

CHAPTER 78

AN ACT concerning professional and occupational licenses, and amending P.L.2013, c.182.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 3 of P.L.2013, c.182 (C.45:1-7.5) is amended to read as follows:

C.45:1-7.5 Issuance of professional or occupational license, certificate of registration, or certification.

3. a. Upon receipt of a completed application, application fee, consent to a criminal history record background check, if applicable, and requisite fee for such a check, a board shall issue a professional or occupational license, certificate of registration, or certification to any person who documents that the person holds a valid, current corresponding professional or occupational license, certificate of registration, or certification in good standing issued by another state, if:

(1) the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure, registration, or certification substantially equivalent to the current standards of this State, as determined by the board or committee;

(2) the applicant had been practicing in the profession for which licensure in this State is sought, within the five years prior to the date of the application; and

(3) the requirements of subsection b. of this section have been satisfied with respect to the person.

b. Prior to the issuance of the license, certificate of registration, or certification pursuant to subsection a. of this section, the board or committee shall have received or obtained:

(1) documentation reasonably satisfactory to the board that the applicant's license, certificate of registration, or certification in that other state is valid, current, and in good standing;

(2) if a person is seeking licensure as a health care professional as defined in section 1 of P.L.2002, c.104 (C.45:1-28), or if a criminal history record background check is otherwise required prior to licensure in this State, the results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police that does not disclose a conviction for a disqualifying crime; and

(3) designation of an agent in this State for service of process if the applicant is not a New Jersey resident and does not have an office in New Jersey.

The provisions of paragraph (1) of this subsection shall be deemed to be satisfied with respect to a person who is seeking a license, certificate of registration, or certification pursuant to subsection a. of this section for the six months immediately following a natural disaster or other catastrophic event that occurred in the state that issued the person's corresponding professional or occupational license, certificate of registration, or certification if the board, upon inquiry, determines that the issuing state is unable to timely provide the documentation following the natural disaster or catastrophic event. Notwithstanding this six-month time limit, in the case of a person seeking a license, certificate of registration, or certification pursuant to this paragraph due to a natural disaster or other catastrophic event that occurred on or after August 1, 2017, the board shall accept such a request for a period of not more than 12 months after the effective date of P.L.2018, c.78 if the board, upon inquiry, determines that the issuing state is unable to timely provide the documentation following the natural disaster or catastrophic event. The person shall submit the required documentation as soon as practicable.

- c. For purposes of this section:

“Good standing” means that:

- (1) no action has been taken against the applicant's license by any licensing board;
- (2) no action affecting the applicant's privileges to practice that applicant's profession has been taken by any out-of-State institution, organization, or employer;
- (3) no disciplinary proceeding is pending that could affect the applicant's privileges to practice that applicant's profession;
- (4) all fines levied by any out-of-State board have been paid; and
- (5) there is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog.

“State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States.

d. For purposes of this section, a "substantially equivalent" examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.

e. An applicant's experience may be considered by the board or committee to compensate for disparity in substantial equivalence in education and examination requirements under subsection a. of this section.

f. An applicant shall satisfy or shall have satisfied all applicable prerequisites required for initial licensure in this State, such as obtaining insurance, including malpractice insurance, a surety bond, or a pressure seal.

g. An applicant shall answer truthfully all questions asked of an applicant for initial licensure.

h. Not later than six months after the issuance of the license, the board or committee shall have received documentation reasonably satisfactory to the board verifying the person's education, training, and examination results.

i. A board or committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

j. Nothing contained in this section shall preclude a board from requiring an applicant for licensure based on an out-of-State license to take an on-line jurisprudence course or an orientation available to the applicant at any time.

k. Nothing contained in this section shall preclude a board from only granting a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state if equal reciprocity is provided for a New Jersey applicant for licensure under the law of that other state.

l. Nothing in this section shall preclude a board from exercising its discretion to grant a license, certificate of registration, or certification without examination to an applicant seeking reciprocity who holds a corresponding license, certificate of registration, or certification from another state who does not meet the good standing requirement of subsection a. of this section due to a pending action by a licensing board, a pending action by an out-of-State institution, organization, or employer affecting the applicant's privileges to practice, a pending disciplinary proceeding, or a pending criminal charge or arrest for a crime.

m. Notwithstanding any law or regulation to the contrary, the provisions of this section shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L.1978, c.73 (C.45:1-15), except that the provisions of this section shall not apply to any holder of a license issued or renewed by the Board of Examiners of Electrical Contractors pursuant to P.L.1962, c.162 (C.45:5A-1 et seq.), the State Board of Examiners of Master Plumbers pursuant to P.L.1968, c. 362 (C.45:14C-1 et seq.), the New Jersey Real Estate Commission pursuant to R.S.45:15-1 et seq., or the State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors pursuant to P.L.2007, c.211 (C.45:16A-1 et seq.).

2. This act shall take effect immediately.

Approved August 10, 2018.