SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3565

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 2025

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3565.

As amended, this bill authorizes certain out-of-State health care professionals and recent graduates of health care training programs to practice in New Jersey pending a final determination on an application for licensure or certification to practice in New Jersey.

Specifically, the bill provides that alcohol and drug counselors, marriage and family therapists, professional counselors, physicians, homemaker-home health aides, certain nurses, psychologists, psychoanalysts, respiratory care practitioners, and social workers licensed or certified to practice in another state who apply for licensure or certification in New Jersey will be authorized to practice for up to one year in New Jersey pending a final determination on the individual's application. The bill stipulates that the other states where the individuals seeking the one-year license in New Jersey are from also require state and federal background checks to obtain licensure in that state.

Under the bill, a review is required by the various boards of the National Practitioner Data Bank and the information it includes regarding any adverse disciplinary action against a professional seeking the one-year license. If a professional practicing under a provisional authorization to practice has the professional's authorization to practice in any other state suspended, revoked, or subject to adverse disciplinary action, the professional will be required to immediately notify the Division of Consumer Affairs in the Department of Law and Public Safety, which will make a determination as to the individual's continuing authorization to practice under the provisional authorization, which is to include a review of any findings in the National Practitioner Data Bank. The individual will not be permitted to practice in New Jersey under the bill until the division makes its determination.

A professional who fails to provide notice of an adverse action in another state will be liable to a civil penalty of $500 per day for each day the notice is not provided. However, the individual will have the opportunity to demonstrate to the court that the individual did not know and had no reason to know of the adverse action, or that the

adverse action was taken for a violation that was purely technical in nature or that was minor and did not adversely affect the health or safety of any individual. If the court finds the individual did not know of the adverse action or that the adverse action was minor or technical in nature, the court will have the authority to reduce or eliminate a civil penalty assessed under the bill.

With regard to recent graduates, the bill provides that certain recent graduates will be authorized to practice under a temporary license until the person achieves full licensure or fails the licensure examination. As amended and reported by the committee, Senate Bill No. 3565 is identical to Assembly Bill No. 2803, which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee has amended the bill to:

(1) add a requirement that the state where an out-of-State professional comes from is to require state and federal background checks to obtain licensure in the specific profession;

(2) incorporate a review of the National Practitioner Data Bank as part of the responsibilities of the boards and the Division of Consumer Affairs; and

(3) provide that a provisional authorization to practice issued to an out-of-State health professional pursuant to the bill only allows the professional to practice in New Jersey for up to one year.