



**State of New Jersey**  
**DEPARTMENT OF HEALTH**  
PO BOX 360  
TRENTON, N.J. 08625-0360  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

JUDITH M. PERSICHILLI, RN, BSN, MA  
*Commissioner*

April 7, 2020

**TO:** Administrators of Hospitals Licensed pursuant to N.J.A.C. 8:43G

**FROM:** Judith M. Persichilli, R.N., B.S.N., M.A.  
Commissioner

**SUBJECT:** Temporary Waivers during Coronavirus Disease 2019 (COVID-19) State of Emergency

On March 9, 2020 Governor Philip D. Murphy issued Executive Order No. 103, declaring a Public Health Emergency in New Jersey as a result of the COVID-19 pandemic. In doing so, Governor Murphy authorized and empowered the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of Public Health Emergency.

In response to staffing issues in Hospitals that have occurred due to the pandemic, the Department of Health (Department) is issuing the following waivers as set forth below:

***1. Nurse Staffing levels***

N.J.A.C. 8:43G-17.1 Mandatory nurse staffing amounts and availability.

Be advised that the nurse staffing standards found at N.J.A.C. 8:43G-17.1 are waived. Although the nurse staffing standards are waived critical care requirements shall still be provided. Hospitals are to document attempts to meet the staffing standards.

***2. Pre-employment Requirements***

N.J.A.C. 8:43G-20 Employee Health.

The requirements of this subchapter are waived except that hospitals shall still screen prospective employees by having them complete the required health history. Potential employees that meet any of the following are excluded from employment:

- i. Exhibit signs or symptoms of a respiratory infection, such as fever (evidenced by a temperature check of the staff member or medical professional taken by the facility), cough, shortness of breath, or sore throat; or
- ii. In the last 14 days, has had contact with someone with a confirmed diagnosis of COVID- 19, or under investigation for COVID-19, or are ill with respiratory illness; or
- iii. In the last 14 days, has traveled internationally to a country with sustained community transmission. For updated information on affected countries visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html> .

### **3. Discharge Planning Requirements**

N.J.A.C. 8:43G-11 Discharge Planning and N.J.A.C. 8:43G-11A Caregivers.

The requirements of these subchapters are rule are waived; however, the hospital shall ensure that the patient is discharged to a safe location with appropriate care directions.

Please be advised affected hospitals are required to provide a written report to the Department detailing which, if any, of the above actions were implemented, the duration of the implementation, and any adverse outcomes attributable to the actions within forty-five (45) days of the termination of the Public Health Emergency. This waiver is effective only during the period of Public Health Emergency declared by Governor Philip D. Murphy in Executive Order No. 103 issued on March 9, 2020. Once the Public Health Emergency is mitigated, hospitals will be required to return to operate in accordance with all licensure standards.

Please remember to maintain contact with your local and/or County Office of Emergency Management and your regional Medical Coordination Center during a State of Emergency. If you have any questions concerning this matter, please contact Ms. Jean DeVitto, Executive Director, Certificate of Need and Healthcare Facility Licensure Program at [jean.devitto@doh.nj.gov](mailto:jean.devitto@doh.nj.gov) .



Judith Persichilli, R.N., B.S.N., M.A.  
Commissioner

cc: Marcela Maziarz, Deputy Commissioner  
Maria Christensen, Assistant Commissioner  
Jean DeVitto, Executive Director