

45:9-16

LEGISLATIVE HISTORY CHECKLIST

MSA 45:9-16 (Physicians directory for consumers)

LAWS OF 1977 CHAPTER 380

Bill No. A1191

Sponsor(s) Orechio, Van Wagner

Date Introduced Pre-filed

Committee: Assembly Labor, Industry, Professions

Senate Labor, Industry, Professions

Amended during passage Yes No

Date of Passage: Assembly April 18, 1977

Senate Jan. 5, 1978

Date of approval Feb. 8, 1978

Following statements are attached if available:

Sponsor statement Yes No (Below)

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

Sponsor's Statement:

The purpose of this bill is to allow a directory to be compiled which shall include all physicians together with their educational backgrounds, degrees, fellowships, certifications, specialties, experience and any other information they wish to have included which is pertinent to their practice of medicine and surgery. Such directory shall be consumer oriented for use by consumers.

9/1/78

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ASSEMBLY, No. 1191

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STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Assemblymen ORECHIO and VAN WAGNER

AN ACT concerning 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  
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  
 40 office or the removal to a new location, containing the name, pro-  
 41 fessional degree, type of practice, address, telephone number, and  
 42 office hours of the licensee;

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

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

49 e. The use of small signs on the doors, windows and walls of a  
 50 licensee's office or on the building in which he maintains an office  
 51 setting out his name, professional degree, type of practice, address  
 52 and office hours in lettering no larger than 4 inches in height for  
 53 street-level offices, and no larger than 6 inches in height for offices  
 54 above street-level;

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

57 g. *A directory of physicians for consumer use which shall include*  
 58 *the educational background, degrees, fellowships, certifications,*  
 59 *specialties, experience and any other pertinent information which*  
 60 *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.

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#### STATEMENT

The purpose of this bill is to allow a directory to be compiled which shall include all physicians together with their educational backgrounds, degrees, fellowships, certifications, specialties, experience and any other information they wish to have included which is pertinent to their practice of medicine and surgery. Such directory shall be consumer oriented for use by consumers.

**SENATE LABOR, INDUSTRY AND  
PROFESSIONS COMMITTEE**

**STATEMENT TO  
ASSEMBLY, No. 1191**

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**STATE OF NEW JERSEY**

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**DATED: MAY 16, 1977**

Under N. J. S. A. 45:9-16, the State Medical Board may suspend or revoke a license to practice medicine and surgery if the holder thereof advertises in any manner the practice of medicine or surgery. There are, however, certain practices set forth in the law which are deemed not to constitute advertising and, therefore, are not prohibited. These include telephone directory listings and the use of small signs on the doctors' office premises.

Assembly Bill No. 1191 would amend the law to allow a directory to be compiled which would include all physicians together with their educational backgrounds, degrees, fellowships, certifications, specialties, experience and any other information they wish to have included which is pertinent to their practice of medicine and surgery. Such directory would be consumer oriented for use by consumers, the purpose being to assist consumers in selecting a doctor who meets their particular needs.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 8, 1978

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ANNE BURNS

1976-77

Governor Brendan Byrne today signed the following bills into law:

A-442, sponsored by Assemblyman Robert Hollenbeck, (D-Bergen), which allows county sewer districts authorities to vary the rates charged to participants. This will allow the authority to include the cost of extending the system to new participants in the rates charged them. Prior to this, county sewer district authorities were not permitted to vary the rates charges to their participants.

The bill specifically authorizes the authority to consider peak flow as a factor in establishing rates.

The bill also makes several other changes in the law governing authorities including allowing them to: 1) consider service contract terms in determining project economy; 2) use estimated flows for billing until a municipality is entirely serviced; 3) connect to a local system at a point outside the district; and 4) make provision for engineering services to cover these changes in the act.

A-1157, sponsored by Assemblyman James Bornheimer, (D-Middlesex), which promotes the development of county and municipal recreational services for handicapped persons.

The bill authorizes the Department of Community Affairs to develop a comprehensive program for furnishing recreation for handicapped persons, and to develop rules and regulations for administering this program. DCA would then approve county or municipal recreation programs seeking financial assistance from the State. The funds appropriated under this act would allow DCA to pay \$5.00 for every \$1.00 raised by a county or municipality.

The Department could also provide a county with a maximum of \$2,500 and a municipality with a maximum of \$1,000 for special recreational events for the handicapped, such as a "Special Olympics" day. State funds for these special events would be limited to \$25,000 of the total funds appropriated in any one year to implement the act.

The bill has an appropriation of \$150,000.

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A-1191, sponsored by Assemblyman Carl Orschie, (R-Essex), which amends the State's Medical Practice Act to allow a directory to be compiled which would include all physicians together with their educational backgrounds, degrees, fellowships, certifications, specialties, experience, and any other pertinent information.

The purpose of the directory is to aid consumers in selecting a doctor who meets their particular needs.

A-1475, sponsored by Assemblyman Vincent Pellechia, (D-Passaic), which allows any county or municipality to establish a voluntary deferred salary plan with its employ that will qualify for Federal Internal Revenue Service tax shelter benefits for those employees.

Three investment options for employees are provided by the plan. The employer may invest all money not needed for immediate payment of benefits into existing state programs such as 1) investment into interest bearing securities in which New Jersey savings banks are permitted to invest their funds; 2) or interest bearing accounts; and 3) or in the State of New Jersey Cash Management Fund. All of these programs are run by the State. The second option for the employee is the employer invest the contributed sum into the State's own deferred compensation plan upon its passage by the Legislature. Thirdly, an individual employer could establish and run its own plan.

A-2371, sponsored by Assemblyman H. Donald Stewart, (D-Salem), which provides that any unclaimed funds of the Vineland Egg Auction which revert to the State be credited to the Poultry Products Promotion Tax Account.

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