

45:9-16

LEGISLATIVE HISTORY CHECKLIST

(Physicians-"advertising"-permit listing in sign directory separate from office building)

NJSA 45:9-16

LAWS 1982

CHAPTER 91

Bill No. S116

Sponsor(s) Russo

Date Introduced Pre-filed

Committee: Assembly Higher Education and Regulated Professions

Senate Labor, Industry and Professions

Amended during passage Yes No

Date of Passage: Assembly June 28, 1982

Senate March 1, 1982

Date of approval July 28, 1982

Following statements are attached if available:

Sponsor statement Yes No

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

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APR

1983

SENATE, No. 116

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator RUSSO

AN ACT concerning the practice of medicine and surgery and
amending R. S. 45:9-16.

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

1 1. R. S. 45:9-16 is amended to read as follows:
2 45:9-16. The board may refuse to grant or may suspend or
3 revoke a license or the registration of a certificate or diploma to
4 practice medicine and surgery or chiropractic filed in the office of
5 any county clerk in this State under any act of the Legislature,
6 upon proof to the satisfaction of the board that the holder of such
7 license (a) has been adjudicated insane, or (b) habitually uses
8 intoxicants, or (c) has practiced criminal abortion, or been con-
9 victed of the crime of criminal abortion, or has been convicted of
10 crime involving moral turpitude, or has pleaded nolo contendere,
11 non vult contendere or non vult to an indictment, information or
12 complaint alleging the commission of the crime of criminal abortion
13 or of crime involving moral turpitude, or (d) has been determined
14 to be physically or mentally incapacitated, (e) knowingly becomes
15 employed by any physician, surgeon, homeopath, eclectic, osteopath,
16 chiropractor, or doctor who advertises, or (f) shall have presented
17 to the board any diploma, license or certificate that shall have been
18 illegally obtained or shall have been signed or issued unlawfully
19 or under fraudulent representations, or obtains or shall have
20 obtained a license to practice in this State through fraud of any
21 kind, or (g) has been guilty of employing unlicensed persons to
22 perform work which, under this chapter (45:9-1 et seq.) can legally
23 be done only by persons licensed to practice medicine and surgery
24 or chiropractic in this State, or (h) has been guilty of gross
25 malpractice or gross neglect in the practice of medicine which has

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

26 endangered the health or life of any person, or (i) has been demon-
27 strated professionally incompetent to practice medicine or (j) has
28 advertised in any manner, whether as an individual, through a
29 professional service corporation or through a third party on his
30 behalf, the practice of medicine and surgery or chiropractic;
31 provided, however, that the following shall not be deemed to be
32 advertising prohibited under this chapter:

33 a. Public information for educational purposes on the practice or
34 professions of medicine and surgery or chiropractic which does not
35 contain the name of any person licensed to practice medicine and
36 surgery or chiropractic in this State or the address of any location
37 where medical or chiropractic examination or treatment may be
38 had or is recommended or suggested;

39 b. Publication of a brief announcement of the opening of an office
40 or the removal to a new location, containing the name, professional
41 degree, type of practice, address, telephone number, and office hours
42 of the licensee;

43 c. A listing in an alphabetical telephone directory of the name of
44 a licensee together with his professional degree or the abbreviation
45 therefor;

46 d. A listing in a classified telephone directory with standard type
47 limited to the name, professional degree, type of practice, office and
48 home addresses and telephone numbers, and office hours of a
49 licensee;

50 e. The use of small signs on the doors, windows and walls of a
51 licensee's office or on the building in which he maintains an office,
52 *or the use of a sign directory separate and apart from, but in*
53 *reasonable proximity to, the building in which he maintains an*
54 *office as an aid to the public in locating the office, setting out his*
55 name, professional degree, type of practice, address and office
56 hours in lettering no larger than [4] 6 inches in height for street-
57 level offices, and no larger than [6] 8 inches in height for offices
58 above street-level;

59 f. Communications with or without the name of the licensee
60 distributed or mailed to his patients of record at his discretion;

60A g. A directory of physicians for consumer use which shall include
60B the educational background, degrees, fellowships, certifications,
60C specialties, experience and any other pertinent information which
60D is related to the practice of medicine and surgery of the physicians.

61 The board shall refuse to grant or shall suspend or revoke any
62 such license or the registration of any such certificate or diploma
63 upon proof to the satisfaction of the board that the applicant for,
64 or holder of, such license habitually uses drugs or has been con-

65 victed of a violation of or has pleaded nolo contendere, non vult
66 contendere or non vult to an indictment, information or complaint
67 alleging a violation of any Federal or State law relating to narcotic
68 drugs. Before any license, or registration of a certificate or diploma
69 to practice medicine or surgery or chiropractic filed in the office of
70 any county clerk of this State under any act of the Legislature, shall
71 be suspended or revoked, except in the case of convictions of
72 criminal abortions or convictions of crime involving moral turpitude
73 or plea of nolo contendere, non vult contendere or non vult to
74 indictment, information or complaint alleging commission of the
75 crime of criminal abortion or crime involving moral turpitude, or
76 convictions of violations of or pleas of nolo contendere, non vult
77 contendere or non vult to an indictment, information or complaint
78 alleging violations of any Federal or State law relating to narcotic
79 drugs, the accused person shall be furnished with a copy of the
80 complaint and be given a hearing before said board in person or
81 by attorney, and any person whose license shall be suspended or
82 revoked in accordance with this section shall be deemed an un-
83 licensed person during the period of such suspension or revocation,
84 and as such shall be subject to the penalties hereinafter prescribed
85 for persons who practice medicine and surgery or chiropractic,
86 without first having obtained a license so to do. Any person whose
87 license, or registration of a certificate or diploma to practice
88 medicine and surgery or chiropractic filed in the office of any county
89 clerk of this State under any act of the Legislature, shall be
90 suspended or revoked under the authority of this chapter (45:9-1,
91 et seq.) may, in the discretion of the board be relicensed at any time
92 to practice without an examination, or have his registration of a
93 certificate or diploma, as aforesaid, reinstated, on application being
94 made to the board.

95 The record of conviction or the record of entry of a plea of nolo
96 contendere, non vult contendere or non vult in any of the courts
97 of this State, or any other state of the United States, or any of the
98 courts of the United States, or the court of any foreign nation, shall
99 be sufficient warrant for the board to refuse to grant or to suspend
100 or revoke the license or the registration of a certificate or diploma
101 to practice medicine and surgery or chiropractic filed in the office
102 of any county clerk in this State under any act of the Legislature.

1 2. This act shall take effect immediately.

STATEMENT

Presently signs indicating a physician's name and address must be appended to the office of the physician or the building in which such office is located. With the advent of large medical and professional office complexes the public should be allowed the assistance a sign directory offers.

This bill would amend the law regulating the practice of medicine and surgery to allow a physician to include his name and address in a sign directory separate and apart from the building in which he maintains an office.

The bill also increases the letter size limitation of such signs to reflect a more realistic approach to the use thereof.

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5116(1982)

ASSEMBLY HIGHER EDUCATION AND REGULATED
PROFESSIONS COMMITTEE

STATEMENT TO
SENATE, No. 116

STATE OF NEW JERSEY

DATED: JUNE 17, 1982

Senate Bill No. 116 amends the "Medical Practice Act," R. S. 45:9-1 et seq. to allow a physician to include his name and address in a sign directory separate and apart from the building in which he maintains an office. The bill also allows the use of larger letters on signs.

It is the committee's understanding that this bill in no way supersedes any local zoning ordinance which a municipality has regarding the size or replacement of signs. Physicians would of course be subject to such local zoning ordinances.

In the same respect, a physician's failure to comply with a local zoning ordinance regarding sign directories would not of course be grounds for suspension or revocation of license pursuant to R. S. 45:9-16.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO
SENATE, No. 116

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 1982

This bill amends the law regulating the practice of medicine and surgery to allow a physician to include his name and address in a sign directory separate and apart from the building in which he maintains an office to aid the public in locating his office.

The bill also allows the use of larger letters on these signs.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATELY

July 28, 1982

Acting Governor Carmen A. Orechio signed the following bills:

Senate Bill No. 95 -- which designates "The Volunteer," by Wayne Swezey as the song of the volunteer firemen.

Senate Bill No. 116 -- which permits a physician to include his name and address in a sign directory separate from the building in which he maintains an office.

Senate Bill No. 1065 -- which establishes quarterly payment schedule for amounts due to Passaic Valley Sewage Commission by municipalities under contract with the Commission.

Senate Bill No. 1259 -- which increases the threshold contract amount from \$2,000 to \$4,500 above which the North Jersey Water Supply Commission must advertise bids.

Senate Bill No. 1428 -- which requires the promulgation of minimum standards for medicare health insurance policies.

Senate Bill No. 1429 -- which requires the promulgation of minimum standards for medicare health insurance policies.

Senate Joint Resolution No. 21 -- which creates a commission to study the statutes and regulations concerning the alcoholic beverage industry.

Assembly Bill No. 49 -- which changes the name of the State Board of Certified Public Accountants to the State Board of Accountancy.

Assembly Bill No. 187 -- which permits professional corporations to utilize the term "a professional corporation" or the abbreviation "P.C."

Assembly Bill No. 234 -- which provides for the protection of certain consumer rights.
