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.