

**STATE OF NEW JERSEY  
DEPARTMENT OF HEALTH  
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION  
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)  
AND EXECUTIVE ORDER 119 (MURPHY) (APRIL 7, 2020)  
COVID-19 STATE OF EMERGENCY**

Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:41A-4.3 – EMT-Paramedic Recertification**, adopted by **THE COMMISSIONER OF THE DEPARTMENT OF HEALTH**

Date: **April 23, 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”)

Effective Date: **April 23, 2020**

Expiration Date: Concurrent with the end of the COVID-19 Public Health Emergency

This is an emergency adoption of a temporary rule waiver and modification of N.J.A.C. 8:41A-4.3, which set forth the requirements necessary for individuals to restore their paramedic certifications from inactive status to active status. 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 or the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, as well as the Emergency Health Powers Act, N.J.S.A. 26:13-1 to -31, and with the approval of the Governor and in consultation with the State Director of Emergency Management, the Commissioner of the Department of Health is waiving its rules as follows:

COVID-19 is a contagious, and at times fatal, respiratory disease that is responsible for the 2019 novel coronavirus outbreak. The Centers for Disease Control and Prevention (CDC) expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur. As of April 23, 2020, there were at least 99,989 positive cases of COVID-19 in New Jersey, with at least 5,368 of those cases having resulted in death. If COVID-19 continues to spread in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the health care professionals charged with caring for patients ill with COVID-19 and may become too large in scope to be handled by New Jersey’s currently certified health care professionals, including paramedics.

Under N.J.A.C. 8:41A-4.3, an inactive EMT-Paramedic who wishes to actively engage in the provision of advanced life support care must successfully complete a minimum of 48 hours of advanced level continuing education, among other requirements, to reactivate his or her EMT-Paramedic certification. To prepare for an increasing number of individuals diagnosed with or suspected of having COVID-19 in New Jersey who may require advanced life support outside of an acute care hospital, it is necessary and appropriate to relax the requirements for inactive EMT-Paramedics to reactivate their EMT-Paramedic certification to ensure that the State has a sufficient number of qualified paramedics to render emergency advanced life support care in the State.

Pursuant to this rule waiver and modification, individuals whose EMT-Paramedic certification was placed into inactive status within the past five years (April 23, 2015 to April 23, 2020) are eligible for the “COVID-19 EMT-Paramedic Re-Entry” so long as: (1) the applicant is not currently under investigation by any State EMT-Paramedic licensing authority; (2) the applicant does not have a proposed or final enforcement action pending or entered against him or her by any State EMT-Paramedic licensing authority; (3) the applicant is not excluded from acting as an EMT-Paramedic pursuant to a settlement reached with any State EMT-Paramedic licensing authority; (4) the applicant has not been cited for impersonating an EMT and/or EMT-Paramedic; (5) the applicant does not have a criminal history or pending criminal charges referenced in N.J.A.C. 8:41A-5.2; and (6) the applicant successfully completed all continuing education audits conducted by the Department’s Office of Emergency Medical Services (OEMS) while certified as an EMT-Paramedic and/or EMT. If an applicant does not fall into one of these disqualifying categories, then the applicant may proceed with the “COVID-19 EMT-Paramedic Re-Entry” process, which requires the applicant to:

1. Complete a COVID-19 re-entry application at [www.njems.us](http://www.njems.us);
2. Obtain sponsorship through a mobile intensive care hospital;
3. Possess a valid EMT, CPR, ACLS, and either PHTLS or ITLS, and either PALS, PEPP-Advanced or Advanced-EPC certification; and
4. Obtain verification of endorsement and competency from the sponsoring agency’s medical director.

Upon successful completion and submission of the above requirements to the Department, the Department will issue the applicant a 6-month provisional EMT-Paramedic certification. To maintain full certification as an EMT-Paramedic at the end of the 6-month provisional period, the applicant must successfully complete all the requirements that are currently set forth in N.J.A.C. 8:41A-4.3(a). If the applicant fails to successfully complete these requirements by the end of the provisional period, then the applicant’s provisional certification will expire, his or her EMT-Paramedic certification will revert to inactive status, and the individual will no longer be permitted to practice as an active EMT-Paramedic.

Full Text of the modified rule follows, with additional terms and conditions indicated in boldface:

#### **8:41A-4.3 Recertification**

(a) The requirements for recertification as an EMT-Paramedic shall be as follows:

1. Possession of EMT-Paramedic, CPR, ACLS and either PALS or PEPP-Advanced certifications;
2. Successful completion of a minimum of 48 hours of advanced level continuing education, as set forth in (a)(2)(i) through (iii) below. The Department may evaluate standard courses (for example, New Jersey State Police HAZ-MAT courses) and college and professional (for credit) courses to determine applicability to EMT-Paramedic recertification. The Department shall provide information on approvals to interested parties.



- i. A minimum of three of the six divisions of the program curriculum. The hours shall have been obtained, at a minimum, in each of divisions two through six of the program curriculum;
  - ii. A minimum of 36 hours shall cover divisions two through six. No more than 12 hours shall be applied to division one; and
  - iii. A minimum of eight hours of instruction in Pediatric Advanced Life Support;
3. Demonstration to the medical director of proficiency in all skills approved for pre-hospital care, as specified at N.J.A.C. 8:41A-5.1;
- i. Proficiency may be demonstrated based on actual observation, field performance, or other methods as deemed necessary by the medical director. The medical director shall complete the forms required by this section and submit them to the Department attesting to the level of proficiency of each EMT-Paramedic seeking recertification. Such forms shall reflect whether the skill level is satisfactory and shall bear the original signature of the medical director. The EMS Educator or director shall keep records to allow the completion of such forms that may be required for recertification; and
4. Endorsement of a mobile intensive care hospital.
- i. The EMS Educator or the director shall verify that all requirements for recertification have been met and that the EMT-Paramedic is physically capable of performing his or her duties and shall forward all required documentation to the Department. The EMS Educator or the director shall sign the endorsement.
  - ii. If a mobile intensive care hospital chooses not to extend its endorsement for recertification of an EMT-Paramedic, the medical director shall notify the Department and the EMT-Paramedic by certified mail at least 60 calendar days prior to the expiration of the certification. Such notification shall include a statement explaining why such action is being taken, and shall include a plan for remediation, if applicable.

**(b) Notwithstanding the above provisions, during the period of the COVID-19 Public Health Emergency, individuals whose EMT-Paramedic certification was placed into inactive status within the past five years (April 23, 2015 to April 23, 2020) are eligible for “COVID-19 EMT-Paramedic Re-Entry,” under the following conditions:**

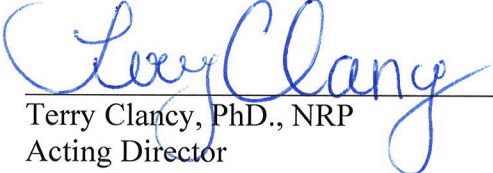
- 1. An applicant is DISQUALIFIED from the “COVID-19 EMT-Paramedic Re-Entry” process if: (1) the applicant is currently under investigation by any other State EMT-Paramedic licensing authority; (2) the applicant has a proposed or final enforcement action pending or entered against him or her by any State EMT-Paramedic licensing authority; (3) the applicant is excluded from acting as an EMT-Paramedic pursuant to a settlement reached with any State EMT-Paramedic licensing authority; (4) the applicant was cited for impersonating an EMT and/or EMT-Paramedic; (5) the applicant has a criminal history or pending criminal charges referenced in N.J.A.C. 8:41A-5.2; or (6) the applicant failed to successfully complete all continuing education audits conducted by OEMS while certified as a paramedic.**
- 2. If an applicant qualifies for the “COVID-19 EMT-Paramedic Re-Entry,” then the applicant must complete an application found at [www.njems.us](http://www.njems.us).**

3. The qualified applicant must also:
  - i. Obtain sponsorship through a mobile intensive care hospital;
  - ii. Possess a valid EMT, CPR, ACLS, and either PHTLS or ITLS, and either PALS, PEPP-Advanced or Advanced-EPC certifications; and
  - iii. Obtain verification of endorsement and competency from the sponsoring agency's medical director.
4. Upon successful completion of the above requirements, the Department will issue the applicant a six (6) month provisional EMT-Paramedic certification.
5. The applicant must successfully complete all requirements currently set forth in N.J.A.C. 8:41A-4.3(a) to obtain full certification as an EMT-Paramedic at the end of the provisional period.
  - i. If the applicant fails to successfully complete these requirements by the end of the provisional period, then:
    - a. the applicant's provisional certification will expire;
    - b. the applicant will no longer be permitted to practice as an EMT-Paramedic; and
    - c. the applicant's EMT-Paramedic certification will revert back to inactive status.
6. An applicant issued a provisional EMT-Paramedic certification under this waiver/modification shall not be permitted to serve as a crew member for a one (1) paramedic/ one (1) EMT crew configuration authorized under the COVID-19 Mobile Intensive Care Unit Crewmember waiver issued by the Department on March 13, 2020.
7. For two (2) paramedic crew configurations for Mobile Intensive Care Units, only one of the crew members may possess a 6-month provisional certification issued under this waiver/modification.

I find that waiver/modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

**JUDITH M. PERSICILLI, RN, BSN, MA  
COMMISSIONER  
DEPARTMENT OF HEALTH**

4/23/2020  
DATE

BY:   
Terry Clancy, PhD., NRP  
Acting Director  
Office of Emergency Medical Services

WAIVER CONTROL NUMBER: 20 – N.J.A.C. 8:41A-4.3(a)2 & 4.5(b)1&2 - 025