New Rules Proposed to Combat Sexual Misconduct in Professional Settings



4/30/2024

Attorney General Matthew J. Platkin and the New Jersey Division of Consumer Affairs in collaboration with the Board of Medical Examiners (BME) announced the publication of proposed rules on April 15, 2024 to enhance and expand patient protections and help prevent sexual misconduct by physicians. The proposed rules would amend the BME's existing rules regarding sexual misconduct in professional settings by:

• requiring physicians to provide patients with a written notice of their right to have an observer present during sensitive examinations and post the notice in a way that ensures that patients are aware of their rights;

• requiring physicians to make the notice available in English, Spanish, and any of the 10 or more other languages identified by the Director of the Division as the first language of a significant number of persons in the state;

• requiring physicians to confirm that patients have read and understood the notice before proceeding with a sensitive examination;

• removing any reference to "males" or "females" in establishing the right to an observer to afford all patients these rights, regardless of gender identity or expression;

• mandating that observers be health care professionals licensed by the BME or the Board of Nursing, or Certified Medical Assistants; and

• requiring physicians to complete two (2) continuing medical education credit hours in programs or topics related to sexual misconduct prevention.

All comments regarding the proposed rule are due by June 14, 2024.

Click Here to read the entire April 2024 Healthcare Law Update now!

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