



State of New Jersey

DEPARTMENT OF HEALTH  
OFFICE OF EMERGENCY MEDICAL SERVICES  
PO BOX 360  
TRENTON, N.J. 08625-0360

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

[www.nj.gov/health](http://www.nj.gov/health)

JUDITH M. PERSICILLI, RN, BSN, MA  
Commissioner

**STATE OF NEW JERSEY  
DEPARTMENT OF HEALTH  
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION  
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)  
COVID-19 STATE OF EMERGENCY**

Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:40A-7.6 - Emergency Medical Technician (EMT) Expired Certifications, adopted by DEPARTMENT OF HEALTH**

Date: **April 7, 2020**

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: **April 7, 2020**

Expiration Date: Concurrent with end of EO 103

This is an emergency adoption of a temporary rule waiver/modification of N.J.A.C. 8:40A-7.6, which sets forth the requirements for certification of an individual formerly certified as an EMT who has allowed that certification to expire. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, Department of Health is waiving its rules as follows:

COVID-19 is a contagious, and at times fatal, respiratory disease that is responsible for the 2019 novel coronavirus outbreak. The Centers for Disease Control and Prevention (CDC) expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur. As of April 6, 2020, there were at least 41,090 positive cases of COVID-19 in New Jersey, with at least 1003 of those cases having resulted in death. If COVID-19 continues to spread in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the health care professionals charged with caring for patients ill with COVID-19 and may become too large in scope to be handled by New Jersey’s currently certified health care professionals, including EMTs.

Under N.J.A.C. 8:40A-7.6, an individual formerly certified as an EMT who has allowed his or her certification to expire must successfully complete an approved refresher program and achieve a passing score on the National Registry EMT-Basic Certification Examination in order to be recertified as an EMT. To prepare for an increasing number of individuals suspected of having or diagnosed with COVID-19 in New Jersey who may require basic life support due to a deterioration of their condition outside of an acute care hospital, it is necessary and appropriate to relax the requirements for formerly certified EMTs to regain certification to ensure that the State has a sufficient number of qualified EMTs to render emergency basic life support care in the State.

Pursuant to this rule waiver and modification, individuals whose EMT certification expired within the past five years (April 1, 2015 to April 1, 2020) are eligible for "COVID-19 EMT re-entry" so long as: (1) the applicant is not currently under investigation by any State EMT licensing authority; (2) the applicant does not have a proposed or final enforcement action pending or entered against him or her by any State EMT licensing authority; (3) the applicant is not excluded from acting as an EMT pursuant to a settlement reached with any State EMT licensing authority; (4) the applicant has not been cited for impersonating an EMT and/or Paramedic; (5) the applicant does not have a criminal history or pending criminal charges referenced in N.J.A.C. 8:40A-10.2; and (6) the applicant successfully completed all continuing education audits conducted by the Department while certified as an EMT. If an applicant does not fall into one of these disqualification categories, the applicant may proceed with the "COVID-19 EMT re-entry" process, which requires the applicant to:

1. Complete a re-entry application at [www.njems.us](http://www.njems.us);
2. Possess a valid CPR certification; and
3. Obtain verification and certification of clinical competency of the national EMS education standards and scope of practice for EMTs from the medical director of a basic life support agency.

Upon successful completion of these requirements, the Department will issue the applicant a 6-month provisional EMT certification. To obtain full certification as an EMT, the applicant must successfully complete a New Jersey approved refresher program and achieve a passing score on the National Registry EMT-Basic Certification Examination, as set forth in N.J.A.C. 8:40A-7.6, by the end of the provisional period. If the applicant fails to successfully complete these requirements by the end of the provisional period, then the applicant's provisional certification will expire, and the individual will no longer be permitted to practice as an EMT. Individuals issued provisional certifications under this waiver shall only provide services as an EMT for a licensed basic life support provider and shall not serve as a crew member for a 1 paramedic/ 1 EMT crew configuration authorized under the COVID-19 Mobile Intensive Care Unit Crewmember waiver issued by the Department on March 13, 2020; as a crew

member for a 1 EMT/ 1 first responder crew configuration authorized under the COVID-19 Basic Life Support Crewmember waiver issued by the Department on March 13, 2020; or as a crew member for a 1 Registered Nurse/ 1 EMT crew configuration authorized under the COVID-19 Specialty Care Transportation Unit Crewmember waiver issued by the Department on March 13, 2020. Additionally, for two EMT crew configurations for basic life support ambulances, only one of the crew members shall possess a 6-month provisional certification issued under this waiver/modification. For formerly certified EMTs whose certification expired prior to April 1, 2015, the provisions set forth in N.J.A.C. 8:40A-7.6 remain in effect.

Full Text of the modified rule follows, with additional terms and conditions indicated in boldface:

SUBCHAPTER 7. EMT Certification  
8:40A-7.6 Expired Certifications

- (a) The requirements for certification of a person formerly certified as an EMT who has allowed that certification to expire (that is, a person who, for whatever reason, has not completed the required number of continuing education credits necessary for recertification) shall be as follows:
  - a. Successful completion of an approved Core 13 program; and
  - b. Achievement of a passing score on the NREMT-Basic Certification Examination.
- (b) Upon successful completion of all the requirements set forth in (a) above, the person shall be issued an EMT certification card, which shall be valid for a period of not less than 36, nor more than, 42 months.

**The above-referenced rule is hereby waived/modified subject to the following additional terms and conditions:**

- 1. Individuals whose EMT certification expired within the past five years (April 1, 2015 to April 1, 2020) are eligible for “COVID-19 EMT re-entry”.**
- 2. An applicant is DISQUALIFIED from the “COVID-19 EMT re-entry” process if he or she: (1) is currently under investigation by any State EMT licensing authority; (2) has a proposed or final enforcement action pending or entered against him or her by any State EMT licensing authority; (3) is excluded from acting as an EMT pursuant to a settlement reached with any State EMT licensing authority; (4) was cited for impersonating an EMT and/or Paramedic; (5) has a criminal history or pending criminal charges referenced in N.J.A.C. 8:40A-10.2; or (6) failed to successfully complete all continuing education audits conducted by the Department while certified as an EMT.**

3. If an applicant qualifies for the “COVID-19 EMT re-entry,” then the applicant must:
  - a. Complete an application found at [www.njems.us](http://www.njems.us);
  - b. Possess a valid CPR certification;
  - c. Obtain verification and certification of clinical competency of the national EMS education standards and scope of practice for EMTs from the medical director of a basic life support agency; and
  - d. Send verification of these requirements to [ems@doh.nj.gov](mailto:ems@doh.nj.gov) with the subject line: COVID-19 Re-entry.
4. Upon successful completion the above requirements, the Department will issue the applicant a 6-month provisional EMT certification.
5. To obtain full certification as an EMT, the applicant must successfully complete a New Jersey approved refresher program and obtain a passing score on the National Registry EMT Certification Examination by the end of the provisional period.
  - a. If the applicant fails to successfully complete these requirements by the end of the provisional period, then the applicant’s provisional certification will expire, and the individual will no longer be permitted to practice as an EMT.
6. Individuals issued provisional certifications under this waiver shall only provide services as an EMT for a licensed basic life support provider.
7. Individuals issued provisional certifications under this waiver shall not:
  - a. Serve as a crew member for a 1 paramedic/ 1 EMT crew configuration authorized under the COVID-19 Mobile Intensive Care Unit Crewmember waiver issued by the Department;
  - b. Serve as a crew member for a 1 EMT/ 1 first responder crew configuration authorized under the COVID-19 Basic Life Support Crewmember waiver issued by the Department on March 13, 2020; or
  - c. Serve as a crew member for a 1 Registered Nurse/ 1 EMT crew configuration authorized under the COVID-19 Specialty Care Transportation Unit waiver issued by the Department on March 13, 2020.

8. For two EMT crew configurations for basic life support ambulances, only one of the crew members shall possess a 6-month provisional certification issued under this waiver/modification.

I find that waiver/modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

JUDITH M. PERSICHILLI, RN, BSN, MA  
COMMISSIONER  
DEPARTMENT OF HEALTH

4/8/2020

Date

BY: Terry Clancy, PhD., NRP  
Acting Director  
Office of Emergency Medical Services



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