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IS 12/6/07

P.L. 2005, CHAPTER 257, *approved January 4, 2006*
Assembly, No. 1698 (*First Reprint*)

1 AN ACT concerning licensure disciplinary actions for certain
2 physicians and supplementing P.L.1995, c.69 (C.45:9-19.16).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Notwithstanding the provisions of section 8 of P.L.1978, c.73
8 (C.45:1-21) or any other law to the contrary, in any case in which ¹it
9 receives documentation demonstrating that¹ a physician's authority to
10 engage in the practice of medicine and surgery is revoked ¹or is
11 currently subject to a final or interim order of active suspension or
12 other bar to clinical practice¹ by any other state, agency or authority,
13 the State Board of Medical Examiners shall ¹immediately¹ suspend the
14 physician's license ¹when the action of the other state, agency or
15 authority is grounded on facts that demonstrate that continued practice
16 would endanger or pose a risk to the public health or safety¹ pending
17 ¹[conclusion of a hearing and] a¹ determination of findings by the
18 board. ¹Otherwise, when such an action of another state, agency or
19 authority is grounded on facts which would provide basis for
20 disciplinary sanction in this State for reasons consistent with P.L.1968,
21 c.73 (C.45:1-21) involving gross or repeated negligence, fraud or
22 other professional misconduct adversely affecting the public health,
23 safety or welfare, the board may immediately suspend the physician's
24 license, pending a determination of findings by the board. The
25 documentation from the other state, agency or authority shall be a part
26 of the record and establish conclusively the facts upon which the board
27 rests in any disciplinary proceeding or action pursuant to this section.¹
28 The State Board of Medical Examiners shall provide written
29 notification to the physician whose license is suspended ¹[and shall
30 conduct the hearing within 30 days of the date of mailing or personal
31 service of the notice] pursuant to the requirements of this section.
32 The board shall provide the physician with an opportunity to submit
33 relevant evidence in mitigation or, for good cause shown, an
34 opportunity for oral argument only as to the discipline imposed by this
35 State. That relevant evidence in mitigation or oral argument may be
36 submitted to or conducted before the board or a committee to which
37 it is has delegated the authority to hear argument and make a
38 recommendation to the board. A final determination as to discipline
39 shall be made within 60 days of the date of mailing or personal service
40 of the notice¹.

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 Assembly ARP committee amendments adopted May 12, 2005.

1 2. This act shall take effect on the 30th day following enactment.

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6 Requires State Board of Medical Examiners to suspend license of
7 physician whose license has been revoked by another state, agency or
8 authority.

ASSEMBLY, No. 1698

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

SYNOPSIS

Requires State Board of Medical Examiners to suspend license of physician whose license has been revoked by another state, agency or authority.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1698 MUNOZ

2

1 **AN ACT** concerning licensure disciplinary actions for certain
2 physicians and supplementing P.L.1995, c.69 (C.45:9-19.16).

3

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

6

7 1. Notwithstanding the provisions of section 8 of P.L.1978, c.73
8 (C.45:1-21) or any other law to the contrary, in any case in which a
9 physician's authority to engage in the practice of medicine and surgery
10 is revoked by any other state, agency or authority, the State Board of
11 Medical Examiners shall suspend the physician's license pending
12 conclusion of a hearing and determination of findings by the board.
13 The State Board of Medical Examiners shall provide written
14 notification to the physician whose license is suspended and shall
15 conduct the hearing within 30 days of the date of mailing or personal
16 service of the notice.

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18 2. This act shall take effect on the 30th day following enactment.

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STATEMENT

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23 This bill provides for the immediate protection of New Jersey
24 patients by requiring the State Board of Medical Examiners to suspend
25 a physician's license where the physician's license has been revoked by
26 another state, agency or authority pending conclusion of a hearing and
27 determination of findings by the board. The bill requires that the
28 hearing be conducted within 30 days of the date of mailing or personal
29 service of the notice.

ASSEMBLY REGULATED PROFESSIONS AND
INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1698

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 12, 2005

The Assembly Regulated Professions and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 1698.

As amended, this bill provides that the State Board of Medical Examiners shall immediately suspend a physician's license where the board receives documentation demonstrating that a physician's authority to engage in the practice of medicine and surgery is revoked or is currently subject to a final or interim order of active suspension or other bar to clinical practice by another state, agency or authority when the action of the other state, agency or authority is grounded on facts that demonstrate that continued practice would endanger or pose a risk to the public health or safety pending a determination of findings by the board. Otherwise, when such an action of another state, agency or authority is grounded on facts which would provide basis for disciplinary sanction in this State, for reasons consistent with P.L.1968, c.73 (C.45:1-21) involving gross or repeated negligence, fraud or other professional misconduct adversely affecting the public health, safety or welfare, the board may immediately suspend the physician's license, pending a determination of findings by the board. The documentation from the other state, agency or authority shall be a part of the record and establish conclusively the facts upon which the board rests in any disciplinary proceeding or action.

The bill also stipulates that the board shall provide the physician with an opportunity to submit relevant evidence in mitigation or, for good cause shown, an opportunity for oral argument only as to the discipline imposed by this State. A final determination as to discipline shall be made within 60 days of the date of mailing or personal service of notice to the physician whose license is suspended.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The amendments establish particular conditions under which the board shall immediately suspend a physician's license. The amendments also provide that documentation from another state agency or authority shall be a part of the record and establish conclusively the facts upon which the board rests in any disciplinary proceeding or action.

In addition, the amendments stipulate that the board shall provide the physician with an opportunity to submit relevant evidence in mitigation or, for good cause shown, an opportunity for oral argument only as to the discipline imposed by this State. A final determination as to discipline shall be made within 60 days of the date of mailing or personal service of notice to the physician whose license is suspended. The bill originally provided that a hearing by the State Board of Medical Examiners of a physician whose license is suspended be conducted within 30 days of the date of mailing or personal service of a notice.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1698

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2005

The Senate Commerce Committee reports favorably Assembly Bill No. 1698 (1R).

This bill provides that the State Board of Medical Examiners shall immediately suspend a physician's license when the board receives documentation demonstrating that a physician's authority to engage in the practice of medicine and surgery is revoked or is currently subject to a final or interim order of active suspension or other bar to clinical practice by another state, agency or authority when the action of the other state, agency or authority is grounded on facts that demonstrate that continued practice would endanger or pose a risk to the public health or safety pending a determination of findings by the board. Otherwise, when such an action of another state, agency or authority is grounded on facts which would provide basis for disciplinary sanction in this State, for reasons consistent with P.L.1968, c.73 (C.45:1-21) involving gross or repeated negligence, fraud or other professional misconduct adversely affecting the public health, safety or welfare, the board may immediately suspend the physician's license, pending a determination of findings by the board. The documentation from the other state, agency or authority shall be a part of the record and establish conclusively the facts upon which the board rests in any disciplinary proceeding or action.

The bill also stipulates that the board shall provide the physician with an opportunity to submit relevant evidence in mitigation or, for good cause shown, an opportunity for oral argument only as to the discipline imposed by this State. A final determination as to discipline shall be made within 60 days of the date of mailing or personal service of notice to the physician whose license is suspended.

SENATE, No. 2738

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED JUNE 30, 2005

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

SYNOPSIS

Requires State Board of Medical Examiners to suspend license of physician whose license has been revoked by another state, agency or authority.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning licensure disciplinary actions for certain
2 physicians and supplementing P.L.1995, c.69 (C.45:9-19.16).

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Notwithstanding the provisions of section 8 of P.L.1978, c.73
8 (C.45:1-21) or any other law to the contrary, in any case in which it
9 receives documentation demonstrating that a physician's authority to
10 engage in the practice of medicine and surgery is revoked or is
11 currently subject to a final or interim order of active suspension or
12 other bar to clinical practice by any other state, agency or authority,
13 the State Board of Medical Examiners shall immediately suspend the
14 physician's license when the action of the other state, agency or
15 authority is grounded on facts that demonstrate that continued practice
16 would endanger or pose a risk to the public health or safety pending
17 a determination of findings by the board. Otherwise, when such an
18 action of another state, agency or authority is grounded on facts which
19 would provide basis for disciplinary sanction in this State for reasons
20 consistent with P.L.1978, c.73 (C.45:1-21) involving gross or repeated
21 negligence, fraud or other professional misconduct adversely affecting
22 the public health, safety or welfare, the board may immediately
23 suspend the physician's license, pending a determination of findings by
24 the board. The documentation from the other state, agency or
25 authority shall be a part of the record and establish conclusively the
26 facts upon which the board rests in any disciplinary proceeding or
27 action pursuant to this section. The State Board of Medical Examiners
28 shall provide written notification to the physician whose license is
29 suspended pursuant to the requirements of this section. The board
30 shall provide the physician with an opportunity to submit relevant
31 evidence in mitigation or, for good cause shown, an opportunity for
32 oral argument only as to the discipline imposed by this State. That
33 relevant evidence in mitigation or oral argument may be submitted to
34 or conducted before the board or a committee to which it is has
35 delegated the authority to hear argument and make a recommendation
36 to the board. A final determination as to discipline shall be made
37 within 60 days of the date of mailing or personal service of the notice.

38
39 2. This act shall take effect on the 30th day following enactment.

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41 STATEMENT

42
43 This bill provides that the State Board of Medical Examiners shall
44 immediately suspend a physician's license where the board receives
45 documentation demonstrating that a physician's authority to engage in
46 the practice of medicine and surgery is revoked or is currently subject

1 to a final or interim order of active suspension or other bar to clinical
2 practice by another state, agency or authority when the action of the
3 other state, agency or authority is grounded on facts that demonstrate
4 that continued practice would endanger or pose a risk to the public
5 health or safety pending a determination of findings by the board.
6 Otherwise, when such an action of another state, agency or authority
7 is grounded on facts which would provide basis for disciplinary
8 sanction in this State, for reasons consistent with P.L.1978, c.73
9 (C.45:1-21) involving gross or repeated negligence, fraud or other
10 professional misconduct adversely affecting the public health, safety
11 or welfare, the board may immediately suspend the physician's license,
12 pending a determination of findings by the board. The documentation
13 from the other state, agency or authority shall be a part of the record
14 and establish conclusively the facts upon which the board rests in any
15 disciplinary proceeding or action.

16 The bill also stipulates that the board shall provide the physician
17 with an opportunity to submit relevant evidence in mitigation or, for
18 good cause shown, an opportunity for oral argument only as to the
19 discipline imposed by this State. A final determination as to discipline
20 shall be made within 60 days of the date of mailing or personal service
21 of notice to the physician whose license is suspended.

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS
COMMITTEE

STATEMENT TO

SENATE, No. 2738

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2005

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2738.

This bill provides that the State Board of Medical Examiners shall immediately suspend a physician's license when the board receives documentation demonstrating that a physician's authority to engage in the practice of medicine and surgery is revoked or is currently subject to a final or interim order of active suspension or other bar to clinical practice by another state, agency or authority when the action of the other state, agency or authority is grounded on facts that demonstrate that continued practice would endanger or pose a risk to the public health or safety pending a determination of findings by the board. Otherwise, the board may immediately suspend the physician's license, when such an action of another state, agency or authority is grounded on facts which would provide basis for disciplinary sanction in this State, for reasons consistent with P.L.1978, c.73 (C.45:1-21) involving gross or repeated negligence, fraud or other professional misconduct adversely affecting the public health, safety or welfare, pending a determination of findings by the board.

The documentation from the other state, agency or authority shall be a part of the record and establish conclusively the facts upon which the board rests in any disciplinary proceeding or action.

The bill also stipulates that the board shall provide the physician with an opportunity to submit relevant evidence in mitigation or, for good cause shown, an opportunity for oral argument only as to the discipline imposed by this State. A final determination as to discipline shall be made within 60 days of the date of mailing or personal service of notice to the physician whose license is suspended.

This bill is identical to Assembly Bill No. 1698 (1R) (Munoz/Voss), which is pending before the Senate.