



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 360
TRENTON, N.J. 08625-0360

www.nj.gov/health


PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

March 13, 2020

JUDITH M. PERSICHILLI, RN, BSN, MA
Commissioner

TO: Licensed Inpatient Facility Administrators

FROM: Judith M. Persichilli, RN, BSN, MA 
Commissioner

SUBJECT: Temporary Operational Waivers during a State of Emergency

In the event of a State of Emergency as declared by the Governor of New Jersey in an Executive Order, that so significantly affects the ability of a licensed inpatient facility to offer its full array of services or forces it to evacuate its patients/residents, or causes a licensed facility to accommodate evacuated patients/residents from another facility, the Department of Health (Department) will not require prior Department approval of temporary waivers for the following requirements from licensed facilities that are affected by such an event:

1. Exceeding licensed bed capacity;
2. Bed additions requiring prior Certificate of Need approval;
3. Physical space requirements; or
4. Staff qualifications requirements.

Affected inpatient facilities (those licensed in accordance with N.J.A.C. 8:36, 39, 43G & 43H) will be 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. Once the State of Emergency is mitigated, inpatient facilities will be required to return to the previously licensed capacity and to operate in accordance with all licensure standards.

You may review various important and useful Centers for Medicare and Medicaid Services (CMS) documents related to emergency preparedness at the following website:

<https://www.cms.gov/SurveyCertEmergPrep>

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.

cc: Marcela Maziarz, Deputy Commissioner
Jean DeVitto, Executive Director
Local Health Officers