

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. 8:41A-4.1 – EMT-Paramedic Certification, N.J.A.C. 8:41-3.13 – Personnel Files, and N.J.A.C. 8:41A-4.3 – EMT-Paramedic Recertification adopted by THE COMMISSIONER OF THE DEPARTMENT OF HEALTH.

Date: August 7, 2020

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

Effective Date: August 7, 2020

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

This is an emergency adoption of a temporary rule waiver/modification of the expiration deadlines of Emergency Medical Technician (EMT)-Paramedic certifications at N.J.A.C. 8:41A-4.1, Mobile Intensive Care Nurse (MICN) endorsements at N.J.A.C. 8:41-3.13, and EMT-Paramedic recertifications at N.J.A.C. 8:41A-4.3. 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 is waiving/modifying its rules as follows:

Advanced Life Support (ALS) services in New Jersey are provided by EMT-Paramedics and MICNs through Mobile Intensive Care Units and Air Medical Units. Under N.J.A.C. 8:41A-4.1(a), no person may act in the capacity of an EMT-Paramedic unless properly certified by the Department to do so. EMT-Paramedic certifications from the Department are valid for a period of not less than 24 and not more than 30 months depending on when they are issued. See N.J.A.C. 8:41A-4.1(f). EMT-Paramedic certifications must either expire on June 30 or December 31, depending on the date of issuance. Id. In order to recertify as an EMT-Paramedic, one must indicate, among other things, that he or she satisfied certain continuing proficiency and education requirements during the previous certification period. See N.J.A.C. 8:41A-4.3. Similarly, in order to serve as a MICN, the nurse must be endorsed by a medical director of a mobile intensive care program. N.J.A.C. 8:41-9.9. The endorsement is valid for the same time period as EMT-Paramedic certifications and must be renewed for every certification period. N.J.A.C. 8:41-3.13.

The COVID-19 pandemic has placed an enormous burden on healthcare workers providing ALS services in New Jersey. In an effort to assist ALS providers during this public health

emergency, the Department determined that certain certification and recertification requirements should be relaxed. Accordingly, on March 12, 2020, the Department issued the following waiver:

1. The June 30, 2020 expiration date for all valid NJ EMT-Paramedic certifications was extended to August 31, 2020;
2. The June 30, 2020 expiration date for MICN endorsements was extended to August 31, 2020; and
3. Providers were able to complete their recertification requirements for their current credentials up to and including August 31, 2020.

However, because the COVID-19 pandemic continues to place a strain on the State's ALS providers, the Department has determined that the above expiration dates and recertification requirements must be further extended as follows:

1. The June 30, 2020 expiration date for all valid NJ EMT-Paramedic certifications is extended to December 31, 2020;
2. The June 30, 2020 expiration date for MICN endorsements is extended to December 31, 2020; and
3. Providers shall be able to complete their recertification requirements for their current credentials up to and including December 31, 2020.

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. The temporary waiver/modification shall expire upon 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. 8:41A-4.1 Certification

(a)-(i) [No Change.]

(j) Notwithstanding (f) above, during the period of the COVID-19 Public Health Emergency, EMT-Paramedic certifications set to expire on June 30, 2020, shall be automatically extended to December 31, 2020.

N.J.A.C. 8:41-3.13 Personnel Files

(a)-(c) [No Change.]

(d) Notwithstanding (a)(7) above, during the period of the COVID-19 Public Health Emergency, the MICN endorsements set to expire on June 30, 2020, shall be automatically extended to December 31, 2020.

N.J.A.C. 8:41A-4.3 Recertification

(a)-(h) [No Change.]

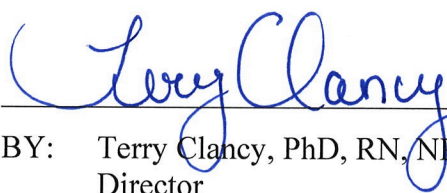
(i) Notwithstanding (b) and (f) above, during the period of the COVID-19 Public Health Emergency, individuals with certifications set to expire on June 30, 2020, will have until December 31, 2020 to satisfy the recertification requirements above.

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

8/7/2020

DATE



BY: Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services
On Behalf of Commissioner Persichilli