

ASSEMBLY, No. 2366

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 26, 1996

By Assemblyman O'TOOLE

1 AN ACT concerning unauthorized practice of medicine and law and  
2 amending N.J.S.2C:21-20 and N.J.S.2C:21-22.

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

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

9 14. Unlicensed practice of medicine, crime of third degree.

10 A person is guilty of a crime of the **[third]**second degree if he  
11 knowingly does not possess a license or permit to practice medicine  
12 and surgery or podiatry, or knowingly has had the license or permit  
13 suspended, revoked or otherwise limited by an order entered by the  
14 State Board of Medical Examiners, and he:

15 a. engages in that practice;

16 b. exceeds the scope of practice permitted by the board order;

17 c. holds himself out to the public or any person as being eligible  
18 to engage in that practice;

19 d. engages in any activity for which such license or permit is a  
20 necessary prerequisite, including, but not limited to, the ordering of  
21 controlled dangerous substances or prescription legend drugs from a  
22 distributor or manufacturer; or

23 e. practices medicine or surgery or podiatry under a false or  
24 assumed name or falsely impersonates another person licensed by the  
25 board.

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

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28 2. Section 1 of P.L.1994, c.47 ( 2C:21-22) is amended to read as  
29 follows:

30 1. Unauthorized practice of law, penalties.

31 a. A person is guilty of a **[disorderly persons offense]** crime of the  
32 third degree if the person knowingly engages in the unauthorized  
33 practice of law.

34 b. A person is guilty of a crime of the **[fourth]**second degree if the

**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.**

1 person knowingly engages in the unauthorized practice of law and:

2 (1) Creates or reinforces a false impression that the person is  
3 licensed to engage in the practice of law; or

4 (2) Derives a benefit; or

5 (3) In fact causes injury to another.

6 c. For the purposes of this section, the phrase "in fact" indicates  
7 strict liability.

8 (cf: P.L.1994,c.47,s.1)

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10 3. This act shall take effect immediately .

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STATEMENT

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15 This bill would amend N.J.S.2C:21-20 and make it a crime of the  
16 second degree for a person who knowingly does not possess a license  
17 or permit to practice medicine, surgery or podiatry to engage in the  
18 practice of medicine. A crime of the second degree is punishable by  
19 a term of imprisonment of five to 10 years, a fine of \$100,000 or both.

20 This bill would also amend N.J.S.2C:21-22 and make it a crime of  
21 the third degree for any person to knowingly engage in the  
22 unauthorized practice of law. Under these provisions the crime of  
23 practicing law without a license would be upgraded to a crime of the  
24 second degree if the person knowingly engages in the unauthorized  
25 practice of law and creates a false impression that he is licensed, or  
26 derives a benefit or in fact causes injury to another.

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31 Upgrades unauthorized practice of medicine and law.