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LAW/RWH

§§2,3 -
C.45:1-7.4 to
45:1-7.5
§4 - Repealer
§5 - Note

(CORRECTED COPY)

P.L.2013, CHAPTER 182, *approved January 13, 2014*
Assembly, No. 1545 (*Fourth Reprint*)

1 AN ACT concerning professional and occupational licenses, revising
2 various parts of the statutory law, and supplementing P.L.1999,
3 c.403 (C.45:1-7.1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 5 of P.L.1999, c.403 (C.45:1-7.1) is amended to read
9 as follows:

10 5. a. Notwithstanding any other act or regulation to the
11 contrary, the provisions of this section **and sections section 6 and 7**
12 of P.L.1999, c.403 (C.45:1-7.2 and C.45:1-7.3) shall apply to
13 every holder of a professional or occupational license or certificate
14 of registration or certification issued or renewed by a board
15 specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks
16 renewal of that license or certificate.

17 b. Every holder of a professional or occupational license or
18 certificate of registration or certification, issued or renewed by a
19 board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who
20 seeks renewal shall submit a renewal application and pay a renewal
21 fee prior to the date of expiration of the license or certificate of
22 registration or certification. If the holder does not renew the license
23 or certificate prior to its expiration date, the holder may renew it
24 within 30 days of its expiration date by submitting a renewal
25 application and paying a renewal fee and a late fee. During the 30-
26 day period, the license shall be valid and the licensee shall not be
27 deemed practicing without a license. Any professional or
28 occupational license or certificate of registration or certification not
29 renewed within 30 days of its expiration date shall be suspended
30 without a hearing.

31 c. Any individual who continues to practice **with an expired**
32 after the 30 days following the expiration date of that individual's
33 license or certificate of registration or certification **after 30 days**
34 following its expiration date shall be deemed to be engaged in

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:

¹Assembly ARG committee amendments adopted June 18, 2012.

²Assembly floor amendments adopted June 21, 2012.

³Assembly floor amendments adopted February 21, 2013.

⁴Senate SCM committee amendments adopted September 30, 2013.

1 unlicensed practice of the regulated profession or occupation, even
2 if no notice of suspension has been provided to the individual.

3 d. A professional or occupational license or certificate of
4 registration or certification suspended pursuant to this section may
5 be reinstated **【**within five years following its date of expiration
6 upon submission of a renewal application and payment of an
7 additional reinstatement fee. An applicant seeking reinstatement of
8 a license or certificate suspended pursuant to this section more than
9 five years past its expiration date shall successfully complete the
10 examination required for initial licensure, registration or
11 certification and submit a renewal application and payment of an
12 additional reinstatement fee**】** as provided in section 2 of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill).

14 e. A board specified in section 2 of P.L.1978, c.73 (C.45:1-15)
15 shall send a notice of renewal to each of its holders of a
16 professional or occupational license or certificate of registration or
17 certification, as applicable, at least 60 days prior to the expiration of
18 the license or certificate. The notice of renewal shall explain
19 inactive renewal and advise the licensee of the option to renew as
20 inactive. If the notice to renew is not sent at least 60 days prior to
21 the expiration date, no monetary penalties or fines shall apply to the
22 holder for failure to renew provided that the license is renewed
23 within 60 days from the date the notice is sent.

24 f. A renewal applicant electing to renew as inactive shall not
25 engage in professional or occupational practice within the State or
26 hold himself out as eligible to engage in professional or
27 occupational practice within the State.

28 (cf: P.L.1999, c.403, s.5)

29

30 2. (New section) a. An applicant seeking reinstatement of a
31 license or certificate suspended pursuant to section 5 of P.L.1999,
32 c.403 (C.45:1-7.1) shall submit:

33 (1) A renewal application;

34 (2) A certification of employment listing each job held during
35 the period of suspended license, registration, or certification, which
36 includes the names, addresses, and telephone numbers of each
37 employer;

38 (3) Payment of the renewal fee for the biennial or triennial
39 period for which reinstatement is sought;

40 (4) Payment of the unpaid renewal fee for the biennial or
41 triennial period immediately preceding the renewal period for which
42 reinstatement is sought;

43 (5) Payment of a reinstatement fee; and

44 (6) Proof of having satisfied all conditions precedent to renewal,
45 including, but not limited to, the continuing education credits that
46 were required to be completed during the biennial or triennial

1 period immediately prior to the renewal period for which
2 reinstatement is sought.

3 b. An applicant seeking reactivation of a license or certificate
4 that was in inactive status pursuant to section 5 of P.L.1999, c.403
5 (C.45:1-7.1) shall submit:

6 (1) A renewal application;

7 (2) A certification of employment listing each job held during
8 the period of suspended license, registration, or certification, which
9 includes the names, addresses, and telephone numbers of each
10 employer;

11 (3) Payment of the renewal fee for the biennial or triennial
12 period for which reinstatement is sought, or, in the discretion of the
13 board, a prorated fee if there is less than one year remaining in the
14 biennial or triennial period; and

15 (4) Proof of having satisfied all conditions precedent to renewal,
16 including, but not limited to, the continuing education credits that
17 were required to be completed during the biennial or triennial
18 period immediately prior to the renewal period for which
19 reinstatement is sought.

20 c. An applicant seeking reinstatement of a license or certificate
21 suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), or
22 an applicant seeking reactivation of a license or certificate that was
23 in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-
24 7.1), who holds a valid, current, corresponding professional or
25 occupational license, certificate of registration, or certification in
26 good standing issued by another state, who submits proof of having
27 satisfied that state's continuing education requirements for that
28 license, certification of registration, or certification, shall be
29 deemed to have satisfied paragraph (6) of subsection a. and
30 paragraph (4) of subsection b. of this section.

31 d. To the extent that specific courses are required to satisfy the
32 continuing education requirement for, or are required to have been
33 satisfied prior to, the biennial or triennial period for which renewal
34 is sought, a board may permit those courses to be taken in the 12
35 months following renewal. Credit for those courses may be applied
36 to the continuing education requirement for the next renewal period.

37 e. If a board review of an application for reinstatement or
38 reactivation under this section establishes a basis for concluding
39 that there may be practice deficiencies in need of remediation prior
40 to reinstatement or reactivation, the board may require the applicant
41 to submit to and successfully pass an examination or an assessment
42 of skills, a refresher course, or other requirements as determined by
43 the board prior to reinstatement or reactivation of the license. If
44 that examination or assessment identifies clinical deficiencies or
45 educational needs, the board may require the applicant, as a
46 condition of reinstatement or reactivation of licensure, to take and
47 successfully complete any education or training, or to submit to any

1 supervision, monitoring, or limitations, as the board determines are
2 necessary to assure that the applicant practices with reasonable skill
3 and safety. The board, in its discretion, may restore the license
4 subject to the applicant's completion of the training within a period
5 of time prescribed by the board following the restoration of the
6 license.

7
8 3. (New section) a. Upon receipt of a completed application,
9 application fee, consent to a criminal history record background
10 check, if applicable, and requisite fee for such a check, a board shall
11 issue a professional or occupational license, certificate of
12 registration, or certification to any person who documents that the
13 person holds a valid, current corresponding professional or
14 occupational license, certificate of registration, or certification in
15 good standing issued by another state, if:

16 (1) the state that issued the license has, or had at the time of
17 issuance, education, training, and examination requirements for
18 licensure, registration, or certification substantially equivalent to
19 the current standards of this State, as determined by the board or
20 committee;

21 (2) the applicant had been practicing ²~~under that license~~ in
22 ⁴~~a field or profession substantially related, as determined by the~~
23 ~~board or committee, to~~⁴ the profession for which licensure in this
24 State is sought,² within the five years prior to the date of the
25 application; and

26 (3) the requirements of subsection b. of this section have been
27 satisfied with respect to the person.

28 b. Prior to the issuance of the license, certificate of registration,
29 or certification pursuant to subsection a. of this section, the board or
30 committee shall have received or obtained:

31 (1) documentation reasonably satisfactory to the board that the
32 applicant's license, certificate of registration, or certification in that
33 other state is valid, current, and in good standing;

34 (2) if a person is seeking licensure as a health care professional
35 as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a
36 criminal history record background check is otherwise required
37 prior to licensure in this State, the results of a criminal history
38 record background check of the files of the Criminal Justice
39 Information Services Division in the Federal Bureau of
40 Investigation and the State Bureau of Identification in the Division
41 of State Police that does not disclose a conviction for a
42 disqualifying crime; and

43 (3) designation of an agent in this State for service of process if
44 the applicant is not a New Jersey resident and does not have an
45 office in New Jersey.

46 c. For purposes of this section, "good standing" means that:

- 1 (1) no action has been taken against the applicant's license by
2 any licensing board;
- 3 (2) no action affecting the applicant's privileges to practice that
4 applicant's profession has been taken by any out-of-State
5 institution, organization, or employer;
- 6 (3) no disciplinary proceeding is pending that could affect the
7 applicant's privileges to practice that applicant's profession;
- 8 (4) all fines levied by any out-of-State board have been paid; and
- 9 (5) there is no pending or final action by any criminal authority
10 for violation of law or regulation, or any arrest or conviction for any
11 criminal or quasi-criminal offense under the laws of the United
12 States, this State, or any other state including, but not limited to:
13 criminal homicide; aggravated assault; sexual assault, criminal
14 sexual contact, or lewdness; or an offense involving any controlled
15 dangerous substance or controlled dangerous substance analog.
- 16 d. For purposes of this section, a "substantially equivalent"
17 examination need not be identical to the current examination
18 requirements of this State, but such examination shall be nationally
19 recognized and of comparable scope and rigor.
- 20 e. An applicant's experience may be considered by the board
21 or committee to compensate for disparity in substantial equivalence
22 in education and examination requirements under subsection a. of
23 this section.
- 24 f. An applicant shall satisfy or shall have satisfied all
25 applicable prerequisites required for initial licensure in this State,
26 such as obtaining insurance, including malpractice insurance, a
27 surety bond, or a pressure seal.
- 28 g. An applicant shall answer truthfully all questions asked of an
29 applicant for initial licensure.
- 30 h. Not later than six months after the issuance of the license,
31 the board or committee shall have received documentation
32 reasonably satisfactory to the board verifying the person's
33 education, training, and examination results.
- 34 i. A board or committee, after the licensee has been given
35 notice and an opportunity to be heard, may revoke any license based
36 on a license issued by another state obtained through fraud,
37 deception, or misrepresentation.
- 38 j. Nothing contained in this section shall preclude a board from
39 requiring an applicant for licensure based on an out-of-State license
40 to take an on-line jurisprudence course or an orientation available to
41 the applicant at any time.
- 42 k. ²~~Nothing contained in this section shall preclude a board from only granting~~ Nothing contained in this
43 section shall preclude a board from only granting² a license,
44 certificate of registration, or certification without examination to an
45 applicant seeking reciprocity who holds a corresponding license,
46 certificate of registration, or certification from another state if equal

1 reciprocity is provided for a New Jersey applicant for licensure
2 under the law of that other state.

3 1. Nothing in this section shall preclude a board from
4 exercising its discretion to grant a license, certificate of registration,
5 or certification without examination to an applicant seeking
6 reciprocity who holds a corresponding license, certificate of
7 registration, or certification from another state who does not meet
8 the good standing requirement of subsection a. of this section due to
9 a pending action by a licensing board, a pending action by an out-
10 of-State institution, organization, or employer affecting the
11 applicant's privileges to practice, a pending disciplinary
12 proceeding, or a pending criminal charge or arrest for a crime.

13 m. Notwithstanding any law or regulation to the contrary, the
14 provisions of this section shall apply to every holder of a
15 professional or occupational license or certificate of registration or
16 certification issued or renewed by a board specified in section 2 of
17 P.L.1978, c.73 (C.45:1-15) ¹, except that the provisions of this
18 section shall not apply to any holder of a license issued or renewed
19 by the Board of Examiners of Electrical Contractors pursuant to
20 P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners
21 of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et
22 seq.), ³the New Jersey Real Estate Commission pursuant to
23 R.S.45:15-1 et seq.,³ or the State Board of Examiners of Heating,
24 Ventilating, Air Conditioning and Refrigeration Contractors
25 pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.)¹.
26

27 4. The following sections are repealed:
28 Section 6 of P.L.1999, c.403 (C.45:1-7.2); and
29 Section 7 of P.L.1999, c.403 (C.45:1-7.3).

30
31 5. This act shall take effect on the first day of the sixth month
32 following enactment.

33

34

35

36

37 _____
38 Revises law concerning certain professional and occupational
licenses.

ASSEMBLY, No. 1545

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman SCOTT T. RUMANA
District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Assemblywoman Spencer

SYNOPSIS

Revises law concerning certain professional and occupational licenses.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning professional and occupational licenses, revising
2 various parts of the statutory law, and supplementing P.L.1999,
3 c.403 (C.45:1-7.1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 5 of P.L.1999, c.403 (C.45:1-7.1) is amended to read
9 as follows:

10 5. a. Notwithstanding any other act or regulation to the
11 contrary, the provisions of this section [and sections section 6 and 7
12 of P.L.1999, c.403 (C.45:1-7.2 and C.45:1-7.3)] shall apply to
13 every holder of a professional or occupational license or certificate
14 of registration or certification issued or renewed by a board
15 specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks
16 renewal of that license or certificate.

17 b. Every holder of a professional or occupational license or
18 certificate of registration or certification, issued or renewed by a
19 board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who
20 seeks renewal shall submit a renewal application and pay a renewal
21 fee prior to the date of expiration of the license or certificate of
22 registration or certification. If the holder does not renew the license
23 or certificate prior to its expiration date, the holder may renew it
24 within 30 days of its expiration date by submitting a renewal
25 application and paying a renewal fee and a late fee. During the 30-
26 day period, the license shall be valid and the licensee shall not be
27 deemed practicing without a license. Any professional or
28 occupational license or certificate of registration or certification not
29 renewed within 30 days of its expiration date shall be suspended
30 without a hearing.

31 c. Any individual who continues to practice [with an expired]
32 after the 30 days following the expiration date of that individual's
33 license or certificate of registration or certification [after 30 days
34 following its expiration date] shall be deemed to be engaged in
35 unlicensed practice of the regulated profession or occupation, even
36 if no notice of suspension has been provided to the individual.

37 d. A professional or occupational license or certificate of
38 registration or certification suspended pursuant to this section may
39 be reinstated [within five years following its date of expiration
40 upon submission of a renewal application and payment of an
41 additional reinstatement fee. An applicant seeking reinstatement of
42 a license or certificate suspended pursuant to this section more than
43 five years past its expiration date shall successfully complete the
44 examination required for initial licensure, registration or

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.

1 certification and submit a renewal application and payment of an
2 additional reinstatement fee] as provided in section 2 of P.L. _____, c.
3 (C. _____) (pending before the Legislature as this bill).

4 e. A board specified in section 2 of P.L.1978, c.73 (C.45:1-15)
5 shall send a notice of renewal to each of its holders of a
6 professional or occupational license or certificate of registration or
7 certification, as applicable, at least 60 days prior to the expiration of
8 the license or certificate. The notice of renewal shall explain
9 inactive renewal and advise the licensee of the option to renew as
10 inactive. If the notice to renew is not sent at least 60 days prior to
11 the expiration date, no monetary penalties or fines shall apply to the
12 holder for failure to renew provided that the license is renewed
13 within 60 days from the date the notice is sent.

14 f. A renewal applicant electing to renew as inactive shall not
15 engage in professional or occupational practice within the State or
16 hold himself out as eligible to engage in professional or
17 occupational practice within the State.
18 (cf: P.L.1999, c.403, s.5)

19
20 2. (New section) a. An applicant seeking reinstatement of a
21 license or certificate suspended pursuant to section 5 of P.L.1999,
22 c.403 (C.45:1-7.1) shall submit:

- 23 (1) A renewal application;
24 (2) A certification of employment listing each job held during
25 the period of suspended license, registration, or certification, which
26 includes the names, addresses, and telephone numbers of each
27 employer;
28 (3) Payment of the renewal fee for the biennial or triennial
29 period for which reinstatement is sought;
30 (4) Payment of the unpaid renewal fee for the biennial or
31 triennial period immediately preceding the renewal period for which
32 reinstatement is sought;
33 (5) Payment of a reinstatement fee; and
34 (6) Proof of having satisfied all conditions precedent to renewal,
35 including, but not limited to, the continuing education credits that
36 were required to be completed during the biennial or triennial
37 period immediately prior to the renewal period for which
38 reinstatement is sought.

39 b. An applicant seeking reactivation of a license or certificate
40 that was in inactive status pursuant to section 5 of P.L.1999, c.403
41 (C.45:1-7.1) shall submit:

- 42 (1) A renewal application;
43 (2) A certification of employment listing each job held during
44 the period of suspended license, registration, or certification, which
45 includes the names, addresses, and telephone numbers of each
46 employer;

1 (3) Payment of the renewal fee for the biennial or triennial
2 period for which reinstatement is sought, or, in the discretion of the
3 board, a prorated fee if there is less than one year remaining in the
4 biennial or triennial period; and

5 (4) Proof of having satisfied all conditions precedent to renewal,
6 including, but not limited to, the continuing education credits that
7 were required to be completed during the biennial or triennial
8 period immediately prior to the renewal period for which
9 reinstatement is sought.

10 c. An applicant seeking reinstatement of a license or certificate
11 suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), or
12 an applicant seeking reactivation of a license or certificate that was
13 in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-
14 7.1), who holds a valid, current, corresponding professional or
15 occupational license, certificate of registration, or certification in
16 good standing issued by another state, who submits proof of having
17 satisfied that state's continuing education requirements for that
18 license, certification of registration, or certification, shall be
19 deemed to have satisfied paragraph (6) of subsection a. and
20 paragraph (4) of subsection b. of this section.

21 d. To the extent that specific courses are required to satisfy the
22 continuing education requirement for, or are required to have been
23 satisfied prior to, the biennial or triennial period for which renewal
24 is sought, a board may permit those courses to be taken in the 12
25 months following renewal. Credit for those courses may be applied
26 to the continuing education requirement for the next renewal period.

27 e. If a board review of an application for reinstatement or
28 reactivation under this section establishes a basis for concluding
29 that there may be practice deficiencies in need of remediation prior
30 to reinstatement or reactivation, the board may require the applicant
31 to submit to and successfully pass an examination or an assessment
32 of skills, a refresher course, or other requirements as determined by
33 the board prior to reinstatement or reactivation of the license. If
34 that examination or assessment identifies clinical deficiencies or
35 educational needs, the board may require the applicant, as a
36 condition of reinstatement or reactivation of licensure, to take and
37 successfully complete any education or training, or to submit to any
38 supervision, monitoring, or limitations, as the board determines are
39 necessary to assure that the applicant practices with reasonable skill
40 and safety. The board, in its discretion, may restore the license
41 subject to the applicant's completion of the training within a period
42 of time prescribed by the board following the restoration of the
43 license.

44
45 3. (New section) a. Upon receipt of a completed application,
46 application fee, consent to a criminal history record background
47 check, if applicable, and requisite fee for such a check, a board shall

1 issue a professional or occupational license, certificate of
2 registration, or certification to any person who documents that the
3 person holds a valid, current corresponding professional or
4 occupational license, certificate of registration, or certification in
5 good standing issued by another state, if:

6 (1) the state that issued the license has, or had at the time of
7 issuance, education, training, and examination requirements for
8 licensure, registration, or certification substantially equivalent to
9 the current standards of this State, as determined by the board or
10 committee;

11 (2) the applicant had been practicing under that license within
12 the five years prior to the date of the application; and

13 (3) the requirements of subsection b. of this section have been
14 satisfied with respect to the person.

15 b. Prior to the issuance of the license, certificate of registration,
16 or certification pursuant to subsection a. of this section, the board or
17 committee shall have received or obtained:

18 (1) documentation reasonably satisfactory to the board that the
19 applicant's license, certificate of registration, or certification in that
20 other state is valid, current, and in good standing;

21 (2) if a person is seeking licensure as a health care professional
22 as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a
23 criminal history record background check is otherwise required
24 prior to licensure in this State, the results of a criminal history
25 record background check of the files of the Criminal Justice
26 Information Services Division in the Federal Bureau of
27 Investigation and the State Bureau of Identification in the Division
28 of State Police that does not disclose a conviction for a
29 disqualifying crime; and

30 (3) designation of an agent in this State for service of process if
31 the applicant is not a New Jersey resident and does not have an
32 office in New Jersey.

33 c. For purposes of this section, "good standing" means that:

34 (1) no action has been taken against the applicant's license by
35 any licensing board;

36 (2) no action affecting the applicant's privileges to practice that
37 applicant's profession has been taken by any out-of-State
38 institution, organization, or employer;

39 (3) no disciplinary proceeding is pending that could affect the
40 applicant's privileges to practice that applicant's profession;

41 (4) all fines levied by any out-of-State board have been paid; and

42 (5) there is no pending or final action by any criminal authority
43 for violation of law or regulation, or any arrest or conviction for any
44 criminal or quasi-criminal offense under the laws of the United
45 States, this State, or any other state including, but not limited to:
46 criminal homicide; aggravated assault; sexual assault, criminal

- 1 sexual contact, or lewdness; or an offense involving any controlled
2 dangerous substance or controlled dangerous substance analog.
- 3 d. For purposes of this section, a “substantially equivalent”
4 examination need not be identical to the current examination
5 requirements of this State, but such examination shall be nationally
6 recognized and of comparable scope and rigor.
- 7 e. An applicant’s experience may be considered by the board
8 or committee to compensate for disparity in substantial equivalence
9 in education and examination requirements under subsection a. of
10 this section.
- 11 f. An applicant shall satisfy or shall have satisfied all
12 applicable prerequisites required for initial licensure in this State,
13 such as obtaining insurance, including malpractice insurance, a
14 surety bond, or a pressure seal.
- 15 g. An applicant shall answer truthfully all questions asked of an
16 applicant for initial licensure.
- 17 h. Not later than six months after the issuance of the license,
18 the board or committee shall have received documentation
19 reasonably satisfactory to the board verifying the person’s
20 education, training, and examination results.
- 21 i. A board or committee, after the licensee has been given
22 notice and an opportunity to be heard, may revoke any license based
23 on a license issued by another state obtained through fraud,
24 deception, or misrepresentation.
- 25 j. Nothing contained in this section shall preclude a board from
26 requiring an applicant for licensure based on an out-of-State license
27 to take an on-line jurisprudence course or an orientation available to
28 the applicant at any time.
- 29 k. A board shall only grant a license, certificate of registration,
30 or certification without examination to an applicant seeking
31 reciprocity who holds a corresponding license, certificate of
32 registration, or certification from another state if equal reciprocity is
33 provided for a New Jersey applicant for licensure under the law of
34 that other state.
- 35 l. Nothing in this section shall preclude a board from
36 exercising its discretion to grant a license, certificate of registration,
37 or certification without examination to an applicant seeking
38 reciprocity who holds a corresponding license, certificate of
39 registration, or certification from another state who does not meet
40 the good standing requirement of subsection a. of this section due to
41 a pending action by a licensing board, a pending action by an out-
42 of-State institution, organization, or employer affecting the
43 applicant’s privileges to practice, a pending disciplinary
44 proceeding, or a pending criminal charge or arrest for a crime.
- 45 m. Notwithstanding any law or regulation to the contrary, the
46 provisions of this section shall apply to every holder of a
47 professional or occupational license or certificate of registration or

1 certification issued or renewed by a board specified in section 2 of
2 P.L.1978, c.73 (C.45:1-15).

3

4 4. The following sections are repealed:
5 Section 6 of P.L.1999, c.403 (C.45:1-7.2); and
6 Section 7 of P.L.1999, c.403 (C.45:1-7.3).

7

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

10

11

12

STATEMENT

13

14 The bill revises the general provisions of Title 45 relating to the
15 reinstatement of suspended or inactive professional and
16 occupational licenses regulated by the Division of Consumer
17 Affairs, the renewal of those licenses, and the reciprocity of those
18 licenses with other states.

19 The bill creates a streamlined reciprocity process, superseding
20 provisions in individual practice acts, by allowing for quick
21 licensure upon proof of out-of-State licensure from jurisdictions
22 with “substantially equivalent” standards, along with: 1) evidence
23 that the license is in good standing in the other jurisdiction
24 (although the appropriate board is given discretion to grant the
25 license if the licensee is not in good standing due to certain pending
26 actions); 2) a clean criminal history record background check, if
27 required of other applicants; 3) the designation of an agent for
28 service of process if there is no New Jersey residence or office; and
29 4) a demonstration of prerequisites such as insurance coverage or a
30 surety bond. Reciprocity may only be granted if equal reciprocity is
31 provided to a New Jersey applicant for licensure under the law of
32 that other state.

33 Under the bill a board would only grant a license, certificate of
34 registration, or certification without examination to an applicant
35 seeking reciprocity who holds a corresponding license, certificate of
36 registration, or certification from another state if equal reciprocity is
37 provided for a New Jersey applicant for licensure under the law of
38 that other state.

39 The bill sets out, with greater clarity, the process for reactivation
40 of licenses that were affirmatively placed in inactive status and for
41 reinstatement of licenses that expired and were administratively
42 suspended by operation of law. Under the bill, applicants seeking
43 reinstatement of an administratively suspended license will be
44 obligated to pay additional fees—a reinstatement fee and the
45 biennial or triennial renewal fee for the cycle immediately
46 preceding the reinstatement. Thus, the provision recognizes that
47 there is a value to the Division of Consumer Affairs in having

1 licensees submit the renewal and affirmatively elect inactive status,
2 so that its database is current. This bill requires the Division of
3 Consumer Affairs to provide notice that explains inactive renewal
4 and advises the licensee of the option to renew as inactive.

5 The bill replaces the current statutory provision mandating that
6 all those who were administratively suspended by operation of law
7 for a period of more than five years re-take the initial licensing
8 exam with a provision that allows a board to tailor remediation to
9 address clinical deficiencies or educational needs, either as a
10 condition precedent to restoration or as a requirement to be
11 completed within a specified time frame after reactivation or
12 reinstatement.

13 The bill aligns the continuing education requirements for
14 reactivating and reinstating applicants. Under the bill, reactivating
15 and reinstating applicants must demonstrate that they have
16 completed the continuing education that would have been required
17 during the biennial or triennial period immediately preceding the
18 renewal. For those practicing out-of-State during the period they
19 were not authorized to practice in New Jersey, proof that they met
20 the continuing education requirement in that state will suffice to
21 meet New Jersey requirements. If the board has adopted specific
22 course requirements, applicants will have 12 months to satisfy those
23 requirements.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1545

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 2012

The Assembly Regulatory Oversight and Gaming Committee reports favorably and with committee amendments Assembly Bill No. 1545.

As amended by the committee, the bill revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with: 1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions); 2) a clean criminal history record background check, if required of other applicants; 3) the designation of an agent for service of process if there is no New Jersey residence or office; and 4) a demonstration of prerequisites such as insurance coverage or a surety bond. Reciprocity may only be granted if equal reciprocity is provided to a New Jersey applicant for licensure under the law of that other state.

Under the bill a board would only grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

As amended, the reciprocity provisions established in the bill will not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), or the State Board of

Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees—a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. Thus, the provision recognizes that there is a value to the Division of Consumer Affairs in having licensees submit the renewal and affirmatively elect inactive status, so that its database is current. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the reciprocity provisions of the bill will not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1545

with Assembly Floor Amendments
(Proposed by Assemblymen BURZICHELLI and RUMANA)

ADOPTED: JUNE 21, 2012

These Assembly amendments specify that an applicant holding a valid, current corresponding professional license issued by another state seeking reciprocity in New Jersey must demonstrate that the applicant had been practicing, instead of directly under that license, in a field or profession substantially related, as determined by the board or committee, to the profession for which licensure in this State is sought, within the five years prior to the date of the application. Additionally, these amendments allow the current laws and regulations of each professional board to continue with respect to whether the board grants reciprocity without examination to an applicant who holds a corresponding license from another state only if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1545

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JUNE 26, 2012

SUMMARY

- Synopsis:** Revises law concerning certain professional and occupational licenses.
- Type of Impact:** Minimal to No Fiscal Impact.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue and Cost	Minimal to No Fiscal Impact.		

- The Office of Legislative Services (OLS) determined that the implementation of this bill will have minimal to no fiscal impact to the Division of Consumer Affairs.
- The bill revises the general provisions relating to licensure, renewal, and reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs.
- The Division of Consumer Affairs cites that the office issues over 600,000 professional and occupational licenses, certifications, and registrations.
- This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

BILL DESCRIPTION

Assembly Bill No. 1545 (1R) of 2012 revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by

the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with:

- 1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions);
- 2) a clean criminal history record background check, if required of other applicants;
- 3) the designation of an agent for service of process if there is no New Jersey residence or office; and
- 4) a demonstration of prerequisites such as insurance coverage or a surety bond. Reciprocity may only be granted if equal reciprocity is provided to a New Jersey applicant for licensure under the law of that other state.

Under the bill, a board would only grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

The reciprocity provisions established in the bill will not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees, a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. Thus, the provision recognizes that there is a value to the Division of Consumer Affairs in having licensees submit the renewal and affirmatively elect inactive status, so that its database is current. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of the Attorney General provided information regarding a similar bill, Assembly Bill No. 4384 of 2011, in which the Division of Consumer Affairs noted that the office is currently following the majority of the procedures outlined in the legislation.

The division noted further that any changes in procedure would have nominal or no fiscal impact on the professional boards or to the Division of Consumer Affairs' operating budget.

Additionally, it was noted that the implementation of this bill would have minimal, if any, fiscal impact to the current revenues of the professional boards and the units issuing licenses and registrations.

OFFICE OF LEGISLATIVE SERVICES

The OLS determined that the implementation of this bill will have minimal to no fiscal impact to the Division of Consumer Affairs.

Section: Law and Public Safety
Analyst: Kristin Santos
Senior Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[Second Reprint]
ASSEMBLY, No. 1545

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: FEBRUARY 21, 2013

This floor amendment provides that the bill's license reciprocity provisions will not be applicable to any holder of a license issued or renewed by the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 1545

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: MARCH 25, 2013

SUMMARY

- Synopsis:** Revises law concerning certain professional and occupational licenses.
- Type of Impact:** Minimal to No Fiscal Impact.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue and Cost	Minimal to no fiscal impact		

- The Office of Legislative Services concludes that the enactment of this bill will have minimal to no fiscal impact on the Division of Consumer Affairs.
- The bill revises the general provisions relating to licensure, renewal, and reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs.
- The Division of Consumer Affairs cites that the office issues over 600,000 professional and occupational licenses, certifications, and registrations.
- This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

BILL DESCRIPTION

Assembly Bill No. 1545 (3R) of 2012 revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by

the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with:

- 1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions);
- 2) a clean criminal history record background check, if required of other applicants;
- 3) the designation of an agent for service of process if there is no New Jersey residence or office; and
- 4) a demonstration of prerequisites such as insurance coverage or a surety bond. Reciprocity may only be granted if equal reciprocity is provided to a New Jersey applicant for licensure under the law of that other state.

Under the bill, a board would only grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

The reciprocity provisions established in the bill will not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq., or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees, a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of the Attorney General provided information regarding a similar bill, Assembly Bill No. 4384 of 2011, in which the Division of Consumer Affairs noted that the office is currently following the majority of the procedures outlined in the legislation.

The division noted further that any changes in procedure would have nominal or no fiscal impact on the professional boards or to the Division of Consumer Affairs' operating budget.

Additionally, it was noted that the implementation of this bill would have minimal, if any, fiscal impact to the current revenues of the professional boards and the units issuing licenses and registrations.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that the implementation of this bill will have minimal to no fiscal impact to the Division of Consumer Affairs.

Section: Law and Public Safety
Analyst: Kristin Santos
Senior Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE COMMERCE COMMITTEE

STATEMENT TO

[Third Reprint] **ASSEMBLY, No. 1545**

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2013

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 1545 (3R).

The bill, as amended, revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill, as amended, creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with:

1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions);

2) evidence that the applicant for reciprocity in this State also has been practicing in the profession for which licensure in this State is sought within the five years prior to the date of application to receive reciprocity;

3) a clean criminal history record background check, if required of other applicants; and

4) a demonstration of prerequisites such as insurance coverage or a surety bond.

Under the bill a board would not be precluded from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

The reciprocity provisions of the amended bill do not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, or the State Board

of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees—a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. Thus, the provision recognizes that there is a value to the Division of Consumer Affairs in having licensees submit the renewal and affirmatively elect inactive status, so that its database is current. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2116 (1R), which was also reported by the committee on this same date.

Committee amendment:

The committee amended the bill to clarify that an applicant for reciprocity in this State, who meets the other requirements of the bill, must also have been practicing in the profession for which licensure in this State is sought within the five years prior to the date of application to receive reciprocity.

LEGISLATIVE FISCAL ESTIMATE

[Fourth Reprint]

ASSEMBLY, No. 1545

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: NOVEMBER 20, 2013

SUMMARY

- Synopsis:** Revises law concerning certain professional and occupational licenses.
- Type of Impact:** Minimal to No Fiscal Impact.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue and Cost	Minimal to No Fiscal Impact.		

- The Office of Legislative Services concludes that the enactment of this bill will have minimal to no fiscal impact on the Division of Consumer Affairs.
- The bill revises the general provisions relating to licensure, renewal, and reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs.
- The Division of Consumer Affairs cites that the office issues over 600,000 professional and occupational licenses, certifications, and registrations.
- This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

BILL DESCRIPTION

Assembly Bill No. 1545 (4R) of 2012 revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with:

- 1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions);
- 2) a clean criminal history record background check, if required of other applicants;
- 3) the designation of an agent for service of process if there is no New Jersey residence or office; and
- 4) a demonstration of prerequisites such as insurance coverage or a surety bond. Reciprocity may only be granted if equal reciprocity is provided to a New Jersey applicant for licensure under the law of that other state.

The bill clarifies that nothing precludes a board from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

The reciprocity provisions established in the bill will not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c.362 (C.45:14C-1 et seq.), the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq., or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees, a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Office of the Attorney General provided information regarding a similar bill, Assembly Bill No. 4384 of 2011, in which the Division of Consumer Affairs noted that the office is currently following the majority of the procedures outlined in the legislation.

The division noted further that any changes in procedure would have nominal or no fiscal impact on the professional boards or to the Division of Consumer Affairs's operating budget.

Additionally, it was noted that the implementation of this bill would have minimal, if any, fiscal impact to the current revenues of the professional boards and the units issuing licenses and registrations.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concludes that the implementation of this bill will have minimal to no fiscal impact to the Division of Consumer Affairs.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2116

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 28, 2012

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator BRIAN P. STACK

District 33 (Hudson)

SYNOPSIS

Revises law concerning certain professional and occupational licenses.

CURRENT VERSION OF TEXT

As introduced.



S2116 OROHO, STACK

2

1 AN ACT concerning professional and occupational licenses, revising
2 various parts of the statutory law, and supplementing P.L.1999,
3 c.403 (C.45:1-7.1 et seq.).

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

7
8 1. Section 5 of P.L.1999, c.403 (C.45:1-7.1) is amended to read
9 as follows:

10 5. a. Notwithstanding any other act or regulation to the
11 contrary, the provisions of this section **[and sections section 6 and 7**
12 **of P.L.1999, c.403 (C.45:1-7.2 and C.45:1-7.3)]** shall apply to
13 every holder of a professional or occupational license or certificate
14 of registration or certification issued or renewed by a board
15 specified in section 2 of P.L.1978, c.73 (C.45:1-15), who seeks
16 renewal of that license or certificate.

17 b. Every holder of a professional or occupational license or
18 certificate of registration or certification, issued or renewed by a
19 board specified in section 2 of P.L.1978, c.73 (C.45:1-15), who
20 seeks renewal shall submit a renewal application and pay a renewal
21 fee prior to the date of expiration of the license or certificate of
22 registration or certification. If the holder does not renew the license
23 or certificate prior to its expiration date, the holder may renew it
24 within 30 days of its expiration date by submitting a renewal
25 application and paying a renewal fee and a late fee. During the 30-
26 day period, the license shall be valid and the licensee shall not be
27 deemed practicing without a license. Any professional or
28 occupational license or certificate of registration or certification not
29 renewed within 30 days of its expiration date shall be suspended
30 without a hearing.

31 c. Any individual who continues to practice **[with an expired]**
32 after the 30 days following the expiration date of that individual's
33 license or certificate of registration or certification **[after 30 days**
34 **following its expiration date]** shall be deemed to be engaged in
35 unlicensed practice of the regulated profession or occupation, even
36 if no notice of suspension has been provided to the individual.

37 d. A professional or occupational license or certificate of
38 registration or certification suspended pursuant to this section may
39 be reinstated **[within five years following its date of expiration**
40 **upon submission of a renewal application and payment of an**
41 **additional reinstatement fee.** An applicant seeking reinstatement of
42 a license or certificate suspended pursuant to this section more than
43 five years past its expiration date shall successfully complete the
44 examination required for initial licensure, registration or

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.

1 certification and submit a renewal application and payment of an
2 additional reinstatement fee] as provided in section 2 of P.L. _____,
3 c. (C. _____) (pending before the Legislature as this bill).

4 e. A board specified in section 2 of P.L.1978, c.73 (C.45:1-15)
5 shall send a notice of renewal to each of its holders of a
6 professional or occupational license or certificate of registration or
7 certification, as applicable, at least 60 days prior to the expiration of
8 the license or certificate. The notice of renewal shall explain
9 inactive renewal and advise the licensee of the option to renew as
10 inactive. If the notice to renew is not sent at least 60 days prior to
11 the expiration date, no monetary penalties or fines shall apply to the
12 holder for failure to renew provided that the license is renewed
13 within 60 days from the date the notice is sent.

14 f. A renewal applicant electing to renew as inactive shall not
15 engage in professional or occupational practice within the State or
16 hold himself out as eligible to engage in professional or
17 occupational practice within the State.

18 (cf: P.L.1999, c.403, s.5)

19

20 2. (New section) a. An applicant seeking reinstatement of a
21 license or certificate suspended pursuant to section 5 of P.L.1999,
22 c.403 (C.45:1-7.1) shall submit:

23 (1) A renewal application;

24 (2) A certification of employment listing each job held during
25 the period of suspended license, registration, or certification, which
26 includes the names, addresses, and telephone numbers of each
27 employer;

28 (3) Payment of the renewal fee for the biennial or triennial
29 period for which reinstatement is sought;

30 (4) Payment of the unpaid renewal fee for the biennial or
31 triennial period immediately preceding the renewal period for which
32 reinstatement is sought;

33 (5) Payment of a reinstatement fee; and

34 (6) Proof of having satisfied all conditions precedent to renewal,
35 including, but not limited to, the continuing education credits that
36 were required to be completed during the biennial or triennial
37 period immediately prior to the renewal period for which
38 reinstatement is sought.

39 b. An applicant seeking reactivation of a license or certificate
40 that was in inactive status pursuant to section 5 of P.L.1999, c.403
41 (C.45:1-7.1) shall submit:

42 (1) A renewal application;

43 (2) A certification of employment listing each job held during
44 the period of suspended license, registration, or certification, which
45 includes the names, addresses, and telephone numbers of each
46 employer;

47 (3) Payment of the renewal fee for the biennial or triennial
48 period for which reinstatement is sought, or, in the discretion of the

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1 board, a prorated fee if there is less than one year remaining in the
2 biennial or triennial period; and

3 (4) Proof of having satisfied all conditions precedent to renewal,
4 including, but not limited to, the continuing education credits that
5 were required to be completed during the biennial or triennial
6 period immediately prior to the renewal period for which
7 reinstatement is sought.

8 c. An applicant seeking reinstatement of a license or certificate
9 suspended pursuant to section 5 of P.L.1999, c.403 (C.45:1-7.1), or
10 an applicant seeking reactivation of a license or certificate that was
11 in inactive status pursuant to section 5 of P.L.1999, c.403 (C.45:1-
12 7.1), who holds a valid, current, corresponding professional or
13 occupational license, certificate of registration, or certification in
14 good standing issued by another state, who submits proof of having
15 satisfied that state's continuing education requirements for that
16 license, certification of registration, or certification, shall be
17 deemed to have satisfied paragraph (6) of subsection a. and
18 paragraph (4) of subsection b. of this section.

19 d. To the extent that specific courses are required to satisfy the
20 continuing education requirement for, or are required to have been
21 satisfied prior to, the biennial or triennial period for which renewal
22 is sought, a board may permit those courses to be taken in the 12
23 months following renewal. Credit for those courses may be applied
24 to the continuing education requirement for the next renewal period.

25 e. If a board review of an application for reinstatement or
26 reactivation under this section establishes a basis for concluding
27 that there may be practice deficiencies in need of remediation prior
28 to reinstatement or reactivation, the board may require the applicant
29 to submit to and successfully pass an examination or an assessment
30 of skills, a refresher course, or other requirements as determined by
31 the board prior to reinstatement or reactivation of the license. If
32 that examination or assessment identifies clinical deficiencies or
33 educational needs, the board may require the applicant, as a
34 condition of reinstatement or reactivation of licensure, to take and
35 successfully complete any education or training, or to submit to any
36 supervision, monitoring, or limitations, as the board determines are
37 necessary to assure that the applicant practices with reasonable skill
38 and safety. The board, in its discretion, may restore the license
39 subject to the applicant's completion of the training within a period
40 of time prescribed by the board following the restoration of the
41 license.

42
43 3. (New section) a. Upon receipt of a completed application,
44 application fee, consent to a criminal history record background
45 check, if applicable, and requisite fee for such a check, a board shall
46 issue a professional or occupational license, certificate of
47 registration, or certification to any person who documents that the
48 person holds a valid, current corresponding professional or

1 occupational license, certificate of registration, or certification in
2 good standing issued by another state, if:

3 (1) the state that issued the license has, or had at the time of
4 issuance, education, training, and examination requirements for
5 licensure, registration, or certification substantially equivalent to
6 the current standards of this State, as determined by the board or
7 committee;

8 (2) the applicant had been practicing in a field or profession
9 substantially related, as determined by the board or committee, to
10 the profession for which licensure in this State is sought, within the
11 five years prior to the date of the application; and

12 (3) the requirements of subsection b. of this section have been
13 satisfied with respect to the person.

14 b. Prior to the issuance of the license, certificate of registration,
15 or certification pursuant to subsection a. of this section, the board or
16 committee shall have received or obtained:

17 (1) documentation reasonably satisfactory to the board that the
18 applicant's license, certificate of registration, or certification in that
19 other state is valid, current, and in good standing;

20 (2) if a person is seeking licensure as a health care professional
21 as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a
22 criminal history record background check is otherwise required
23 prior to licensure in this State, the results of a criminal history
24 record background check of the files of the Criminal Justice
25 Information Services Division in the Federal Bureau of
26 Investigation and the State Bureau of Identification in the Division
27 of State Police that does not disclose a conviction for a
28 disqualifying crime; and

29 (3) designation of an agent in this State for service of process if
30 the applicant is not a New Jersey resident and does not have an
31 office in New Jersey.

32 c. For purposes of this section, "good standing" means that:

33 (1) no action has been taken against the applicant's license by
34 any licensing board;

35 (2) no action affecting the applicant's privileges to practice that
36 applicant's profession has been taken by any out-of-State
37 institution, organization, or employer;

38 (3) no disciplinary proceeding is pending that could affect the
39 applicant's privileges to practice that applicant's profession;

40 (4) all fines levied by any out-of-State board have been paid;
41 and

42 (5) there is no pending or final action by any criminal authority
43 for violation of law or regulation, or any arrest or conviction for any
44 criminal or quasi-criminal offense under the laws of the United
45 States, this State, or any other state including, but not limited to:
46 criminal homicide; aggravated assault; sexual assault, criminal
47 sexual contact, or lewdness; or an offense involving any controlled
48 dangerous substance or controlled dangerous substance analog.

- 1 d. For purposes of this section, a “substantially equivalent”
2 examination need not be identical to the current examination
3 requirements of this State, but such examination shall be nationally
4 recognized and of comparable scope and rigor.
- 5 e. An applicant’s experience may be considered by the board
6 or committee to compensate for disparity in substantial equivalence
7 in education and examination requirements under subsection a. of
8 this section.
- 9 f. An applicant shall satisfy or shall have satisfied all
10 applicable prerequisites required for initial licensure in this State,
11 such as obtaining insurance, including malpractice insurance, a
12 surety bond, or a pressure seal.
- 13 g. An applicant shall answer truthfully all questions asked of an
14 applicant for initial licensure.
- 15 h. Not later than six months after the issuance of the license,
16 the board or committee shall have received documentation
17 reasonably satisfactory to the board verifying the person’s
18 education, training, and examination results.
- 19 i. A board or committee, after the licensee has been given
20 notice and an opportunity to be heard, may revoke any license based
21 on a license issued by another state obtained through fraud,
22 deception, or misrepresentation.
- 23 j. Nothing contained in this section shall preclude a board from
24 requiring an applicant for licensure based on an out-of-State license
25 to take an on-line jurisprudence course or an orientation available to
26 the applicant at any time.
- 27 k. Nothing contained in this section shall preclude a board from
28 only granting a license, certificate of registration, or certification
29 without examination to an applicant seeking reciprocity who holds a
30 corresponding license, certificate of registration, or certification
31 from another state if equal reciprocity is provided for a New Jersey
32 applicant for licensure under the law of that other state.
- 33 l. Nothing in this section shall preclude a board from
34 exercising its discretion to grant a license, certificate of registration,
35 or certification without examination to an applicant seeking
36 reciprocity who holds a corresponding license, certificate of
37 registration, or certification from another state who does not meet
38 the good standing requirement of subsection a. of this section due to
39 a pending action by a licensing board, a pending action by an out-
40 of-State institution, organization, or employer affecting the
41 applicant’s privileges to practice, a pending disciplinary
42 proceeding, or a pending criminal charge or arrest for a crime.
- 43 m. Notwithstanding any law or regulation to the contrary, the
44 provisions of this section shall apply to every holder of a
45 professional or occupational license or certificate of registration or
46 certification issued or renewed by a board specified in section 2 of
47 P.L.1978, c.73 (C.45:1-15), except that the provisions of this
48 section shall not apply to any holder of a license issued or renewed

1 by the Board of Examiners of Electrical Contractors pursuant to
2 P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners
3 of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et
4 seq.), or the State Board of Examiners of Heating, Ventilating, Air
5 Conditioning and Refrigeration Contractors pursuant to P.L.2007,
6 c.211 (C.45:16A-1 et seq.).
7

8 4. The following sections are repealed:
9 Section 6 of P.L.1999, c.403 (C.45:1-7.2); and
10 Section 7 of P.L.1999, c.403 (C.45:1-7.3).
11

12 5. This act shall take effect on the first day of the sixth month
13 following enactment.
14
15

16 STATEMENT
17

18 The bill revises the general provisions of Title 45 relating to the
19 reinstatement of suspended or inactive professional and
20 occupational licenses regulated by the Division of Consumer
21 Affairs, the renewal of those licenses, and the reciprocity of those
22 licenses with other states.

23 The bill creates a streamlined reciprocity process, superseding
24 provisions in individual practice acts, by allowing for quick
25 licensure upon proof of out-of-State licensure from jurisdictions
26 with “substantially equivalent” standards, along with: 1) evidence
27 that the license is in good standing in the other jurisdiction
28 (although the appropriate board is given discretion to grant the
29 license if the licensee is not in good standing due to certain pending
30 actions); 2) a clean criminal history record background check, if
31 required of other applicants; 3) the designation of an agent for
32 service of process if there is no New Jersey residence or office; and
33 4) a demonstration of prerequisites such as insurance coverage or a
34 surety bond. The reciprocity provisions of the bill do not apply to
35 any holder of a license issued or renewed by the Board of
36 Examiners of Electrical Contractors, the State Board of Examiners
37 of Master Plumbers, or the State Board of Examiners of Heating,
38 Ventilating, Air Conditioning and Refrigeration Contractors.

39 The bill sets out, with greater clarity, the process for reactivation
40 of licenses that were affirmatively placed in inactive status and for
41 reinstatement of licenses that expired and were administratively
42 suspended by operation of law. Under the bill, applicants seeking
43 reinstatement of an administratively suspended license will be
44 obligated to pay additional fees—a reinstatement fee and the
45 biennial or triennial renewal fee for the cycle immediately
46 preceding the reinstatement. Thus, the provision recognizes that
47 there is a value to the Division of Consumer Affairs in having
48 licensees submit the renewal and affirmatively elect inactive status,

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1 so that its database is current. This bill requires the Division of
2 Consumer Affairs to provide notice that explains inactive renewal
3 and advises the licensee of the option to renew as inactive.

4 The bill replaces the current statutory provision mandating that
5 all those who were administratively suspended by operation of law
6 for a period of more than five years re-take the initial licensing
7 exam with a provision that allows a board to tailor remediation to
8 address clinical deficiencies or educational needs, either as a
9 condition precedent to restoration or as a requirement to be
10 completed within a specified time frame after reactivation or
11 reinstatement.

12 The bill aligns the continuing education requirements for
13 reactivating and reinstating applicants. Under the bill, reactivating
14 and reinstating applicants must demonstrate that they have
15 completed the continuing education that would have been required
16 during the biennial or triennial period immediately preceding the
17 renewal. For those practicing out-of-State during the period they
18 were not authorized to practice in New Jersey, proof that they met
19 the continuing education requirement in that state will suffice to
20 meet New Jersey requirements. If the board has adopted specific
21 course requirements, applicants will have 12 months to satisfy those
22 requirements.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2116

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 30, 2013

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2116.

The bill, as amended, revises the general provisions of Title 45 relating to the reinstatement of suspended or inactive professional and occupational licenses regulated by the Division of Consumer Affairs, the renewal of those licenses, and the reciprocity of those licenses with other states.

The bill, as amended, creates a streamlined reciprocity process, superseding provisions in individual practice acts, by allowing for quick licensure upon proof of out-of-State licensure from jurisdictions with “substantially equivalent” standards, along with:

1) evidence that the license is in good standing in the other jurisdiction (although the appropriate board is given discretion to grant the license if the licensee is not in good standing due to certain pending actions);

2) evidence that the applicant for reciprocity in this State also has been practicing in the profession for which licensure in this State is sought within the five years prior to the date of application to receive reciprocity;

3) a clean criminal history record background check, if required of other applicants; and

4) a demonstration of prerequisites such as insurance coverage or a surety bond.

Under the bill a board would not be precluded from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

The reciprocity provisions of the amended bill do not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

The bill sets out, with greater clarity, the process for reactivation of licenses that were affirmatively placed in inactive status and for reinstatement of licenses that expired and were administratively suspended by operation of law. Under the bill, applicants seeking reinstatement of an administratively suspended license will be obligated to pay additional fees—a reinstatement fee and the biennial or triennial renewal fee for the cycle immediately preceding the reinstatement. Thus, the provision recognizes that there is a value to the Division of Consumer Affairs in having licensees submit the renewal and affirmatively elect inactive status, so that its database is current. This bill requires the Division of Consumer Affairs to provide notice that explains inactive renewal and advises the licensee of the option to renew as inactive.

The bill replaces the current statutory provision mandating that all those who were administratively suspended by operation of law for a period of more than five years re-take the initial licensing exam with a provision that allows a board to tailor remediation to address clinical deficiencies or educational needs, either as a condition precedent to restoration or as a requirement to be completed within a specified time frame after reactivation or reinstatement.

The bill aligns the continuing education requirements for reactivating and reinstating applicants. Under the bill, reactivating and reinstating applicants must demonstrate that they have completed the continuing education that would have been required during the biennial or triennial period immediately preceding the renewal. For those practicing out-of-State during the period they were not authorized to practice in New Jersey, proof that they met the continuing education requirement in that state will suffice to meet New Jersey requirements. If the board has adopted specific course requirements, applicants will have 12 months to satisfy those requirements.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 1545 (4R), which was also reported by the committee on this same date.

Committee amendments:

The committee amended the bill to:

- provide that the bill's license reciprocity provisions will not be applicable to any holder of a license issued or renewed by the New Jersey Real Estate Commission.

- clarify that an applicant for reciprocity in this State, who meets the other requirements of the bill, must also have been practicing in the profession for which licensure in this State is sought within the five years prior to the date of application to receive reciprocity.