

[First Reprint]

**ASSEMBLY, No. 4012**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED MAY 4, 2020

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Co-Sponsored by:**

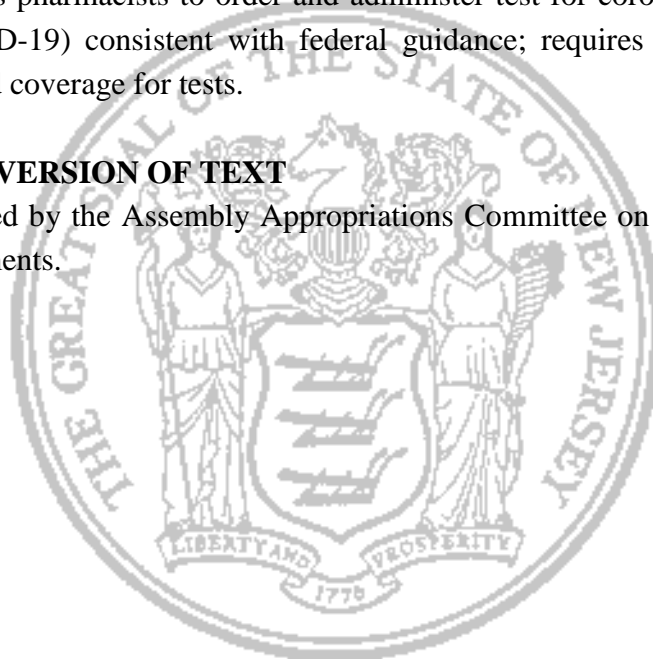
**Assemblyman Caputo, Assemblywomen Murphy, Jasey, Assemblymen  
Rooney, McKeon, Assemblywoman DiMaso, Assemblymen Greenwald,  
Freiman, Assemblywoman Swain and Assemblyman Tully**

**SYNOPSIS**

Authorizes pharmacists to order and administer test for coronavirus disease 2019 (COVID-19) consistent with federal guidance; requires health benefits and Medicaid coverage for tests.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on June 25, 2020, with amendments.



**(Sponsorship Updated As Of: 6/29/2020)**

1 AN ACT concerning testing for coronavirus disease 2019 <sup>1</sup>and  
 2 amending P.L.2020, c.7<sup>1</sup> .

3  
 4 **BE IT ENACTED** by the Senate and General Assembly of the State  
 5 of New Jersey:

6  
 7 1. <sup>1</sup>(New section)<sup>1</sup> a. <sup>1</sup>~~Notwithstanding~~ any other provision of  
 8 law to the contrary, consistent<sup>1</sup> Consistent<sup>1</sup> with federal guidance and  
 9 waivers, a pharmacist licensed pursuant to P.L.2003, c.280 (C.45:14-  
 10 40 et seq.) shall be authorized to order <sup>1</sup>~~or~~ and<sup>1</sup> administer to any  
 11 person any test for the coronavirus disease 2019 (COVID-19) that the  
 12 federal Food and Drug Administration has authorized for use, provided  
 13 that:

14 (1) the manufacturer of the test is registered with the federal Food  
 15 and Drug Administration and is included in the Establishment  
 16 Registration and Device Listing database maintained by the federal  
 17 Food and Drug Administration;

18 (2) <sup>1</sup>~~a statistically significant number of samples of the test have~~  
 19 ~~been independently evaluated within the United States for reliability;~~

20 (3)<sup>1</sup> ~~the place of manufacture provides reasonable assurance~~  
 21 ~~prior to or at the time of shipment that the test is genuine <sup>1</sup>~~and~~~~  
 22 ~~conforms to the specifications of the samples that have been found to~~  
 23 ~~be reliable as described in paragraph (2) of this subsection<sup>1</sup> ; and~~

24 <sup>1</sup>~~(4)~~ (3)<sup>1</sup> ~~the pharmacy practice site distributes personal~~  
 25 ~~protection equipment to all pharmacy staff and establishes protocols~~  
 26 ~~and procedures to ensure that all persons presenting at the pharmacy~~  
 27 ~~for any reason, including to request testing for COVID-19, maintain~~  
 28 ~~social distancing appropriate to prevent transmission of COVID-19.~~

29 b. If an individual tests positive for COVID-19 using a test  
 30 administered by a pharmacist pursuant to subsection a. of this section,  
 31 the pharmacist shall advise the patient <sup>1</sup>~~to self-isolate at home for at~~  
 32 ~~least 14 days~~ on self-isolation guidance<sup>1</sup> and provide the individual  
 33 with <sup>1</sup>~~a copy of~~ any necessary resources, such as<sup>1</sup> the COVID-19  
 34 Home Care Guide, except that, if the patient is a member of a group  
 35 that is at high risk for health complications from COVID-19 or is  
 36 experiencing symptoms of a severe adverse reaction to COVID-19, the  
 37 pharmacist shall advise the patient to promptly seek treatment at a  
 38 hospital <sup>1</sup>or contact the patient's health care provider<sup>1</sup> . The  
 39 pharmacist shall ensure compliance with all other State and federal  
 40 requirements concerning a positive test for COVID-19, including  
 41 applicable reporting and data collection requirements.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted June 25, 2020.

1 <sup>1</sup>【c. The Board of Pharmacy may extend the authority to order and  
2 administer COVID-19 tests to any other professional subject to  
3 licensure or oversight by the board.】<sup>1</sup>

4  
5 <sup>1</sup>2. Section 1 of P.L.2020, c.7 is amended to read as follows:

6 1. a. During the Public Health Emergency and State of  
7 Emergency declared by the Governor in Executive Order 103 of  
8 2020, the State Medicaid and NJ FamilyCare programs shall  
9 provide coverage and payment for expenses incurred in:

10 (1) the testing for coronavirus disease 2019, provided that a  
11 licensed **【medical practitioner】** health care professional licensed in  
12 accordance with the provisions of Title 45 of the Revised Statutes,  
13 or otherwise authorized to provide health care services in this State,  
14 has issued a medical order for that testing; and

15 (2) the delivery of health care services through telemedicine or  
16 telehealth in accordance with the provisions of P.L.2017, c.117  
17 (C.45:1-61 et al.).

18 b. The coverage shall be provided to the same extent as for any  
19 other health care services, except that no cost-sharing shall be  
20 imposed on the coverage provided pursuant to this section.

21 c. The Commissioner of Human Services shall apply for such  
22 State plan amendments or waivers as may be necessary to  
23 implement the provisions of this act and to secure federal financial  
24 participation for State Medicaid expenditures under the federal  
25 Medicaid program.<sup>1</sup>

26 (cf: P.L.2020, c.7, s.1)

27  
28 <sup>1</sup>3. Section 2 of P.L.2020, c.7 is amended to read as follows:

29 2. a. During the Public Health Emergency and State of  
30 Emergency declared by the Governor in Executive Order 103 of  
31 2020, a carrier that offers a health benefits plan in this State shall  
32 provide coverage and payment for expenses incurred in:

33 (1) the testing of coronavirus disease 2019, provided that a  
34 health care professional licensed in accordance with the provisions  
35 of **【P.L.2017, c.117 (C.45:1-61 et al.)】** Title 45 of the Revised  
36 Statutes, or otherwise authorized to provide health care services in  
37 this State, has issued a medical order for the testing; and

38 (2) any health care services delivered to a covered person  
39 through telemedicine or telehealth in accordance with the  
40 provisions of P.L.2017, c.117 (C.45:1-61 et al.).

41 b. The coverage shall be provided to the same extent as for any  
42 other health care services under the health benefits plan, except that  
43 no cost-sharing shall be imposed on the coverage provided pursuant  
44 to this section.

45 c. As used in this section, “carrier,” means an insurance  
46 company, health service corporation, hospital service corporation,  
47 medical service corporation, or health maintenance organization

A4012 [1R] MUKHERJI, BENSON

4

1 authorized to issue health benefits plans in this State, and shall  
2 include the State Health Benefits Program and the School  
3 Employees' Health Benefits Program.<sup>1</sup>

4 (cf: P.L.2020, c.7, s.2)

5

6 <sup>1</sup>**[2.]**4.<sup>1</sup> This act shall take effect immediately.