

**45:1-32.1**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2021                    **CHAPTER:** 335

**NJSA:** 45:1-32.1 (Requires health care professional licensing boards to utilize National Practitioner Data Bank.)

**BILL NO:** S845                    (Substituted for A4649)

**SPONSOR(S)** Pou, Nellie and others

**DATE INTRODUCED:** 1/14/2020

**COMMITTEE:**                    **ASSEMBLY:** Regulated Professions

**SENATE:** Commerce

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** 12/20/2021

**SENATE:** 2/10/2020

**DATE OF APPROVAL:** 1/10/2022

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

<b>FINAL TEXT OF BILL</b> (Introduced bill enacted)	Yes
<b>S845</b>	
<b>INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):</b>	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes

**A4649**

<b>INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):</b>	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

RWH/JA



P.L. 2021, CHAPTER 335, *approved January 10, 2022*  
Senate, No. 845

1 AN ACT concerning health care professionals and the National  
2 Practitioner Data Bank and supplementing P.L.2002, c.104  
3 (C.45:1-28 et seq.).  
4

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

8 1. a. A professional and occupational licensing board within  
9 the Division of Consumer Affairs in the Department of Law and  
10 Public Safety that regulates the practice of a health care  
11 professional shall:

12 (1) not issue an initial license or other authorization to practice a  
13 health care profession that is regulated by that board to any  
14 applicant therefor unless the board first determines that no  
15 information exists on file in the National Practitioner Data Bank  
16 which may disqualify the applicant from being licensed or  
17 otherwise authorized to practice as a health care professional; and

18 (2) utilize the continuous query function of the National  
19 Practitioner Data Bank for each person issued a license or  
20 authorization to practice as a health care professional.

21 b. A board shall not issue or renew or, if renewed, shall revoke  
22 or suspend a license or other authorization to practice a health care  
23 profession that is regulated by that board of any applicant therefor  
24 or person issued a license or authorization to practice a health care  
25 profession if, consistent with section 8 of P.L.1978, c.73 (C.45:1-  
26 21), the board determines there is cause to refuse to issue or  
27 suspend or revoke any license or authorization of a health care  
28 professional as the result of information obtained through use of the  
29 National Practitioner Data Bank consistent with the provisions of  
30 this act.

31 c. As used in this section, “National Practitioner Data Bank”  
32 means the database established pursuant to 45 C.F.R. s.60.1, and  
33 maintained by the United States Department of Health and Human  
34 Services.  
35

36 2. This act shall take effect on the 90th day next following  
37 enactment.  
38  
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41  
42 \_\_\_\_\_  
43 Requires health care professional licensing boards to utilize  
National Practitioner Data Bank.

## CHAPTER 335

AN ACT concerning health care professionals and the National Practitioner Data Bank and supplementing P.L.2002, c.104 (C.45:1-28 et seq.).

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

C.45:1-32.1 Health care professional licensing boards, use of National Practitioner Data Bank.

1. a. A professional and occupational licensing board within the Division of Consumer Affairs in the Department of Law and Public Safety that regulates the practice of a health care professional shall:

(1) not issue an initial license or other authorization to practice a health care profession that is regulated by that board to any applicant therefor unless the board first determines that no information exists on file in the National Practitioner Data Bank which may disqualify the applicant from being licensed or otherwise authorized to practice as a health care professional; and

(2) utilize the continuous query function of the National Practitioner Data Bank for each person issued a license or authorization to practice as a health care professional.

b. A board shall not issue or renew or, if renewed, shall revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board of any applicant therefor or person issued a license or authorization to practice a health care profession if, consistent with section 8 of P.L.1978, c.73 (C.45:1-21), the board determines there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional as the result of information obtained through use of the National Practitioner Data Bank consistent with the provisions of this act.

c. As used in this section, "National Practitioner Data Bank" means the database established pursuant to 45 C.F.R. s.60.1, and maintained by the United States Department of Health and Human Services.

2. This act shall take effect on the 90th day next following enactment.

Approved January 10, 2022.

# SENATE, No. 845

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Requires health care professional licensing boards to utilize National Practitioner Data Bank.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning health care professionals and the National  
2 Practitioner Data Bank and supplementing P.L.2002, c.104  
3 (C.45:1-28 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
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8 1. a. A professional and occupational licensing board within  
9 the Division of Consumer Affairs in the Department of Law and  
10 Public Safety that regulates the practice of a health care  
11 professional shall:

12 (1) not issue an initial license or other authorization to practice a  
13 health care profession that is regulated by that board to any  
14 applicant therefor unless the board first determines that no  
15 information exists on file in the National Practitioner Data Bank  
16 which may disqualify the applicant from being licensed or  
17 otherwise authorized to practice as a health care professional; and

18 (2) utilize the continuous query function of the National  
19 Practitioner Data Bank for each person issued a license or  
20 authorization to practice as a health care professional.

21 b. A board shall not issue or renew or, if renewed, shall revoke  
22 or suspend a license or other authorization to practice a health care  
23 profession that is regulated by that board of any applicant therefor  
24 or person issued a license or authorization to practice a health care  
25 profession if, consistent with section 8 of P.L.1978, c.73 (C.45:1-  
26 21), the board determines there is cause to refuse to issue or  
27 suspend or revoke any license or authorization of a health care  
28 professional as the result of information obtained through use of the  
29 National Practitioner Data Bank consistent with the provisions of  
30 this act.

31 c. As used in this section, "National Practitioner Data Bank"  
32 means the database established pursuant to 45 C.F.R. s.60.1, and  
33 maintained by the United States Department of Health and Human  
34 Services.  
35

36 2. This act shall take effect on the 90th day next following  
37 enactment.  
38

39

40

STATEMENT

41

42 This bill requires health care professional licensing boards to  
43 utilize the National Practitioner Data Bank.

44 The National Practitioner Data Bank is a web-based repository of  
45 reports containing information on medical malpractice payments  
46 and certain adverse actions related to health care professionals. The  
47 data bank is maintained by the United States Department of Health

1 and Human Services to prevent health care professionals from  
2 moving from state to state without discovery of prior bad acts.

3 The bill requires professional and occupational licensing boards  
4 within the Division of Consumer Affairs in the Department of Law  
5 and Public Safety that regulate the practice of a health care  
6 professional to:

7 (1) not issue an initial license or other authorization to practice a  
8 health care profession to any applicant unless the board first  
9 determines that no information exists on file in the National  
10 Practitioner Data Bank which may disqualify the applicant; and

11 (2) utilize the continuous query function of the National  
12 Practitioner Data Bank for each person issued a license or  
13 authorization to practice a health care profession.

14 The bill provides that boards may not issue or renew or, if  
15 renewed, must revoke or suspend a license or other authorization to  
16 practice a health care profession that is regulated by that board if  
17 the board determines through use of the National Practitioner Data  
18 Bank that there is cause to refuse to issue or suspend or revoke any  
19 license or authorization of a health care professional.



# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 845

# STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Regulated Professions Committee reports favorably Senate Bill No. 845.

This bill requires health care professional licensing boards to utilize the National Practitioner Data Bank.

The National Practitioner Data Bank is a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care professionals. The data bank is maintained by the United States Department of Health and Human Services to prevent health care professionals from moving from state to state without discovery of prior bad acts.

The bill requires professional and occupational licensing boards within the Division of Consumer Affairs in the Department of Law and Public Safety that regulate the practice of a health care professional to:

(1) not issue an initial license or other authorization to practice a health care profession to any applicant unless the board first determines that no information exists on file in the National Practitioner Data Bank which may disqualify the applicant; and

(2) utilize the continuous query function of the National Practitioner Data Bank for each person issued a license or authorization to practice a health care profession.

The bill provides that boards may not issue or renew or, if renewed, must revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board if the board determines through use of the National Practitioner Data Bank that there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional.

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 845

# STATE OF NEW JERSEY

DATED: JANUARY 27, 2020

The Senate Commerce Committee reports favorably Senate Bill No. 845.

This bill requires health care professional licensing boards to utilize the National Practitioner Data Bank.

The National Practitioner Data Bank is a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care professionals. The data bank is maintained by the United States Department of Health and Human Services to prevent health care professionals from moving from state to state without discovery of prior bad acts.

The bill requires professional and occupational licensing boards within the Division of Consumer Affairs in the Department of Law and Public Safety that regulate the practice of a health care professional to:

(1) not issue an initial license or other authorization to practice a health care profession to any applicant unless the board first determines that no information exists on file in the National Practitioner Data Bank which may disqualify the applicant; and

(2) utilize the continuous query function of the National Practitioner Data Bank for each person issued a license or authorization to practice a health care profession.

The bill provides that boards may not issue or renew or, if renewed, must revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board if the board determines through use of the National Practitioner Data Bank that there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 845**  
**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

DATED: FEBRUARY 13, 2020

**SUMMARY**

**Synopsis:** Requires health care professional licensing boards to utilize National Practitioner Data Bank.

**Type of Impact:** Annual State expenditure increase. Potential State revenue increase.

**Agencies Affected:** Department of Law and Public Safety, Division of Consumer Affairs.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate increases in annual State expenditures; however, OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards. The OLS however, cannot assess the net effect of the two increases given the absence of information on the future cost of National Practitioner Data Bank (NPDB) fees and potential increased fees set forth by the respective boards.
- The bill’s requirement to utilize the NPDB during the initial and renewal license period for health care professionals may increase the workload of the staff at the Division of Consumer Affairs by an indeterminate amount and an indeterminate cost.
- The bill’s requirement to utilize the NPDB will result in additional State expenditures from various NPDB user fees. The NPDB has established a \$2 user fee per practitioner query and an annual \$2 user fee per practitioner to utilize the continuous query function.

**BILL DESCRIPTION**

This bill requires professional and occupational licensing boards within the Division of Consumer Affairs in the Department of Law and Public Safety to utilize the NPDB, which is maintained by the United States Department of Health and Human Services.

The NPDB is a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care professionals. The mission of the NPDB is to prevent health care professionals from moving from state to state without discovery of prior bad acts.

The bill requires professional and occupational licensing boards to:

- (1) not issue an initial license or other authorization to practice a health care profession to any applicant unless the board first determines that no information exists on file in the NPDB which may disqualify the applicant; and
- (2) utilize the continuous query function of the NPDB for each person issued a license or authorization to practice a health care profession.

The bill provides that boards may not issue or renew or, if renewed, must revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board if the board determines through use of the NPDB that there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS finds that the bill will cause indeterminate increases in annual State expenditures; however, OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards. The OLS, however, cannot assess the net effect of the two increases given the absence of information on the future cost of NPDB fees and potential increased fees set forth by the respective boards.

**State Expenditure Increase:** The State will incur an annual expenditure increase with the establishment of the requirement to utilize the federal NPDB.

Based on information in the 2020 Governor's FY 2020 Budget, this bill would affect an estimated 420,000 health care professionals. The bill's requirement to utilize the NPDB during the initial and renewal license period for health care professionals may increase the workload of the staff at the Division of Consumer Affairs by an indeterminate amount and an indeterminate cost. A health care professional includes professionals regulated by any of the 18 boards enumerated in section nine of P.L.2005, c.83 (C.45:1-34).

According to the NPDB website, there are no registration fees associated with establishing the State as an eligible entity with the NPDB. Additionally, there are no fees to submit a report of medical malpractice payment, adverse action, or judgment or conviction to the NPDB. The OLS estimates that the State will be charged user fees to utilize the NPDB. There is, however, a \$2 user fee per practitioner to query the NPDB and an annual \$2 user fee per practitioner to utilize the continuous query function.

The majority of State health care professional licensees are licensed for two-year periods. The OLS estimates that for the active licenses, the State would expend nearly \$840,000 per year for continuous queries for 420,000 licenses. The OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards.

As noted on the NPDB website, the U.S. Congress identified the need to restrict the ability of certain incompetent health care professionals moving from state to state without disclosure or discovery of the professional's previous damaging or incompetent performance. The OLS estimates that the use of the NPDB may decrease the board's regulatory activities, assuming that bad actors are discovered earlier in the licensure process leading to additional, likely marginal, decreases in State expenditures. The OLS, however, cannot determine the magnitude of the decrease due to uncertainty regarding the number of health care professionals who may be discovered earlier in the process.

*Section: Law and Public Safety*  
*Analyst: Kristin Brunner Santos*  
*Senior Fiscal Analyst*  
*Approved: Frank W. Haines III*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

# ASSEMBLY, No. 4649

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblyman Stanley**

**SYNOPSIS**

Requires health care professional licensing boards to utilize National Practitioner Data Bank.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/6/2021)**

1 AN ACT concerning health care professionals and the National  
2 Practitioner Data Bank and supplementing P.L.2002, c.104  
3 (C.45:1-28 et seq.).

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

7  
8 1. a. A professional and occupational licensing board within  
9 the Division of Consumer Affairs in the Department of Law and  
10 Public Safety that regulates the practice of a health care  
11 professional shall:

12 (1) not issue an initial license or other authorization to practice a  
13 health care profession that is regulated by that board to any  
14 applicant therefor unless the board first determines that no  
15 information exists on file in the National Practitioner Data Bank  
16 which may disqualify the applicant from being licensed or  
17 otherwise authorized to practice as a health care professional; and

18 (2) utilize the continuous query function of the National  
19 Practitioner Data Bank for each person issued a license or  
20 authorization to practice as a health care professional.

21 b. A board shall not issue or renew or, if renewed, shall revoke  
22 or suspend a license or other authorization to practice a health care  
23 profession that is regulated by that board of any applicant therefor  
24 or person issued a license or authorization to practice a health care  
25 profession if, consistent with section 8 of P.L.1978, c.73 (C.45:1-  
26 21), the board determines there is cause to refuse to issue or  
27 suspend or revoke any license or authorization of a health care  
28 professional as the result of information obtained through use of the  
29 National Practitioner Data Bank consistent with the provisions of  
30 this act.

31 c. As used in this section, "National Practitioner Data Bank"  
32 means the database established pursuant to 45 C.F.R. s.60.1, and  
33 maintained by the United States Department of Health and Human  
34 Services.

35  
36 2. This act shall take effect on the 90th day next following  
37 enactment.

38  
39  
40 STATEMENT

41  
42 This bill requires health care professional licensing boards to  
43 utilize the National Practitioner Data Bank.

44 The National Practitioner Data Bank is a web-based repository of  
45 reports containing information on medical malpractice payments  
46 and certain adverse actions related to health care professionals. The  
47 data bank is maintained by the United States Department of Health

1 and Human Services to prevent health care professionals from  
2 moving from state to state without discovery of prior bad acts.

3 The bill requires professional and occupational licensing boards  
4 within the Division of Consumer Affairs in the Department of Law  
5 and Public Safety that regulate the practice of a health care  
6 professional to:

7 (1) not issue an initial license or other authorization to practice a  
8 health care profession to any applicant unless the board first  
9 determines that no information exists on file in the National  
10 Practitioner Data Bank which may disqualify the applicant; and

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12 Practitioner Data Bank for each person issued a license or  
13 authorization to practice a health care profession.

14 The bill provides that boards may not issue or renew or, if  
15 renewed, must revoke or suspend a license or other authorization to  
16 practice a health care profession that is regulated by that board if  
17 the board determines through use of the National Practitioner Data  
18 Bank that there is cause to refuse to issue or suspend or revoke any  
19 license or authorization of a health care professional.



# ASSEMBLY REGULATED PROFESSIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4649

# STATE OF NEW JERSEY

DATED: MARCH 17, 2021

The Assembly Regulated Professions Committee reports favorably Assembly Bill No. 4649.

This bill requires health care professional licensing boards to utilize the National Practitioner Data Bank.

The National Practitioner Data Bank is a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care professionals. The data bank is maintained by the United States Department of Health and Human Services to prevent health care professionals from moving from state to state without discovery of prior bad acts.

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The bill provides that boards may not issue or renew or, if renewed, must revoke or suspend a license or other authorization to practice a health care profession that is regulated by that board if the board determines through use of the National Practitioner Data Bank that there is cause to refuse to issue or suspend or revoke any license or authorization of a health care professional.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4649**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: DECEMBER 2, 2021

**SUMMARY**

**Synopsis:** Requires health care professional licensing boards to utilize National Practitioner Data Bank.

**Type of Impact:** Annual State expenditure increase. Potential State revenue increase.

**Agencies Affected:** Department of Law and Public Safety, Division of Consumer Affairs.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate increases in annual State expenditures; however, OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards. The OLS, however, cannot assess the net effect of the two increases given the absence of information on the future cost of National Practitioner Data Bank (NPDB) fees and potential increased fees set forth by the respective boards.
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## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that the bill will cause indeterminate increases in annual State expenditures; however, OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards. The OLS, however, cannot assess the net effect of the two increases given the absence of information on the future cost of NPDB fees and potential increased fees set forth by the respective boards.

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According to the NPDB website, there are no registration fees associated with establishing the State as an eligible entity with the NPDB. Additionally, there are no fees to submit a report of medical malpractice payment, adverse action, or judgment or conviction to the NPDB. The OLS estimates that the State will be charged user fees to utilize the NPDB. There is, however, a \$2 user fee per practitioner to query the NPDB and an annual \$2 user fee per practitioner to utilize the continuous query function.

The majority of State health care professional licensees are licensed for two-year periods. The OLS estimates that for the active licenses, the State would expend nearly \$840,000 per year for continuous queries for 420,000 licenses. The OLS estimates that any expenditures will be offset by increased fees established at the discretion of the various Division of Consumer Affairs boards.

As noted on the NPDB website, the U.S. Congress identified the need to restrict the ability of certain incompetent health care professionals moving from state to state without disclosure or discovery of the professional's previous damaging or incompetent performance. The OLS estimates that the use of the NPDB may decrease the board's regulatory activities, assuming that bad actors are discovered earlier in the licensure process leading to additional, likely marginal,

decreases in State expenditures. The OLS, however, cannot determine the magnitude of the decrease due to uncertainty regarding the number of health care professionals who may be discovered earlier in the process.

*Section: Law and Public Safety*

*Analyst: Kristin Brunner Santos  
Lead Fiscal Analyst*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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