BME Substantially Changes its Proposed Amendment to the Chaperone/Observer Rule



6/1/2025

On May 5, 2025, the New Jersey State Board of Medical Examiners (BME) revised the April 2024 Proposed Amendment relating to patients' rights to have an observer present during breast, pelvic, genitalia, and rectal examinations. In the Proposed Amendment, the BME seeks to require practitioners to provide a written form regarding the right to an observer, the right to decline having an observer, and the right to decline care in the absence of an observer. Practitioners would be required to give the notice to each patient for written acknowledgement and post a copy in their office and on their website.

Based on the comments submitted, the BME made substantial changes to the Proposed Amendment. Specifically, the BME added training requirements for observers, a requirement that observers maintain a clear line of sight to the examination, and a requirement that observer report any suspected misconduct to the BME. The BME also now proposes to exclude the written notice requirement if there is substantial risk that a delay in care caused by providing notice would result in harm to the patient.

Additional comments on the revised proposed amendment must be submitted by July 4, 2025 and may be submitted online at https://www.njconsumeraffairs.gov/Proposals/Pages/default.aspx.

Click Here to read the entire June 2025 Healthcare Law Update now!

For more information, contact:
John D. Fanburg, Chair | 973.403.3107 | jfanburg@bracheichler.com

Edward Hilzenrath | 973.403.3114 | ehilzenrath@bracheichler.com
Rebecca T. Falk | 973.364.8393 | rfalk@bracheichler.com

Authors

The following attorneys contributed to this insight.



John D. Fanburg

Managing Member
Healthcare Law, Cannabis Industry

973.403.3107 · 973.618.5507 Fax

jfanburg@bracheichler.com



Edward Hilzenrath

Member
Healthcare Law

973.403.3114 · 973.618.5594 Fax

ehilzenrath@bracheichler.com



Rebecca T. Falk

Associate
Healthcare Law

973-364-8393 · 973-618-5923 Fax

rfalk@bracheichler.com