STATE OF NEW JERSEY

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION

PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)

COVID-19 STATE OF EMERGENCY

Temporary Rule Waiver adopted by Paul R. Rodríguez, Acting Director, Division of Consumer Affairs

Date: March 25, 2020

Authority: N.J.S.A. App.A:9-45 & App.A:9-47 ; Executive Order No. 103 (Murphy)("EO 103")

Effective Date: March 25, 2020

Expiration Date: Concurrent with end of EO 103

This is an emergency adoption of a temporary rule waiver of the on-site, in home evaluation of the plan of care by a health care practitioner supervisor requirement in N.J.A.C. 13:45B-14.9(g). Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive, suspend or modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Division of Consumer Affairs is waiving its rules as follows:

The Division hereby waives provisions in N.J.A.C. 13:45B-14.9(g) to the extent that the rule requires *on-site, in home* plan-of-care evaluations by nursing supervisors.

I find that waiver of the rule above is necessary so that plan-of-care evaluations by nursing supervisors, which are still required, can be completed via electronic means, and because enforcement of the existing rule would be detrimental to the public welfare during this emergency.

Date: March 29, 2020

Paul R. Rodríguez, Acting Director, Division of Consumer Affairs