



Judith M. Persichilli, R.N., B.S.N., M.A.
Commissioner
New Jersey Department of Health
PO Box 360
John Fitch Plaza
Trenton, NJ 08625

Sean P. Neafsey
Acting Director
New Jersey Division of Consumer Affairs
124 Halsey Street
Newark, NJ 07102

November 18, 2021

Re: Extension of Various COVID-19 Waivers

Dear Commissioner Persichilli and Acting Director Neafsey,

As the leaders of our state's major healthcare associations, we write to you urging an extension on various COVID-19 waivers impacting the healthcare industry that are scheduled to expire on January 11, 2022. These waivers have been a critical lifeline for healthcare providers as they continue to face the unprecedented challenges of serving patients as we emerge from the coronavirus pandemic and navigate the substantial workforce crisis facing the industry.

Attached for your review is a list of waivers we ask you to prioritize for an extension. These waivers expand access to care through telehealth and telemedicine, enhance access to covid-19 and other immunizations by allowing a wide range of qualified healthcare practitioners to administer vaccines, allows for licensure reciprocity and waives certain staffing ratios in care settings, among other measures. Waivers such as these have allowed healthcare providers to administer quality care for patients while eliminating inefficiencies and redundancies in their work. These waivers remain as important to the industry today as they were on the day of their enactment.

One of the silver linings of the pandemic is that it taught us to think differently about how we provide medical care to New Jersey residents. By extending these waivers, the Department of Health and the Division of Consumer Affairs can help support the critical needs of the healthcare industry and promote the modernization of medicine to protect public health.

We urge you to extend the attached waivers to support the healthcare industry and the patients they serve.

We respectfully request a meeting to further discuss this immediate need. If you have any questions, please contact Chrissy Buteas, NJBIA Chief Government Affairs Officer, at cbuteas@njbias.org.

Sincerely,

Theresa Edelstein
Senior Vice President
New Jersey Hospital
Association (NJHA)

Andrew Aronson
President & CEO
Health Care Association
of New Jersey (HCANJ)

Nancy Fitterer, M.A
President & CEO
Home Care & Hospice
Association of NJ

James McCracken
Partnerships Transforming Health
LeadingAge NJ & DE

Chrissy Buteas
Chief Government Affairs Officer
New Jersey Business & Industry
Association (NJBIA)

James Schulz
Director, Governmental &
Public Affairs
New Jersey Dental
Association (NJDA)

Healthcare Waiver Extension Suggestions

All listed waivers are scheduled to expire on January 11, 2022.

Department of Health

<https://www.state.nj.us/health/legal/covid19/>

Waiver	Applies to	Date Issued	Impact
Waivers in Response to Staffing Issues in Long Term Care Facilities : Waived requirements for registered medical technicians and home health aides, permit RMTs and HHAs to function as CNAs Waived required staffing levels, facilities required to document attempts to meet staffing levels Pre-employment requirements waived expect health history	Long Term Care Facilities	03/28/20	Nursing homes will have to replace any RMTs and CHHAs with CNAs to maintain staffing levels
ED 20-004 : Long Term Care facilities are authorized to hire out-of-state certified nurse aides	Long Term Care Facilities	03/27/20	All long term care facilities will have to cease to employ out of state CNAs who received reciprocity under the ED and replace with NJ certified CNAs to maintain staffing levels.

Waiver	Applies to	Date Issued	Impact
<p>ED 20-005: Assisted Living Facilities, Assisting Living Programs and Comprehensive Personal Care Homes are authorized to hire out-of-state certified nurse aides</p>	<p>Assisted Living Facilities, Assisting Living Programs, Comprehensive Personal Care Homes</p>	<p>03/31/20</p>	<p>All long term care facilities will have to cease to employ out of state CNAs who received reciprocity under the ED and replace with NJ certified CNAs to maintain staffing levels.</p>
<p>Hospital Temporary Waivers- Minimum staffing levels for nurses waived, pre-employment Covid-19 screening required, Discharge Requirements waived</p>	<p>Hospitals</p>	<p>04/07/20</p>	
<p>Home Health Agencies and Hospice Administrators may provide home health services outside approved area or provide hospice services to patients outside the hospice service area without prior approval from the DOH</p>	<p>Home Health Agencies and Hospice Administrators</p>	<p>03/13/20</p>	
<p>Telemedicine Permitted to Replace On-Site Visit by Health Care Practitioner – permitted telemedicine or telehealth examination to substitute for examination or in-office visit of a resident by an outside healthcare provider that is required under the rules for long-term care facilities, assisted living facilities, assisted living programs, comprehensive personal care homes, dementia care homes and residential health care facilities</p>	<p>Administrators Long-Term Care Facilities Assisted Living Facilities Comprehensive Personal Care Homes Dementia Care Residential Health Care Facilities Licensed Health Care Facilities</p>	<p>04/17/20</p>	
<p>Nurse Aide Temporary Certification Waiver- certification requirements temporary waived to address staffing shortage in long term care centers</p>	<p>Long Term Care Centers</p>	<p>04/14/20 04/15/20</p>	

Waiver	Applies to	Date Issued	Impact
Waiver/Modification of Competency Standard - modification to CNA competency standards			
ED 20-002 : Authorized Paramedics to Work in a Hospital Setting	Hospitals	03/17/20	
Certified Medication Aides Waiver/Modification - extend deadline for Certified Medication Aides to take medication aide exam following completion of training course	Long Term Care Centers	04/15/20	

Division of Consumer Affairs

<https://www.njconsumeraffairs.gov/COVID19/Pages/C19-Waivers-of-Licensing-Rules.aspx>

Waiver	Applies to	Date Issued	Impact
Accelerated Temporary Licensure Reciprocity Licensure allow health care providers licensed in other states to obtain New Jersey temporary licensure and provide services to New Jersey patients either through telemedicine or in-person (concurrent with EO #103)	Health Care Providers	03/19/20	All provider employers will have to find replacement nurses, respiratory therapists and others to replace those with temporary licenses under this waiver.
DCA-AO-2020-06 and DCA-W-2020-10 Pharmacist participation in COVID-19 testing Permits pharmacists in New Jersey to collect specimens to test for COVID-19 and requires pharmacists to notify the Board of Pharmacy, maintain records consistent with Board requirements, and comply with certain safety precautions for testing (concurrent with EO #103)	Healthcare Providers	05/13/20	Specimen collection rules that only allow certain licensed practitioners to collect test specimens would be in effect. Loss of flexibility and capacity to collect COVID-19 test specimens.
DCA-AO-2020-15 and DCA-W-2020-14 Administrative Order and waiver of rules to allow healthcare practitioners to utilize telemedicine encounters to meet CDS prescribing requirements (concurrent with EO #103)	Telemedicine	08/11/20	Prescribers would return to only in-person encounters to meet CDS prescribing requirements under regulation.

Waiver	Applies to	Date Issued	Impact
DCA-AO-2020-19 administrative Order allowing pharmacy interns and pharmacy externs to administer influenza vaccines to patients over age 7 and under age 18 (concurrent with EO #103)	Healthcare Providers	10/26/20	Loss of capacity and flexibility to administer flu vaccine in the middle of the 2021-22 flu season.
Temporary waiver for 16 professional boards of rules requiring continuing education to be completed in person.		4/13/20	Pressure on licensed professionals to attend in person education in the midst of a staffing shortage to maintain licensure.
Executive Order #112 and DCA-AO-2020-02 Temporary retiree license re-activation, permits temporary re-activation of healthcare licenses that lapsed within the last 5 years (concurrent with EO #103)	Healthcare providers	04/03/20	
DCA-W-2020-06 Temporary waiver of telemedicine rules to allow healthcare practitioners to more easily provide care via telemedicine (Concurrent with EO 103)	Telehealth	3/20/20	
DCA-W-2020-02 In home plan-of-care evaluation by nurse supervisor	Nursing	3/25/21	
DCA-AO-2021-02 Board of Pharmacy- Covid immunization administration by pharmacists, pharmacy interns and externs to individuals ages 3 and over	Board of Pharmacy	1/5/21	
DCA-AO-2021-02 Board of Pharmacy- Immunization administration by pharmacy technicians	Board of Pharmacy	1/5/21	
DCA-AO-2021-03 Board of Pharmacy- Immunization administration by pharmacists, pharmacy interns and externs to children ages 3 and over	Board of Pharmacy	1/5/21	
DCA-AO-2021-06 and DCA-W-2021-02 - Covid immunization administration by Certified Medical Assistants	CNAs	2/19/21	

Waiver	Applies to	Date Issued	Impact
DCA-AO-2021-12 and DCA-W-2021-07 Covid immunization Administration by health care practitioners in training	Healthcare Providers	5/21/21	
DCA-AO-2021-14 and DCA-W-2021-08 Covid immunization administration by additional health care practitioners	Healthcare Providers	6/3/21	
DCA-AO-2020-13 and DCA-W-2020-12 Temporary Certification of Alcohol and Drug Counselor Interns, Grants Alcohol and Drug Counselor Interns working in certain settings a CADC temporary certification, allowing them to perform telehealth and telemedicine (concurrent with EO #103)	Healthcare Providers	07/15/20	
DCA-AO-2020-14 and DCA-W-2020-13 Waiver of On-Site Supervision for Audiologists and Speech-Language Pathologists Temporary Licensees, Occupational Therapy Assistants, and Physical Therapist Assistants, supervision may be conducted electronically (concurrent with EO #103)	Healthcare Providers	07/29/20	