

[First Reprint]

## **ASSEMBLY, No. 5516**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED MARCH 17, 2021

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Regulated Professions Committee on June 14, 2021, with amendments.



**(Sponsorship Updated As Of: 12/2/2021)**

1 AN ACT concerning the State Board of Chiropractic Examiners and  
2 criminal record of applicants to the board, and amending and  
3 supplementing Title 45 of the Revised Statutes.

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

7  
8 1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to  
9 read as follows:

10 4. There is created within the Division of Consumer Affairs in  
11 the Department of Law and Public Safety the State Board of  
12 Chiropractic Examiners. The board shall consist of **[11]** 13  
13 members who are residents of the State, **[two]** four of whom shall  
14 be public members and one of whom shall be a State executive  
15 department member appointed pursuant to the provisions of  
16 P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members  
17 shall be licensed chiropractors who have been actively engaged in  
18 the practice of chiropractic in this State for at least five years  
19 immediately preceding their appointments.

20 The Governor shall appoint each member, other than the State  
21 executive department member, with the advice and consent of the  
22 Senate, for a term of three years**],** except that three of the initial  
23 chiropractic members of the board shall consist of the incumbent  
24 chiropractic member of the State Board of Medical Examiners, who  
25 shall serve until the expiration of his current term as a chiropractic  
26 member, and the two incumbent chiropractic assistants of the State  
27 Board of Medical Examiners, each of whom shall serve until the  
28 expiration of his current term as a chiropractic assistant, and except  
29 that of the remaining five chiropractic members first appointed, two  
30 shall serve for terms of three years, two shall serve for terms of two  
31 years and one shall serve for a term of one year**].** Each member  
32 shall hold office until his successor has been qualified. Any  
33 vacancy in the membership of the board shall be filled for the  
34 unexpired term in the manner provided for the original appointment.  
35 No member of the board may serve more than two successive terms  
36 in addition to any unexpired term to which he has been appointed.  
37 (cf: P.L.1989, c.153, s.4)

38  
39 2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to read  
40 as follows:

41 7. The board shall:

- 42 a. Appoint and prescribe the duties of an executive secretary.  
43 The executive secretary shall serve at its pleasure;  
44 b. Review the qualifications of applicants for initial licensure, or  
45 licensure renewal, reactivation, or reinstatement. The review of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ARP committee amendments adopted June 14, 2021.

1 qualifications shall include a review of <sup>1</sup>the results from the  
2 submission of fingerprints required of each applicant pursuant to  
3 section 3 of P.L.2002, c.104 (C.45:1-30) and of<sup>1</sup> each applicant in the  
4 National Practitioner Data Bank to ensure <sup>1</sup>, at a minimum, that<sup>1</sup> no  
5 information <sup>1</sup>【exists on file in the data bank demonstrating】  
6 demonstrates<sup>1</sup> an applicant has been convicted of sexual assault,  
7 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2  
8 <sup>1</sup>【through 2C:14-4】, N.J.S.2C:14-3, and N.J.S.2C:14-4<sup>1</sup> that is of the  
9 first, second, third or fourth degree, endangering the welfare of a child  
10 pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, <sup>1</sup>【or an】  
11 attempting to lure or entice a child pursuant to section 1 of P.L.1993,  
12 c.291 (C.2C:13-6), or<sup>1</sup> equivalent <sup>1</sup>【offense】 offenses<sup>1</sup> in another  
13 jurisdiction;

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

15 d. Issue **【and】**, renew, reactivate or reinstate licenses for  
16 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and  
17 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic  
18 assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-  
19 41.33 et seq.);

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

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

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

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

1 i. Adopt and promulgate rules and regulations pursuant to the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
3 necessary to effectuate the purposes of this act, R.S.45:9-14.5,  
4 R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of  
5 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-  
6 41.5 et al.).

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

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

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

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

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

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

9 4. This act shall take effect immediately<sup>1</sup>], and section 3 shall  
10 expire upon appointment of new members to the board by the  
11 Governor<sup>1</sup>].