The following has special meaning:
green underline denotes added text
~~red-struck-out text denotes deleted text~~

Powered by State Net

2020 NJ S 2436	**Author:** Gopal **Version:** Enacted - Pamphlet Law **Version Date:** 09/30/2020

CHAPTER 101

An Act concerning testing for COVID-19 or COVID-19 antibodies and amending P.L.2020, c.7 .

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

C.45:14-67.8 Pharmacists authorized to provide testing for COVID-19, certain circumstances.

1. a. A pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-40 et seq.) shall be authorized to order and cause to be administered to any person any test for the SARS-CoV-2 (COVID-19) or COVID-19 antibodies that the federal Food and Drug Administration granted emergency use authorization or approval , provided that:

(1) the manufacturer of the test is registered with the federal Food and Drug Administration and is included in the Establishment Registration and Device Listing database maintained by the federal Food and Drug Administration;

(2) the place of manufacture provides reasonable assurance prior to or at the time of shipment that the test is genuine; and

(3) the pharmacy practice site distributes personal protection equipment to all pharmacy staff and establishes protocols and procedures to ensure that all persons presenting at the pharmacy for any reason, including to request testing for COVID-19, maintain social distancing appropriate to prevent transmission of COVID-19 , and complies with any other applicable requirements that the New Jersey Board of Pharmacy may establish.

For the purposes of this section, causing a test to be administered shall include collecting a specimen, or overseeing the collection of a specimen, and causing the specimen to be sent to a laboratory with the capacity to perform the test. The laboratory shall be authorized under federal and State law to perform the test, including, but not limited to, the federal "Clinical Laboratory Improvement Amendments of 1988 (CLIA)," Pub. L. 100-578 (42 U.S.C. s.263a), the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), and associated regulations. If the test which is administered is one for which the analysis can be performed at a CLIA-waived facility, and if the pharmacy at which the specimen is collected has a CLIA waiver, then the test may be conducted at that pharmacy. In all other cases, the test shall be conducted at an off-site laboratory, which laboratory shall report the results of the test to the pharmacist who ordered or administered the test.

b. If an individual tests positive for COVID-19 using a test administered by a pharmacist pursuant to subsection a. of this section, the pharmacist shall advise the patient on self-isolation guidance and provide the individual with any necessary resources, such as the COVID-19 Home Care Guide developed by the New Jersey Department of Health , except that, if the patient is a member of a group that is at high risk for health complications from COVID-19 or is experiencing symptoms of a severe adverse reaction to COVID-19, the pharmacist shall also advise the patient to promptly seek treatment at a hospital or contact the patient's health care provider. The pharmacist shall ensure compliance with all other State and federal requirements concerning a positive test for COVID-19, including applicable reporting and data collection requirements.

2. Section 1 of P.L.2020, c.7 is amended to read as follows:

1. a. During the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020, the State Medicaid and NJ FamilyCare programs shall provide coverage and payment for expenses incurred in:

(1) the testing for coronavirus disease 2019, provided that a health care professional licensed in accordance with the provisions of Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State, has issued a medical order for that testing; and

(2) the delivery of health care services through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

b. The coverage shall be provided to the same extent as for any other health care services, except that no cost-sharing shall be imposed on the coverage provided pursuant to this section.

c. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this act and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

3. Section 2 of P.L.2020, c.7 is amended to read as follows:

2. a. During the Public Health Emergency and State of Emergency declared by the Governor in Executive Order 103 of 2020, a carrier that offers a health benefits plan in this State shall provide coverage and payment for expenses incurred in:

(1) the testing of coronavirus disease 2019, provided that a health care professional licensed in accordance with the provisions of Title 45 of the Revised Statutes, or otherwise authorized to provide health care services in this State, has issued a medical order for the testing; and

(2) any health care services delivered to a covered person through telemedicine or telehealth in accordance with the provisions of P.L.2017, c.117 (C.45:1-61 et al.).

b. The coverage shall be provided to the same extent as for any other health care services under the health benefits plan, except that no cost-sharing shall be imposed on the coverage provided pursuant to this section.

c. As used in this section, "carrier," means an insurance company, health service corporation, hospital service corporation, medical service corporation, or health maintenance organization authorized to issue health benefits plans in this State, and shall include the State Health Benefits Program and the School Employees' Health Benefits Program.(cf: P.L.2020, c.7, s.2)

4. This act shall take effect immediately.

Approved September 30, 2020.

Copyright © 2021 State Net