

[First Reprint]

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 reported by the Senate Health, Human Services and Senior Citizens Committee on December 6, 2021, with amendments.



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

1 AN ACT concerning certain health care professionals ¹and amending
2 P.L. , c. (pending before the Legislature as Assembly Bill No.
3 5353 (2R) of 2020/2021)¹ .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. ¹(New section)¹ The Legislature finds and declares that:

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

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

22 c. The temporary emergency reciprocal licensure of out-of-
23 State health care workers in New Jersey and the temporary
24 emergency graduate licensure for nurses, physician assistants,
25 respiratory care therapists, pharmacists, and alcohol and drug
26 counselors approved under these waivers will expire on January 11,
27 2022, pursuant to the provisions of P.L.2021, c.103 (C.26:13-32 et
28 seq.) and Executive Order No. 244 of 2021.

29 d. In light of the ongoing health care needs of the citizens of
30 New Jersey and the ongoing challenges in ensuring the health care
31 workforce is able to meet the demand for health care services, the
32 Legislature finds it is necessary and appropriate to authorize out-of-
33 State health care workers practicing under a temporary emergency
34 reciprocal license, and ¹**【recently-graduated】** recently graduated¹
35 health care workers practicing under a temporary emergency
36 graduate license, to continue to practice in the State to the same
37 extent, and subject to the same requirements, as are provided under
38 the Division of Consumer Affairs waivers, for a period ¹**【of 60 days**
39 **following the end of the federal public health emergency declared**
40 **in response to the COVID-19 pandemic】** extending through June
41 30, 2022, as well as to authorize additional out-of-State and recently
42 graduated health care workers to apply for, and be issued, a
43 temporary emergency license to practice in New Jersey during this
44 period¹ .

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 SHH committee amendments adopted December 6, 2021.

1 2. ¹(New section)¹ a. As used in this section:

2 “Division” means the Division of Consumer Affairs in the
3 Department of Law and Public Safety.

4 “Group 2 health care professional” means an advanced practice
5 nurse, certified social worker, doctor of osteopathy, homemaker-
6 home health aide, licensed practical nurse, licensed alcohol and
7 drug counselor, licensed clinical social worker, marriage and family
8 therapist, medical doctor, professional counselor, psychoanalyst,
9 psychologist, registered professional nurse, and respiratory care
10 practitioner.

11 “Temporary emergency graduate license” means a license issued
12 to a nurse, physician assistant, respiratory care therapist,
13 pharmacist, or alcohol and drug counselor who graduated from an
14 accredited program but did not yet meet the requirements for
15 licensure, which emergency ¹**licensed** license¹ was issued by the
16 division pursuant to DCA Administrative Order No. 2020-05 and
17 DCA Waiver No. W-2020-09, and which license authorizes the
18 nurse, physician assistant, respiratory care therapist, pharmacist, or
19 alcohol and drug counselor to practice in New Jersey.

20 “Temporary emergency reciprocal license” means a license
21 issued by the division, pursuant to a waiver approved by the
22 division under the authority of Executive Order No. 103 of 2020, to
23 a health care professional licensed in a state other than New Jersey,
24 ¹**and**¹ which license authorizes the health care professional to
25 fully engage in the practice of that person’s profession in New
26 Jersey, both in person and using telemedicine and telehealth,
27 without requiring full licensure by a licensing board within the
28 division.

29 b. ¹(1) For the period commencing on the effective date of this
30 act through June 30, 2022, any group 2 health care professional may
31 apply to the division for a temporary emergency reciprocal license,
32 which license, if approved, shall authorize the professional to
33 practice in New Jersey under the same terms and conditions as
34 apply to a temporary emergency reciprocal license issued under the
35 waiver approved by the division under the authority of Executive
36 Order No. 103 of 2020 authorizing the issuance of temporary
37 emergency reciprocal licenses. The requirements and criteria for
38 issuance of a temporary emergency reciprocal license pursuant to
39 this paragraph shall be the same as for a temporary emergency
40 reciprocal license issued under the waiver approved by the division
41 under the authority of Executive Order No. 103 of 2020 authorizing
42 the issuance of temporary emergency reciprocal licenses. A group
43 2 health care professional issued a temporary emergency reciprocal
44 license pursuant to this paragraph shall be authorized to practice
45 under the license through June 30, 2022.

46 (2)¹ Notwithstanding any other provision of law to the contrary,
47 a group 2 health care professional practicing in New Jersey under a
48 temporary emergency reciprocal license on the effective date of this

1 act shall be authorized to continue practicing, under the same terms
2 and conditions as applied under that temporary emergency
3 reciprocal license, ¹【for a period of 60 days following the end of
4 the federal public health emergency declared in response to the
5 coronavirus disease 2019 (COVID-19) pandemic】 through June 30,
6 2022. A group 2 health care professional who holds a valid
7 temporary emergency reciprocal license on the effective date of this
8 act shall not be required to apply for a license pursuant to paragraph
9 (1) of this subsection to continue practicing under the temporary
10 emergency reciprocal license through June 30, 2022¹.

11 c. ¹(1) For the period commencing on the effective date of this
12 act through June 30, 2022, any nurse, physician assistant,
13 respiratory care therapist, pharmacist, or alcohol and drug counselor
14 may apply to the division for a temporary emergency graduate
15 license, which license, if approved, shall authorize the professional
16 to practice in New Jersey under the same terms and conditions as
17 apply to a temporary emergency graduate license issued pursuant to
18 DCA Administrative Order No. 2020-05 and DCA Waiver No. W-
19 2020-09. The requirements and criteria for issuance of a temporary
20 emergency graduate license pursuant to this paragraph shall be the
21 same as for a temporary emergency graduate license issued
22 pursuant to DCA Administrative Order No. 2020-05 and DCA
23 Waiver No. W-2020-09. A nurse, physician assistant, respiratory
24 care therapist, pharmacist, or alcohol and drug counselor issued a
25 temporary emergency graduate license pursuant to this paragraph
26 shall be authorized to practice under the license through June 30,
27 2022.

28 (2)¹ Notwithstanding any other provision of law to the contrary,
29 a nurse, physician assistant, respiratory care therapist, pharmacist,
30 or alcohol and drug counselor authorized to practice under a
31 temporary emergency graduate license on the effective date of this
32 act shall be authorized to continue practicing, under the same terms
33 and conditions as applied to a license issued pursuant to DCA
34 Administrative Order No. 2020-05 and DCA Waiver No. W-2020-
35 09, ¹【for a period of 60 days following the end of the federal public
36 health emergency declared in response to the COVID-19 pandemic】
37 through June 30, 2022. A nurse, physician assistant, respiratory
38 care therapist, pharmacist, or alcohol and drug counselor who holds
39 a valid temporary emergency graduate license on the effective date
40 of this act shall not be required to apply for a license pursuant to
41 paragraph (1) of this subsection to continue practicing under the
42 temporary emergency graduate license through June 30, 2022¹.

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

44 (1) prevent a health care professional practicing under a
45 temporary emergency reciprocal license or an emergency graduate
46 license from applying for or receiving full licensure in New Jersey,
47 provided the professional otherwise meets the requirements for
48 licensure; or

(2) ¹authorize the issuance of a temporary emergency reciprocal license or a temporary emergency graduate license to, or¹ reinstate a temporary emergency reciprocal license or a temporary emergency graduate license for ¹,¹ any individual whose temporary emergency reciprocal license or temporary emergency graduate license was revoked by the division prior to the effective date of this act.

¹3. Section 4 of P.L. , c. (pending before the Legislature as Assembly Bill No. 5353 (2R) of 2020/2021) is amended to read as follows:

4. Temporary nurse aides who have not been certified as nurse aides pursuant to section 3 of **【this act】** P.L. , c. (pending before the Legislature as Assembly Bill No. 5353 (2R) of 2020/2021) shall be permitted to work as temporary nurse aides until **【February 16, 2022】** June 30, 2022.¹

(cf: P.L. , c. , s.4 (pending before the Legislature as Assembly Bill No. 5353 (2R) of 2020/2021))

¹**【3.】** 4.¹ This act shall take effect immediately ¹, except that section 3 of this act shall take effect on the date that section 4 of P.L. , c. (pending before the Legislature as Assembly Bill No. 5353 (2R) of 2020/2021) takes effect¹ .