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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO: 20-003
Authorization for Members of the Healthcare Provider Community to Conduct COVID-19 Testing Through Swabbing

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, SARS-CoV-2 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread within the Hubei Province and subsequently to multiple other countries; and

WHEREAS, symptoms of the COVID-19 illness might include fever, cough, and shortness of breath, which may appear in as few as two and as long as 14 days after exposure, and can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes; 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, 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, if COVID-19 spreads in New Jersey at a rate comparable to the rate of spread in other affected areas, then the need for testing persons suspected of having COVID-19 will increase and will greatly strain the resources and capabilities of the health care provider community; and

WHEREAS, it is critical to ensure that there are an adequate number of health care providers in the State who can conduct the non-invasive COVID-19 testing through swabbing of oral and/or nasal cavities in order to keep up with the demand for testing; 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, in the State of New Jersey for COVID-19; and

WHEREAS, under the declared public health emergency, the Commissioner of the Department of Health is empowered, pursuant to N.J.S.A. 26:13-18(a), to require and direct in-State health care providers to assist with the treatment, testing and examination of any individual; and

WHEREAS, the Department of Health recognizes during this public health emergency that the State must maximize its health care providers for the provision of COVID-19 testing to ensure that all individuals that require testing are able to be tested during this public health emergency; and

WHEREAS, N.J.S.A. 26:13-2 defines a "health care provider" as any person who provides health care services, including perfusionists, physicians, physician assistants, pharmacists, dentists, nurses, paramedics, respiratory care practitioners, medical or laboratory technicians, and emergency medical technicians; and

WHEREAS, such health care providers maintain the appropriate skill sets to conduct safe and effective COVID-19 testing through swabbing with minimal to no training.

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. For purposes of this Executive Directive, health care providers are perfusionists, physicians, physician assistants, pharmacists, dentists, nurses, paramedics, respiratory care practitioners, medical technicians, laboratory technicians, and emergency medical technicians.

2. Health care providers are authorized to conduct COVID-19 testing through swabbing or oral and/or nasal cavities at any testing site established within the State.

3. Health care facilities in the State as well as county and local governmental bodies that establish COVID-19 testing sites may utilize the health care providers to conduct testing.

4. The health care facility, county or local governmental body offering COVID-19 testing shall provide the necessary test training to the health care provider, consistent with CDC testing guidance, before permitting the provider to conduct testing.

This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Judith Persichilli

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

3/19/2020

Date