



December 29, 2021

Re: Extension of Various COVID-19 Waivers

Dear Governor Murphy, Senate President Sweeney and Assembly Speaker Coughlin and Members of the Senate Health, Human Services and Senior Citizens Committee and Members of the Assembly Health Committee,

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 Jan. 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.

Below is a list of administrative orders and waivers pertaining to healthcare providers that we ask Governor Murphy to prioritize for an extension. We ask the Legislature to extend these waivers through concurrent resolution pursuant to the parameters set forth in P.L. 2021 c.103.

These waivers have been extremely beneficial to the healthcare industry. They have allowed for expanded access to care through telehealth and telemedicine, enhanced access to COVID-19 and other immunizations by allowing a wide range of qualified healthcare practitioners to administer vaccines, allowed for licensure reciprocity and waived 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 healthcare 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@njbia.org.

Sincerely,

Brian Oliviera, Pharm.D., Executive Director, Garden State Pharmacy Owners, Inc.

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 New Jersey

James McCracken, Partnerships Transforming Health, LeadingAge NJ & DE

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

James Schulz, Director of Government & Public Affairs, New Jersey Dental Association

Elise Barry, CEO, New Jersey Pharmacists Association

Healthcare Waiver Extension Suggestions

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, and permitted RMTs and HHAs to function as CNAs. Waived required staffing levels, but facilities required to document attempts to meet staffing levels. Pre-employment requirements waived except 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.
<u>ED 20-004:</u> Long-Term Care facilities are	Long-term Care Facilities	03/27/20	All long-term care facilities will have to

authorized to hire out-of-state certified nurse aides.			cease to employ out-of-state CNAs who received reciprocity under the ED and replace with NJ-certified CNAs to maintain staffing levels.
<u>ED 20-005:</u> Assisted-Living Facilities, Assisted Living Programs and Comprehensive Personal Care Homes are authorized to hire out-of-state certified nurse aides.	Assisted Living Facilities, Assisting Living Programs, Comprehensive Personal Care Homes	03/31/20	All long-term care facilities will have to cease to employ out-of-state CNAs who received reciprocity under the ED and be replaced with NJ-certified CNAs to maintain staffing levels.
<u>Hospital Temporary Waivers</u> - Minimum staffing levels for nurses waived, pre-employment COVID-19 screening required, discharge requirements waived	Hospitals	04/07/20	
<u>Home Health Agencies and Hospice Administrators</u> 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	Home Health Agencies and Hospice Administrators	03/13/20	
<u>Telemedicine Permitted to Replace On-Site Visit by</u>	Administrators	04/17/20	

<p><u>Health Care Practitioner</u> – 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>Long-term Care Facilities Assisted-Living Facilities Comprehensive Personal Care Homes</p> <p>Dementia Care</p> <p>Residential Health Care Facilities</p> <p>Licensed Health Care Facilities</p>		
<p><u>Nurse Aide Temporary Certification Waiver</u> - Certification requirements temporary waived to address staffing shortage in long-term care centers</p>	<p>Long-term Care Centers</p>	<p>04/14/20</p>	
<p><u>Waiver/Modification of Competency Standard</u>- modification to CNA competency standards</p>	<p>Long-term Care Centers</p>	<p>04/15/20</p>	
<p><u>ED 20-002</u>: Authorized Paramedics to Work in a Hospital Setting</p>	<p>Hospitals</p>	<p>03/17/20</p>	
<p><u>Certified Medication Aides</u></p>	<p>Long-term Care Centers</p>	<p>04/15/20</p>	

<p><u>Waiver/Modification</u> - extend deadline for Certified Medication Aides to take medication aide exam following completion of training course</p>			
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Division of Consumer Affairs:

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

Waiver	Applies to	Date Issued	Impact
<p><u>Accelerated Temporary Licensure Reciprocity Licensure</u> – Allows healthcare 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 <u>EO #103</u>)</p>	<p>Healthcare Providers</p>	<p>03/19/20</p>	<p>All provider employers will have to find replacement nurses, respiratory therapists and others to replace those with temporary licenses under this waiver.</p>
<p><u>DCA-AO-2020-06 and DCA-W-2020- 10</u> – Pharmacist participation in COVID-19 testing. Permits pharmacists in New Jersey to collect specimens to test for COVID-19 and requires pharmacists to notify</p>	<p>Healthcare Providers</p>	<p>05/13/20</p>	<p>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.</p>

<p>the Board of Pharmacy, maintain records consistent with Board requirements, and comply with certain safety precautions for testing (concurrent with EO #103)</p>			
<p><u>DCA-AO-2020-15</u> and <u>DCA-W-2020-14</u> Administrative Order and waiver of rules to allow healthcare practitioners to utilize telemedicine encounters to meet CDS prescribing requirements (concurrent with EO #103)</p>	<p>Telemedicine</p>	<p>08/11/20</p>	<p>Prescribers would return to only in-person encounters to meet CDS prescribing requirements under regulation.</p>
<p><u>DCA-AO-2020-19</u> 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)</p>	<p>Healthcare Providers</p>	<p>10/26/20</p>	<p>Loss of capacity and flexibility to administer flu vaccine in the middle of the 2021-22 flu season.</p>
<p><u>DCA-W-2020-04</u> Temporary waiver for 16 professional boards of rules requiring continuing education to be completed in person.</p>		<p>4/13/20</p>	<p>Pressure on licensed professionals to attend in-person education in the midst of a staffing shortage to maintain licensure.</p>

<p><u>Executive Order #112 and DCA-AO-2020-02</u> Temporary retiree license re-activation, permits temporary re-activation of healthcare licenses that lapsed within the last 5 years (concurrent with EO #103).</p>	Healthcare providers	04/03/20	
<p><u>DCA-W-2020-06</u> Temporary waiver of telemedicine rules to allow healthcare practitioners to more easily provide care via telemedicine. (Concurrent with EO 103).</p>	Telehealth	3/20/20	
<p><u>DCA-W-2020-02</u> In home plan-of-care evaluation by nurse supervisor</p>	Nursing	3/25/21	
<p><u>DCA-AO-2021-02</u> Board of Pharmacy- COVID-19 immunization administration by pharmacists, pharmacy interns and externs to individuals ages 3 and over</p>	Board of Pharmacy	1/5/21	
<p><u>DCA-AO-2021-02</u> Board of Pharmacy- Immunization administration by pharmacy technicians</p>	Board of Pharmacy	1/5/21	

<p><u>DCA-AO-2021-03</u> Board of Pharmacy - Immunization administration by pharmacists, pharmacy interns and externs to children ages 3 and over</p>	Board of Pharmacy	1/5/21	
<p><u>DCA-AO-2021-06</u> and <u>DCA-W-2021-02-</u> COVID-19 immunization administration by Certified Medical Assistants</p>	CNAs	2/19/21	
<p><u>DCA-AO-2021-12</u> and <u>DCA-W-2021-07</u> COVID-19 immunization Administration by healthcare practitioners in training</p>	Healthcare Providers	5/21/21	
<p><u>DCA-AO-2021-14</u> and <u>DCA-W-2021-08</u> COVID-19 immunization administration by additional healthcare practitioners</p>	Healthcare Providers	6/3/21	
<p><u>DCA-AO-2020-13</u> and <u>DCA-W-2020-12</u> Temporary Certification of</p>	Healthcare Providers	07/15/20	

<p>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).</p>			
<p><u>DCA-AO-2020-14</u> and <u>DCA-W-2020-13</u> 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).</p>	<p>Healthcare Providers</p>	<p>07/29/20</p>	