communities;

(4) information about cultural identity across racial, ethnic, and other marginalized groups;

(5) information about communicating more effectively across racial, ethnic, religious, and gender identities;

(6) information about reproductive justice;

(7) a discussion on power dynamics and organizational decision-making and their effects on explicit and implicit bias;

(8) a discussion on inequities and racial, ethnic and other disparities within the field of perinatal care, and how explicit and implicit bias may contribute to pregnancy-related deaths and maternal and infant health outcomes;

(9) corrective measures to decrease explicit and implicit bias at the interpersonal and institutional levels; and

(10) review of the annual report of the New Jersey Maternal Mortality Review Committee.

The Department of Health shall identify an explicit and implicit bias training tool to be utilized by the explicit and implicit bias training program implemented by a hospital or birthing center pursuant to this section. The use of the department's training tool by a hospital or birthing center shall not preclude the hospital or birthing center from utilizing additional or customized training tools in addition to the department's training tool.

c. A health care professional who provides perinatal treatment and care to pregnant persons at a hospital that provides inpatient maternity services or a birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) and all supportive staff members who interact with pregnant persons at the hospital or birthing center shall:

(1) complete the training program on explicit and implicit bias at such times and intervals as the hospital or birthing center shall require;

(2) complete a refresher course under the training program, designed to provide the health care professional or supportive staff member with updated information about racial, ethnic, and cultural identity, and best practices in decreasing interpersonal and institutional implicit bias, every two years or on a more frequent basis, if deemed necessary by the hospital or birthing center; and

(3) receive a certification of completion from the hospital or birthing center upon successful completion of the training program.

d. A health care professional who completes a continuing education course on explicit and implicit bias pursuant to section 2, 3, 4, 5, or 7 of P.L.2021, c.79 (C.45:9-7.9, C.45:9-27.25c, C.45:9-1a, C.45:11-26.4, or C.45:10-23) shall be deemed to have satisfied the explicit and implicit bias training requirement set forth in subsection c. of this section for the licensure or certification period in which the continuing education course was completed.

e. In the event that a hospital or birthing center fails to implement an explicit and implicit bias training program pursuant to this section, the Department of Health shall invoke penalties or take administrative action against the hospital or birthing center. Any penalties imposed or administrative actions taken by the department pursuant to this subsection may be imposed in a summary proceeding.

f. As used in this section:

“Explicit bias” means attitudes and beliefs about a person or group on a conscious level.

“Health care professional” means a person licensed or certified to practice a health care profession pursuant to Title 45 of the Revised Statutes.

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

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

“Perinatal care” means the provision of care during pregnancy, labor, delivery, postpartum and neonatal periods.

C.45:9-7.9 Certain physicians required to attend education program concerning bias.

2. The State Board of Medical Examiners shall require that the number of credits of continuing medical education required of each person licensed as a physician who provides perinatal treatment and care to pregnant persons, as a condition of biennial registration pursuant to section 1 of P.L.1971, c.236 (C.45:9-6.1), include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The continuing medical education requirement in this subsection shall be subject to the provisions of section 10 of P.L.2001, c.307 (C.45:9-7.1).

C.45:9-27.25c Certain physician assistants required to attend education program concerning bias.

3. The State Board of Medical Examiners shall require that the number of credits of continuing medical education required of each person licensed as a physician assistant who provides perinatal treatment and care to pregnant persons, as a condition of biennial renewal pursuant to section 4 of P.L.1991, c.378 (C.45:9-27.13), include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The continuing medical education requirement in this subsection shall be subject to the provisions of section 16 of P.L.1991, c.378 (C.45:9-27.25) .

C.45:9-1a Member of State Board of Medical Examiners required to complete bias training program.

4. As a condition of being appointed as a member of the State Board of Medical Examiners, or the member's continued appointment to the board, a board member shall complete an evidence-based explicit and implicit bias training program approved by the Division of Consumer Affairs in the Department of Law and Public Safety that is equivalent to the training program provided for in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The board member shall complete, and acknowledge the completion of, the training program at a frequency determined by the division.

C.45:11-26.4 Certain nurses required to complete bias training.

5. The New Jersey Board of Nursing shall require that the number of credits of continuing education required of each person licensed as a professional nurse or a practical nurse who provides perinatal treatment and care to pregnant persons, as a condition of biennial license renewal, include one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108).

C.45:11-24.b Member of New Jersey Board of Nursing required to complete bias training.

6. As a condition of being appointed as a member of the New Jersey Board of Nursing, or the member's continued appointment to the board, a board member shall complete an evidence-based explicit and implicit bias training program approved by the Division of Consumer Affairs in the Department of Law and Public Safety that is equivalent to the training program provided for in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108). The board member shall complete, and acknowledge the completion of, the training program at a frequency determined by the division.

C.45:10-23 Certain midwives required to complete bias training.

7. A certified nurse midwife, certified professional midwife, or certified midwife who was licensed prior to the effective date of this act shall, as a condition of license renewal, complete at least one credit of educational programs or topics concerning explicit and implicit bias, which educational programs and topics shall meet the requirements for a training program set forth in subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108).

8. The Department of Health and the Director of the Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

9. This act shall take effect on the first day of the sixth month next following the date of enactment.

Approved May 11, 2021.