

[First Reprint]

SENATE, No. 2436

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 7, 2020

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SYNOPSIS

Authorizes pharmacists to order and administer test for coronavirus disease 2019 (COVID-19) consistent with federal guidance; requires health benefits and Medicaid coverage for tests.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on May 11, 2020, with amendments.

(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning testing for coronavirus disease 2019 ¹and
 2 amending P.L.2020, c.7¹ .

3
 4 **BE IT ENACTED** by the Senate and General Assembly of the State
 5 of New Jersey:

6
 7 1. ¹(New section)¹ a. ¹**【Notwithstanding any other provision of**
 8 **law to the contrary, consistent】** Consistent¹ with federal guidance and
 9 waivers, a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-
 10 40 et seq.) shall be authorized to order ¹**【or】** and¹ administer to any
 11 person any test for the coronavirus disease 2019 (COVID-19) that the
 12 federal Food and Drug Administration has authorized for use, provided
 13 that:

14 (1) the manufacturer of the test is registered with the federal Food
 15 and Drug Administration and is included in the Establishment
 16 Registration and Device Listing database maintained by the federal
 17 Food and Drug Administration;

18 (2) ¹**【a statistically significant number of samples of the test have**
 19 **been independently evaluated within the United States for reliability;**

20 (3)¹ the place of manufacture provides reasonable assurance
 21 prior to or at the time of shipment that the test is genuine ¹**【and**
 22 **conforms to the specifications of the samples that have been found to**
 23 **be reliable as described in paragraph (2) of this subsection】**¹ ; and

24 ¹**【(4)】** (3)¹ the pharmacy practice site distributes personal
 25 protection equipment to all pharmacy staff and establishes protocols
 26 and procedures to ensure that all persons presenting at the pharmacy
 27 for any reason, including to request testing for COVID-19, maintain
 28 social distancing appropriate to prevent transmission of COVID-19.

29 b. If an individual tests positive for COVID-19 using a test
 30 administered by a pharmacist pursuant to subsection a. of this section,
 31 the pharmacist shall advise the patient ¹**【to self-isolate at home for at**
 32 **least 14 days】** on self-isolation guidance¹ and provide the individual
 33 with ¹**【a copy of】** any necessary resources, such as¹ the COVID-19
 34 Home Care Guide, except that, if the patient is a member of a group
 35 that is at high risk for health complications from COVID-19 or is
 36 experiencing symptoms of a severe adverse reaction to COVID-19, the
 37 pharmacist shall advise the patient to promptly seek treatment at a
 38 hospital ¹or contact the patient's health care provider¹ . The
 39 pharmacist shall ensure compliance with all other State and federal
 40 requirements concerning a positive test for COVID-19, including
 41 applicable reporting and data collection requirements.

42 ¹**【c. The Board of Pharmacy may extend the authority to order and**
 43 **administer COVID-19 tests to any other professional subject to**
 44 **licensure or oversight by the board.】**¹

EXPLANATION – Matter enclosed in bold-faced brackets 【thus】 in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted May 11, 2020.

1 ¹2. Section 1 of P.L.2020, c.7 is amended to read as follows:

2 1. a. During the Public Health Emergency and State of
3 Emergency declared by the Governor in Executive Order 103 of 2020,
4 the State Medicaid and NJ FamilyCare programs shall provide
5 coverage and payment for expenses incurred in:

6 (1) the testing for coronavirus disease 2019, provided that a
7 licensed **【medical practitioner】** health care professional licensed in
8 accordance with the provisions of Title 45 of the Revised Statutes, or
9 otherwise authorized to provide health care services in this State, has
10 issued a medical order for that testing; and

11 (2) the delivery of health care services through telemedicine or
12 telehealth in accordance with the provisions of P.L.2017, c.117
13 (C.45:1-61 et al.).

14 b. The coverage shall be provided to the same extent as for any
15 other health care services, except that no cost-sharing shall be imposed
16 on the coverage provided pursuant to this section.

17 c. The Commissioner of Human Services shall apply for such
18 State plan amendments or waivers as may be necessary to implement
19 the provisions of this act and to secure federal financial participation
20 for State Medicaid expenditures under the federal Medicaid program.¹
21 (cf: P.L.2020, c.7, s.1)

22

23 ¹3. Section 2 of P.L.2020, c.7 is amended to read as follows:

24 2. a. During the Public Health Emergency and State of
25 Emergency declared by the Governor in Executive Order 103 of 2020,
26 a carrier that offers a health benefits plan in this State shall provide
27 coverage and payment for expenses incurred in:

28 (1) the testing of coronavirus disease 2019, provided that a health
29 care professional licensed in accordance with the provisions of
30 **【P.L.2017, c.117 (C.45:1-61 et al.)】** Title 45 of the Revised Statutes,
31 or otherwise authorized to provide health care services in this State,
32 has issued a medical order for the testing; and

33 (2) any health care services delivered to a covered person through
34 telemedicine or telehealth in accordance with the provisions of
35 P.L.2017, c.117 (C.45:1-61 et al.).

36 b. The coverage shall be provided to the same extent as for any
37 other health care services under the health benefits plan, except that no
38 cost-sharing shall be imposed on the coverage provided pursuant to
39 this section.

40 c. As used in this section, “carrier,” means an insurance company,
41 health service corporation, hospital service corporation, medical
42 service corporation, or health maintenance organization authorized to
43 issue health benefits plans in this State, and shall include the State
44 Health Benefits Program and the School Employees' Health Benefits
45 Program.¹

46 (cf: P.L.2020, c.7, s.2)

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48 ¹**【2.】 4.**¹ This act shall take effect immediately.