

“What keeps you up at night?”

Saul Ewing Health Practice:

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New Jersey governor OK's phase out of Cosmetic Procedures Tax; pocket vetoes licensure of surgical practices

By Bruce D. Armon and Karen Palestini

Earlier this month, we profiled two New Jersey pieces of legislation — http://www.saul.com/media/site_files/3036_Health011312_v2.pdf — that were awaiting the signature of Governor Christie before becoming law. One of the bills, S2780/A4099, which would have required every New Jersey “surgical practice” (e.g., a location with no more than one operating room established by a physician, physician professional association surgical practice, or other professional practice form, solely for the physician’s, association’s, or other professional entity’s private medical practice) currently registered with the New Jersey Department of Health and Human Services to also obtain a license from that agency as an ambulatory care facility, fell victim to a “pocket veto” when Governor Christie did not act upon the bill within the end-of-Session timeframe. Although existing registered surgical practices will not be required to obtain ambulatory surgery center licensure, new surgical practices (i.e., those that were/are initiated after the deadline for registration) may need to obtain ambulatory surgery center licensure.

Governor Christie did sign the other bill effecting the phase-out of the cosmetic procedures tax. The first reduction in the cosmetic procedures tax (two percent) will take place on July 1.

A complete list of the bills Governor Christie signed into law and those that expired without gubernatorial action can be found at <http://www.state.nj.us/governor/news/news/552012/approved/20120117g.html>. Those bills that expired without gubernatorial action do not become law, including the surgical practice licensure legislation, and the inaction has the same effect as a pocket veto.

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