

NEW JERSEY REGISTER
VOLUME 37, NUMBER 8
MONDAY, APRIL 18, 2005
RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
BOARD OF MEDICAL EXAMINERS RULES

Readoption with Amendments: N.J.A.C. 13:35

Adopted Repeal: N.J.A.C. 13:35-3.5

Adopted New Rules: N.J.A.C. 13:35-3.14, 6.24 and 10.4

Adopted Repeals and New Rules: N.J.A.C. 13:35-2A.7, 2B.17 and 9.7

Proposed: October 18, 2004 at 36 N.J.R. 4633(a).

Adopted: February 9, 2005 by the State Board of Medical Examiners, Bernard Robins, M.D., President.

Filed: March 17, 2005 as R.2005 d.120, without change.

Authority: N.J.S.A. 45:9-2 and 45:1-15.1.

Effective Dates: March 17, 2005, Readoption;
April 18, 2005, New Rules, Repeals and Amendments.
Expiration Date: March 17, 2010.

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules and the adopted amendments and new rules are not subject to any Federal standards or requirements, except as referenced in N.J.A.C. 13:35-2.6. N.J.A.C. 13:35-2.6 as readopted with amendments does not contain requirements that exceed the Federal standards contained in the Mammography Quality Standards Act, 42 U.S.C. § 263(b) et seq., and 21 C.F.R. 900.1 et seq.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:35.

Full text of the adopted amendments and new rules follows:

<< NJ ADC 13:35-2.6 >>

13:35-2.6 Medical standards governing screening and diagnostic medical testing offices; determinations with respect to the validity of certain diagnostic tests

(a)-(d) (No change.)

(e) Any practitioner designated to be responsible for the management of a diagnostic or screening office not licensed by the Department of Health and Senior Services (DOHSS) shall:

1.-3. (No change.)

4. Verify, through a documented review of credentials, upon hiring and on at least an annual basis, that:

i.-ii. (No change.)

iii. All personnel, other than physicians, operating ultrasound equipment are certified by the American Registry of Diagnostic Medical Sonographers or by the American Registry of Radiologic Technologists, or demonstrate technical training to perform ultrasounds and are not otherwise precluded by any requirements of the Department of Environmental Protection; and

5. Implement on an ongoing basis a quality assurance program as required by (f) below.

(f)-(g) (No change.)

(h) In addition to the obligations set forth in (e) through (g) above, any practitioner designated to be responsible for the management of a screening office at which mammography is offered shall:

1. (No change.)

2. Establish a written protocol in compliance with the requirements of the Mammography Quality Standards Act, 42 U.S.C. § § 263(b) et seq., and 21 CFR 900.1 et seq., which protocol shall also include:

i. Guidance to the performer of the test with respect to appropriate positioning preparatory to the test;

ii.-iii. (No change.)

iv. Procedures for providing in lay language written advice at the time of testing, and on the testing report, that a screening mammography is not a comprehensive examination nor sufficient to detect all abnormalities and that examinees should seek a complex examination from a physician; and

3. (No change.)

(i) (No change.)

(j) A practitioner designated to be responsible for the management of a screening office not licensed by the Department of Health and Senior Services (DOHSS) shall ensure that reports with respect to screening tests which yield abnormal results are prepared in writing, include clear direction as to necessary follow-up, and are issued within three business days from the date of receipt of the report by the testing entity.

1.-2. (No change.)

3. When an abnormality has been discovered and no referring or treating practitioner is identified by the examinee, the written notice of abnormality which shall be provided to the examinee shall contain a clear advisory concerning the need to seek follow-up medical consultation as well as appropriate referral information;

4. In the circumstances set forth in (j)3 above and where immediate clinical follow-up is warranted, efforts shall be made additionally to personally contact the examinee by telephone to confirm that the examinee was made aware of the need to follow up, which efforts shall be documented in the examinee record. When efforts to contact the examinee have been unsuccessful over a period not to exceed 10 days, a letter shall be forwarded to the examinee's address of record by certified mail, return receipt requested, with a copy maintained in the chart, advising of the abnormality and the need for follow-up and referral; and

5. (No change.)

(k) Any practitioner performing a diagnostic test in any location, whether or not licensed by the Department of Health and Senior Services, shall retain raw data or graphs arising out of a diagnostic test administration and shall prepare and retain a comprehensive report, on professional letterhead bearing the practitioner's full name and title or degree ("Dr." alone is insufficient) and office name, address and telephone number. (However, raw data, graphs and reports, for example, but not limited to, radiographic images, which have been prepared as part of the patient record for a licensed health care facility such as a hospital or nursing home, may be entrusted by the preparing/interpreting practitioner to

the secured custody of the licensed health care facility as part of the facility's permanent records.) The report shall include at least the following:

1.-9. (No change.)

(l)-(n) (No change.)

(o) A practitioner performing a diagnostic test in all locations, whether or not licensed by the DOHSS, shall promptly issue the results of the test, by preliminary verbal report when immediate follow-up care is indicated and no later than three business days in any event from the date of receipt of the report by the testing entity, to the referring practitioner and upon request to the patient or other authorized person, to the extent authorized by N.J.A.C. 13:35-6.5. An interpretation delayed pending receipt of additional material shall be issued as soon as possible thereafter. All abnormalities shall be clearly identified for the attention of a physician or other treating practitioner.

(p)-(r) (No change.)

(s) A practitioner who transmits diagnostic test data/records, other than bioanalytical specimens to a clinical laboratory under the jurisdiction of the Department of Health and Senior Services pursuant to N.J.S.A. 45:9-42.27 et seq., for interpretation by a consultant who is not a licensee of the Board shall assure that advance written consent for such interpretation service by such consultant has been obtained from the patient/third party payor. Utilization of the provisions in this subsection shall be consistent with the requirements of (n) above. This subsection is intended to be available for special, occasional or emergent consultations only. A consultant or consultant entity rendering medical services interpreting diagnostic test data/records, whether in or out of this State, by means of any media, for 10 or more patients under treatment in New Jersey on an annual basis is deemed to be rendering medical services in this State and requires licensure by the Board. However, the exchange of information, which may include patient specific information, between a licensee and a physician licensed in another state, a possession of the United States or the District of Columbia shall not be deemed to be rendering medical services.

<< NJ ADC 13:35-2A.1 >>

13:35-2A.1 Purpose and scope

(No change in text.)

<< NJ ADC 13:35-2A.2 >>

13:35-2A.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

... "Midwife" means a person licensed by the Board as a certified midwife (CM), certified nurse midwife (CNM) or certified professional midwife (CPM).

<< NJ ADC 13:35-2A.4 >>

13:35-2A.4 Application for licensure

(a) An applicant for licensure as a midwife shall submit to the Committee:

1.-6. (No change.)

7. The application fee pursuant to N.J.A.C. 13:35-6.13.

(b) Once the applicant has been approved, he or she shall submit the initial license fee pursuant to N.J.A.C. 13:35-6.13.

13:35-2A.7 Licensure; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a completed renewal application and the renewal fee as set forth in N.J.A.C. 13:35-6.13 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-6.13. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice and shall be subject to the penalties prescribed by N.J.S.A. 45:9-22 for practicing without a license.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-6.13; and
2. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-6.13 and shall not engage in practice.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee; and
2. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee who has been on inactive status for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

SUBCHAPTER 2B. LIMITED LICENSES: PHYSICIAN ASSISTANTS

<< NJ ADC 13:35-2B.2 >>

13:35-2B.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicated otherwise: ...

"Designated physician assistant" means a physician assistant, other than a temporary license holder, who is assigned by a supervising physician or a physician designee to supervise a temporary license holder. ...

<< NJ ADC 13:35-2B.3 >>

13:35-2B.3 Practice requirements

(a) (No change.)

(b) The licensee shall file with the Committee a notice of employment for each full-time, part-time or per diem place of employment, on forms provided by the Committee, within 10 days after the date on which employment commences. Furthermore, the licensee shall report to the Committee any change in employment and/or supervising physician within 10 days of the change.

<< NJ ADC 13:35-2B.4 >>

13:35-2B.4 Scope of practice

(a) A licensee who has complied with the provisions of N.J.A.C. 13:35-2B.3 may perform the following procedures on a discretionary and routine basis:

1. Approaching a patient to elicit a detailed and accurate history, perform an appropriate physical examination, identify problems, record information, interpret and present information to the supervising physician, determine and implement therapeutic plans jointly with the supervising physician and compile and record pertinent narrative case summaries;

2.-9. (No change.)

10. Applying and removing medical and surgical appliances and devices such as splints, casts, immobilizers, traction, monitors and medication delivery systems;

11.-13. (No change.)

(b) (No change.)

<< NJ ADC 13:35-2B.5 >>

13:35-2B.5 Eligibility for licensure

(a) An applicant for licensure shall submit to the Board, with the completed application form and the required fee, evidence that the applicant:

1.-2. (No change.)

3. Has successfully completed an education program for physician assistants which is approved by the Accreditation Review Commission on Education for the Physician Assistant, Inc. (ARC-PA), or its successor; and

4. Has passed the examination administered by the National Commission on Certification of Physician Assistants

(NCCPA), or its successor, except as set forth in (b) below.

(b) (No change.)

<< NJ ADC 13:35-2B.8 >>

13:35-2B.8 Credit-hour requirements

(a) Each applicant for a biennial license renewal shall be required to complete, during the preceding biennial period, a minimum of 50 continuing education credit hours in category I courses approved by the American Medical Association, the American Academy of Physician Assistants, the American Academy of Family Physicians, the American Osteopathic Association or the Accreditation Council on Continuing Medical Education. The Board reserves the right to review and approve continuing education courses offered by entities other than those set forth above.

(b) (No change.)

<< NJ ADC 13:35-2B.9 >>

13:35-2B.9 Waiver of continuing education requirement

(a) The Board may, in its discretion, temporarily waive continuing education requirements on an individual basis for a period of time designated by the Committee for reasons of hardship, such as illness or disability, or other good cause.

(b) (No change.)

<< NJ ADC 13:35-2B.10 >>

13:35-2B.10 Supervision

(a) (No change.)

(b) The physician assistant shall not render care unless the following conditions are met:

1.-3. (No change.)

4. The supervising physician or physician designee personally reviews all charts and patient records and countersigns all medical orders as follows:

i.-ii. (No change.)

5. (No change.)

(c) (No change.)

(d) A supervising physician may assign physician assistants under his or her supervision to a physician designee, who shall be responsible for the practice of the physician assistant during the assignment.

<< NJ ADC 13:35-2B.11 >>

13:35-2B.11 Recordkeeping

(a) Licensees shall make contemporaneous, permanent entries into professional treatment records which shall accurately reflect the treatment or services rendered. To the extent applicable, professional treatment records shall reflect:

1.-4. (No change.)

Recodify existing 6.-8. as 5.-7. (No change in text.)

(b)-(d) (No change.)

<< NJ ADC 13:35-2B.12 >>

13:35-2B.12 Requirements for issuing prescriptions for medications; memorialization of verbal orders for CDS given by physicians

(a) A physician assistant may issue prescriptions only in accordance with the following conditions:

1.-2. (No change.)

3. A physician assistant shall not initiate an order for controlled dangerous substances. However, a physician assistant may memorialize an order for a controlled dangerous substance when the order has been verbally given by the supervising physician or physician designee in a licensed inpatient or outpatient setting, including, but not limited to, hospital emergency departments, licensed ambulatory surgery centers and nursing homes, when the following requirements are met. The controlled dangerous substance order shall be written on the order sheet of the patient's chart with:

- i. The letters VO (meaning an order relayed to the physician assistant by the physician in person) or TO (meaning an order relayed to the physician assistant by the physician over the telephone);
- ii. The supervising physician's or physician designee's name printed;
- iii. The signature of the physician assistant directly under the order for the controlled dangerous substance; and
- iv. The supervising physician's or the physician designee's countersignature of the controlled dangerous substance order within 24 hours in the inpatient setting and within 48 hours of the order in the outpatient setting.

<< NJ ADC 13:35-2B.14 >>

13:35-2B.14 Temporary licensure; scope of practice

(a) A temporary license holder who has complied with the practice requirements set forth in N.J.A.C. 13:35-2B.3 may perform all of the procedures within the scope of practice of a physician assistant, as set forth in N.J.A.C. 13:35-2B.4(a) and (b) and subject to the limitations therein, except that a temporary license holder shall not issue prescriptions. A temporary license holder may write orders for medication, treatment, or testing consistent with the provisions of N.J.A.C. 13:35-2B.15.

(b) (No change.)

<< NJ ADC 13:35-2B.15 >>

13:35-2B.15 Supervision of temporary license holder

(a) A temporary license holder shall not render care unless the following conditions are met:

1. In any setting, the supervising physician, physician designee or a designated physician assistant:

i. (No change.)

ii. Countersigns, immediately after its entry in the chart, any order for medication, treatment, or testing written by the temporary license holder.

2. In the event that the countersignature in (a)1 above is that of a designated physician assistant, the supervising

physician or physician designee, within the appropriate conditions set in N.J.A.C. 13:35-2B.10(b) 4, shall:

- i. Personally review all charts and patient records and the temporary license holder's entry in the chart and record; and
- ii. Countersign any order for medication, treatment, or testing written by the temporary licensee.

<< NJ ADC 13:35-2B.16 >>

13:35-2B.16 Expiration of temporary license; renewal

(a) A temporary license shall expire 30 days after the temporary license holder has received notification of successful completion of the examination or immediately upon the applicant's receipt of notification of failure to pass the examination referenced in N.J.A.C. 13:35-2B.13(a).

(b)-(c) (No change.)

<< NJ ADC 13:35-2B.17 >>

13:35-2B.17 Licensure; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-6.13 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-6.13. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice and shall be subject to the penalties prescribed by N.J.S.A. 45:9-22 for practicing without a license.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-6.13;
2. Completion of the Board-approved continuing education units required for each biennial registration period for which the licensee was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee

electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-6.13 and shall not engage in practice.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the Board-approved continuing education units required for each biennial registration period for which the licensee was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee who has been on inactive status for more than five years who wishes to return to the practice of medicine shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

<< NJ ADC 13:35-3.6 >>

13:35-3.5 (Reserved)

13:35-3.6 Bioanalytical laboratory director license, plenary or specialty, granted to physicians

(a) The Board shall grant to any person licensed in this State to practice medicine and surgery a plenary license to direct and supervise a registered bioanalytical laboratory, without examination, provided that:

1. (No change.)
2. Such person is certified in anatomic pathology or is Board-eligible, and can demonstrate to the satisfaction of the Board appropriate training, including completion of a residency program in pathology in a laboratory or laboratories acceptable to the Board, and not less than three full years of post graduate general bioanalytical laboratory experience in a laboratory or laboratories acceptable to the Board.

(b) The Board shall grant to any person licensed in the State to practice medicine and surgery, a specialty license in one or more of the following: toxicological chemistry, microbiology (including bacteriology, parasitology, virology and mycology), cytogenetics, biochemical genetics, clinical chemistry (including urinalysis, endocrinology and toxicology), andrology, diagnostic laboratory immunology, embryology, hematology (including flow cytometry), serology and molecular diagnostics, without examination, provided that such person is certified by a national accrediting board in one of the above specialties, which board requires a doctorate degree plus experience, such as the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis, the American Board of Histocompatibility and Immunogenetics, the American Board of Molecular Genetics and the American Society of Cytogenetics, or any other national accrediting board recognized by the State Board of Medical Examiners. The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specific specialty license issued by the Board.

(c) Nothing herein shall be construed to waive registration and fees required by the Bioanalytical Laboratory and Laboratory Directors Licensing Act, as amended (N.J.S.A. 45:9-42.1 et seq.).

(d) (No change.)

<< NJ ADC 13:35-3.13 >>

13:35-3.13 Criminal history record information

An applicant for initial licensure in the State by the Board shall submit his or her name, address and fingerprints for purposes of a criminal history background check to be conducted by the State of New Jersey pursuant to P.L. 2002, c.104 (N.J.S.A. 45:1-28 et seq.) to determine whether criminal history record information exists which may be considered by the Board in determining whether the applicant shall be licensed in the State. Fees for criminal history record checks shall be paid by applicants for licensure in conformity with P.L. 1994, c.60 (N.J.S.A. 53:1-7), P.L. 2002, c.104 (N.J.S.A. 45:1-31) and N.J.A.C. 13:59-1.3 and 1.4. In addition to its use in evaluating an application for initial licensure, the Board may obtain criminal history record information from the Division of State Police for any other purpose authorized by statute or regulation.

<< NJ ADC 13:35-3.14 >>

13:35-3.14 Biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-6.13 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-6.13. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-6.13;
2. Completion of the continuing education units required for each biennial registration period for which the licensee was suspended, if appropriate; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to have his or her license reinstated shall reapply for licensure and, in accordance with N.J.S.A. 45:5-9b or 45:9-6.1, whichever is appropriate, shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-6.13 and shall not engage in practice.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the

Board upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the continuing education units required for each biennial registration period for which the licensee was on inactive status, if appropriate; and
3. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee who has been on inactive status for more than five years who wishes to return to practice shall reapply for licensure and, consistent with N.J.S.A. 45:5-9b or 45:9-6.1, whichever is appropriate, shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

<< NJ ADC 13:35-4.1 >>

13:35-4.1 Major surgery; qualified first assistant

(a) A major surgical procedure is one with a substantial hazard to the life, health or welfare of the patient. By way of example, but not limitation, major surgical procedures include:

1. A procedure performed where the anatomic locality, the condition, the difficulty or the length of time required to operate would constitute a direct hazard to the life of the patient; and
2. A procedure in which an opening is made into any of the three major body cavities (abdomen, chest or head), if the facility's credentials committee, in conjunction with the chair or chief of the relevant department or division, has delineated the procedure as one requiring a qualified first assistant.

(b) (No change.)

(c) In addition to those individuals listed in (b) above who may act as qualified first assistants, in a health care facility licensed by the Department of Health and Senior Services, a duly qualified registered nurse first assistant (RNFA), a duly qualified physician assistant or a licensed podiatric physician may so act. A duly qualified certified nurse midwife (CNM) may also act as a qualified first assistant in the performance of cesarean sections. For purposes of this subsection, a licensed CNM shall be deemed to be "duly qualified" provided that the CNM has taken and passed a 30-hour didactic training course that includes anatomy, physiology, surgical technique (including wound closure), and direct observation of cesarean sections. Following the completion of the course, a CNM shall serve and be supervised as a second assistant on 10 cesarean sections and complete a supervised preceptorship as a first assistant in 20 cesarean sections.

(d)-(g) (No change.)

<< NJ ADC 13:35-6.3 >>

13:35-6.3 Sexual misconduct

(a)-(b) (No change.)

(c) A licensee shall not engage in sexual contact with a patient with whom he or she has a patient-physician relationship. The patient-physician relationship is considered ongoing for purposes of this section in all contexts other than the provision of psychiatric or psychotherapeutic services, unless: actively terminated, by way of written notice to the patient pursuant to N.J.A.C. 13:35-6.22, documentation in the patient record and a minimum of 30 days has passed

from the rendition of the last professional service; or the last professional service was rendered more than one year ago.

1. (No change.)

(d)-(l) (No change.)

APPENDIX

(No change.)

<< NJ ADC 13:35-6.5 >>

13:35-6.5 Preparation of patient records, computerized records, access to or release of information; confidentiality, transfer or disposal of records

(a)-(b) (No change.)

(c) Licensees shall provide access to professional treatment records to a patient or an authorized representative in accordance with the following:

1.-3. (No change.)

4. Licensees may require a record request to be in writing and may charge a fee for:

i. The reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. (If the record requested is less than 10 pages, the licensee may charge up to \$10.00 to cover postage and the miscellaneous costs associated with retrieval of the record.) If the licensee is electing to provide a summary in lieu of the actual record, the charge for the summary shall not exceed the cost that would be charged for the actual record; and/or

ii. The reproduction of x-rays or any other material within a patient record which cannot be routinely copied or duplicated on a commercial photocopy machine, which shall be no more than the actual cost of the duplication of the materials, or the fee charged to the licensee for duplication, plus an administrative fee of the lesser of \$10.00 or 10 percent of the cost of reproduction to compensate for office personnel time spent retrieving or reproducing the materials and overhead costs.

5. Licensees shall not charge a patient for a copy of the patient's record when:

i. The licensee has affirmatively terminated a patient from practice in accordance with the requirements of N.J.A.C. 13:35-6.22; or

ii. The licensee leaves a practice that he or she was formerly a member of, or associated with, and the patient requests that his or her medical care continue to be provided by that licensee.

Recodify existing 5.-6. as 6.-7. (No change in text.)

(d)-(h) (No change.)

<< NJ ADC 13:35-6.10 >>

13:35-6.10 Advertising and solicitation practices

(a)-(l) (No change.)

(m) Any licensee advertising board certification in a specialty shall possess current certification by a specialty board or

certifying entity. Specialty boards recognized by the American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA), and/or the American Podiatric Medicine Association (APMA) shall be approved by the Board and included in a list maintained by the Board. A licensee advertising board certification shall conspicuously specify in the advertisement the specific specialty board or certifying entity granting the certification (for example, the American Board of Psychiatry and Neurology, the American Board of Radiology, etc.), the national organization recognizing such specialty board or certifying entity (for example, ABMS, AOA, APMA, etc.), if any, and, if not included in the name of the specialty board or certifying entity itself, the field of medical or surgical specialty in which the certification was conferred.

(n)-(o) (No change.)

<< NJ ADC 13:35-6.13 >>

13:35-6.13 Fee schedule

(a) The following fees shall be charged by the Board of Medical Examiners:

1. Medicine and Surgery (M.D. or D.O. license)

i. (No change.)

ii. Initial license fee

(1)-(2) (No change.)

iii.-v. (No change.)

vi. Biennial license 340.00

vii. Biennial license for licensee over 65 without health care facility or HMO affiliation 125.00

viii. (No change.)

2. Podiatry (license)

i.-ii. (No change.)

iii. Initial license fee

(1)-(2) (No change.)

iv. (No change.)

v. Biennial license \$230.00

vi. Biennial license for licensee over 65 without health care facility or HMO affiliation 85.00

vii. (No change.)

3. Bioanalytical laboratory directorship, plenary or specialty license

i. (No change.)

ii. Examination 350.00

iii. (No change.)

iv. Initial license fee

(1)-(2) (No change.)

v. Biennial license \$230.00

4. Midwifery (license)

i. (No change.)

ii. Examination 50.00

iii. Endorsement 50.00

iv. Initial license fee

(1)-(2) (No change.)

v. Biennial license \$230.00 M

vi. Biennial prescriptive authorization 50.00

(Certified Nurse Midwife)

5. (No change in text.)

6. General

i.-iv. (No change.)

v. Reinstatement fee 175.00

vi. Inactive license fee (to be determined by Director by regulation)

<< NJ ADC 13:35-6.18 >>

13:35-6.18 Medical malpractice coverage; letter of credit

(a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

"Authorized" means recognized by a governmental agency to offer medical malpractice insurance products.

"Covered" means ongoing maintenance of insurance in the sum of \$1 million per occurrence and \$3 million dollars per policy year, with extended reporting endorsement coverage for claims made ("tail coverage") issued by a carrier or other entity authorized to write medical malpractice policies.

"Letter of credit" means a non-assignable, non-transferable, unexpired, continuous irrevocable obligation, liability bond or other instrument issued by a bank or saving association authorized to do business in this State, payable to the physician or podiatrist as the beneficiary within 30 days after a demand for payment and the presentation of a final judgment or settlement in a medical malpractice action.

"Maintaining a professional practice with responsibility for patient care" means the furnishing of professional services to patients in New Jersey, including, but not limited to, the testing for, or diagnosis of, or the offering or furnishing of treatment, preventative medical care or consultation relating to human disease or dysfunction or physical condition, including the prescribing, administering or dispensing of products, devices or drugs at a place, such as an office (even if located in a home), hospital or clinic, or through a business entity, such as a laboratory or mobile van service.

"Not available" means that a physician or podiatrist is unable to purchase medical malpractice insurance coverage from a carrier authorized to write medical malpractice insurance, including through programs relating to risk retention groups deemed eligible by the Department of Banking and Insurance, surplus lines registered with the Department of Banking and Insurance, self-insurance trusts or captive insurance companies approved by the New Jersey Health Care Facilities Financing Authority in the Department of Health and Senior Services. "Not available" for purposes of this section does not mean "not affordable."

(b)-(e) (No change.)

<< NJ ADC 13:35-6.19 >>

13:35-6.19 Duty to report changes in status

(a)-(b) (No change.)

(c) A licensee shall provide notice to the Board in writing within 10 days of any changes in circumstances which would alter the response last provided by the licensee to questions on the biennial renewal form eliciting information pertaining to pending or finalized actions, including those predicated on a no contest or nolo contendere plea or other consensual or voluntary agreement, or a surrender or resignation of license or of privileges or a consent to limitations on practice which occurred in the face of an investigation or of pending action. Reporting of the following actions is required:

1. Pending or final actions by criminal authorities for violations of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense pursuant to the laws of the United States, this State or another state, including, but not limited to:

- i. Criminal homicide pursuant to N.J.S.A. 2C:11-2;
- ii. Aggravated assault pursuant to N.J.S.A. 2C:12-1;
- iii. Sexual assault, criminal sexual contact or lewdness pursuant to N.J.S.A. 2C:14-2 through 2C:14-4; or
- iv. An offense involving any controlled dangerous substance or controlled substance analog as set forth in N.J.S.A. 2C:35-1 et seq.;

2.-8. (No change.)

(d) A licensee, who is not already known to the Board's Impairment Review Committee through participation in the Alternative Resolution Program, shall provide notice to the Board in writing within 21 days of any changes in circumstances which would alter the response last provided by the licensee to questions on the biennial renewal form pertaining to medical conditions and use of chemical substances which in any way impair or limit the licensee's ability to practice with reasonable skill and safety. Licensees shall provide notice to the Board of any hospitalization, in-patient treatment or participation in supervised rehabilitation programs relating to these medical conditions. Licensees shall notify the Board of any leave of absence taken from a health care facility or health maintenance organization for reasons related to these medical conditions. (Parental leaves need not be reported.) Any notices received by the Board pursuant to this subsection shall be retained by the Board in a confidential manner and shall not be deemed to be public records within the meaning of N.J.S.A. 47:1A-1 et seq.

(e)-(f) (No change.)

(g) Failure by a licensee to provide the Board with notice of any information required pursuant to this section within the required time period of the change or the event necessitating the filing of the notice may be deemed professional misconduct within the meaning of N.J.S.A. 45:1-21(e).

<< NJ ADC 13:35-6.24 >>

13:35-6.24 Reporting of communicable diseases by licensees

(a) A licensee shall report a case of a communicable disease in accordance with Department of Health and Senior Services regulations at N.J.A.C. 8:57- 1.

(b) A licensee shall report a case of Acquired Immunodeficiency Syndrome (AIDS) and infection with Human Immunodeficiency Virus (HIV) in accordance with Department of Health and Senior Services regulations at N.J.A.C. 8:57-2.

(c) Failure to report pursuant to the requirements of this section shall constitute professional misconduct subjecting the licensee to disciplinary action by the Board.

<< NJ ADC 13:35-7.2 >>

13:35-7.2 Requirements for issuing written prescriptions for medicines

(a)-(g) (No change.)

(h) Each prescription for a controlled substance shall be written on a separate NJPB.

1. An NJPB that contains prescriptions for two or more controlled substances shall be invalid.

2. An NJPB that contains a prescription for only one controlled substance and contains other prescription(s) other than another controlled substance shall be valid.

<< NJ ADC 13:35-8.3 >>

13:35-8.3 Training and experience requirements

(a) An applicant for licensure as a hearing aid dispenser shall submit one of the following to the Committee:

1. (No change.)
2. Proof of successful completion of a college curriculum in hearing aid selection and fitting approved by the Committee and/or the Commission on Higher Education; or

3. (No change.)

(b)-(f) (No change.)

<< NJ ADC 13:35-8.11 >>

13:35-8.11 Notification to the Committee; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a)-(b) (No change.)

(c) All licenses issued by the Committee shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-8.19 prior to the expiration date of the license.

(d) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(e) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-8.19. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(f) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice.

(g) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (f) above may be reinstated by the Committee upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-8.19;
2. Completion of the continuing education units required for each biennial registration period for which the licensee was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(h) In addition to the fulfilling the requirements set forth in (g) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to the dispensing of hearing aids shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Committee that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Committee prior to reinstatement of his or her license.

(i) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-8.19 and shall not engage in the

dispensing of hearing aids.

(j) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Committee upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the continuing education units required for each biennial registration period for which the licensee was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(k) In addition to the fulfilling the requirements set forth in (j) above, a licensee who has been on inactive status for more than five years who wishes to return to the dispensing of hearing aids shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Committee that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Committee prior to reinstatement of his or her license.

<< NJ ADC 13:35-8.17 >>

13:35-8.17 Licensing examination

(a) (No change.)

(b) The written examination shall consist of two sections, one section relating to theory and knowledge about fitting and dispensing hearing aids and the other section testing knowledge relating to the laws and regulations governing the practice of fitting and dispensing hearing aids.

1. In order to pass the licensing examination the candidate shall attain a passing score as determined by the examining agency on the written section of the examination relating to theory and knowledge about fitting and dispensing hearing aids and a score of 70 or greater on the written section of the examination relating to laws and regulations.

2. Candidates who fail all or any section of the written examination shall be required to sit for the entire licensing examination during the next regularly scheduled examination with one exception: candidates failing only the law and regulation section may be admitted to a re-examination for this section only.

(c) In order to pass the practical examination, a candidate shall attain a passing grade on each part of the practical examination. A candidate shall be eligible to re-take the part(s) failed for one additional examination. No passing credit shall be carried over to a third examination and the candidate failing two exam sessions shall be required to take all sections of the examination.

(d) All examinations and re-examinations will be offered only during the regularly scheduled examination session except for the re-examination of the law and regulation section.

<< NJ ADC 13:35-8.19 >>

13:35-8.19 Fee schedule

(a) The fee schedule for the Hearing Aid Dispensers Examining Committee of the State Board of Medical Examiners, in the Division of Consumer Affairs in the Department of Law and Public Safety, shall be as follows:

1.-10. (No change.)

11. Inactive license fee (to be determined by the Director by regulation)

Recodify existing 11.-12. as 12.-13. (No change in text.)

(b)-(c) (No change.)

<< NJ ADC 13:35-8.20 >>

13:35-8.20 License renewal; continuing education requirement

(a)-(b) (No change.)

(c) The number of creditable course hours and course contents must be accepted and approved by the National Institute for Hearing Instruments Studies (NIHIS), the educational arm of the International Hearing Society (IHS), and the Committee. A licensee who completes a three or more credit course in hearing aid dispensing at an accredited college or university shall upon the approval of the Committee receive credit for 10 continuing education course hours.

(d)-(e) (No change.)

SUBCHAPTER 9. ACUPUNCTURE

<< NJ ADC 13:35-9.6 >>

13:35-9.6 Fee schedule; refunds

(a) The Board shall charge the following fees:

1.-3. (No change.)

4. Initial Certification Fee:

i. If paid during the first year of a biennial renewal period \$230.00

ii. If paid during the second year of a biennial renewal period \$115.00

5. Biennial Certification \$230.00

6. Duplicate or replacement of biennial certificate \$225.00

7. Late Fee (biennial certification) \$250.00

8. Inactive Certificate Fee (to be determined by Director by regulation)

9.-10. (No change.)

11. Preparation of certification papers for applicants to other states \$225.00

(b) (No change in text.)

(c) After the 14-day period in (b) above, an applicant who fails to sit for an examination for which payment has been submitted may, one time only, have the fee credited toward the next scheduled examination. The fee will be entirely forfeited if the applicant fails to sit for the succeeding examination.

(d) (No change in text.)

<< NJ ADC 13:35-9.7 >>

13:35-9.7 Biennial certificate renewal; certificate suspension; reinstatement of suspended certificate; inactive status; return from inactive status; display of certificate

(a) All certificates to practice acupuncture issued by the Board shall be issued for a two-year biennial certification period. A certificate holder who seeks renewal of the certificate shall submit a renewal application and the renewal fee set forth in N.J.A.C. 13:35-9.6 prior to the expiration date of the certificate.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a certificate holder does not renew the certificate prior to its expiration date, the certificate holder may renew the certificate within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-9.6. During this 30-day period, the certificate shall be valid, and the certificate holder shall not be deemed to be engaged in unauthorized practice.

(d) A certificate that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended certificate shall be deemed to be engaged in unauthorized practice.

(e) A certificate holder whose certificate has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-9.6;
2. Completion of the continuing education units required for each biennial registration period for which the certificate holder was suspended; and
3. Submission of an affidavit of employment listing each job held during the period of suspended certificate which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a certificate holder whose certificate has been automatically suspended for more than five years who wishes to return to have his or her certificate reinstated shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her certificate.

(g) Renewal applications shall provide the certificate holder with the option of either active or inactive status. A certificate holder electing inactive status shall pay the inactive certificate fee set forth in N.J.A.C. 13:35- 9.6 and shall not engage in the practice of acupuncture.

(h) A certificate holder who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee;
2. The completion of the continuing education units required for each biennial certification period for which the certificate holder was on inactive status; and
3. Submission of an affidavit of employment listing each job held during the period the certificate holder was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a certificate holder who has been on inactive status for more than five years who wishes to return to practice shall reapply for certification and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her certificate.

(j) The certificate shall be posted in a conspicuous location in the office of the acupuncturist. If the acupuncturist has more than one office, he or she shall obtain from the Board duplicate certificates for each location.

<< NJ ADC 13:35-9.9 >>

13:35-9.9 Accepted equipment and devices; procedures

(a) Certificate holders may use any of the following to effect the stimulation of acupuncture points and channels: needles, moxa, cupping, thermal methods, herbal applications, magnetic stimulation, gwa-sha scraping techniques,

acupatches, acuform, teishin (pressure needles), manual acutotement (defined as stimulation by an instrument that does not pierce the skin), acupressure, electroacupuncture (whether utilizing electrodes on the surface of the skin or current applied to inserted needles), laser bio-stimulation in accordance with relevant Federal law including United States Food and Drug Administration rules and regulations, and ultrasonic stimulation of acupuncture points and channels.

(b)-(c) (No change.)

<< NJ ADC 13:35-9.10 >>

13:35-9.10 Precautionary and sterilization procedures

(a)-(e) (No change.)

(f) If a certificate holder learns that a patient has a blood-borne infectious disease, the certificate holder shall use only disposable needles in treating the patient.

(g) (No change.)

<< NJ ADC 13:35-9.11 >>

13:35-9.11 Preparation of patient records; computerized records; access to or release of information; confidentiality, transfer or disposal of records

(a) The following words and terms, as used in this section, shall have the following meanings unless the context clearly indicates otherwise:

1. (No change.)

2. "Patient" means any person who is the recipient of a professional service rendered by a certificate holder for purposes of treatment.

(b) Acupuncturists shall prepare contemporaneous, permanent professional treatment records. Acupuncturists shall also maintain records relating to billings made to patients and third-party carriers for professional services. All treatment records, bills and claim forms shall accurately reflect the treatment or services rendered. Treatment records shall be maintained for a period of seven years from the date of the most recent entry.

1. (No change.)

2. Corrections and/or additions may be made to an existing record, provided that each change is clearly identified as such, dated and initialed by the certificate holder;

3. (No change.)

(c) Acupuncturists shall provide access to professional treatment records to a patient or an authorized representative in accordance with the following:

1.-2. (No change.)

3. Acupuncturist may require that a record request be in writing and may charge a fee for the reproduction of records, which shall be no greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If the certificate holder elects to provide a summary in lieu of the actual record, the charge for the summary shall not exceed the cost that would be charged for the actual record.

4. (No change.)

5. The acupuncturist shall not refuse to provide a professional treatment record on the grounds that the patient owes the

certificate holder an unpaid balance if the record is needed by another health care professional for the purpose of rendering care.

(d)-(e) (No change.)

(f) If an acupuncturist ceases to engage in practice or it is anticipated that he or she will remain out of practice for more than three months, the acupuncturist or designee shall:

1. Establish a procedure by which patients can obtain a copy of the treatment records or acquiesce in the transfer of those records to another certificate holder who is assuming responsibilities of the practice. However, an acupuncturist shall not charge a patient, pursuant to (c)3 above, for a copy of the records when the records will be used for purposes of continuing treatment or care.

2.-3. (No change.)

<< NJ ADC 13:35-9.17 >>

13:35-9.17 Continuing professional education requirements

(a) The provisions of this section shall apply to all acupuncturists applying for biennial certificate renewal except those seeking renewal for the first time.

(b) No certificate renewal shall be issued by the Board unless the acupuncturist confirms on his or her renewal application that during the biennial period preceding application for renewal the acupuncturist participated in courses or activities of continuing education of the type and number of credits specified in this section. Evidence of 20 documented hours of continuing education is a mandatory requirement for certificate renewal, except for initial renewal.

1.-2. (No change.)

(c) Credit for continuing professional education shall be granted as follows for each two-year period:

1.-2. (No change.)

3. Successful completion of graduate course work taken beyond that required for professional certificate; one hour per credit hour; and

4. (No change.)

(d) (No change.)

(e) Credits taken in excess of the 20 required for biennial certificate renewal shall not be carried over for use in subsequent renewal periods.

(f) (No change.)

SUBCHAPTER 10. ATHLETIC TRAINERS

<< NJ ADC 13:35-10.4 >>

13:35-10.4 Licensure; biennial license renewal; license suspension; reinstatement of suspended license; inactive status; return from inactive status

(a) All licenses issued by the Board shall be issued for a two-year biennial licensure period. A licensee who seeks renewal of the license shall submit a completed renewal application and the renewal fee as set forth in N.J.A.C. 13:35-10.7 prior to the expiration date of the license.

(b) The Board shall send a notice of renewal to each licensee at the address registered with the Board at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee and a late fee, as set forth in N.J.A.C. 13:35-10.7. During this 30-day period, the license shall be valid, and the licensee shall not be deemed to be practicing without a license.

(d) A license that is not renewed within 30 days of its expiration shall be automatically suspended. An individual who continues to practice with a suspended license shall be deemed to be engaged in unlicensed practice and shall be subject to penalties for practicing without a license.

(e) A licensee whose license has been automatically suspended for five years or less for failure to renew pursuant to (d) above may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:35-10.7; and
2. Submission of an affidavit of employment listing each job held during the period of suspended license which includes the name, address, and telephone number of each employer.

(f) In addition to the fulfilling the requirements set forth in (e) above, a licensee whose license has been automatically suspended for more than five years who wishes to return to practice shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while suspended may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

(g) Renewal applications shall provide the licensee with the option of either active or inactive status. A licensee electing inactive status shall pay the inactive license fee set forth in N.J.A.C. 13:35-10.7 and shall not engage in practice.

(h) A licensee who elected inactive status and has been on inactive status for five years or less may be reinstated by the Board upon completion of the following:

1. Payment of the reinstatement fee; and
2. Submission of an affidavit of employment listing each job held during the period the licensee was on inactive status which includes the name, address, and telephone number of each employer.

(i) In addition to the fulfilling the requirements set forth in (h) above, a licensee who has been on inactive status for more than five years who wishes to return to the practice of medicine shall reapply for licensure and shall demonstrate that he or she has maintained proficiency. An applicant who fails to demonstrate to the satisfaction of the Board that he or she has maintained proficiency while on inactive status may be subject to an examination or other requirements as determined by the Board prior to reinstatement of his or her license.

<< NJ ADC 13:35-10.5 >>

13:35-10.5 (No change in text.)

<< NJ ADC 13:35-10.6 >>

13:35-10.6 Violations

Without limiting the prosecution of any practices which may be unlawful under any other state or Federal law, a violation of this subchapter shall be deemed to be a violation of the Athletic Training Licensure Act, N.J.S.A. 45:9-

37.35 et seq., and shall be subject to the sanctions and penalties of N.J.S.A. 45:1-1 et seq.

<< NJ ADC 13:35-10.7 >>

13:35-10.7 Fees

(a) The following fees shall be charged by the Board for athletic trainer licensure:

- 1.-5. (No change.)
- 6. Reinstatement fee \$60.00
- 7. Inactive license fee (to be determined by the Director by regulation)