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 of N.J.A.C. 8:7-1.11 through 1.13 and N.J.A.C. 8:7-1.17 – Licensure of Persons for Public Health Positions, adopted by the Commissioner, Department of Health

Date: July 13, 2020

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy) ("EO 103"); Executive Order No. 119 (Murphy) ("EO 119"); Executive Order No. 138 (Murphy) ("EO 138"); Executive Order No. 151 (Murphy)("EO 151"); Executive Order No. 162 (Murphy)("EO 162"

Effective Date: July 13, 2020

Expiration Date: Forty-five (45) days after the end of the COVID-19 Public Health Emergency

This is an emergency adoption of temporary rule modifications/waivers of N.J.A.C. 8:7-1.11 through 1.13 and N.J.A.C. 8:7-1.17 with respect to the requirements necessary for individuals to restore an inactive health officer or registered environmental health specialist (REHS) license. 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. This authority was extended by EO 119, EO 138, EO 151 and EO 162. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management, the Commissioner of the Department of Health waives its rules as follows:

COVID-19 is an infectious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus. A coordinated, rapid response to suspected or confirmed COVID-19 cases in New Jersey and the implementation of appropriate measures to mitigate person-to-person spread of COVID-19 are critical. Public health professionals licensed in New Jersey, including health officers and REHSs, serve in leadership roles to combat the COVID-19 pandemic’s unprecedented and evolving impact on New Jersey. Specifically, public health professionals, including health officers and REHSs licensed by NJDOH, and other public health staff, are collectively charged with investigating COVID-19 cases, tracing contacts, coordinating necessary support for proper isolation and quarantine of individuals diagnosed with or suspected of having COVID-19, leading COVID-19 outbreak investigations, supporting COVID-19 testing sites, and coordinating jurisdictional recovery efforts, among other duties. To bolster the public health workforce to provide for the delivery of essential public health services for the COVID-19 response as the State gears up to reopen fully, additional actively licensed health officers and REHSs are needed.
Under current N.J.A.C. 8:7-1.11 through 1.13 and N.J.A.C. 8:7-1.17, an inactive licensed health officer or REHS who wishes to actively practice in their respective public health position must successfully complete 15 continuing education (CE) contact hours and submit payment of the renewal fee, among other requirements, for licensure reactivation. To prepare for an increased number of persons diagnosed with or suspected of having COVID-19 in New Jersey, it is both necessary and appropriate to temporarily relax these requirements for inactive health officers and REHSs to reactivate their licenses. This will ensure that the State has a sufficient number of actively licensed health officers and REHSs to carry out essential public health services and respond to the public health emergency.

Pursuant to this rule waiver/modification, individuals whose health officer or REHS license was placed into inactive status within the past five years (July 13, 2015 to July 13, 2020) are eligible for “COVID-19 Public Health Professional Licensure Reactivation” so long as the applicant is not disqualified. An applicant is disqualified from the restoration process if: (1) the applicant is currently under investigation by any State public health licensing authority; (2) the applicant has a proposed or final enforcement action pending or entered against him or her by any State public health licensing authority; (3) the applicant is excluded from acting as an actively licensed health officer or registered environmental health specialist pursuant to a settlement reached with any State public health licensing authority; (4) the applicant has been cited for impersonating an actively licensed health officer or registered environmental health specialist; or (5) the applicant has a criminal history as referenced in N.J.S.A. 26:1A-43.

If the applicant does not fall into one of these disqualifying categories, then the applicant may proceed with the “COVID-19 Public Health Professional Licensure Reactivation” process, which requires the applicant to:

1. Submit a completed COVID-19 licensure reactivation application, which is found at http://healthsurveys.nj.gov/NoviSurvey/n/zz2cr.aspx.
2. Submit any supplemental information or documents regarding the information provided in the applicant’s application that is requested by the Department to verify the applicant’s eligibility for licensure restoration; and
3. Certify that the information and documents supplied to the Department are true and accurate.

Applicants of the “COVID-19 Public Health Professional Licensure Reactivation” shall not be required to pay a fee or complete the necessary CE credits in order to restore their inactive health officer or REHS licenses.

Upon successfully satisfying the aforementioned requirements, the Department will issue the applicant an active provisional health officer or registered environmental health specialist license (as applicable) on a temporary, emergent basis. This temporary rule waiver/modification, as well as any provisional licenses issued thereunder, will expire forty-five (45) days after the end of the Public Health Emergency declared by Governor Philip D. Murphy in EO 103. To maintain an active license at the end of the public health emergency, the applicant must successfully complete all the requirements set forth in N.J.A.C. 8:7-1.11 through 1.13 and N.J.A.C. 8:7-1.17.
If the applicant fails to satisfy all the requirements for licensure by the expiration date of this rule waiver/modification, then the applicant’s provisional licensure will become invalid, prohibiting the individual from practicing as a health officer or REHS in the State of New Jersey.

Full Text of the affected regulations follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

N.J.A.C. 8:7-1.11 License issuance, renewal, and fees for licenses

(a)-(e) (No change.)

(f) Notwithstanding (b) and (c) above, during the period of the COVID-19 Public Health Emergency, individuals whose health officer or registered environmental health specialist license was placed into inactive status within the past five years (July 13, 2015 to July 13, 2020) are eligible for “COVID-19 Public Health Professional Licensure Reactivation” so long as the applicant is not disqualified.

1. An applicant is DISQUALIFIED from the restoration process if: (i) the applicant is currently under investigation by any State public health licensing authority; (ii) the applicant has a proposed or final enforcement action pending or entered against him or her by any State public health licensing authority; (iii) the applicant is excluded from acting as an actively licensed health officer or registered environmental health specialist pursuant to a settlement reached with any state public health licensing authority; (iv) the applicant has been cited for impersonating an actively licensed health officer or registered environmental health specialist; or (v) the applicant has a criminal history as referenced in N.J.S.A. 26:1A-43.

(g) If an applicant qualifies for the restoration process under (f) above, then the applicant must:

1. Submit a completed COVID-19 licensure reactivation application, which is found at http://healthsurveys.nj.gov/NoviSurvey/n/zz2cr.aspx;

2. Submit any supplemental information or documents regarding the information provided in the applicant’s application that is requested by the Department to verify the applicant’s eligibility for licensure restoration; and

3. Certify that the information and documents supplied to the Department are true and accurate.

(h) Upon successful completion of the requirements set forth in (g) above, the Department will issue the applicant an active provisional health officer or registered environmental health specialist license (as applicable) on a temporary, emergent basis.
1. An applicant is not required to pay a fee or complete continuing education
credits to restore the applicant’s health officer or registered environmental
health specialist license.

(i) This temporary rule waiver/modification, as well as any provisional licenses issued
thereunder, will expire forty-five (45) days after the end of the Public Health Emergency
declared by Governor Philip D. Murphy in EO 103.

1. To maintain an active license at the end of the public health emergency, the
applicant must successfully complete all the requirements set forth in N.J.A.C.
8:7-1.11 through 1.13 and N.J.A.C. 8:7-1.17.

2. If the applicant fails to satisfy all the requirements for licensure by the expiration
date of this rule waiver/modification, then the applicant’s provisional licensure
will become invalid, prohibiting the individual from practicing as a health officer
or REHS in the State of New Jersey.

N.J.A.C. 8:7-1.12 Active and inactive licenses

(a) (No change.)

(b) Notwithstanding the provisions in (a) above, during the period of the COVID-19 Public
Health Emergency, an individual may restore his or her health officer or registered
environmental health specialist license to active status without satisfying the continuing
education contact requirements in (a) above if the requirements of N.J.A.C. 8:7-1.11(f) are
met.

(c) This temporary rule waiver/modification, as well as any active provisional license issued
thereunder, shall expire 45 days after the end of the Public Health Emergency declared by
Governor Philip D. Murphy in Executive Order No. 103.

N.J.A.C. 8:7-1.13 License renewal and continuing education credits

(a)-(d) (No change.)

(e) Notwithstanding (a), (c) and (d) above, during the period of the COVID-19 Public Health
Emergency, an individual may restore his or her health officer or registered environmental
health specialist license to active status without satisfying the requirements of (a), (c) and (d)
above if the individual meets the requirements of N.J.A.C. 8:7-1.11(f).

(f) This temporary rule waiver/modification, as well as any active provisional license issued
thereunder, shall expire 45 days after the end of the Public Health Emergency declared by
Governor Philip D. Murphy in Executive Order No. 103.
N.J.A.C. 8:7-1.17 Record of Continuing Education Contact Hours

(a)-(c) (No change.)

(d) Notwithstanding (a)-(c) above, during the period of the COVID-19 Public Health Emergency, an individual may restore his or her health officer or registered environmental health specialist license to active status without satisfying the requirements of (a)-(c) above if the individual meets the requirements of N.J.A.C. 8:7-1.11(f).

(e) This temporary rule waiver/modification, as well as any active provisional license issued thereunder, shall expire 45 days after the end of the Public Health Emergency declared by Governor Philip D. Murphy in Executive Order No. 103.

I find that modification/waiver of the rules N.J.A.C. 8:7-1.11 through 1.13, and N.J.A.C. 8:7-1.17 above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

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

7/24/20
DATE

BY: Shereen Semple
Director
Office of Local Public Health

WAIVER CONTROL NUMBER: 20-N.J.A.C. 8:7-1.11 through 1.13 and 1.17