

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. 8:7-1.11 – Licensure Issuance and Renewal, N.J.A.C. 8:7-1.12 – Active and Inactive Licenses, N.J.A.C. 8:7-1.13 – Licensure Renewal and Continuing Education Requirements, and N.J.A.C. 8:7-1.17 – Record of Continuing Education Credit Hours for Public Health Positions, adopted by THE COMMISSIONER OF THE DEPARTMENT OF HEALTH.**

Date: October 13, 2020

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

Effective Date: October 13, 2020

Expiration Date: Concurrent with the end of the Public Health Emergency

This is an emergency adoption of temporary rule modifications/waivers of the continuing education requirements for active health officer and registered environmental health specialist (REHS) licenses set out at N.J.A.C. 8:7-1.11, N.J.A.C. 8:7-1.12, N.J.A.C. 8:7-1.13, and N.J.A.C. 8:7-1.17. 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, 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, are 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 provide for the delivery of essential public health services amid the dynamic response to COVID-19, sustaining an experienced public health professional workforce of health officers and REHSs is needed.

Under current N.J.A.C. 8:7-1.11(b)-(c), N.J.A.C. 8:7-1.12(a)(1), N.J.A.C. 8:7-1.13(a)-(c), and N.J.A.C. 8:7-1.17(b)-(c), active licensed health officers or REHSs who wish to renew their licenses in their respective public health positions must annually obtain 15 contact hours of approved continuing education (CE) and submit verification of the CEs with their annual license renewal application. Due to the pressing demands caused by this public health emergency, it is both necessary and appropriate to temporarily relax these requirements for current active health officers and REHSs who are renewing their licenses as active for the 2021 licensing period by waiving the CE requirement. This waiver will not only provide active licensed health officers and REHSs a reprieve from this obligation so they may focus on the public response to COVID-19 in New Jersey but will also ensure that the State maintains a sufficient number of active 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 with an active health officer or REHS license in good standing for the 2020 licensing period may renew their respective license for the 2021 licensing period without completing the required 15 contact hours of CE credits or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter. Licensees will still be responsible for satisfying all other requirements to renew their licenses, including payment of the \$50 renewal fee pursuant to N.J.A.C. 8:7-1.11(b).

Active health officer and REHS licensees may still complete CE contact hours if they wish. Active licensees who complete CEs for the 2020 licensing period may carry over up to five excess CEs consistent with N.J.A.C. 8:7-1.13(b).

Upon successfully submitting a complete and accurate renewal application, and payment of the renewal fee, the Department will electronically issue the applicant an active health officer or REHS license (as applicable) for the 2021 licensing period.

This temporary waiver/modification shall be effective during the period of the Public Health Emergency originally declared by Governor Philip D. Murphy in Executive Order No. 103. This temporary rule waiver/modification shall expire at the conclusion of the Public Health Emergency.

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)-(i) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification)

(j) Notwithstanding (b) and (c) above, during the period of the COVID-19 Public Health Emergency, individuals with an active health officer or registered environmental health specialist license in good standing for the 2020 licensing period may renew their respective

license for the 2021 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter.

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

(a) (No change.)

(b)-(c) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification.)

(d) Notwithstanding the provisions in (a) above, during the period of the COVID-19 Public Health Emergency, individuals with an active health officer or registered environmental health specialist license in good standing for the 2020 licensing period may renew their respective license for the 2021 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter.

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

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

(e)-(f) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification.)

(g) Notwithstanding the provisions in (a), (c), and (d) above, during the period of the COVID-19 Public Health Emergency, individuals with an active health officer or registered environmental health specialist license in good standing for the 2020 licensing period may renew their respective license for the 2021 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter.

- 1. Licensees who complete continuing education contact hours under N.J.A.C. 8:7-1.12(a)(1) during the 2020 licensing cycle may carry over up to five excess contact hours of continuing education to the 2021 licensing cycle consistent with the provisions of (b) above.**

N.J.A.C. 8:7-1.17 Record of continuing education contact hours

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

(d)-(e) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification)

(f) Notwithstanding the provisions in (b) and (c) above, during the period of the COVID-19 Public Health Emergency, individuals with an active health officer or registered environmental health specialist license in good standing for the 2020 licensing period may renew their respective license for the 2021 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter.

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. PERSICHILLI, RN, BSN, MA
COMMISSIONER
DEPARTMENT OF HEALTH**

10/13/20
DATE


BY: _____
Shereen Semple
Director
Office of Local Public Health

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