

**ASSEMBLY CONCURRENT
RESOLUTION No. 223**

**STATE OF NEW JERSEY
219th LEGISLATURE**

INTRODUCED JANUARY 6, 2022

Sponsored by:
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

SYNOPSIS

Expresses approval of Legislature for a 45-day extension of certain administrative orders, directives, and waivers issued in response to COVID-19 Public Health Emergency.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** expressing the approval of the
2 Legislature for a 45-day extension of certain administrative
3 orders, directives, and waivers issued in response to the COVID-
4 19 Public Health Emergency.
5
6 **WHEREAS**, On March 9, 2020, in response to coronavirus disease
7 (COVID-19), the Governor issued Executive Order No. 103,
8 declaring the existence of a public health emergency, pursuant to
9 the “Emergency Health Powers Act” (EHPA), P.L.2005, c.222
10 (C.26:13-1 et seq.), and a state of emergency, pursuant to the New
11 Jersey Civilian Defense and Disaster Control Act (Disaster Control
12 Act), P.L.1942, c.251 (C.App.A:9-33 et seq.), in the State of New
13 Jersey; and
14 **WHEREAS**, Section 3 of P.L.2005, c.222 (C.26:13-3) establishes that a
15 public health emergency declared by the Governor shall
16 automatically terminate after 30 days, unless renewed for an
17 additional 30 days through a declaration of the Governor; and
18 **WHEREAS**, Through Executive Order Nos. 119, 138, 151, 162, 171,
19 180, 186, 191, 200, 210, 215, 222, 231, 235, and 240, issued on
20 April 7, 2020, May 6, 2020, June 4, 2020, July 2, 2020, August 1,
21 2020, August 27, 2020, September 25, 2020, October 24, 2020,
22 November 22, 2020, December 21, 2020, January 19, 2021,
23 February 17, 2021, March 17, 2021, April 15, 2021, and May 14,
24 2021, respectively, the COVID-19 Public Health Emergency was
25 extended, and all executive orders and administrative orders
26 adopted in whole or in part in response to the COVID-19 Public
27 Health Emergency remained in full force and effect; and
28 **WHEREAS**, As COVID-19 continued to spread across New Jersey, the
29 Governor issued a series of executive orders pursuant to the
30 Governor’s authority under the EHPA and the Disaster Control Act,
31 including Executive Order Nos. 104-133, Nos. 135-138, Nos. 140-
32 166, Nos. 168-173, No. 175, Nos. 177-181, No. 183, Nos. 186-187,
33 Nos. 189-198, No. 200, Nos. 203-204, No. 207, and Nos. 210-211
34 (2020) and Nos. 214-216, Nos. 219-220, Nos. 222-223, No. 225,
35 Nos. 228-235, Nos. 237-244, No. 246, No. 249, Nos. 251- 253,
36 Nos. 263-264, Nos. 266-267, and No. 271 (2021); and
37 **WHEREAS**, On June 4, 2021, the Governor signed into law P.L.2021,
38 c.103 and issued Executive Order No. 244, which terminated the
39 public health emergency declared in Executive Order No. 103
40 (2020) but maintained the state of emergency declared in that same
41 Order; and
42 **WHEREAS**, P.L.2021, c.103 further provides that, following the
43 termination of the public health emergency, the force and effect of
44 any administrative order, directive, or waiver issued by the head of
45 a State agency that relied on the existence of the public health
46 emergency declared by the Governor in Executive Order No. 103 of
47 2020, as extended, shall expire on January 11, 2022; and

1 **WHEREAS**, Subsection b. of section 3 of P.L.2021, c.103, as amended,
 2 provides that the Legislature may pass a concurrent resolution to
 3 continue for 45 days beyond January 11, 2022 any administrative
 4 order, directive, or waiver issued by the head of a State agency that
 5 relied on the existence of the public health emergency declared by
 6 the Governor in Executive Order No. 103 of 2020, as extended, for
 7 which the Governor has determined an extension is necessary or
 8 appropriate and has provided notice to the Legislature on or before
 9 January 1, 2022; and

10 **WHEREAS**, The Governor has provided notice pursuant to the
 11 provisions of P.L.2021, c.103 for the extension of certain
 12 administrative orders, directives, and waivers enumerated in this
 13 concurrent resolution to protect the public health, safety, and
 14 welfare against the emergency created by COVID-19; now,
 15 therefore,

16
 17 **BE IT RESOLVED** by the General Assembly of the State of New
 18 Jersey (the Senate concurring):

19
 20 1. The Legislature concurs with the Governor's
 21 recommendation that the following administrative orders,
 22 directives, and waivers issued by the departments, departments, and
 23 authorities set forth herein shall remain in full force and effect until
 24 February 25, 2022:

25 a. The Department of Banking and Insurance:

26 (1) Bulletin No. 20-08: Temporary Rule Suspension and
 27 Modification Concerning the Temporary External Appeal
 28 Procedures for the Independent Health Care Appeals Program;

29 (2) Bulletin No. 20-09: Temporary Rule Suspension
 30 Concerning Real Estate Prelicensure Courses;

31 (3) Bulletin No. 20-03: Directive Concerning Health Entities'
 32 Response to COVID-19;

33 (4) Bulletin No. 20-22: Directive Concerning Insurance
 34 Premium Refunds, Credits, and Reductions;

35 (5) Bulletin No. 20-24: Directive Concerning Health Entities'
 36 Response to COVID-19;

37 (6) Bulletin No. 21-01: Directive Concerning Coverage for
 38 COVID-19 Immunizations ;

39 (7) Bulletin No. 20-07: Directive Concerning Use of
 40 Telemedicine and Telehealth to Respond to the COVID-19
 41 Pandemic; and

42 (8) Bulletin No. 20-19: Directive Concerning Use of
 43 Telemedicine and Telehealth related to Personal Injury Protection
 44 Coverage;

45 b. The Department of Children and Families:

46 (1) Temporary Rule Suspension and Modification Concerning
 47 Child Protection Visitation and Case Plans; and

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- 1 (2) Temporary Rule Modification related to the Address
- 2 Confidentiality Program;
- 3 c. The Civil Service Commission:
- 4 (1) Temporary Rule Relaxation and Modification of the
- 5 Regulatory Provisions Concerning Sick Leave; and
- 6 (2) Temporary Rule Relaxation and Modification of the
- 7 Regulatory Provisions Concerning Flextime Programs;
- 8 d. The Department of Community Affairs Temporary Rule
- 9 Concerning Remote Public Meetings;
- 10 e. The Department of Environmental Protection Temporary
- 11 Rule Modification Concerning Regulated Medical Waste;
- 12 f. The Economic Development Authority Temporary Rule
- 13 Waivers Concerning Full-Time Employee Definition issued March
- 14 12, 2020;
- 15 g. The Department of Health:
- 16 (1) Temporary Rule Waiver/Modification Concerning
- 17 Eligibility for Take-Home Medication issued May 8, 2020;
- 18 (2) Temporary Rule Waiver/Modification Concerning
- 19 Utilization Criteria for Invasive Cardiac Diagnostic Facilities and
- 20 Cardiac Surgical Centers issued March 4, 2021;
- 21 (3) Health Facilities Waiver Concerning Infection Prevention
- 22 and Control of COVID-19 in Assisted Living Residences issued
- 23 April 4, 2020;
- 24 (4) Health Facilities Waiver Concerning Notification of a
- 25 Contagious Disease Outbreak issued April 4, 2020;
- 26 (5) Executive Directive No. 21-012 issued November 24, 2021;
- 27 (6) Waiver Concerning Telehealth issued April 17, 2020;
- 28 (7) Health Facilities Waiver for Licensed Inpatient Facilities
- 29 issued March 13, 2020;
- 30 (8) Temporary Rule Waiver/Modification Concerning
- 31 Certification for Certified Medication Aides issued January 12,
- 32 2021;
- 33 (9) Temporary Rule Waiver/Rule Modification Concerning
- 34 Certification of Nurse Aides in Long-Term Care Facilities issued
- 35 May 11, 2021;
- 36 (10) Temporary Rule Waiver/Modification Concerning Nurse
- 37 Aide Competency issued April 15, 2020;
- 38 (11) Temporary Rule Waiver/Modification of Nurse Aide
- 39 Certification Requirements issued April 14, 2020;
- 40 (12) Blanket Waiver for Home Health Agency Licensing
- 41 Standards issued April 24, 2020;
- 42 (13) Health Facilities Waiver for Home Health Agencies and
- 43 Hospice Facilities issued March 13, 2020;
- 44 (14) Blanket Waiver for Hospice Licensing Standards issued
- 45 April 23, 2020;
- 46 (15) Health Facilities Waiver for Ambulatory Care, Adult, and
- 47 Pediatric Care Facilities issued March 13, 2020;

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- 1 (16) Waiver Concerning Advance Practice Nurses and Certified
2 Registered Nurse Anesthetists issued April 17, 2020;
- 3 (17) Temporary Rule Waiver/Modification Concerning Mobile
4 Vans issued December 10, 2020;
- 5 (18) Temporary Rule Modification and Suspension Concerning
6 Dialysis Staffing issued April 17, 2020;
- 7 (19) Temporary Waivers Concerning Hospitals issued April 7,
8 2020;
- 9 (20) Health Facilities Waiver Concerning Acute Care Hospitals
10 Credentials issued March 26, 2020;
- 11 (21) Temporary Rule Waiver/Modification Concerning
12 Respiratory Care Supplies and Equipment issued May 8, 2020;
- 13 (22) Temporary Rule Waiver/Modification Concerning Nurse
14 Aides Licensing issued December 10, 2020;
- 15 (23) Temporary Rule Waiver/Modification Concerning
16 Collection Stations and Patient Service Centers issued June 5, 2020;
- 17 (24) Temporary Rule Waiver, Modification, and Suspension
18 Concerning Continuing Education issued October 4, 2021;
- 19 (25) Executive Directive 20-003 issued March 19, 2020;
- 20 (26) Executive Directive 20-004 issued March 27, 2020;
- 21 (27) Executive Directive 20-005 issued March 31, 2020;
- 22 (28) Executive Directive 20-006 issued December 16, 2020;
- 23 (29) Policy setting forth Allocation of Critical Care Resources
24 During a Public Health Emergency issued April 11 2020;
- 25 (30) Executive Directive 20-007 issued April 11, 2020;
- 26 (31) Executive Directive 20-008 issued April 14, 2020;
- 27 (32) Executive Directive 20-011 issued April 28, 2020;
- 28 (33) Executive Directive 20-012 issued May 12, 2020;
- 29 (34) Standing Order for COVID-19 Testing Control No. 2020-
30 01 issued May 12, 2020;
- 31 (35) Executive Directive 20-016 revised June 16, 2021;
- 32 (36) Executive Directive 20-018 revised June 16, 2021;
- 33 (37) Executive Directive 20-020 revised October 21, 2020;
- 34 (38) Executive Directive 20-027 issued August 24, 2020;
- 35 (39) Executive Directive 20-033 issued November 30, 2020;
- 36 (40) Executive Directive 20-034 issued December 2, 2020;
- 37 (41) Standing Order for COVID-19 Testing as to Long-Term
38 Care Facilities Control No. 2020-02;
- 39 (42) Executive Directive 20-035 revised December 15, 2020;
- 40 (43) Executive Directive 20-037 revised June 16, 2021;
- 41 (44) Executive Directive 21-002 issued April 14, 2021;
- 42 (45) Executive Directive 21-005 issued May 28, 2021;
- 43 (46) Executive Directive 21-006 issued June 15, 2021;
- 44 (47) Executive Directive 21-007 revised June 14, 2021;
- 45 (48) Executive Directive 21-009 issued July 26, 2021;
- 46 (49) Executive Directive 21-011 issued October 7, 2021;
- 47 (50) Executive Directive 21-012 issued November 24, 2021;

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- 1 (51) Emergency Conditional Curtailment of Admissions Order
- 2 issued April 13, 2020;
- 3 (52) Memorandum Regarding Support Person(s) for a Patient
- 4 with a Disability issued May 12, 2020;
- 5 (53) Memorandum Regarding Temporary Feeding Assistant
- 6 Training issued May 21, 2020;
- 7 (54) Certificate of Waiver Concerning Emergency Medical
- 8 Services BLS Crewmember Requirements;
- 9 (55) Certificate of Waiver Concerning Emergency Medical
- 10 Services MICU Crewmember Requirements;
- 11 (56) Certificate of Waiver Concerning Emergency Medical
- 12 Services SCTU Crewmember Requirements;
- 13 (57) Certificate of Waiver Concerning Emergency Medical
- 14 Services ALS Triage to Home;
- 15 (58) Certificate of Waiver Concerning Emergency Medical
- 16 Services BLS Triage to Home;
- 17 (59) Certificate of Waiver Concerning Emergency Medical
- 18 Services EMT Re-Entry – COVID-19;
- 19 (60) Certificate of Waiver Concerning Emergency Medical
- 20 Services Paramedic Re-Entry – COVID-19;
- 21 (61) Certificate of Waiver Concerning Emergency Medical
- 22 Services Recertification of Inactive Paramedics;
- 23 (62) Certificate of Waiver Concerning Emergency Medical
- 24 Services EMT Reciprocity; and
- 25 (63) Certificate of Waiver Concerning Emergency Medical
- 26 Services MAV and BLS Ambulance Service PPE Requirements;
- 27 h. The New Jersey Housing and Mortgage Finance Agency:
- 28 Resolution expanding the Foreclosure Mediation Assistance
- 29 Program;
- 30 i. The Department of Human Services:
- 31 (1) Temporary Rule Modification and Guidance Concerning
- 32 Telehealth for Various Services; and
- 33 (2) Temporary Rule Modification waiving certain Intoxicated
- 34 Driver Program rules to provide scheduling flexibility and online
- 35 classes;
- 36 j. The Department of Law and Public Safety, Division of
- 37 Consumer Affairs:
- 38 (1) Administrative Order DCA-AO-2021-01;
- 39 (2) Administrative Order DCA-AO-2021-02;
- 40 (3) Administrative Order DCA-AO-2021-03;
- 41 (4) Administrative Order DCA-AO-2021-04;
- 42 (5) Administrative Order and Waiver DCA-AO-2021-06 and
- 43 DCA-W-2021-02;
- 44 (6) Administrative Order and Waiver DCA-AO-2021-12 and
- 45 DCA-W-2021-07;
- 46 (7) Administrative Order and Waiver DCA-AO-2021-14 and
- 47 DCA-W-2021-08;

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- 1 (8) Temporary Rule Waiver Waiving Criminal Background
- 2 Checks as a Pre-requisite of Obtaining a Health Care Practitioner
- 3 Certification or Licensure issued March 19, 2020;
- 4 (9) Board of Marriage and Family Therapy Examiners, Alcohol
- 5 and Drug Counselor Committee Temporary Rule Waiver issued
- 6 March 19, 2020;
- 7 (10) Board of Medical Examiners Temporary Rule Waiver
- 8 issued March 19, 2020;
- 9 (11) Board of Polysomnography Temporary Rule Waiver issued
- 10 March 19, 2020;
- 11 (12) Board of Nursing Temporary Rule Waivers issued March
- 12 19, 2020;
- 13 (13) Board of Dentistry Temporary Rule Waiver issued March
- 14 19, 2020;
- 15 (14) Board of Medical Examiners, Electrologists Advisory
- 16 Committee, Temporary Rule Waiver issued March 19, 2020;
- 17 (15) Board of Marriage and Family Therapy Examiners
- 18 Temporary Rule Waiver issued March 19, 2020;
- 19 (16) Board of Ophthalmic Dispensers and Ophthalmic
- 20 Technicians Temporary Rule Waiver issued March 19, 2020;
- 21 (17) Board of Marriage and Family Therapy Examiners,
- 22 Professional Counselor Committee Temporary Rule Waiver issued
- 23 March 19, 2020;
- 24 (18) Board of Pharmacy Temporary Rule Waiver issued March
- 25 19, 2020;
- 26 (19) Board of Medical Examiners, Physician Assistant
- 27 Advisory Committee Temporary Rule Waiver issued March 19,
- 28 2020;
- 29 (20) Board of Respiratory Care Temporary Rule Waiver issued
- 30 March 19, 2020;
- 31 (21) Board of Social Work Examiners Temporary Rule Waiver
- 32 issued March 19, 2020;
- 33 (22) Certified Psychoanalysts Advisory Committee Temporary
- 34 Rule Waiver issued March 19, 2020;
- 35 (23) Board of Psychological Examiners Temporary Rule
- 36 Waiver issued March 19, 2020;
- 37 (24) Waiver DCA-W-2020-06;
- 38 (25) Administrative Order DCA-AO-2020-02;
- 39 (26) Administrative Order and Waiver DCA-AO-2020-05 and
- 40 DCA-W-2020-09;
- 41 (27) Administrative Order and Waiver DCA-AO-2020-06 and
- 42 DCA-W-2020-10;
- 43 (28) Administrative Order DCA-AO-2020-12;
- 44 (29) Waiver DCA-W-2020-11;
- 45 (30) Administrative Order and Waiver DCA-AO-2020-15 and
- 46 DCA-W-2020-14;
- 47 (31) Administrative Order DCA-AO-2020-19;
- 48 (32) Administrative Order DCA-AO-2021-11;

- 1 (33) Waiver DCA-W-2020-01;
2 (34) Waiver DCA-W-2020-02;
3 (35) Waiver DCA-W-2020-04;
4 (36) Administrative Order and Waiver DCA-AO-2021-09 and
5 DCA-W-2021-05; and
6 (37) Administrative Order and Waiver DCA-AO-2020-13 and
7 DCA-W-2020-12;
8 k. The Department of State: Temporary Rule Relaxation
9 Concerning the Expiration of Center Designations made pursuant to
10 the State Plan Resolution No. 2020-07 issued April 15, 2020; and
11 l. The Urban Enterprise Zone Authority: Temporary Rule
12 Modification Concerning Business Certification for Zone Business
13 Benefits.
14
15 2. This concurrent resolution shall take effect immediately.
16
17

18 STATEMENT
19

20 Under current law (P.L.2021, c.103), the COVID-19 Public
21 Health Emergency ended on July 4, 2021, except that certain
22 administrative orders, directives, and waivers issued in response to
23 the public health emergency were extended until January 11, 2022.
24 However, P.L.2021, c.103, as amended, also provides that
25 following the termination of the COVID-19 Public Health
26 Emergency, the Governor must notify the Legislature by January 1,
27 2022 if the Governor determines that it is necessary or appropriate
28 to continue for an additional 45 days beyond January 11, 2022 any
29 administrative order, directive, or waiver issued by the head of a
30 State agency that relied on the existence of the public health
31 emergency. Following the notification, the administrative orders,
32 directives, or waivers would be extended for an additional 45 days
33 if each House of the Legislature passes a concurrent resolution to
34 continue the administrative order, directive, or waiver.

35 Due to the surge in COVID-19 cases, hospitalizations, and
36 deaths in this State, the Legislature concurs with the Governor's
37 recommendation that certain administrative orders, directives, and
38 waivers issued in response to the COVID-19 Public Health
39 Emergency be extended and remain in full force and effect until
40 February 25, 2022.