

45:1-15.9, 45:9-41.20, 45:9-41.23
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2021 **CHAPTER:** 345

NJSA: 45:1-15.9, 45:9-41.20, 45:9-41.23 (Adds two public members to State Board of Chiropractic Examiners and prohibits licensure for individuals convicted of certain offenses.)

BILL NO: S3494 (Substituted for A5516 (1R))

SPONSOR(S) Sweeney, Stephen M. and others

DATE INTRODUCED: 3/4/2021

COMMITTEE: **ASSEMBLY:** Regulated Professions

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

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

SENATE: 6/3/2021

DATE OF APPROVAL: 1/10/2022

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)	Yes
 S3494	
INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: 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)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	No
 A5516 (1R)	
INTRODUCED BILL (INCLUDES SPONSOR'S STATEMENT):	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: 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)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

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 345, *approved January 10, 2022*
Senate, No. 3494 (*First Reprint*)

1 AN ACT concerning the State Board of Chiropractic Examiners and
2 criminal record of applicants to the board, and amending and
3 supplementing Title 45 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to
9 read as follows:

10 4. There is created within the Division of Consumer Affairs in
11 the Department of Law and Public Safety the State Board of
12 Chiropractic Examiners. The board shall consist of **[11]** 13
13 members who are residents of the State, **[two]** four of whom shall
14 be public members and one of whom shall be a State executive
15 department member appointed pursuant to the provisions of
16 P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members
17 shall be licensed chiropractors who have been actively engaged in
18 the practice of chiropractic in this State for at least five years
19 immediately preceding their appointments.

20 The Governor shall appoint each member, other than the State
21 executive department member, with the advice and consent of the
22 Senate, for a term of three years**],** except that three of the initial
23 chiropractic members of the board shall consist of the incumbent
24 chiropractic member of the State Board of Medical Examiners, who
25 shall serve until the expiration of his current term as a chiropractic
26 member, and the two incumbent chiropractic assistants of the State
27 Board of Medical Examiners, each of whom shall serve until the
28 expiration of his current term as a chiropractic assistant, and except
29 that of the remaining five chiropractic members first appointed, two
30 shall serve for terms of three years, two shall serve for terms of two
31 years and one shall serve for a term of one year**].** Each member
32 shall hold office until his successor has been qualified. Any
33 vacancy in the membership of the board shall be filled for the
34 unexpired term in the manner provided for the original appointment.
35 No member of the board may serve more than two successive terms
36 in addition to any unexpired term to which he has been appointed.

37 (cf: P.L.1989, c.153, s.4)

38

39 2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to read
40 as follows:

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:

¹Senate SCM committee amendments adopted May 13, 2021.

1 7. The board shall:

2 a. Appoint and prescribe the duties of an executive secretary.
3 The executive secretary shall serve at its pleasure;

4 b. Review the qualifications of applicants for initial licensure, or
5 licensure renewal, reactivation, or reinstatement. The review of
6 qualifications shall include a review of ¹the results from the
7 submission of fingerprints required of each applicant pursuant to
8 section 3 of P.L.2002, c.104 (C.45:1-30) and of¹each applicant in the
9 National Practitioner Data Bank to ensure ¹, at a minimum, that¹no
10 information ¹exists on file in the data bank demonstrating
11 demonstrates¹an applicant has been convicted of sexual assault,
12 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2
13 ¹through 2C:14-4], N.J.S.2C:14-3, and N.J.S.2C:14-4¹that is of the
14 first, second, third or fourth degree, endangering the welfare of a child
15 pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, [or an]
16 attempting to lure or entice a child pursuant to section 1 of P.L.1993,
17 c.291 (C.2C:13-6),¹or equivalent [offense] offenses¹in another
18 jurisdiction;

19 c. Insure the proper conduct and standards of examinations;

20 d. Issue **[and]**, renew, reactivate or reinstate licenses for
21 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and
22 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and chiropractic
23 assistants pursuant to sections 5 through 8 of P.L.2015, c.283 (C.45:9-
24 41.33 et seq.);

25 e. Refuse to admit a person to an examination, or refuse to issue a
26 license, or suspend, revoke or fail to renew, reactivate or reinstate the
27 license of a chiropractor or chiropractic assistant pursuant to the
28 provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if an applicant,
29 chiropractor, or chiropractic assistant is found to have been convicted
30 of sexual assault, criminal sexual contact or lewdness pursuant to
31 N.J.S.2C:14-2 ¹through 2C:14-4], N.J.S.2C:14-3, and N.J.S.2C:14-
32 4¹that is of the first, second, third or fourth degree, endangering the
33 welfare of a child pursuant to paragraph (1) of subsection a. of
34 N.J.S.2C:24-4, [or an] attempting to lure or entice a child pursuant
35 to section 1 of P.L.1993, c.291 (C.2C:13-6),¹or equivalent [offense]
36 offenses¹in another jurisdiction through utilization of the continuous
37 query function in the National Practitioner Data Bank or¹review of the
38 results from the submission of fingerprints required of the applicant
39 pursuant to section 3 of P.L.2002, c.104 (C.45:1-30),¹or any other
40 means;

41 f. Maintain a record of chiropractors and chiropractic assistants
42 licensed in this State, their places of business, places of residence and
43 the date and number of their licenses;

44 g. Prescribe or change the charges for examinations, licensures,
45 renewals and other services it performs pursuant to P.L.1974, c.46

1 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283
2 (C.45:9-41.33 et seq.);

3 h. Establish standards pursuant to which a chiropractor shall
4 maintain medical malpractice liability insurance coverage, at
5 appropriate amounts, as set forth in regulations; and

6 i. Adopt and promulgate rules and regulations pursuant to the
7 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
8 necessary to effectuate the purposes of this act, R.S.45:9-14.5,
9 R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of
10 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233 (C.45:9-
11 41.5 et al.).

12 ¹j. Nothing in this section shall preclude the board from
13 considering criminal convictions for offenses other than those offenses
14 included in subsections a. and b. of this section, pursuant to section 8
15 of P.L.1978, c.73 (C.45:1-21), or from considering other information
16 provided by the National Practitioner Data Bank or any other source
17 when reviewing an applicant's qualifications for licensure as
18 authorized pursuant to this section.¹

19 (cf: P.L.2015, c.283, s.1)

20

21 ¹**3.** (New section) Notwithstanding the provisions of any law,
22 rule, or regulation to the contrary, the term of each current board
23 member shall expire on the effective date of this act, and the
24 Governor shall appoint, with the advice and consent of the Senate,
25 new members to serve on the board pursuant to P.L.1989, c.153
26 (C.45:9-41.20 et seq.). The members appointed by the Governor
27 pursuant to this section shall serve for a term of three years except
28 that, of the first members appointed, four members shall serve for
29 terms of three years, four shall serve for terms of two years and four
30 shall serve for a term of one year.¹

31

32 ¹3. (New section) a. Any entity designated in section 2 of
33 P.L.1978, c.73 (C.45:1-15), or any principal department of the
34 Executive Branch of State government or any entity within any
35 department or any other entity hereafter created to license or
36 otherwise regulate a health care profession or occupation shall not
37 issue an initial license, certification or registration, or renew,
38 reinstate or reactivate a license, certification or registration unless
39 the entity has first determined that no criminal history record or
40 record with the National Practitioner Data Bank exists
41 demonstrating that an applicant for a license, certification, or
42 registration in a health care profession or occupation has been
43 convicted of sexual assault, criminal sexual contact or lewdness
44 pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is
45 of the first, second, third or fourth degree, endangering the welfare
46 of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-
47 4, attempting to lure or entice a child pursuant to section 1 of

1 P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another
2 jurisdiction.

3 b. Nothing in this section shall preclude any entity designated
4 in section 2 of P.L.1978, c.73 (C.45:1-15), or any principal
5 department of the Executive Branch of State government or any
6 entity within any department or any other entity hereafter created to
7 license or otherwise regulate a health care profession or occupation
8 from considering criminal convictions for offenses other than those
9 offenses included in subsection a. of this section, pursuant to
10 section 8 of P.L.1978, c.73 (C.45:1-21), or from considering other
11 information provided by the National Practitioner Data Bank or any
12 other source when reviewing the qualifications of an applicant for
13 licensure, certification, or registration.¹

14

15 4. This act shall take effect immediately¹], and section 3 shall
16 expire upon appointment of new members to the board by the
17 Governor]¹.

18

19

20

21

22 Adds two public members to State Board of Chiropractic
23 Examiners and prohibits licensure for individuals convicted of
24 certain offenses.

SENATE, No. 3494

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 4, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

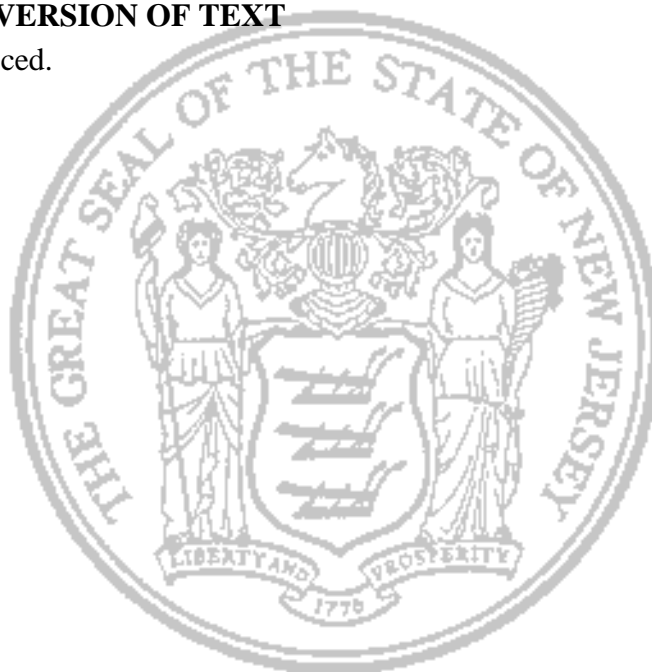
Senator Lagana

SYNOPSIS

Requires appointment of new State Board of Chiropractic Examiners, adds two public members to board membership, and prohibits licensure for individuals convicted of certain offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2021)

1 AN ACT concerning the State Board of Chiropractic Examiners and
2 criminal record of applicants to the board, and amending and
3 supplementing Title 45 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to
9 read as follows:

10 4. There is created within the Division of Consumer Affairs in
11 the Department of Law and Public Safety the State Board of
12 Chiropractic Examiners. The board shall consist of **[11]** 13
13 members who are residents of the State, **[two]** four of whom shall
14 be public members and one of whom shall be a State executive
15 department member appointed pursuant to the provisions of
16 P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members
17 shall be licensed chiropractors who have been actively engaged in
18 the practice of chiropractic in this State for at least five years
19 immediately preceding their appointments.

20 The Governor shall appoint each member, other than the State
21 executive department member, with the advice and consent of the
22 Senate, for a term of three years**],** except that three of the initial
23 chiropractic members of the board shall consist of the incumbent
24 chiropractic member of the State Board of Medical Examiners, who
25 shall serve until the expiration of his current term as a chiropractic
26 member, and the two incumbent chiropractic assistants of the State
27 Board of Medical Examiners, each of whom shall serve until the
28 expiration of his current term as a chiropractic assistant, and except
29 that of the remaining five chiropractic members first appointed, two
30 shall serve for terms of three years, two shall serve for terms of two
31 years and one shall serve for a term of one year**].** Each member
32 shall hold office until his successor has been qualified. Any
33 vacancy in the membership of the board shall be filled for the
34 unexpired term in the manner provided for the original appointment.
35 No member of the board may serve more than two successive terms
36 in addition to any unexpired term to which he has been appointed.
37 (cf: P.L.1989, c.153, s.4)

38
39 2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to
40 read as follows:

41 7. The board shall:

- 42 a. Appoint and prescribe the duties of an executive secretary.
43 The executive secretary shall serve at its pleasure;
44 b. Review the qualifications of applicants for initial licensure,
45 or licensure renewal, reactivation or reinstatement. The review of

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 qualifications shall include a review of each applicant in the
2 National Practitioner Data Bank to ensure no information exists on
3 file in the data bank demonstrating an applicant has been convicted
4 of sexual assault, criminal sexual contact or lewdness pursuant to
5 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
6 fourth degree, endangering the welfare of a child pursuant to
7 paragraph (1) of subsection a. of N.J.S.2C:24-4, or an equivalent
8 offense in another jurisdiction;

9 c. Insure the proper conduct and standards of examinations;

10 d. Issue **and**, renew, reactivate or reinstate licenses for
11 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and
12 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and
13 chiropractic assistants pursuant to sections 5 through 8 of P.L.2015,
14 c.283 (C.45:9-41.33 et seq.);

15 e. Refuse to admit a person to an examination, or refuse to
16 issue a license, or suspend, revoke or fail to renew, reactivate or
17 reinstate the license of a chiropractor or chiropractic assistant
18 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if
19 an applicant, chiropractor, or chiropractic assistant is found to have
20 been convicted of sexual assault, criminal sexual contact or
21 lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the
22 first, second, third or fourth degree, endangering the welfare of a
23 child pursuant to paragraph (1) of subsection a. N.J.S.2C:24-4, or
24 an equivalent offense in another jurisdiction through utilization of
25 the continuous query function in the National Practitioner Data
26 Bank or any other means;

27 f. Maintain a record of chiropractors and chiropractic assistants
28 licensed in this State, their places of business, places of residence
29 and the date and number of their licenses;

30 g. Prescribe or change the charges for examinations, licensures,
31 renewals and other services it performs pursuant to P.L.1974, c.46
32 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283
33 (C.45:9-41.33 et seq.);

34 h. Establish standards pursuant to which a chiropractor shall
35 maintain medical malpractice liability insurance coverage, at
36 appropriate amounts, as set forth in regulations; and

37 i. Adopt and promulgate rules and regulations pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.) necessary to effectuate the purposes of this act, R.S.45:9-14.5,
40 R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of
41 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233
42 (C.45:9-41.5 et al.).
43 (cf: P.L.2015, c.283, s.2)

44
45 3. (New section) Notwithstanding the provisions of any law,
46 rule, or regulation to the contrary, the term of each current board
47 member shall expire on the effective date of this act, and the
48 Governor shall appoint, with the advice and consent of the Senate,

1 new members to serve on the board pursuant to P.L.1989, c.153
2 (C.45:9-41.20 et seq.). The members appointed by the Governor
3 pursuant to this section shall serve for a term of three years except
4 that, of the first members appointed, four members shall serve for
5 terms of three years, four shall serve for terms of two years and four
6 shall serve for a term of one year.

7
8 4. This act shall take effect immediately, and section 3 shall
9 expire upon appointment of new members to the board by the
10 Governor.

11 12 13 STATEMENT

14
15 This bill requires the appointment of a new State Board of
16 Chiropractic Examiners, adds two public members to board
17 membership, and prohibits licensure for individuals convicted of
18 felony sexual offense.

19 The bill adds two public members to the State Board of
20 Chiropractic Examiners, for a total of 13 members. Additionally,
21 the bill requires that the board use the National Practitioner Data
22 Bank to determine if an applicant for initial licensure or licensure
23 renewal, reactivation or reinstatement has been convicted of sexual
24 assault, criminal sexual contact or lewdness pursuant to
25 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
26 fourth degree, endangering the welfare of a child pursuant
27 paragraph (1) of subsection a. to N.J.S.2C:24-4, or an equivalent
28 offense in another jurisdiction. The board also reserves the right,
29 under the bill, to not renew or to revoke or suspend the license of a
30 chiropractor or chiropractic assistant if information is discovered,
31 through the continuous use query function in the National
32 Practitioner Data Bank or by other means, that shows a chiropractor
33 or chiropractic assistant has been convicted of sexual assault,
34 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2
35 through 2C:14-4 that is of the first, second, third or fourth degree,
36 endangering the welfare of a child pursuant to paragraph (1) of
37 subsection a. of N.J.S.2C:24-4, or an equivalent offense in another
38 jurisdiction.

39 Lastly, under the bill, the terms of the current membership of the
40 board are to expire upon the enactment of the bill. The Governor,
41 with the advice and consent of the Senate, is required to appoint
42 new members.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 3494

STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Regulated Professions Committee reports favorably Senate Bill No. 3494 (1R).

This bill adds two public members to the State Board of Chiropractic Examiners board membership, for a total of 13 members, and prohibits licensure for individuals convicted of certain felony sexual offenses.

The bill requires, as part of the review of the qualifications of an applicant for initial licensure or licensure renewal, reactivation or reinstatement, that the board review the results from the submission of fingerprints by an applicant and a search of the applicant in the National Practitioner Data Bank to ensure, at a minimum, that the applicant has not been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. The board also reserves the right, under the bill, to refuse to admit an applicant to an examination, to not renew a license, or to revoke or suspend a license of a chiropractor or chiropractic assistant if information is discovered, through the a review of the results from the submission of fingerprints by an applicant and through the continuous use query function in the National Practitioner Data Bank or by other means, that shows a chiropractor or chiropractic assistant has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the board from considering criminal convictions other than those offenses already in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing an applicant's qualifications for licensure.

The bill also requires that all State entities created or designated to license or otherwise regulate a health care profession or occupation

deny an initial license certification or registration, or a renewal, reactivation, or reinstatement of a license, certification or registration if the review of an individual's criminal history records or records with the National Practitioner Data Bank demonstrate the individual has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the State entity licensing or otherwise regulating a health care profession or occupation from considering criminal convictions for offenses other than those offenses included in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing the qualifications of an applicant for licensure, certification, or registration.

The effective date of the bill, if enacted, is to be immediate.

The purpose of this legislation is to enhance public safety, by barring certain convicted sex offenders from licensure, registration or certification in a regulated health care profession or occupation. This is not intended as a punitive measure against those who have engaged in prior criminal conduct, but rather to serve the civil and remedial purpose of ensuring that those who have been found to have engaged in criminal sexual conduct which carries with it a risk of recidivism are not eligible for licensure in a health care profession or occupation which, by its nature, places practitioners in a unique position of trust and access to potentially vulnerable populations. It is necessary and appropriate for the Legislature to withhold from those convicted of serious sex offenses the State imprimatur that conveys to the public an official endorsement of such individuals to provide health care services in New Jersey.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3494

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2021

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3494.

As amended, this bill adds two public members to the State Board of Chiropractic Examiners board membership, for a total of 13 members, and prohibits licensure for individuals convicted of certain felony sexual offenses.

The bill requires, as part of the review of the qualifications of an applicant for initial licensure or licensure renewal, reactivation or reinstatement, that the board review the results from the submission of fingerprints by an applicant and a search of the applicant in the National Practitioner Data Bank to ensure, at a minimum, that the applicant has not been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant paragraph (1) of subsection a. to N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. The board also reserves the right, under the bill, to refuse to admit an applicant to an examination, to not renew a license, or to revoke or suspend a license of a chiropractor or chiropractic assistant if information is discovered, through the a review of the results from the submission of fingerprints by an applicant and through the continuous use query function in the National Practitioner Data Bank or by other means, that shows a chiropractor or chiropractic assistant has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the board from considering criminal convictions other than those offenses already in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing an applicant's qualifications for licensure.

The bill also requires that all State entities created or designated to license or otherwise regulate a health care profession or occupation

deny an initial license certification or registration, or a renewal, reactivation, or reinstatement of a license, certification or registration if the review of an individual's criminal history records or records with the National Practitioner Data Bank demonstrate the individual has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the State entity licensing or otherwise regulating a health care profession or occupation from considering criminal convictions for offenses other than those offenses included in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing the qualifications of an applicant for licensure, certification, or registration.

The effective date of the bill, if enacted, is to be immediate.

The purpose of this legislation is to enhance public safety, by barring certain convicted sex offenders from licensure, registration or certification in a regulated health care profession or occupation. This is not intended as a punitive measure against those who have engaged in prior criminal conduct, but rather to serve the civil and remedial purpose of ensuring that those who have been found to have engaged in criminal sexual conduct which carries with it a risk of recidivism are not eligible for licensure in a health care profession or occupation which, by its nature, places practitioners in a unique position of trust and access to potentially vulnerable populations. It is necessary and appropriate for the Legislature to withhold from those convicted of serious sex offenses the State imprimatur that conveys to the public an official endorsement of such individuals to provide health care services in New Jersey.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) add a conviction for luring or enticing a child to the list of offenses that will disqualify an applicant to the State Board of Chiropractic Examiners from initial licensure or licensure renewal, reinstatement, and reactivation, and from admission to examination, and that can be used as grounds for licensure suspension or revocation;

(2) incorporate provisions in current law requiring a review of the results from the submission of fingerprints from applicants to the board as part of the qualification review process and as part of the decision to admit an application to examination;

(3) allow the board to consider convictions for other criminal offenses aside from those listed in the bill but may be part of an

applicant's record in the National Practitioner Data Bank or any other source;

(4) add language to current law to require any entity designated in section 2 of P.L.1978, c.73 (C.45:1-15) or created to license or regulate a health care profession or occupation to not initially license, certify, or register, or renew, reinstate or reactivate a license, certification or registration unless the entity has first determined that no criminal history record or record with the National Practitioner Data Bank exists showing an applicant has been convicted of sexual assault; criminal sexual contact or lewdness of the first, second, third or fourth degree; endangering the welfare of a child; attempting to lure or entice a child; or equivalent offenses in another jurisdiction;

(5) permit any entities designated or created to license or regulate a health care professional to consider convictions for other criminal offenses aside from those listed in the bill but may be part of an applicant's record in the National Practitioner Data Bank or any other source;

(6) remove language that deems the terms of the current members of the State Board of Chiropractic Examiners as expired;

(7) make technical corrections to citations in the current bill; and

(8) alter the effective date to be strictly immediate.

ASSEMBLY, No. 5516

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 17, 2021

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

SYNOPSIS

Requires appointment of new State Board of Chiropractic Examiners, adds two public members to board membership, and prohibits licensure for individuals convicted of certain offenses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2021)

1 AN ACT concerning the State Board of Chiropractic Examiners and
2 criminal record of applicants to the board, and amending and
3 supplementing Title 45 of the Revised Statutes.

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

7
8 1. Section 4 of P.L.1989, c.153 (C.45:9-41.20) is amended to
9 read as follows:

10 4. There is created within the Division of Consumer Affairs in
11 the Department of Law and Public Safety the State Board of
12 Chiropractic Examiners. The board shall consist of **[11]** 13
13 members who are residents of the State, **[two]** four of whom shall
14 be public members and one of whom shall be a State executive
15 department member appointed pursuant to the provisions of
16 P.L.1971, c.60 (C.45:1-2.1 et seq.). The remaining eight members
17 shall be licensed chiropractors who have been actively engaged in
18 the practice of chiropractic in this State for at least five years
19 immediately preceding their appointments.

20 The Governor shall appoint each member, other than the State
21 executive department member, with the advice and consent of the
22 Senate, for a term of three years**],** except that three of the initial
23 chiropractic members of the board shall consist of the incumbent
24 chiropractic member of the State Board of Medical Examiners, who
25 shall serve until the expiration of his current term as a chiropractic
26 member, and the two incumbent chiropractic assistants of the State
27 Board of Medical Examiners, each of whom shall serve until the
28 expiration of his current term as a chiropractic assistant, and except
29 that of the remaining five chiropractic members first appointed, two
30 shall serve for terms of three years, two shall serve for terms of two
31 years and one shall serve for a term of one year**].** Each member
32 shall hold office until his successor has been qualified. Any
33 vacancy in the membership of the board shall be filled for the
34 unexpired term in the manner provided for the original appointment.
35 No member of the board may serve more than two successive terms
36 in addition to any unexpired term to which he has been appointed.
37 (cf: P.L.1989, c.153, s.4)

38
39 2. Section 7 of P.L.1989, c.153 (C.45:9-41.23) is amended to
40 read as follows:

41 7. The board shall:

- 42 a. Appoint and prescribe the duties of an executive secretary.
43 The executive secretary shall serve at its pleasure;
44 b. Review the qualifications of applicants for initial licensure,
45 or licensure renewal, reactivation or reinstatement. The review of

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 qualifications shall include a review of each applicant in the
2 National Practitioner Data Bank to ensure no information exists on
3 file in the data bank demonstrating an applicant has been convicted
4 of sexual assault, criminal sexual contact or lewdness pursuant to
5 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
6 fourth degree, endangering the welfare of a child pursuant to
7 paragraph (1) of subsection a. of N.J.S.2C:24-4, or an equivalent
8 offense in another jurisdiction;

9 c. Insure the proper conduct and standards of examinations;

10 d. Issue **and**, renew, reactivate or reinstate licenses for
11 chiropractors pursuant to this act, R.S.45:9-14.5, R.S.45:9-14.6 and
12 R.S.45:9-14.10, P.L.1953, c.233 (C.45:9-41.5 et al.), and
13 chiropractic assistants pursuant to sections 5 through 8 of P.L.2015,
14 c.283 (C.45:9-41.33 et seq.);

15 e. Refuse to admit a person to an examination, or refuse to
16 issue a license, or suspend, revoke or fail to renew, reactivate or
17 reinstate the license of a chiropractor or chiropractic assistant
18 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.) or if
19 an applicant, chiropractor, or chiropractic assistant is found to have
20 been convicted of sexual assault, criminal sexual contact or
21 lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the
22 first, second, third or fourth degree, endangering the welfare of a
23 child pursuant to paragraph (1) of subsection a. N.J.S.2C:24-4, or
24 an equivalent offense in another jurisdiction through utilization of
25 the continuous query function in the National Practitioner Data
26 Bank or any other means;

27 f. Maintain a record of chiropractors and chiropractic assistants
28 licensed in this State, their places of business, places of residence
29 and the date and number of their licenses;

30 g. Prescribe or change the charges for examinations, licensures,
31 renewals and other services it performs pursuant to P.L.1974, c.46
32 (C.45:1-3.1 et seq.) and sections 5 through 8 of P.L.2015, c.283
33 (C.45:9-41.33 et seq.);

34 h. Establish standards pursuant to which a chiropractor shall
35 maintain medical malpractice liability insurance coverage, at
36 appropriate amounts, as set forth in regulations; and

37 i. Adopt and promulgate rules and regulations pursuant to the
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
39 1 et seq.) necessary to effectuate the purposes of this act, R.S.45:9-
40 14.5, R.S.45:9-14.6 and R.S.45:9-14.10, and sections 5 through 8 of
41 P.L.2015, c.283 (C.45:9-41.33 et seq.), and P.L.1953, c.233
42 (C.45:9-41.5 et al.).
43 (cf: P.L.2015, c.283, s.2)

44
45 3. (New section) Notwithstanding the provisions of any law,
46 rule, or regulation to the contrary, the term of each current board
47 member shall expire on the effective date of this act, and the
48 Governor shall appoint, with the advice and consent of the Senate,

1 new members to serve on the board pursuant to P.L.1989, c.153
2 (C.45:9-41.20 et seq.). The members appointed by the Governor
3 pursuant to this section shall serve for a term of three years except
4 that, of the first members appointed, four members shall serve for
5 terms of three years, four shall serve for terms of two years and four
6 shall serve for a term of one year.

7
8 4. This act shall take effect immediately, and section 3 shall
9 expire upon appointment of new members to the board by the
10 Governor.

11 12 13 STATEMENT 14

15 This bill requires the appointment of a new State Board of
16 Chiropractic Examiners, adds two public members to board
17 membership, and prohibits licensure for individuals convicted of
18 felony sexual offense.

19 The bill adds two public members to the State Board of
20 Chiropractic Examiners, for a total of 13 members. Additionally,
21 the bill requires that the board use the National Practitioner Data
22 Bank to determine if an applicant for initial licensure or licensure
23 renewal, reactivation or reinstatement has been convicted of sexual
24 assault, criminal sexual contact or lewdness pursuant to
25 N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or
26 fourth degree, endangering the welfare of a child pursuant to
27 paragraph (1) of subsection a. to N.J.S.2C:24-4, or an equivalent
28 offense in another jurisdiction. The board also reserves the right,
29 under the bill, to not renew or to revoke or suspend the license of a
30 chiropractor or chiropractic assistant if information is discovered,
31 through the continuous use query function in the National
32 Practitioner Data Bank or by other means, that shows a chiropractor
33 or chiropractic assistant has been convicted of sexual assault,
34 criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2
35 through 2C:14-4 that is of the first, second, third or fourth degree,
36 endangering the welfare of a child pursuant to paragraph (1) of
37 subsection a. of N.J.S.2C:24-4, or an equivalent offense in another
38 jurisdiction.

39 Lastly, under the bill, the terms of the current membership of the
40 board are to expire upon the enactment of the bill. The Governor,
41 with the advice and consent of the Senate, is required to appoint
42 new members.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5516

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 5516.

As amended, this bill adds two public members to the State Board of Chiropractic Examiners board membership, for a total of 13 members, and prohibits licensure for individuals convicted of certain felony sexual offenses.

The bill requires, as part of the review of the qualifications of an applicant for initial licensure or licensure renewal, reactivation or reinstatement, that the board review the results from the submission of fingerprints by an applicant and a search of the applicant in the National Practitioner Data Bank to ensure, at a minimum, that the applicant has not been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. The board also reserves the right, under the bill, to refuse to admit an applicant to an examination, to not renew a license, or to revoke or suspend a license of a chiropractor or chiropractic assistant if information is discovered, through the a review of the results from the submission of fingerprints by an applicant and through the continuous use query function in the National Practitioner Data Bank or by other means, that shows a chiropractor or chiropractic assistant has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the board from considering criminal convictions other than those offenses already in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing an applicant's qualifications for licensure.

The bill also requires that all State entities created or designated to license or otherwise regulate a health care profession or occupation deny an initial license certification or registration, or a renewal, reactivation, or reinstatement of a license, certification or registration if the review of an individual's criminal history records or records with the National Practitioner Data Bank demonstrate the individual has been convicted of sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.2C:14-2, N.J.S.2C:14-3, and N.J.S.2C:14-4 that is of the first, second, third or fourth degree, endangering the welfare of a child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4, attempting to lure or entice a child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6), or equivalent offenses in another jurisdiction. Nothing in the bill is to preclude the State entity licensing or otherwise regulating a health care profession or occupation from considering criminal convictions for offenses other than those offenses included in the bill or from considering other information provided by the National Practitioner Data Bank or any other source when reviewing the qualifications of an applicant for licensure, certification, or registration.

The effective date of the bill, if enacted, is to be immediate.

The purpose of this legislation is to enhance public safety, by barring certain convicted sex offenders from licensure, registration or certification in a regulated health care profession or occupation. This is not intended as a punitive measure against those who have engaged in prior criminal conduct, but rather to serve the civil and remedial purpose of ensuring that those who have been found to have engaged in criminal sexual conduct which carries with it a risk of recidivism are not eligible for licensure in a health care profession or occupation which, by its nature, places practitioners in a unique position of trust and access to potentially vulnerable populations. It is necessary and appropriate for the Legislature to withhold from those convicted of serious sex offenses the State imprimatur that conveys to the public an official endorsement of such individuals to provide health care services in New Jersey.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) add a conviction for luring or enticing a child to the list of offenses that will disqualify an applicant to the State Board of Chiropractic Examiners from initial licensure or licensure renewal, reinstatement, and reactivation, and from admission to examination, and that can be used as grounds for licensure suspension or revocation;
- 2) incorporate provisions in current law requiring a review of the results from the submission of fingerprints from applicants to the board as part of the qualification review process and as part of the decision to admit an application to examination;

3) allow the board to consider convictions for other criminal offenses aside from those listed in the bill but may be part of an applicant's record in the National Practitioner Data Bank or any other source;

4) add language to current law to require any entity designated in section 2 of P.L.1978, c.73 (C.45:1-15) or created to license or regulate a health care profession or occupation to not initially license, certify, or register, or renew, reinstate or reactivate a license, certification or registration unless the entity has first determined that no criminal history record or record with the National Practitioner Data Bank exists showing an applicant has been convicted of sexual assault; criminal sexual contact or lewdness of the first, second, third or fourth degree; endangering the welfare of a child; attempting to lure or entice a child; or equivalent offenses in another jurisdiction;

5) permit any entities designated or created to license or regulate a health care professional to consider convictions for other criminal offenses aside from those listed in the bill but may be part of an applicant's record in the National Practitioner Data Bank or any other source;

6) remove language that deems the terms of the current members of the State Board of Chiropractic Examiners as expired;

7) make technical corrections to citations in the current bill; and

8) alter the effective date to be strictly immediate.