

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4012

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 26, 2020

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4012, with committee amendments.

As amended by the committee, this bill allows licensed pharmacists, consistent with federal guidance and waivers, to order and administer to any person any test for the coronavirus disease 2019 (COVID-19) that the federal Food and Drug Administration has authorized for use. As amended, the bill specifically requires that:

(1) the manufacturer of the test be registered with the federal Food and Drug Administration (FDA) and is included in the FDA's Establishment Registration and Device Listing database;

(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 ensures that policies and protocols are in place to ensure all people presenting at the pharmacy for any reason maintain a level of social distancing appropriate to prevent the transmission of COVID-19.

Under the amended bill, if an individual tests positive for COVID-19 using a test administered by a pharmacist, the pharmacist will be required to ensure compliance with all State and federal requirements concerning a positive test for COVID-19, including reporting and data collection requirements. Additionally, the pharmacist will be required to advise the patient on self-isolation guidance and provide the individual with any necessary resources, such as the COVID-19 Home Care Guide. However, 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 will be required to advise the patient to promptly seek treatment at a hospital or contact the patient's health care provider.

The amended bill revises P.L.2020, c.7, which concerns health benefits and Medicaid coverage for COVID-19 testing, to provide that coverage extends to tests ordered and administered by pharmacists under the bill.

As amended by the committee, Assembly Bill No. 4012 is identical to Senate Bill No. 2436 (1R), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove language providing that the authority conferred to pharmacists to order and administer COVID-19 tests under the bill be conferred “notwithstanding any other provision of the law.”

The committee amendments provide that the authority conferred to pharmacists under the bill authorizes them to order and administer a test. As introduced, pharmacists could perform either of these functions independently, and were not required to administer the tests they ordered or to themselves order tests they administered.

The committee amendments remove a requirement that, in order for a pharmacist to order and administer a test under the bill, the test had to have been independently evaluated for reliability.

The amendments revise the requirements for pharmacists to provide certain services to patients following a positive test for COVID-19 to require the pharmacist to advise the patient on self-isolation guidance, rather than specifically advise the patient to self-isolate for at least 14 days. Additionally, the pharmacist will be required to provide the individual with any necessary resources, such as the COVID-19 Home Care Guide; as introduced, the bill would have only specifically required the pharmacist to provide the patient with a copy of the Home Care Guide, and did not reference other resources. Finally, if the patient testing positive for COVID-19 is in a high risk group or is experiencing significant symptoms of a severe adverse reaction to COVID-19, as an alternative to advising the patient to promptly seek treatment at a hospital, the pharmacist may advise the patient to contact the patient’s health care provider.

The committee amendments revise P.L.2020, c.7 to provide that private health insurers and Medicaid are required to provide coverage for tests ordered and administered by pharmacists under the bill

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.