



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>).

Press Release

56 N.J.R. 1228(b)

VOLUME 56, ISSUE 14, JULY 15, 2024

RULE PROPOSALS

Reporter

56 N.J.R. 1228(b)

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 New Rule: N.J.A.C. 13:35-2A.7A

Text

Midwifery 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 2024-087**.

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 midwives who were licensed prior to November 1, 2021, to complete one credit of continuing education concerning explicit and implicit bias. The law sets forth the topics that the continuing education 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 new N.J.A.C. 13:35-2A.7A to effectuate P.L. 2021, c. 79. The proposed new rule requires midwives who were licensed prior to November 1, 2021, to attest that they have completed the required continuing education when renewing their licensure. The proposed new rule sets forth the entities that may offer a course that satisfies the continuing education requirement and the topics that must be addressed during the program. The Board will be authorized to randomly audit licensed midwives to ensure compliance with continuing education requirements. Licensed midwives will be required to maintain a certificate of completion from the continuing education program for a period of four years after completion and must submit such documentation to the Board upon request. The proposed new rule also sets forth definitions for terms used in the section. Requiring continuing education on these topics will help ensure that midwives understand 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 new rule will benefit patients who receive services from licensed midwives. The continuing education credit in implicit and explicit bias will help to ensure that licensed midwives 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 believes that the rulemaking will have an economic impact upon midwives licensed prior to November 1, 2021, since they will likely have to pay a fee for the continuing education credit required pursuant to P.L. 2021, c. 79.

Federal Standards Statement

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

Jobs Impact

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

Regulatory Flexibility Analysis

Any licensed midwife 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 licensed midwife 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 costs that small businesses will incur are the same as those that will be incurred by all licensed midwives as summarized in the Economic Impact statement. The Board does not believe that licensed midwives will need to employ any professional services to comply with the requirements of the proposed new rule. The proposed new rule imposes no new reporting requirements. However, it does impose compliance and recordkeeping requirements, as detailed in the Summary above.

The Board believes that the proposed new rule will promote the welfare and safety of patients who receive services from licensed midwives. Therefore, the proposed new rule must be applied uniformly to all licensed midwives regardless of business size.

Housing Affordability Impact Analysis

The proposed new rule will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the regulation would evoke a change in the average costs associated with housing because the proposed new rule concerns

continuing education requirements for licensed midwives.

Smart Growth Development Impact Analysis

The proposed new rule will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed new rule 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 new rule concerns continuing education requirements for licensed midwives.

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 proposed new rule follows:

SUBCHAPTER 2A. LIMITED LICENSES; MIDWIFERY

13:35-2A.7A Education on explicit and implicit bias

(a) Upon the first biennial license renewal after (one year from the effective date of this rulemaking), licensees who were initially licensed prior to November 1, 2021, shall attest that they have completed one credit concerning evidence-based explicit and implicit bias that meets the requirements at (b) and (c) below.

(b) A licensee required to complete one credit in explicit and implicit bias pursuant to (a) above may satisfy that requirement by completing a program offered by:

1. An organization recognized by the American Midwifery Certification Board (AMCB) Certificate Maintenance Program for continuing education units;
2. An organization recognized by the North American Registry of Midwives (NARM) for continuing education; or
3. A hospital that provides inpatient maternity services or a birthing center licensed in the State pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.), required to provide an explicit and implicit bias training program pursuant to N.J.S.A. 26:2H-12.108.

[page=1230] (c) The one credit in explicit and implicit bias required pursuant to (a) above 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.

(d) The Board may perform audits on randomly selected licensees to determine compliance with continuing education requirements. A licensee shall maintain a certificate of completion from the program or course provider for a period of four years after completion of the credit and shall submit such documentation to the Board upon request.

(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.

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 9:45 AM

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