

UNIFORM REQUIREMENTS PERTAINING TO BOARD-MANDATED OBSERVER APPROVAL AND UTILIZATION

All licensees who are the subject of a Board order mandating the presence of a Board-mandated observer shall adhere to the requirements below, which are incorporated by reference in the order. Failure to abide by any of these requirements may result in further disciplinary action for violating the terms of the order and/or for failing to cooperate as required by N.J.A.C. 13:45C-1 et seq. Any written submissions and notifications referenced here can be provided via email.

1. Process to Secure Board Approval of Proposed Board-Mandated Observers

A. A licensee subject to Board-mandated observation may only use a Board approved Board-mandated observer(s), and must secure written approval from the Medical Director of the Board, or his or her designee (hereinafter the “Medical Director”), for each and every Board-mandated observer.

B. In order to secure Board approval for a proposed Board-mandated observer(s), the licensee shall submit the following information in writing to the Board regarding each individual proposed:

- i.) the individual’s name;
- ii.) verification that the individual is a licensed health care professional who holds a valid and unencumbered license issued in New Jersey, the type of license held and the license number;
- iii.) the individual’s home and work addresses, telephone numbers and e-mail addresses;
- iv.) the individual’s curriculum vitae;
- v.) specific information regarding any relationship the individual may have with the licensee (i.e. relative, friend, employee, business associate);
- vi.) the proposed work schedule for each individual;
- vii.) proof that the individual proposed has been provided with a copy of the Board order (to include this attachment), as demonstrated by the return of a signed copy of the order, signifying that the individual has read the order and agrees to abide by its terms.
- viii.) proof that the individual has completed the mandatory observer training. The individual may satisfy this requirement by successfully completing the “CTP-2 Mandated” course available at <https://pbieducation.com/courses/ctp-2/>, or by successfully completing an alternative course pre-approved by the Board or the Medical Director.

C. The above information shall be subject to review by the Medical Director. Upon review, the Medical Director shall determine whether any proposed Board-mandated observer is preliminarily approved or rejected. If an individual is preliminarily approved, that individual must

thereafter schedule and complete a consultation with the Medical Director, as required by paragraph 2 below.

2. **Board-Mandated Observer Consultation with Medical Director and Final Approval of Board-Mandated Observer**

Upon notification that a proposed individual has been preliminarily approved to serve as a Board-mandated observer, the Board-mandated observer shall have a discussion in person or by telephone or video conference with the Medical Director of the Board or his or her designee, prior to the licensee's resumption of practice. Following that initial consultation, the licensee shall receive final notification from the Medical Director, in writing, whether a proposed Board-mandated observer has been approved by the Board. If the Board approves the Board-mandated observer, the Board-mandated observer shall consult with the Medical Director as needed to address any questions he or she may have regarding the requirements of this order.

3. **Reporting of Any Changes**

A. The licensee and the Board-mandated observer shall inform the Board in writing within 10 days of any change in any of the information above with regard to an approved Board-mandated observer.

B. The licensee shall immediately notify the Board in writing, of any termination of or change of Board-mandated observer, provide all information required above and seek approval for such termination or change within 10 days of such termination or change. However, in no event shall the licensee see, examine or treat a patient without an approved Board-mandated observer while awaiting approval.

4. **Board-Mandated Observer Presence Requirement**

After the initial consultation with the Medical Director or his or her designee and the receipt of approval, the licensee may resume practice, subject to the requirement that an approved Board-mandated observer is present at all practice locations. Until further order of the Board, whenever the licensee is in the presence of or sees, treats or examines any patient from the population, as identified in the order, for any reason whatsoever in the context of a patient visit for professional services, an approved Board-mandated observer shall be present in the room throughout the patient encounter and shall maintain a clear line of sight to the patient.

5. **Board-Mandated Observer Documentation Requirement**

The Board-mandated observer shall initial or sign the patient record to verify that he or she was present for the entire patient encounter and examination.

6. **Board-Mandated Observer Reporting Requirements**

A. Each Board-mandated observer shall report to the Board in writing every three (3) months beginning on the date the order, with this attachment, is filed, all information in their possession

concerning the licensee's compliance with the terms of the order during the previous three months and concerning the professional behavior of the licensee.

B. The Board-mandated observer shall as soon as is practicable (and in no case more than forty-eight (48) hours after occurrence) report to the Board both orally and in writing any knowledge or reasonable belief of any actions of the licensee that may be in violation of the order, including the terms in this attachment, any indication that the licensee may have had a patient encounter outside the presence of a Board-mandated observer, any sexual misconduct, or any termination of or failure to cooperate with the Board-mandated observer.

7. Licensee Waiver

The licensee hereby waives any claim of privilege or confidentiality he or she may have with regard to any information that the Board-mandated observer may provide under the provisions of the order to the Board, the Attorney General or the Medical Director of the Board, and agrees that such information may be utilized in any proceeding regarding his or her license.

8. Notification Requirements

A. The licensee shall provide the medical director of each health care facility at which he or she maintains privileges or practices medicine with a copy of the order, including this attachment. Proof of that submission shall be provided to the Board.

B. The licensee shall post in a prominent place visible to all patients at every location where he or she provides professional services other than a health care facility licensed by the Department of Health, a sign of minimum size of 8 ½" x 11", in a font of sufficient size to be readily seen, and in a language(s) understood by most of the licensee's patients, indicating that all visits with patients from the population as identified in the order, are to be conducted in the presence of a Board-mandated observer or such other verbiage pre-approved by the Board.

9. Cost of Board-Mandated Observer

The licensee shall be entirely responsible for any and all costs or expenses associated with the use of the Board-mandated observer. The licensee shall not charge any patient, third-party payor or government benefits program for the use of the Board-mandated observer.