State of New Jersey
DEPARTMENT OF HEALTH
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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE No. 20-034

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease that is caused by the SARS-COV-2 virus and is responsible for the 2019 novel coronavirus outbreak; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern," which means "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response," and thereafter raised its global risk assessment of COVID-19 from "high" to "very high"; and

WHEREAS, on January 31, 2020, the Secretary of the United States Department of Health and Human Services declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, Governor Philip D. Murphy issued Executive Order 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App A:9-33 et seq., in the State of New Jersey for COVID-19; and

WHEREAS, the Public Health Emergency was extended by Governor Murphy under Executive Order Nos. 119, 138, 151, 162, 171, 180, 186, 191 and 200; and

WHEREAS, as of December 1, 2020, the State has approximately 341,910 documented cases of COVID-19 and 15,254 confirmed deaths related to COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, under the declared Public Health Emergency, the Commissioner of the Department of Health (Commissioner) is empowered, pursuant to N.J.S.A. 26:13-12, to take all reasonable and necessary measures to prevent the transmission of infectious disease and apply proper controls and treatment for infectious disease; and

WHEREAS, expansive and extensive testing of individuals for COVID-19 is essential not only for mitigating and controlling the spread of the virus but also to determine the prevalence of the spread of the virus in the State; and

WHEREAS, in order to receive a SARS-COV-2 viral test to diagnosis COVID-19, a prescription or order for the test must be issued by a healthcare provider authorized to prescribe or order laboratory tests; and

WHEREAS, it is necessary to decrease barriers to SARS-COV-2 viral testing so that individuals who are unable to obtain a prescription for testing are able to obtain testing; and

WHEREAS, the Department of Health has issued various Executive Directives providing for the SARS-COV-2 viral testing of staff, residents and visitors to certain health care facilities; and

WHEREAS, the Department of Health has the authority to issue a Standing Order to allow for individuals to obtain testing; and

WHEREAS, to ensure that staff, residents and visitors to certain facilities may obtain testing, a State issued Standing Order allowing individuals to undergo testing without a prescription or order is necessary and appropriate.

NOW, THEREFORE, I, JUDITH PERSICHILLI, Commissioner of the New Jersey Department of Health, pursuant to the powers afforded to me under the Emergency Health Powers Act, hereby ORDER and DIRECT the following:

1. The Department of Health shall issue a Standing Order allowing for staff, residents and visitors of a nursing home, assisted living residence, dementia care home, comprehensive personal care home, and residential health care facility licensed pursuant to P.L 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.); and state Developmental Centers as listed in N.J.S.A. 30:1-7 (collectively, “covered facilities”) to receive a SARS-COV-2 viral test.

2. Any licensed healthcare provider, licensed pharmacist (to the extent authorized by the Department of Law and Public Safety, Division of Consumer Affairs), or trained personnel at a covered facility is authorized to collect and process a SARS-COV-2 viral test approved by the U.S. Food and Drug Administration (FDA), authorized by the FDA through an Emergency Use Authorization or approved by the New Jersey Clinical Laboratory Improvement Services as permitted by the FDA under the Standing Order.

3. Any healthcare provider, licensed pharmacist (to the extent authorized by the Department of Law and Public Safety, Division of Consumer Affairs), or medically-supervised, trained individual authorized to collect and process specimens for COVID-19 testing who collects a specimen pursuant to the Standing Order shall provide the individual submitting to the test with:

    a. Information on how and when to obtain test results;
    b. Information for contacting the local health official within the jurisdiction where the individual resides;
    c. Information on obtaining follow-up medical care if the individual's test results are positive for COVID-19, in accordance with guidance as issued and/or amended by CDC and/or the New Jersey Department of Health; and
    d. Information about public health actions such as self-isolation to be taken based upon the individual's test results and while awaiting test results.

4. Any healthcare provider, licensed pharmacist (to the extent authorized by the Department of Law and Public Safety, Division of Consumer Affairs), or medically-supervised, trained individual authorized to collect and process specimens for SARS-COV-2 viral testing who collects a specimen pursuant to the Standing Order shall follow CDC guidelines for collecting, handling and testing for COVID-19 and in a manner consistent with the test manufacturer's instructions.

5. Covered facilities conducting COVID-19 testing pursuant to the Standing Order shall report the testing results to their local health department in a manner prescribed by the New Jersey Department of Health.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect for the duration of the public health emergency unless otherwise amended, superseded, or lifted.

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Judith Persichilli, R.N., B.S.N., M.A.
Commissioner

December 2, 2020

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Date