

**SENATE CONCURRENT  
RESOLUTION No. 165**

**STATE OF NEW JERSEY  
219th LEGISLATURE**

INTRODUCED JANUARY 6, 2022

**Sponsored by:**  
**Senator JOSEPH F. VITALE**  
**District 19 (Middlesex)**

**SYNOPSIS**

Expresses approval of Legislature for a 90-day extension of certain administrative orders, directives, and waivers issued in response to COVID-19 Public Health Emergency.

**CURRENT VERSION OF TEXT**

As introduced.



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1   **A CONCURRENT RESOLUTION** expressing the approval of the  
2   Legislature for a 90-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

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1 **WHEREAS**, Subsection b. of section 3 of P.L.2021, c.103 provides  
2 that the Legislature may pass a concurrent resolution to continue for  
3 90 days beyond January 11, 2022 any administrative order,  
4 directive, or waiver issued by the head of a State agency that relied  
5 on the existence of the public health emergency declared by the  
6 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 Senate of the State of New Jersey (the  
18 General Assembly concurring):  
19

20 1. The Legislature concurs with the Governor's recommendation  
21 that the following administrative orders, directives, and waivers  
22 issued by the departments and authorities set forth herein shall  
23 remain in full force and effect until April 11, 2022:

24 a. The Department of Banking and Insurance:

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

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

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

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

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

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

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

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

44 b. The Department of Children and Families:

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

47 (2) Temporary Rule Modification related to the Address  
48 Confidentiality Program;

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

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

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

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- 1 (9) Board of Marriage and Family Therapy Examiners, Alcohol  
2 and Drug Counselor Committee Temporary Rule Waiver issued  
3 March 19, 2020;
- 4 (10) Board of Medical Examiners Temporary Rule Waiver  
5 issued March 19, 2020;
- 6 (11) Board of Polysomnography Temporary Rule Waiver issued  
7 March 19, 2020;
- 8 (12) Board of Nursing Temporary Rule Waivers issued March  
9 19, 2020;
- 10 (13) Board of Dentistry Temporary Rule Waiver issued March  
11 19, 2020;
- 12 (14) Board of Medical Examiners, Electrologists Advisory  
13 Committee, Temporary Rule Waiver issued March 19, 2020;
- 14 (15) Board of Marriage and Family Therapy Examiners  
15 Temporary Rule Waiver issued March 19, 2020;
- 16 (16) Board of Ophthalmic Dispensers and Ophthalmic  
17 Technicians Temporary Rule Waiver issued March 19, 2020;
- 18 (17) Board of Marriage and Family Therapy Examiners,  
19 Professional Counselor Committee Temporary Rule Waiver issued  
20 March 19, 2020;
- 21 (18) Board of Pharmacy Temporary Rule Waiver issued March  
22 19, 2020;
- 23 (19) Board of Medical Examiners, Physician Assistant  
24 Advisory Committee Temporary Rule Waiver issued March 19,  
25 2020;
- 26 (20) Board of Respiratory Care Temporary Rule Waiver issued  
27 March 19, 2020;
- 28 (21) Board of Social Work Examiners Temporary Rule Waiver  
29 issued March 19, 2020;
- 30 (22) Certified Psychoanalysts Advisory Committee Temporary  
31 Rule Waiver issued March 19, 2020;
- 32 (23) Board of Psychological Examiners Temporary Rule  
33 Waiver issued March 19, 2020;
- 34 (24) Waiver DCA-W-2020-06;
- 35 (25) Administrative Order DCA-AO-2020-02;
- 36 (26) Administrative Order and Waiver DCA-AO-2020-05 and  
37 DCA-W-2020-09;
- 38 (27) Administrative Order and Waiver DCA-AO-2020-06 and  
39 DCA-W-2020-10;
- 40 (28) Administrative Order DCA-AO-2020-12;
- 41 (29) Waiver DCA-W-2020-11;
- 42 (30) Administrative Order and Waiver DCA-AO-2020-15 and  
43 DCA-W-2020-14;
- 44 (31) Administrative Order DCA-AO-2020-19;
- 45 (32) Administrative Order DCA-AO-2021-11;
- 46 (33) Waiver DCA-W-2020-01;
- 47 (34) Waiver DCA-W-2020-02;
- 48 (35) Waiver DCA-W-2020-04;

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1 (36) Administrative Order and Waiver DCA-AO-2021-09 and  
2 DCA-W-2021-05; and

3 (37) Administrative Order and Waiver DCA-AO-2020-13 and  
4 DCA-W-2020-12;

5 k. The Department of State: Temporary Rule Relaxation  
6 Concerning the Expiration of Center Designations made pursuant to  
7 the State Plan Resolution No. 2020-07 issued April 15, 2020; and

8 l. The Urban Enterprise Zone Authority: Temporary Rule  
9 Modification Concerning Business Certification for Zone Business  
10 Benefits.

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12 2. This concurrent resolution shall take effect immediately.

13

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15 STATEMENT

16

17 Under current law (P.L.2021, c.103), the COVID-19 Public  
18 Health Emergency ended on July 4, 2021, except that certain  
19 administrative orders, directives, and waivers issued in response to  
20 the public health emergency were extended until January 11, 2022.  
21 However, current law also provides that following the termination  
22 of the COVID-19 Public Health Emergency, the Governor must  
23 notify the Legislature by January 1, 2022 if the Governor  
24 determines that it is necessary or appropriate to continue for an  
25 additional 90 days beyond January 11, 2022 any administrative  
26 order, directive, or waiver issued by the head of a State agency that  
27 relied on the existence of the public health emergency. Under  
28 current law, the administrative orders, directives, or waivers would  
29 be extended for an additional 90 days if each House of the  
30 Legislature passes a concurrent resolution to continue the  
31 administrative order, directive, or waiver.

32 Due to the surge in COVID-19 cases, hospitalizations, and  
33 deaths in this State, the Legislature concurs with the Governor's  
34 recommendation that certain administrative orders, directives, and  
35 waivers issued in response to the COVID-19 Public Health  
36 Emergency be extended and remain in full force and effect until  
37 April 11, 2022.