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Dear Executive Directors,

As you know, in February 2020, Attorney General Grewal called on the Division of Consumer Affairs (“Division”) to conduct a comprehensive review of the processes by which professional and occupational boards and committees (“Boards”) address allegations of sexual misconduct by licensees and applicants. This review includes processes for the screening of applicants, investigations and discipline, and engagement with complainants. The Division’s review of its policies concerning sexual misconduct has in turn prompted us to examine certain practices and procedures more broadly.

As part of our ongoing efforts to strengthen protections for and engagement with the public, today the Division adopted a protocol for Board consideration of requests for reinstatement from individuals whose authority to practice the profession was previously discontinued. The protocol will apply to any request for reinstatement following entry of a public order of suspension greater than one year, revocation or license surrender, as well as to consideration of applications for licensure received from individuals who were the subject of such orders entered by other Boards. This protocol applies to all Boards.

Under the protocol, to the extent not inconsistent with existing Board statutes and rules,

1. Board staff shall notify the Deputy Director and the Professional Boards Prosecution Section within the Division of Law upon receipt of a notice of an intent to seek reinstatement, including but not limited to the filing of a reinstatement application or a written request to appear before a committee of the Board, from any individual whose authority to practice the profession was previously discontinued following entry of a disciplinary order — including suspensions of greater than one year, revocations, and surrenders. Board staff shall also notify when they receive applications for a license or registration from individuals who have been disciplined by another Board. This protocol will not apply to any actions that relate solely to impairment where the issue to be considered by the Board is whether the individual can demonstrate fitness to resume practice and/or compliance with requirements for treatment imposed in a prior Board order.

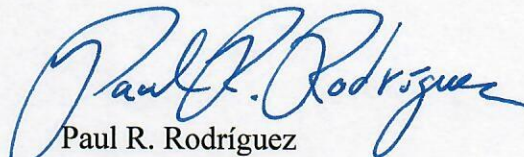


- a. The notification shall include basic information concerning each request, including the applicant's name; date of prior disciplinary order(s); issues addressed by the disciplinary order; a description of the discipline imposed; and the current status of the applicant's compliance with previous order(s).
- b. Board staff should ensure that the Board has available for its consideration at least the following information:
 - i. All previous reinstatement applications;
 - ii. Information regarding the status of penalties, restitution, or other payment obligations;
 - iii. Any materials submitted pursuant to the terms of the order, or as evidence of remediation or rehabilitation, including evaluation reports, skills assessments, and proof of educational program completion;
 - iv. If the original Order was predicated on a criminal conviction, any plea and sentencing transcripts, other publicly available official information regarding the underlying criminal conviction, and all information regarding compliance with any criminal sanction including, if applicable, the status of any ongoing court oversight or parole; and
 - v. Any other relevant background information, including filed Administrative Complaints.
2. The Executive Director shall also provide the Board with a copy of any orders of suspension, revocation or surrender issued by a Board within the Division, including but not limited to any interim orders and any public statements made by the Department regarding this matter;
3. The Executive Director shall include a list of such individuals who have noticed an intent to seek reinstatement to be considered on the public meeting agenda in advance of consideration by the Board or one of its committees.
4. The Executive Director shall additionally attempt to inform all known victims/complainants of the intent to seek reinstatement, with instructions on how to submit information relevant to the Board's deliberations.
5. After receipt of such notification and consideration of these materials, a DAG from the Professional Boards Prosecution Section shall be given the opportunity to submit information relevant to the Board's deliberations.



6. Information provided to the Board concerning such reinstatement shall be shared with the applicant, who will be afforded an opportunity to respond, and all such responses shall be shared with the person originally submitting the information.

Please do not hesitate to contact Deputy Director Howard Pine with any questions concerning this protocol. Thank you for your dedication and the work you do every day to protect the public.



Paul R. Rodríguez
Acting Director

