



NEW JERSEY DIVISION OF CONSUMER AFFAIRS

(/)



i Alert



On July 3, 2023, Governor Murphy signed into law **P.L. 2023, c.93** (https://pub.njleg.state.nj.us/Bills/2022/PL23/93_.PDF), which, among other things, requires sellers of real property located in New Jersey to make certain additional disclosures concerning flood risks on the “Seller’s Property Condition Disclosure Statement” (“Disclosure Statement”).

On December 21, 2023, the Division of Consumer Affairs (“Division”) published the amended version of the Disclosure Statement on its website which includes the new questions concerning flood risks required by the law. A copy of the amended Disclosure Statement is available **here** (<https://www.njconsumeraffairs.gov/Documents/Sellers-Property-Condition-Disclosure-Statement.pdf>).

Answering these new questions concerning flood risks is mandatory under the law, as now codified in NJSA 56:8-19.2. Thus, **effective March 20, 2024, all sellers of real property (including both residential and commercial property) must answer these questions** (currently numbered 109-117 in the Disclosure Statement) before the purchaser becomes obligated under any contract for the purchase of the property. This is the case regardless of whether the remainder of the Disclosure Statement is being completed.

The Division expects to promulgate updated regulations in accordance with the law as well.

i Alert



The Division of Consumer Affairs issued an alert to support health care practitioners in their efforts to protect patient data and information from disclosure. This alert, available [here](#), identifies steps that practitioners can take to avoid collecting unnecessary data and to safeguard the data that they do collect and store.

The Division of Consumer Affairs issued a Consumer Alert regarding crisis pregnancy centers. This alert is available (<https://www.njconsumeraffairs.gov/Documents/data-privacy-guidance.pdf>) [here](#) (<https://www.njconsumeraffairs.gov/Documents/crisis-pregnancy-centers.pdf>).

i Alert



SCAM ALERT

The Division of Consumer Affairs (Division) is warning all licensed professionals about individuals impersonating New Jersey Division of Consumer Affairs (DCA) investigators, Drug Enforcement Administration (DEA) agents, DEA investigators, New Jersey Drug Control Unit investigators, Federal Bureau of Investigation (FBI) investigators, and other law enforcement personnel, as part of an extortion scheme.

The impersonators are contacting licensees by telephone or letter, stating that they are the subject of an investigation. The callers are demanding money to clear up the matter, or threatening to revoke the individual's license. Please be advised that the Division of Consumer Affairs will not contact licensees by telephone to discuss investigations or demand money.

Anyone receiving a telephone call from a person purporting to be any of the above mentioned individuals seeking money, should refuse the demand. We encourage you to report the call to the Federal Trade Commission (FTC) at [ReportFraud.ftc.gov](https://reportfraud.ftc.gov) (<https://reportfraud.ftc.gov>). You may also report the call to the Division at AskConsumerAffairs@lps.state.nj.us (<mailto:AskConsumerAffairs@lps.state.nj.us>).

Rule Proposal

56 N.J.R. 1230(a)

VOLUME 56, ISSUE 14, JULY 15, 2024

RULE PROPOSALS

Reporter

56 N.J.R. 1230(a)

NJ - New Jersey Register > 2024 > JULY > JULY 15, 2024 > RULE PROPOSALS > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS

Interested Persons Statement

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in a subsequent notice in the Register. At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF MEDICAL

EXAMINERS

Administrative Code Citation

Proposed Amendment: N.J.A.C. 13:35-6.15

Text

Explicit and Implicit Bias Continuing Education

Authorized By: Board of Medical Examiners, Antonia Winstead, Executive Director.

Authority: N.J.S.A. 45:9-2.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: **PRN 2024-088.**

Submit written comments by **September 13, 2024**, to:

Antonia Winstead, Executive Director

Board of Medical Examiners

140 East Front Street, 2nd Floor

PO Box 183

Trenton, NJ 08625

or electronically at:

<http://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx>

The agency proposal follows:

Summary

P.L. 2021, c. 79, requires physicians who provide perinatal treatment and care to pregnant persons to complete one credit of continuing education concerning explicit and implicit bias.

The law sets forth the topics that the continuing education course must cover, including:

1. Identifying previous and current unconscious biases and misinformation when providing perinatal treatment and care to, or interacting with, pregnant persons;
2. Identifying environmental, personal, interpersonal, institutional, and cultural barriers to inclusion;
3. Information on the effects of historical and contemporary exclusion and oppression of minority communities;

4. Information about cultural identity across racial, ethnic, and other marginalized groups;
5. Information about communicating more effectively across racial, ethnic, religious, and gender identities;
6. Information about reproductive justice;
7. A discussion on power dynamics and organizational decision-making and their effects on explicit and implicit bias;
8. A discussion on inequities and racial, ethnic, and other disparities within the field of perinatal care, and how explicit and implicit bias may contribute to pregnancy-related deaths and maternal and infant health outcomes;
9. Corrective measures to decrease explicit and implicit bias at the interpersonal and institutional levels; and

10. Review of the annual report of the New Jersey Maternal Mortality Review Committee. The Board of Medical Examiners (Board) proposes amendments at N.J.A.C. 13:35-6.15 to effectuate P.L. 2021, c. 79. Specifically, the Board proposes to amend existing N.J.A.C. 13:35-6.15(b) to reflect proposed recodifications in the rule and proposes to amend existing subsection (c), so that provisions regarding continuing education in prescription opioid drugs are relocated to proposed new subsection (d). Proposed new subsections (e) and (f) address continuing education requirements in explicit and implicit bias required pursuant to P.L. 2021, c. 79. Requiring continuing education on these topics will help ensure that physicians who provide perinatal treatment and care to pregnant persons have a basic understanding of the factors that contribute to the high rates of maternal and infant mortality and morbidity in historically underserved communities.

The Board has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Social Impact

The Board believes that the proposed amendments will benefit patients who receive perinatal treatment and care from physicians. The continuing education credit in implicit and explicit bias will help to ensure that such physicians understand the role of implicit and explicit bias in perpetuating deeply rooted disparities in maternal and infant health outcomes. Recognizing the influence of implicit and explicit bias on perinatal treatment and care is an essential step toward eliminating those disparities.

Economic Impact

The Board does not anticipate that the proposed amendments will have any economic

impact as the proposed amendments do not increase the total number of continuing education credits a physician is required to complete.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal laws or standards applicable to the proposed amendments.

Jobs Impact

The Board does not believe that the proposed amendments will result in an increase or decrease in the number of jobs in New Jersey.

Agriculture Industry Impact

The Board does not believe that the proposed amendments will have any impact on the agriculture industry of this State.

[page=1231]

Regulatory Flexibility Analysis

Any physician who is a "business which is resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees" constitutes a "small business" within the meaning of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. (RFA). To the extent that a physician may qualify as a "small business" within the meaning of the RFA, the following analysis applies, pursuant to N.J.S.A. 52:14B-19.

The proposed amendments will not impose any costs and the Board does not believe that physicians will need to employ any professional services to comply with the requirements of the proposed amendments. The proposed amendments impose no new recordkeeping or reporting requirements. However, they do impose compliance requirements as detailed in the Summary above.

The Board believes that the proposed amendments promote the welfare and safety of patients who receive perinatal treatment and care from physicians. Therefore, the proposed amendments must be applied uniformly to all physicians regardless of business size.

Housing Affordability Impact Analysis

The proposed amendments will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern continuing education requirements for physicians.

Smart Growth Development Impact Analysis

The proposed amendments will have an insignificant impact on smart growth and there is an

extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments concern continuing education requirements for physicians.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 6. GENERAL RULES OF PRACTICE

13:35-6.15 Continuing medical education

(a) (No change.)

(b) Except as provided [in (d)] **at (g)** below, a licensee applying for a biennial license renewal shall complete 100 continuing medical education credits in Category I or Category II courses, of which at least 40 of such credits shall be in Category I.

(c) Commencing with the biennial renewal period beginning on July 1, 2013, two of the 40 credits in Category I courses shall, pursuant to P.L. 2011, c. 145 (N.J.S.A. 45:9-7.7), be in programs or topics related to end-of-life care.

(d) Commencing with the biennial renewal period beginning on July 1, 2017, one of the 40 credits in Category I courses shall, pursuant to P.L. 2017, c. 28, be in programs or topics concerning prescription opioid drugs, including responsible prescribing practices, alternatives to opioids for managing and treating pain, and the risks and signs of opioid abuse, addiction, and diversion.

(e) Commencing with the biennial renewal period beginning on July 1, 2025, for a licensee who provides perinatal treatment and care to pregnant persons, one of the 40 credits in Category I courses shall, pursuant to P.L. 2021, c. 79, consist of evidence-based training in explicit and implicit bias that includes:

- 1. Identifying previous and current unconscious biases and misinformation when providing perinatal treatment and care to, or interacting with, pregnant persons;**
- 2. Identifying environmental, personal, interpersonal, institutional, and cultural barriers to inclusion;**
- 3. Information on the effects of historical and contemporary exclusion and oppression of minority communities;**

4. Information about cultural identity across racial, ethnic, and other marginalized groups;
5. Information about communicating more effectively across racial, ethnic, religious, and gender identities;
6. Information about reproductive justice;
7. A discussion on power dynamics and organizational decision-making and their effects on explicit and implicit bias;
8. A discussion on inequities and racial, ethnic, and other disparities within the field of perinatal care, and how explicit and implicit bias may contribute to pregnancy-related deaths and maternal and infant health outcomes;
9. Corrective measures to decrease explicit and implicit bias at the interpersonal and institutional levels; and
10. Review of the annual report of the New Jersey Maternal Mortality Review Committee.

(f) For the purposes of (e) above, the following words and terms shall have the following meanings when used in this section:

"Explicit bias" means attitudes and beliefs about a person or group on a conscious level.

"Implicit bias" means a bias in judgment or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes, that often operate at a level below conscious awareness and without intentional control.

"Implicit stereotypes" means the unconscious attributions of particular qualities to a member of a certain social group, influenced by experience, and based on learned associations between various qualities and social categories, including race and gender.

"Perinatal care" means the provision of care during pregnancy, labor, delivery, postpartum, and neonatal periods.

Recodify existing (d)-(o) as (g)-(r) (No change in text.)

PLEASE NOTE:

The comment forms are currently being modified.

In order to ensure your comments are received, please send your comments concerning any rule proposals via email to DCAProposal@dca.lps.state.nj.us (<mailto:DCAProposal@dca.lps.state.nj.us>).

Please include the following in your email:

- **Email Subject Line:** Rule Proposal Subject
- **Email Body:** Comments to the Rule Proposal, Name, Affiliation and Contact Information (*email address and telephone number*)

Last Modified: 7/15/2024 10:01 AM

Division

[Division Home \(/Pages/default.aspx\)](/Pages/default.aspx)

[Consumer Protection \(/ocp/Pages/default.aspx\)](/ocp/Pages/default.aspx)

[Licensing Boards \(/Pages/Board-Committee-Complaint-Forms.aspx\)](/Pages/Board-Committee-Complaint-Forms.aspx)

[File a Complaint \(/Pages/Consumer-Complaints.aspx\)](/Pages/Consumer-Complaints.aspx)

[Adoptions & Rule Proposals \(/Pages/adoptions.aspx\)](/Pages/adoptions.aspx)

[Internship Opportunities \(/Pages/Internship-Program.aspx\)](/Pages/Internship-Program.aspx)

Department

[OAG Home \(https://www.njoag.gov\)](https://www.njoag.gov)

[Contact OAG \(https://www.njoag.gov/contact\)](https://www.njoag.gov/contact)

[OAG News \(https://www.njoag.gov/news/\)](https://www.njoag.gov/news/)

[Employment \(https://www.njoag.gov/careers/all-job-postings\)](https://www.njoag.gov/careers/all-job-postings)

State

[NJ Home \(http://www.nj.gov/\)](http://www.nj.gov/)

[Services A-Z \(https://nj.gov/nj/gov/deptserv/alphaserv.html\)](https://nj.gov/nj/gov/deptserv/alphaserv.html)

[Departments/Agencies \(http://www.nj.gov/nj/deptserv.html\)](http://www.nj.gov/nj/deptserv.html)

[FAQs \(http://www.nj.gov/faqs/index.html\)](http://www.nj.gov/faqs/index.html)

Legal

Legal Statement (<http://www.nj.gov/nj/legal.html>)

Privacy Notice (<http://www.nj.gov/nj/privacy.html>)

Accessibility Statement (<http://www.nj.gov/nj/accessibility.html>)

RSS

Sign up for New Jersey Division of Consumer Affairs RSS feeds to get the latest information. You can select any category that you are interested in, and any time the website is updated you will receive a notification.

More information about RSS feeds. (</Pages/rss.aspx>)

Copyright © 2022 State of New Jersey.



(<https://www.state.nj.us/opra/>)