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RULE ADOPTIONS
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

Readoption with Amendments: N.J.A.C. 13:45C

Uniform Regulations

Licensee Duty to Cooperate and Comply with Board Orders

Proposed: September 6, 2005 at 37 N.J.R. 3268(a).

Adopted: January 12, 2006 by Peter C. Harvey, Attorney General.

Filed: January 26, 2006 as R.2006 d.81, without change.

Authority: N.J.S.A. 5:8-30.2, 45:1-17(b) and 52:17B-122.

Effective Date: January 26, 2006, Readoption;

February 21, 2006, Amendments.

Expiration Date: January 26, 2011.

Federal Standards Statement

A Federal standards analysis is not required because the readopted rules and the adopted amendments are not subject to any Federal standards or requirements.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:45C.

Full text of the adopted amendments follows:

13:45C-1.1 Applicability, scope and definitions

(a) (No change.)

(b) For the purpose of this subchapter, "licensee" shall mean any licensee, permittee, certificate holder or registrant of:

1. (No change.)

2. Any professional or occupational licensing board, committee, or other subunit of a board or committee located within the Division; or

3. (No change in text.)

13:45C-1.3 Specific conduct deemed failure to cooperate

(a) The following conduct by a licensee may be deemed a failure to cooperate and, therefore, professional or occupational misconduct and grounds for disciplinary action including, but not limited to, suspension or revocation of licensure:

1.-7. (No change.)

13:45C-1.6 Maintenance of and access to statements, records or other information that is subject to a privilege declared unavailable

(a) (No change.)

(b) Except as may be otherwise ordered as provided in the subchapter, access to statements, records or other information shall be afforded only to employees and agents of, and experts or other consultants retained by, the Attorney General, the Enforcement Bureau, or the Board or other subunit of the Division having a direct connection with, or a need for access to, the matter to which the statement, records or other information pertain.

(c) The statements, records or other information may be retained for the period of time during which an investigation remains open or until the completion of all administrative or judicial proceedings relating thereto, at which time they may be returned to the licensee or other person from whom they were obtained. In the absence of such licensee or other person, the statements, records or other information may be returned to the patient, where appropriate.