

SENATE, No. 4139

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Extends temporary emergency licensure of certain health care professionals.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

1 AN ACT concerning certain health care professionals.

2

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

5

6 1. The Legislature finds and declares that:

7 a. Health care workers have demonstrated their commitment to
8 helping the residents of the State of New Jersey emerge from the
9 coronavirus disease 2019 (COVID-19) pandemic by continuing to
10 provide care and treatment to patients while working under
11 conditions of enormous stress and uncertainty.

12 b. On March 26, 2020, the Division of Consumer Affairs in the
13 Department of Law and Public Safety issued waivers, under the
14 authority of Executive Order No. 103 of 2020, permitting certain
15 health care workers licensed in other states to practice in New
16 Jersey under a temporary emergency license. On May 5, 2020, the
17 division issued additional waivers authorizing graduates of certain
18 accredited training programs to provide health care services in New
19 Jersey under a temporary emergency license.

20 c. The temporary emergency reciprocal licensure of out-of-
21 State health care workers in New Jersey and the temporary
22 emergency graduate licensure for nurses, physician assistants,
23 respiratory care therapists, pharmacists, and alcohol and drug
24 counselors approved under these waivers will expire on January 11,
25 2022, pursuant to the provisions of P.L.2021, c.103 (C.26:13-32 et
26 seq.) and Executive Order No. 244 of 2021.

27 d. In light of the ongoing health care needs of the citizens of
28 New Jersey and the ongoing challenges in ensuring the health care
29 workforce is able to meet the demand for health care services, the
30 Legislature finds it is necessary and appropriate to authorize out-of-
31 State health care workers practicing under a temporary emergency
32 reciprocal license, and recently-graduated health care workers
33 practicing under a temporary emergency graduate license, to
34 continue to practice in the State to the same extent, and subject to
35 the same requirements, as are provided under the Division of
36 Consumer Affairs waivers, for a period of 60 days following the
37 end of the federal public health emergency declared in response to
38 the COVID-19 pandemic.

39

40 2. a. As used in this section:

41 “Division” means the Division of Consumer Affairs in the
42 Department of Law and Public Safety.

43 “Group 2 health care professional” means an advanced practice
44 nurse, certified social worker, doctor of osteopathy, homemaker-
45 home health aide, licensed practical nurse, licensed alcohol and
46 drug counselor, licensed clinical social worker, marriage and family
47 therapist, medical doctor, professional counselor, psychoanalyst,
48 psychologist, registered professional nurse, and respiratory care
49 practitioner.

1 “Temporary emergency graduate license” means a license issued
2 to a nurse, physician assistant, respiratory care therapist,
3 pharmacist, or alcohol and drug counselor who graduated from an
4 accredited program but did not yet meet the requirements for
5 licensure, which emergency license was issued by the division
6 pursuant to DCA Administrative Order No. 2020-05 and DCA
7 Waiver No. W-2020-09, and which license authorizes the nurse,
8 physician assistant, respiratory care therapist, pharmacist, or
9 alcohol and drug counselor to practice in New Jersey.

10 “Temporary emergency reciprocal license” means a license
11 issued by the division, pursuant to a waiver approved by the
12 division under the authority of Executive Order No. 103 of 2020, to
13 a health care professional licensed in a state other than New Jersey,
14 and which license authorizes the health care professional to fully
15 engage in the practice of that person’s profession in New Jersey,
16 both in person and using telemedicine and telehealth, without
17 requiring full licensure by a licensing board within the division.

18 b. Notwithstanding any other provision of law to the contrary,
19 a group 2 health care professional practicing in New Jersey under a
20 temporary emergency reciprocal license on the effective date of this
21 act shall be authorized to continue practicing, under the same terms
22 and conditions as applied under that temporary emergency
23 reciprocal license, for a period of 60 days following the end of the
24 federal public health emergency declared in response to the
25 coronavirus disease 2019 (COVID-19) pandemic.

26 c. Notwithstanding any other provision of law to the contrary,
27 a nurse, physician assistant, respiratory care therapist, pharmacist,
28 or alcohol and drug counselor authorized to practice under a
29 temporary emergency graduate license on the effective date of this
30 act shall be authorized to continue practicing, under the same terms
31 and conditions as applied to a license issued pursuant to DCA
32 Administrative Order No. 2020-05 and DCA Waiver No. W-2020-
33 09, for a period of 60 days following the end of the federal public
34 health emergency declared in response to the COVID-19 pandemic.

35 d. Nothing in this section shall be construed to:

36 (1) prevent a health care professional practicing under a
37 temporary emergency reciprocal license or an emergency graduate
38 license from applying for or receiving full licensure in New Jersey,
39 provided the professional otherwise meets the requirements for
40 licensure; or

41 (2) reinstate a temporary emergency reciprocal license or a
42 temporary emergency graduate license for any individual whose
43 temporary emergency reciprocal license or temporary emergency
44 graduate license was revoked by the division prior to the effective
45 date of this act.

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47 3. This act shall take effect immediately.

STATEMENT

This bill extends the temporary authorization to practice for certain health care professionals that was approved by the Division of Consumer Affairs in the Department of Law and Public Safety in response to the coronavirus disease 2019 (COVID-19) pandemic.

Specifically, the division issued waivers authorizing certain health care professionals licensed in other states and certain health care professionals who recently graduated from an accredited program, but who had not yet met the requirements for full licensure, to practice in New Jersey to assist with the State's response to the COVID-19 pandemic. Pursuant to P.L.2021, c.103 (C.26:13-32 et seq.) and Executive Order No. 244 of 2021, those temporary emergency licenses will expire on January 11, 2021.

This bill provides that health care professionals authorized to practice under a temporary emergency reciprocal license on the effective date of the bill, as well as nurses, physician assistants, respiratory care therapists, pharmacists, and alcohol and drug counselors authorized to practice under a temporary emergency graduate license on the effective date of the bill, will be permitted to continuing practicing, under the same terms and conditions as applied to the temporary emergency license, for a period of 60 days following the end of the federal public health emergency declared in response to the COVID-19 pandemic.

Nothing in the bill is to be construed to prevent a health care professional practicing under a temporary emergency license from applying for or receiving full licensure in New Jersey, provided the professional otherwise meets the requirements for licensure; and nothing in the bill is to be construed to reinstate a temporary emergency license for any individual whose temporary emergency license was revoked by the division prior to the effective date of the bill.