

P.L. 2003, CHAPTER 100, *approved June 30, 2003*
Senate, No. 1089 (*First Reprint*)

1 **AN ACT** concerning professional and occupational licensing and
2 amending P.L.1999, c.403.

3

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

6

7 1. Section 1 of P.L.1999, c.403 (C.45:1-7.3) is amended to read as
8 follows:

9 7. a. Renewal applications for all professional or occupational
10 licenses or certificates of registration or certification shall provide the
11 applicant with the option of either active or inactive renewal. A
12 renewal applicant electing to renew as inactive shall not engage in
13 professional or occupational practice within the State.

14 b. An applicant who selects the inactive renewal option shall
15 remain on inactive status for the entire renewal period unless, upon
16 application to the board, the board permits the inactive applicant to
17 return to active status provided such applicant presents satisfactory
18 proof that he has maintained proficiency by completing the continuing
19 education hours or credits required for the renewal of an active
20 license, registration or certification, if applicable. ¹[Completion of the
21 continuing education hours or credits may, at the option of the
22 applicant, be completed by the applicant any time during the period of
23 inactive status.] The continuing education hours or credits shall be
24 completed by the applicant within three years prior to the date of
25 application for the return to active status, unless otherwise provided
26 by board rule.¹

27 (cf: P.L.1999, c.403, s.7)

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29 2. This act shall take effect immediately.

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34 Allows inactive licensees to complete required continuing education
35 within three years prior to application for reactivating license.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate amendments adopted in accordance with Governor's recommendations May 29, 2003.

SENATE, No. 1089

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 21, 2002

Sponsored by:
Senator GERALD CARDINALE
District 39 (Bergen)

SYNOPSIS

Allows inactive licensees to complete required continuing education at any time prior to reactivating license.

CURRENT VERSION OF TEXT

As introduced.



S1089 CARDINALE

2

1 AN ACT concerning professional and occupational licensing and
2 amending P.L.1999, c.403.

3

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

6

7 1. Section 7 of P.L 1999, c.403 (C.45:1-7.3) is amended to read as
8 follows:

9 7. a. Renewal applications for all professional or occupational
10 licenses or certificates of registration or certification shall provide the
11 applicant with the option of either active or inactive renewal. A
12 renewal applicant electing to renew as inactive shall not engage in
13 professional or occupational practice within the State.

14 b. An applicant who selects the inactive renewal option shall
15 remain on inactive status for the entire renewal period unless, upon
16 application to the board, the board permits the inactive applicant to
17 return to active status provided such applicant presents satisfactory
18 proof that he has maintained proficiency by completing the continuing
19 education hours or credits required for the renewal of an active
20 license, registration or certification, if applicable. Completion of the
21 continuing education hours or credits may, at the option of the
22 applicant, be completed by the applicant any time during the period of
23 inactive status.

24 (cf: P.L.1999, c.403, s.7)

25

26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill allows the holder of an inactive professional or occupational
32 license or certificate of registration or certification to complete any
33 continuing education required to return to active status at any time
34 during his inactive period.

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

Matter underlined thus is new matter.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 1089

STATE OF NEW JERSEY

DATED: FEBRUARY 13, 2003

The Assembly Regulated Professions and Independent Authorities Committee reports favorably Senate Bill No. 1089.

This bill allows the holder of an inactive professional or occupational license or certificate of registration or certification to complete any continuing education required to return to active status at any time during his inactive period.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1089

STATE OF NEW JERSEY

DATED: MARCH 18, 2002

The Senate Commerce Committee reports favorably Senate Bill No. 1089.

This bill allows the holder of an inactive professional or occupational license or certificate of registration or certification to complete any continuing education required to return to active status at any time during his inactive period.

SENATE BILL NO. 1089

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1089 with my recommendations for reconsideration. I commend the sponsor for focusing on the continuing education requirements of licensed professionals.

A. Summary of Bill

This bill would amend existing statutory law that details standards for all professions and occupations that are regulated by the professional boards located in the Division of Consumer Affairs. More specifically, the bill amends a provision in Title 45 detailing when the continuing education requirements must be met by inactive licensees who choose to renew their licenses. Currently, a renewal applicant can renew a license as inactive. An inactive licensee cannot engage in professional practice during the inactive period. An inactive licensee, however, can apply to the relevant board to return to active status if the licensee can present proof that he or she has completed the continuing education hours and credits required for renewal of an inactive license. This bill would enable an applicant to complete the continuing education hours or credits at "any time during the period of inactive status."

Current regulations for certain of the regulated professions and occupations require licensed professionals that are inactive to take continuing education courses every year. As a result, professionals who desire to become inactive for a number of years, and wish to become active again at some indeterminate date, are required to take continuing education courses every year. This bill will allow inactive licensees to take all the required courses before they apply for renewal and after they have determined that they wish to become active again.

B. Recommended Action

Continuing education for professional and occupational licensees is of essential importance. Maintaining current and up to date knowledge of evolving professional practices, procedures and techniques is critical and best protects both consumers and practitioners. Commencing professional activities after a period of inactivity should be conditioned upon applicants for active license reinstatement being required to take continuing education courses within sufficient proximity to the time of application to guarantee that they are familiar with any developments in their respective fields. As currently written, this bill would fail to do so because it would enable inactive licensees to reactivate their licenses and therefore enable them to practice, even though they did not take any continuing education courses within a recent time period.

As a result of the above considerations, I recommend that the bill be conditionally vetoed to ensure that consumers are not exposed to licensees who may not have maintained their general professional competence or kept abreast of developments in the profession. I understand that the sponsor's intent with regard to this bill is to give inactive licensees the opportunity to reactivate their licenses at a date in the future without requiring the licensees to take continuing education courses every year during their period of inactivity. This bill would enable a licensee to remain inactive without having to take continuing education courses, unless that licensee decides that he wants to reactivate his license, in which case he would have to take whatever continuing education requirements that his respective professional board requires. However, by enabling a licensee to take his continuing education requirements at any time during the inactive period, this bill could have the unintended consequence of enabling a licensee to take all required education course at the early part of a substantial period of inactivity, thereby enabling the licensee to reactivate his license without taking up to date courses that would be instructive in the most recent developments in the licensee's respective field. Therefore, I recommend that the Legislature modify the bill to enable a licensee to take his continuing education requirements within three years of applying for renewal unless the particular professional board adopts a distinct requirement due to the special needs of that profession.

Therefore, I herewith return Senate Bill No. 1089 and recommend that it be amended as follows:

Page 1, Section 1, Lines 20-23:

Delete "Completion of the continuing education hours or credits may, at the option of the applicant, be completed by the applicant any time during the period of inactive status." Insert "The continuing education hours or credits shall be completed by the applicant within three years prior to the date of application for the return to active status, unless otherwise provided by board rule."

Respectfully,

/s/ James E. McGreevey

Governor

[seal]

Attest:

/s/ Michael R. DeCotis

Chief Counsel to the Governor