

## **PUBLIC NOTICE**

### **HEALTH**

#### **OFFICE OF THE COMMISSIONER**

##### **Notice of Receipt of Petition for Rulemaking**

Petitioner: Caleb L. McGillvary, Trenton State Prison.

**Take notice** that on August 12, 2024, the Department of Health (Department) received a petition for rulemaking from Caleb L. McGillvary, Trenton State Prison, Trenton, New Jersey.

##### **Substance or nature of the requested rulemaking action:**

The petitioner requests that the Department promulgate a rule “requiring applicants for positions working with children, including but not limited to home health aides, nursing assistants, and pediatric care providers, to undergo thermal imaging interviews to assess sexual arousal responses to videos of children performing innocuous activities.” The petitioner provides suggested rule text that would require an applicant for such a position who demonstrates arousal following the described thermal imaging interview to undergo a polygraph examination, therapy, and referral to law enforcement if the polygraph indicates that criminal activity has occurred.

##### **Problem or purpose of the request:**

The petitioner states that the purpose of the requested rule “would be to enhance the safety and wellbeing of children by ensuring that individuals with potential sexual predilections towards children are identified and subjected to further scrutiny before being allowed to work in environments involving close contact with children. The use of thermal imaging technology in interviews aims to detect physiological responses

indicative of sexual arousal, thereby serving as a preventative measure to protect vulnerable populations.”

In accordance with N.J.A.C. 1:30-4.2, the Department has mailed a copy of this notice to the petitioner.