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PHILIP D. MURPHY
Governor

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Lt. Governor

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

EXECUTIVE DIRECTIVE NO: 20-005
Authorization for Assisted Living Facilities, Assisted Living Programs and Comprehensive Personal Care Homes to Hire Out-of-State Certified Nurse Aides

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

WHEREAS, COVID-19 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 include fever, cough, and shortness of breath, which may appear in as few as two or 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 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 continues to spread in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the resources, staffing and

capabilities of assisted living facilities, assisted living programs and comprehensive personal care homes if staff and/or residents of the facilities fall ill with the virus; and

WHEREAS, it is critical to prepare for an increasing number of individuals suspected of having or diagnosed with COVID-19 in New Jersey; 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(b), to appoint and prescribe the duties of out-of-state emergency health care providers as may be reasonable and necessary to respond to the public health emergency, including waiving State licensing requirements concerning medical professional practice in New Jersey of health care providers from other jurisdictions; and

WHEREAS, the Department of Health recognizes during this public health emergency that health care facilities must be afforded the ability and flexibility to maximize staffing capabilities to care for and treat all of their residents, including those who may be affected by COVID-19, to ensure they receive appropriate and necessary medical care; and

WHEREAS, certified nurse aides are critical health care providers in assisted living facilities, assisted living programs and personal care homes as they provide direct, hands-on care and support to the residents of these facilities; and

WHEREAS, the skill set of out-of-state certified nurse aides who are in good standing in another state may be essential for the provision of care in New Jersey's assisted living facilities, assisted living programs and personal care homes during this public health emergency so to ensure that residents continue to receive quality healthcare.

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. Notwithstanding the provisions of N.J.A.C. 8:39-43.9 addressing equivalency and reciprocity for certified nurse aides and the provisions of N.J.A.C. 8:36-9.1(a)(1) establishing the requirements for nurse aides to work in assisted living facilities, assisted living programs and comprehensive care homes, assisted living facilities, assisted living programs and comprehensive personal care homes are authorized to use certified nurse aides whose certification is in good standing in another state.

2. Assisted living facilities, assisted living programs and comprehensive personal care homes must verify the validity of the out-of-state certification and maintain

documentation of the verification, such as maintaining on file a print-out of an on-line verification.

3. Facilities are expected to maintain and offer out-of-state certified nurse aides a basic orientation addressing fire safety, infection control, and abuse as well as maintain relevant supervision requirements for the nurse aides.

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

3/31/2020

Date