Executive Summary

New Jersey Physician Licensure Statute

Licensure Requirements: Those wishing to practice medicine in the state of New Jersey need to obtain a full medical license.

Licensure Exceptions: The New Jersey Licensure Statute allows for the following common exceptions:

- Consultative Services: Physicians are able to offer consultative services without being required to receive full medical licensure.

- Military Exception: Those physicians, licensed in any one of the 50 states, are permitted to administer care to military members, as either a civilian contract employee or a military physician officer, without having to first receive additional licensure.

Internet Prescribing of Medications: The New Jersey State Code does not give further information on this issue.
NEW JERSEY LICENSURE PHYSICIAN STATUTE

Title 45. Professions and Occupations
Subtitle 1. Professions and Occupations Regulated by State Boards of Registration and Examination
Chapter 9 Medicine and Surgery
Article 1. Practice of Medicine and Surgery in General

45:9-6. License Required to Practice Medicine or Surgery; Applications; Educational Requirements; Citizenship

All persons commencing the practice of medicine or surgery in this State shall apply to the board for a license so to do. The board shall, except as herein otherwise provided, examine all qualified applicants for such a license. Every applicant shall present to the secretary of the board, at least 20 days before the commencement of the examination at which he desires to be examined, a written application for admission to the examination on a form provided by the board, together with satisfactory proof that he is more than 21 years of age, of good moral character, and a citizen of the United States or has declared his intention to become such a citizen. He shall also present to the board a certificate of the Commissioner of Education of this State showing that, before entering a professional school or college, he had obtained an academic education consisting of a 4 years' course of study in an approved public or private high school or the equivalent thereof. Any license issued to an applicant prior to becoming a citizen of the United States shall be a temporary license and subject to the provisions of Revised Statutes 45:9-14.

45:9-13. License to Persons Examined and Licensed in other States or by Certain National Boards

Any applicant for a license to practice medicine and surgery, upon proving that he has been examined and licensed by the examining and licensing board of another State of the United States or by the National Board of Medical Examiners or by certificates of the...
It is at the discretion of the New Jersey Medical Board to issue a medical license to a physician. According to Valdes v. New Jersey State Bd. of Medical Examiners, 205 N.J. Super. 398, 501 A.2d 166 (1985), the Court ruled that the physician applicant was not entitled to a medical license in New Jersey, just because the physician held a license in the state of Georgia.


Physicians who wish to practice telemedicine in a state that lacks specific licensure requirements for telehealth providers may be required to seek a full medical license. There are 36 states that require telehealth providers to seek a full medical license in order to practice medicine in that state. New Jersey is one of those states.

The prohibitory provisions of this chapter shall not apply to the following:

a. A commissioned surgeon or physician of the regular United States Army, Navy, or Marine hospital service while so commissioned and actively engaged in the performance of his official duties. This exemption shall not apply to reserve officers of the United States Army, Navy or Marine Corps, or to any officer of the National Guard of any state or of the United States;

b. A lawfully qualified physician or surgeon of another state taking charge temporarily, on written permission of the board, of the practice of a lawfully qualified physician or surgeon of this State during his absence from the State, upon written request to the board.

All 50 states allow for the military exception. A physician practicing in the military need only be licensed in one state to have licensure reciprocity in all 50 states.

1 In Rothseid v. State Board of Medical Examiners, 132 N.J.L. 38, 38 A.2d 444 (1944), the Court ruled that it was not “unlawful” or “arbitrary” to deny an applicant medical licensure based on his failure to meet the academic requirements made mandatory by the Board.
board for permission so to do. Before such permission is granted by the board and before any person may enter upon such practice he must submit proof that he can fulfill the requirements demanded in the other sections of this article relating to applicants for admission by examination or endorsement from another state. Such permission may be granted for a period of not less than two weeks nor more than four months upon payment of a fee of $50. The board in its discretion may extend such permission for further periods of two weeks to four months but not to exceed in the aggregate one year;

c. A physician or surgeon of another state of the United States and duly authorized under the laws thereof to practice medicine or surgery therein, if such practitioner does not open an office or place for the practice of his profession in this State;\(^2\)

d. A person while actually serving as a member of the resident medical staff of any legally incorporated charitable or municipal hospital or asylum approved by the board. Hereafter such exemption of any such resident physician shall not apply with respect to any individual after he shall have served as a resident physician for a total period of five years;\(^3\)

e. The practice of dentistry by any legally qualified and registered dentist;

f. The ministration to, or treatment of, the sick or suffering by prayer or spiritual means, whether gratuitously or for compensation, and without the use of any drug material remedy;

g. The practice of optometry by any legally qualified and registered optometrist;

h. The practice of podiatric medicine by any legally licensed podiatrist;

i. The practice of pharmacy by a legally licensed and registered pharmacist of this State, but this exception shall not be extended to give to said licensed pharmacist the right and authority to carry on the business of a dispensary, unless the dispensary shall be in charge of a legally licensed and registered physician and surgeon of this State;

j. A person claiming the right to practice medicine and surgery in this State who has been practicing therein since before July 4, 1890, if said right or title was obtained upon a duly registered diploma, of which the holder and applicant was the lawful possessor,

\(^2\) This exemption is also referenced in the Washington state physician licensure statute.

\(^3\) This exemption is also referenced in the Washington state physician licensure statute.
issued by a legally chartered medical institution which, in the opinion of the board, was in good standing at the time the diploma was issued;

k. A professional nurse, or a registered physical therapist, masseur, while operating in each particular case under the specific direction of a regularly licensed physician or surgeon. This exemption shall not apply to such assistants of persons who are licensed as osteopaths, chiropractors, optometrists or other practitioners holding limited licenses;

l. A person while giving aid, assistance or relief in emergency or accident cases pending the arrival of a regularly licensed physician, or surgeon or under the direction thereof;

All 50 states allow for the emergency exception because it is considered “good public policy.”

m. The operation of a bio-analytical laboratory by a licensed bio-analytical laboratory director, or any person working under the direct and constant supervision of a licensed bio-analytical laboratory director;

n. Any employee of a State or county institution holding the degree of M.D. or D.O., regularly employed on a salary basis on its medical staff or as a member of the teaching or scientific staff of a State agency, may apply to the State Board of Medical Examiners of New Jersey and may, in the discretion of said board, be granted exemption from the provisions of this chapter; provided said employee continues as a member of the medical staff of a State agency or county institution or of the teaching or scientific staff of a State agency and does not conduct any type of private medical practice;

o. The practice of chiropractic by any legally licensed chiropractor; or

Telemedicine providers are held to the same standard of care as those practitioners practicing medicine without the use of telemedicine technologies.

APPENDIX

45:9-5.1. Definitions

Within the meaning of this chapter (45:9-1 et seq.), except as herein otherwise provided, and except for the purposes of the exemptions hereinafter contained in sections 45:9-14.1 to 45:9-14.10, inclusive, the phrase “the practice of medicine or surgery” and the phrase “the practice of medicine and surgery” shall include the practice of any branch of medicine and/or surgery, and any method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition, and the term “physician and surgeon” or “physician or surgeon” shall be deemed to include practitioners in any branch of medicine and/or surgery or method of treatment of human ailment, disease, pain, injury, deformity, mental or physical condition. Within the meaning of this act, except as herein otherwise specifically provided, and except for the purposes of the exemptions hereinafter contained in sections 45:9-14.1 to 45:9-14.10, inclusive, the practice of medicine and/or surgery shall be deemed to include, inter alia, the practice of osteopathy, and nothing herein contained shall be construed to exempt the holder of a license issued under or validated by the provisions contained in sections 45:9-14.1 to 45:9-14.10, inclusive, from the operation of the provisions contained in section 45:9-16 of this Title.

A professional school or college shall be taken to mean a medical school or college or other school or college having purposes similar to a medical school or college; provided, however, that as to any applicant for a license under the provisions of this chapter who, prior to October first, one thousand nine hundred and thirty-five, matriculated in such a school or college, a professional school or college shall, for the purposes of the provisions contained in sections 45:9-6 to 45:9-11, inclusive, be taken to mean a medical school or college which required the study of medicine and surgery in all of its branches. In all instances, unless otherwise provided, such school or college shall be approved by the board.

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4 In Thomas v. Carlton Hosiery Mills, 14 N.J. Super. 44, 81 A2d 365 (1951), the New Jersey Superior Court ruled that a “physician” is “a person skilled in physic or the art of healing, one duly authorized to treat diseases, especially by medicines.”