



State of New Jersey

PHILIP D. MURPHY
Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
124 HALSEY STREET, 7TH FLOOR
NEWARK, NJ 07102

GURBIR S. GREWAL
Attorney General

SHEILA Y. OLIVER
Lt. Governor

PAUL R. RODRÍGUEZ
Acting Director

TO: All Executive Directors of Professional Boards
Acting Director, Division of Consumer Affairs

FROM: Gurbir S. Grewal, Attorney General

DATE: February 18, 2020

SUBJECT: Addressing Sexual Misconduct by Licensed Professionals and Applicants

In recent years, we have learned more about the pervasiveness of sexual assault and harassment, as more survivors have found the courage to report their offenders and share their stories. Unsurprisingly, members of the licensed professions regulated by boards housed within the Division of Consumer Affairs (Division) include both perpetrators and survivors of sexual assault and harassment. And, unfortunately, it is sometimes the trust that members of the public place in licensed professionals which enables licensees to take advantage of the privacy of the doctor's office or a massage room, or their access to a customer's home, to perpetrate sexual misconduct.

Many of New Jersey's professional boards are actively addressing the problem of sexual misconduct by licensees. Last year, multiple boards cracked down on licensees for engaging in sexual misconduct, either in the scope of their practice or elsewhere. The Board of Massage and Bodywork Therapy also confronted the problem through rulemaking, proposing new rules to help prevent and detect sexual misconduct in the massage therapy industry. But there's more work to be done.

The fifty-one professional boards operating under the Division's auspices are responsible for licensing approximately 720,000 professionals working in New Jersey, from architects to doctors to plumbers to veterinarians. I am writing to you today because the Office of the Director of the Division of Consumer Affairs has begun a comprehensive review of how these professional boards deal with issues relating to sexual misconduct by licensees and applicants. The Office of the Director will be working with boards to evaluate:

1. Whether applications for licensure should include additional questions to determine whether an applicant has a history of sexual misconduct allegations or discipline;



2. Whether board rules adequately address sexual misconduct;
3. How boards investigate allegations of sexual misconduct against licensees and applicants;
4. How boards engage with complainants who allege sexual misconduct by a licensee or applicant; and
5. How boards approach disciplinary decisions involving sexual misconduct.

As part of that review, the Office of the Director will consider not only the status quo in New Jersey but also best practices from other States.

I ask that you please help us to ensure that every professional board cooperates fully with this important undertaking.

CC: Members of Professional Boards:

New Jersey State Board of Accountancy
Acupuncture Examining Board
Alcohol and Drug Counselor Committee
State Board of Applied Behavior Analyst Examiners
New Jersey State Board of Architects
Athletic Training Advisory Committee
Audiology and Speech-Language Pathology Advisory Committee
New Jersey Cemetery Board
State Board of Chiropractic Examiners
New Jersey State Board of Cosmetology and Hairstyling
State Board of Court Reporting
State Board of Creative Arts
New Jersey State Board of Dentistry
State Board of Dietetics and Nutrition
Board of Examiners of Electrical Contractors
Electrologists Advisory Committee
Elevator, Escalator, and Moving Walkway Mechanics Licensing Board
Fire Alarm, Burglar Alarm and Locksmith Advisory Committee
Genetic Counseling Advisory Committee
Hearing Aid Dispensers Examining Committee
State Board of Examiners of HVAC & Refrigeration Contractors
Home Inspection Advisory Committee
Interior Design Examination and Evaluation Committee
Joint Committee of Architects and Engineers
Licensed Master Hearth Specialist Advisory Committee
State Board of Marriage and Family Therapy Examiners

New Jersey Board of Massage and Bodywork Therapy
State Board of Examiners of Master Plumbers
State Board of Medical Examiners
Medical Practitioner Review Panel
State Board of Mortuary Science of New Jersey
New Jersey Board of Nursing
Occupational Therapy Advisory Council
State Board of Examiners of Ophthalmic Dispensers & Ophthalmic Technicians
New Jersey State Board of Optometrists
Orthotics and Prosthetics Board of Examiners
Perfusionists Advisory Committee
Board of Pharmacy
State Board of Physical Therapy Examiners
Physician Assistant Advisory Committee
State Board of Polysomnography
Pool and Spa Contractors and Pool and Spa Builders and Installers Advisory Committee
Professional Counselor Examiners Committee
State Board of Professional Engineers and Land Surveyors
State Board of Professional Planners
Certified Psychoanalysts Advisory Committee
State Board of Psychological Examiners
State Real Estate Appraiser Board
State Board of Respiratory Care
State Board of Social Work Examiners
State Board of Veterinary Medical Examiners