



September 15, 2021

Dear Governor Murphy, Commissioner Adelman, Commissioner Asaro-Angelo, Commissioner Persichilli and Members of the New Jersey Legislature,

As the leaders of our state's major healthcare associations, we write to you regarding the healthcare workforce crisis and operational challenges facing the critical industries we represent. We have a number of suggestions to address these challenges and support the healthcare industry as we continue to tackle and emerge from the coronavirus pandemic.

While attracting and retaining a qualified workforce has been an ongoing concern in New Jersey's healthcare industry, a number of factors have exacerbated the workforce shortage such as childcare access issues, pandemic fear, a lack of workforce training opportunities, enhanced unemployment insurance benefits and an inadequate Medicaid payment system.

We encourage the Governor and Legislature to continue to include investments in workforce development targeted at the healthcare industry, including community based behavioral health providers, through the use of both American Rescue Plan Act funds and increased funding to the State's Medicaid payment system to combat worker shortages. Furthermore, we seek additional funds be directed towards childcare solutions as we support return to work efforts as our economy continues to recover from the pandemic.

As healthcare employers experience ongoing workforce challenges, the recent COVID-19 vaccination mandate issued through Executive Order No. 252 could exacerbate these issues. We fully support the role of vaccinations in curbing the spread of coronavirus and embrace our role in ensuring that members of our workforce are vaccinated as they continue to treat our most vulnerable residents and patients. However, as we move forward with this mandate, it is critical that the state recognize that employee retention in all fields of healthcare is an integral component of our ongoing efforts to provide necessary care and services to patients. Many employers are concerned with the potential for an employee exodus from healthcare if workers choose to leave for another industry that is not subject to a mandatory vaccination or testing policy.

For those who remain in the industry, employers must terminate any employees who do not comply with the provisions of the Executive Order. Terminations and resignations have the potential to leave employers in the position of searching for new employees from a short supply of qualified healthcare workers. Though the mandate includes a weekly testing option as an accommodation for those who opt out of vaccination, including for those with medical and religious exemptions, employers must implement and cover the expense

of testing programs. **As our industry continues to encourage vaccination, we ask the Governor and Legislature to assist healthcare employers by utilizing federal funds to offset the cost of testing for unvaccinated employees similar to the state's commitment of federal funds to schools to cover the cost of mandatory testing protocols.**

In addition, **we ask the Governor and Legislature to send a clear message to the workforce that a termination as a result of refusing to get vaccinated or submit to routine testing will render employees ineligible for unemployment benefits.**

Termination as a result of refusing vaccination and testing constitutes a refusal to work and to comply with a condition of employment which has historically rendered employees ineligible for benefits. Informing employees that they will not be eligible for unemployment benefits if they are let go due to a failure to comply with vaccination or testing requirements will encourage compliance and support employers as they promote a healthy and safe workplace.

Lastly, many of the temporary waivers issued by the NJ Department of Health, Department of Human Services, Department of Children and Families and the Department of Law and Public Safety's Division of Consumer Affairs have allowed for greater flexibility and discretion in staffing, licensure, and delivery methods for providers to care for patients throughout the pandemic. These waivers remain in effect until January 11, 2021. **We urge the Governor, Department of Health and the Legislature to call for an extension of the Department of Health's Health Facility Waiver beyond the January deadline to give providers more time and flexibility as we emerge from the pandemic. We would also ask the Legislature to consider making some of these provisions permanent.**

For example, some providers, such as adult medical day care centers, are set to lose the ability to care for their patients through telehealth services. As a result, many patients face losing access to necessary care that can be conducted from the safety and privacy of their own homes. The expansion of telehealth has been one of the silver linings of the pandemic as medical professionals adapted to provide virtual services to patients. We encourage the Legislature to allow telehealth services to continue beyond the pandemic for all health care providers to provide flexibility in care for patients and increase service options for providers.

We also encourage the Governor and Legislature to reevaluate the limitations on training programs and licensures to allow for more flexibility in employment. For example, allowing workers to receive dual licensure as home health aides and certified nursing assistants will have a significant positive impact on the nursing home, home care and hospice industry. **Additionally, it is critically important that legislation providing for the certification of authorized temporary nurse aides, A-5353/S-3421, be revised by conditional veto to clarify that the deadlines set forth in the legislation are triggered by the termination of the federal rather than the State public health emergency.** Options such as these will allow for more opportunities for New Jersey's workforce and expand the talent pool for employers during this critical time.

We look forward to working with Governor Murphy and our policymakers to create long-term solutions to the challenges facing the healthcare industry.

If you have any questions or would like to discuss, please contact Chrissy Buteas, NJBIA Chief Government Affairs Officer, at cbuteas@njbia.org.