

EXECUTIVE ORDER NO. 13

WHEREAS, on March 9, 2020, through Executive Order No. 103, New Jersey Governor Philip D. Murphy declared a State of Emergency and Public Health Emergency across all twenty-one (21) counties in New Jersey due to the public health hazard created by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 23, 2020, through Executive Order No. 109, Governor Murphy authorized and empowered the Director of the New Jersey Division of Consumer Affairs ("DCA"), in consultation with the Commissioner of the Department of Health (DOH), to issue orders restricting or expanding the scope of practice for any category of healthcare professional licensed by a DCA board and waived the requirements of the Administrative Procedure Act N.J.S.A. 52:14B-1 et seq. for any such orders as a result of the public health hazard posed by COVID-19; and

WHEREAS, on April 1, 2020, through Executive Order No. 112, Governor Murphy suspended and waived certain statutory provisions governing the scope of practice of health care professionals, including but not limited to the requirement that advanced practice nurses enter into a joint protocol with a collaborating physician and that physician assistants enter into a delegation agreement with a supervising physician, with the goal of expanding and fortifying the capacity of New Jersey's healthcare system; and

WHEREAS, on April 3, 2020, Acting DCA Director Paul Rodriguez issued DCA Administrative Order No. 2020-02, which, through the end of the State of Emergency or the Public Health Emergency declared pursuant to Executive Order No. 103 (2020), whichever was later, waived several regulatory requirements governing the scope of practice and restrictions on prescribers that impacted, among others, advanced practice nurses and physician assistants; and

WHEREAS, on June 4, 2021, through Executive Order No. 244, Governor Murphy terminated the Public Health Emergency declared pursuant to Executive Order No. 103 (2020); and

WHEREAS, on January 16, 2026, through Executive Order No. 415, Governor Murphy declared the State of Emergency established pursuant to Executive Order No. 103 (2020) terminated effective at 5:00 p.m., Eastern Standard Time, on February 16, 2026; and

WHEREAS, Executive Order No. 415 (2026) would effectively reinstate, within thirty (30) days thereof, the aforementioned statutory and regulatory requirements governing health care professionals, including approximately 17,000 advanced practice nurses and approximately 4,000 physician assistants in the State of New Jersey; and

WHEREAS, facilitated by the suspension and waiver of those requirements, thousands of health care professionals have provided high quality health care to New Jersey residents since 2020; and

WHEREAS, the suspension and waiver of those requirements has enabled health care professionals to augment the system of health care in New Jersey by relieving some of the demand on physicians and expediting access to care for patients; and

WHEREAS, the sudden re-instatement of those requirements would disrupt and interfere with the delivery of health care to New Jersey communities and result in the potential closure of clinics, surgery centers, and independent practices, with particularly severe consequences for medically underserved populations and patients with serious conditions who can ill afford disruptions to care; and

WHEREAS, the economic and health impacts of such abrupt cessations or significant curtailments of care by health care professionals, who have been operating for nearly six (6) years

pursuant to the aforementioned suspensions and waivers, are substantially likely to endanger the health, safety, or resources of the residents of one or more municipalities of the State in the immediate future, and the fallout from such abrupt cessations or curtailments of care may become too large in scope or unusual in nature to be handled in its entirety by health care systems in parts of this State; and

WHEREAS, such abrupt cessations or significant curtailments of care are likely to reduce access to both primary care and mental and behavioral health services, services for which patients, particularly members of medically underserved populations and those in medically underserved areas, already struggle to access local providers; and

WHEREAS, the sudden reinstatement of the joint protocol and delegation agreement requirements is likely to increase the strain on emergency rooms and urgent care centers; reduce the supply of health care providers; raise health care costs for consumers and small businesses; and create administrative burdens for patients, providers, and insurers, as the health care sector struggles to adapt to a new regulatory landscape; and

WHEREAS, the 30-day winddown period provided for in Executive Order No. 415 (2026) is unlikely to be sufficient for advanced practice nurses and physician assistants who have been practicing without a joint protocol or delegation agreement to secure a collaborating or supervising physician, or for patients relying on advanced practice nurses and physician assistants for critical health care services to find alternative providers; and

WHEREAS, the Legislature currently is considering legislation (Senate Bill No. 2996 and Assembly Bill No. 4052) that would eliminate the joint protocol requirement for advanced practice

nurses with more than 24 months or 2,400 hours of licensed, active, advanced nursing practice; and

WHEREAS, reinstating the joint protocol requirement for these advanced practice nurses only to eliminate it through subsequent legislation would lead to unnecessary disruption and confusion among patients and health care professionals alike;

NOW, THEREFORE, I, MIKIE SHERRILL, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For 45 days subsequent to 5:00 p.m., Eastern Standard Time, on Monday, February 16, 2026, the State of Emergency declared pursuant to Executive Order No. 103 (2020) is extended for the following limited purposes:

a. For the duration of the State of Emergency, the following statutory provisions that may serve to limit the scope of practice of advanced practice nurses are suspended and waived, and compliance with such provisions will not be required, for advanced practice nurses acting within the scope of their education, training, experience, and competence, to the extent that such provisions would otherwise require an advanced practice nurse to:

i. Enter into a joint protocol with an individual collaborating physician who is present or readily available through electronic communication (N.J.S.A. 45:11-49);

- ii. Include the name, address, and telephone number of a collaborating physician on prescriptions or orders (N.J.S.A. 45:11-49);
 - iii. Review patient charts and records with the collaborating physician (N.J.S.A. 45:11-49); and
 - iv. Obtain the authorization or written approval from a collaborating physician in order to dispense narcotic drugs for maintenance treatment or detoxification treatment, or to determine the medical necessity for services for treatment of substance use disorder (N.J.S.A. 45:11-49.3).
- b. For the duration of the State of Emergency, the following statutory provisions that may serve to limit the scope of practice of physician assistants are suspended and waived, and compliance with such provisions will not be required, for physician assistants acting within the scope of their education, training, experience, and competence, to the extent that such provisions would otherwise require a physician assistant to:
- i. Obtain physician supervision (N.J.S.A. 45:9-27.15, N.J.S.A. 45:9-27.16(b), N.J.S.A. 45:9-27.17, and N.J.S.A. 45:9-27.18);
 - ii. Enter into a signed delegation agreement limiting the scope of practice to procedures enumerated in the agreement and customary to the supervising physician's medical

specialty, delegated or explicitly authorized
(N.J.S.A. 45:9-27.16);

iii. Obtain authorization to order or prescribe a
controlled dangerous substance (N.J.S.A.
45:9-27.19); and

iv. Limit the assistance provided in the operating
room (N.J.S.A. 45:9-27.16).

The provisions of N.J.S.A. 45:9-27.17 relating to physicians' supervisory responsibility are suspended and waived as they apply to both physicians and physician assistants, to the extent that they would otherwise apply, for the same duration.

2. The DCA Director is authorized and empowered to issue orders consistent with the waiver of the statutory provisions set forth in Paragraph 1 of this Order.

3. Should any part of this Order be declared to be invalid or unenforceable, or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

4. This Order shall take effect immediately.

GIVEN, under my hand and seal this
13th day of February,
Two Thousand and Twenty-Six,
and of the Independence of
the United States, the Two
Hundred and Fiftieth.

[seal]

/s/ Mikie Sherrill

Governor

Attest:

/s/ Timothy P. Lydon

Chief Counsel to the Governor