



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. 1067(a)

VOLUME 56, ISSUE 12, JUNE 17, 2024

RULE PROPOSALS

Reporter

56 N.J.R. 1067(a)

NJ - New Jersey Register > 2024 > JUNE > JUNE 17, 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 > STATE BOARD OF MEDICAL

Administrative Code Citation

Proposed Amendment: N.J.A.C. 13:35-2B.8

Text

Credit-Hour Requirements; Implicit and Explicit Bias Training

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

Authority: N.J.S.A. 45:9-27.26; and P.L. 2021, c. 79.

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

Proposal Number: PRN 2024-077.

Submit written comments by August 16, 2024, to:

Antonia Winstead, Executive Director

State Board of Medical Examiners

PO Box 183

Trenton, New Jersey 08625-0183

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

The agency proposal follows:

Summary

The State Board of Medical Examiners (Board), as recommended by the Physician Assistant Advisory Committee (Committee) is proposing to amend its rules to implement P.L. 2021, c. 79. New Jersey has high rates of maternal and infant mortality and wide racial disparities in maternal and infant health outcomes. P.L. 2021, c. 79, mandates that the Board [page=1068] require that the number of continuing education credits required of a licensed physician assistant who provides perinatal treatment and care to pregnant persons, as a condition of biennial renewal, include one credit of educational programs or topics concerning explicit and implicit bias.

The Board proposes to add new N.J.A.C. 13:35-2B.8(c), (d), and (e) to address the requirements at P.L. 2021, c. 79. Proposed new N.J.A.C. 13:35-2B.8(c) would require a physician assistant who provides perinatal treatment and care to pregnant persons to

complete one of the 50 continuing education credit hours currently required pursuant to subsection (a) on evidence-based explicit and implicit bias training that meets the requirements at proposed new subsection (d).

Proposed new N.J.A.C. 13:35-2B.8(d) sets forth the 10 topics required for evidence-based explicit and implicit bias training at N.J.S.A. 26:2H-12.108, which are applicable to physician assistants pursuant to N.J.S.A. 45:9-27.25c. 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.

Requiring continuing education on these topics will help ensure that physician assistants understand how to identify and prevent bias in the delivery of maternal health care, which has contributed to maternal and infant mortality, morbidity, and disparities.

Proposed N.J.A.C. 13:35-2B.8(e) defines terms used at new subsection (d). "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.

The Board has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Board believes that the proposed amendment will benefit patients who receive perinatal treatment and care from physician assistants. The continuing education credit in implicit and explicit bias will help to ensure that such physician assistants 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 amendment will have an economic impact on licensees because the proposed amendment does not require additional hours of continuing education. Rather, the proposed amendment requires that, for licensees providing perinatal treatment and care, one of the existing hours of continuing education be on the topic of explicit and implicit bias.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment is governed by N.J.S.A. 45:9-27.10 et seq., and is not subject to any Federal requirements or standards.

Jobs Impact

The Board does not believe that the proposed amendment will result in the creation or loss of jobs in the State.

Agriculture Industry Impact

The Board does not believe that the proposed amendment will have an impact on the agriculture industry in the State because the proposed amendment concerns implicit and explicit bias training for physician assistants who provide perinatal treatment and care.

Regulatory Flexibility Statement

The proposed amendment imposes continuing education requirements on physician assistants who provide perinatal treatment and care as described in the Summary above. Any such physician assistant that 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), as defined at N.J.S.A. 52:14B-17. To the extent a physician assistant qualifies as a "small business" pursuant to the RFA, the following analysis applies pursuant to N.J.S.A. 52:14B-19.

The economic impact on small businesses will be the same as that imposed on all businesses as detailed in the Economic Impact statement. As the proposed amendment does not expand the total number of hours of continuing education required, the proposed amendment does not impose any additional burdens upon small businesses. The Board does not believe that physician assistants will need to employ any additional professional services to comply with the requirements of the rulemaking. The proposed amendment will protect the health, safety, and welfare of patients who receive perinatal treatment and care; therefore, no differing compliance requirements are provided to physician assistants based upon the size of a business.

Housing Affordability Impact Analysis

The proposed amendment will have an insignificant impact on the affordability of housing in New Jersey, and there is an extreme unlikelihood that the proposed amendment would evoke a change in the average costs associated with housing because it concerns implicit and explicit bias training for physician assistants who provide perinatal treatment and care.

Smart Growth Development Impact Analysis

The proposed amendment will have an insignificant impact on smart growth, and there is an extreme unlikelihood that the proposed amendment 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 it concerns implicit and explicit bias training for physician assistants who provide perinatal treatment and care.

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 2B. LIMITED LICENSES: PHYSICIAN ASSISTANTS

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

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

[page=1069] (c) **Upon the first biennial license renewal after (one year from the effective**

date of this rulemaking), a licensee who provides perinatal treatment and care to pregnant persons shall, pursuant to P.L. 2021, c. 79, complete one of the 50 continuing education credit hours required pursuant to (a) above on evidence-based explicit and implicit bias training that meets the requirements at (d) below.

(d) The continuing education in explicit and implicit bias shall include:

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.

(e) 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.

[(c)] (f) (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: 6/17/2024 9:29 AM

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