

ASSEMBLY, No. 4187

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 1, 2020

Sponsored by:

Assemblyman ERIK K. SIMONSEN

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman ANTWAN L. MCCLELLAN

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Authorizes elective surgeries and invasive procedures to be performed during coronavirus disease 2019 (COVID-19) emergency.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the performance of certain elective procedures
2 during the coronavirus disease 2019 emergency.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. Notwithstanding Executive Order No. 109 of 2020 or any
8 successor order or other administrative rule or guidance to the
9 contrary, health care facilities licensed pursuant to P.L.1971, c.136
10 (C.26:2H-1 et seq.) to perform surgeries or invasive procedures, and
11 health care practitioners who are licensed or certified pursuant to
12 Title 45 of the Revised Statutes to perform surgeries or invasive
13 procedures, shall be authorized to perform elective surgeries or
14 invasive procedures notwithstanding any state of emergency or
15 public health emergency declared in response to the coronavirus
16 disease 2019 (COVID-19) pandemic, provided that the facility or
17 practitioner takes appropriate steps and implements appropriate
18 safeguards and other measures to prevent the spread of COVID-19,
19 both within the facility or practitioner office and among the general
20 population, in the course of performing elective surgeries and
21 invasive procedures. Nothing in this section shall be construed to
22 authorize the reallocation of any health care practitioner, ancillary
23 staff member, or scarce resource for the performance of an elective
24 surgery or invasive procedure when the practitioner, ancillary staff
25 member, or scarce resource is essential to provide care to COVID-19
26 patients or to help prevent the spread of COVID-19.

27 b. As used in this section, “elective surgery or invasive
28 procedure” means any surgery or invasive procedure, whether
29 medical or dental, that may be delayed without undue risk to the
30 current or future health of the patient, as determined by the patient’s
31 treating practitioner.

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33 2. This act shall take effect immediately and shall expire six
34 months after the end of both the state of emergency and the public
35 health emergency declared in response to the coronavirus disease
36 2019 pandemic.

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STATEMENT

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41 This bill authorizes elective surgeries and invasive procedures to
42 be performed at licensed facilities and by licensed health care
43 practitioners, notwithstanding Executive Order No. 109 of 2020 or
44 any other prohibition to the contrary, during the state of emergency
45 and public health emergency declared in response to the
46 coronavirus disease 2019 (COVID-19) pandemic. As used in the
47 bill, “elective surgery or invasive procedure” means any surgery or
48 invasive procedure, whether medical or dental, that may be delayed

1 without undue risk to the current or future health of the patient, as
2 determined by the patient's treating practitioner. The term includes
3 any surgery or invasive procedure that can be scheduled in advance,
4 and that does not need to be performed immediately or on an urgent
5 basis in order to preserve the life or current health condition of the
6 patient. Elective procedures may include, but are in no case limited
7 to, tonsillectomies, kidney stone removals, mastectomies, hernia
8 surgeries, angioplasties, and certain cancer treatments.

9 The Governor suspended all elective surgeries and invasive
10 procedures in the State during the COVID-19 emergency with the
11 adoption of Executive Order No. 109 of 2020. This bill would
12 allow these procedures to resume, provided that the facility or
13 practitioner takes appropriate steps and implements appropriate
14 safeguards and other measures to prevent the spread of COVID-19,
15 both within the facility or practitioner office and among the general
16 population. Nothing in the bill is to be construed to authorize the
17 reallocation of any health care practitioner, ancillary staff member,
18 or scarce resource for the performance of an elective surgery or
19 invasive procedure when the practitioner, ancillary staff member, or
20 scarce resource is essential to provide care to COVID-19 patients or
21 to help prevent the spread of COVID-19.

22 It is the sponsor's belief that it is essential that elective surgeries
23 and invasive procedures be allowed to resume in the State to ensure
24 that residents of New Jersey who are experiencing pain and other
25 adverse or debilitating symptoms of treatable health conditions
26 receive the health care services they need as expeditiously as
27 possible.