

P.L. 2020, CHAPTER 101, *approved September 30, 2020*
Senate, No. 2436 (*Second Reprint*)

1 **AN ACT** concerning testing for ²**[coronavirus disease 2019]**
2 COVID-19 or COVID-19 antibodies² ¹and amending P.L.2020,
3 c.7¹ .
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. ¹(New section) a. ¹**[Notwithstanding any other provision of**
9 **law to the contrary, consistent]** ²**[Consistent¹** with federal guidance
10 and waivers, a] ²**A** pharmacist licensed pursuant to P.L.2003, c.280
11 (C.45:14-40 et seq.) shall be authorized to order ¹**[or]** and¹
12 ²**[administer]** cause to be administered² to any person any test for
13 the ²**[coronavirus disease 2019]** SARS-CoV-2² (COVID-19) ²or
14 COVID-19 antibodies² that the federal Food and Drug
15 Administration ²**[has authorized for use]** granted emergency use
16 authorization or approval² , provided that:

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

21 (2) ¹**[a statistically significant number of samples of the test**
22 **have been independently evaluated within the United States for**
23 **reliability;**

24 (3) ¹**[the place of manufacture provides reasonable assurance**
25 **prior to or at the time of shipment that the test is genuine** ¹**[and**
26 **conforms to the specifications of the samples that have been found**
27 **to be reliable as described in paragraph (2) of this subsection]** ¹ ;
28 and

29 ¹**[(4)]** (3)¹ the pharmacy practice site distributes personal
30 protection equipment to all pharmacy staff and establishes protocols
31 and procedures to ensure that all persons presenting at the pharmacy
32 for any reason, including to request testing for COVID-19, maintain
33 social distancing appropriate to prevent transmission of COVID-19
34 ², and complies with any other applicable requirements that the
35 New Jersey Board of Pharmacy may establish.

36 For the purposes of this section, causing a test to be administered
37 shall include collecting a specimen, or overseeing the collection of
38 a specimen, and causing the specimen to be sent to a laboratory

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:

¹Senate SBA committee amendments adopted May 11, 2020.

²Senate amendments adopted in accordance with Governor's recommendations August 27, 2020.

1 with the capacity to perform the test. The laboratory shall be
2 authorized under federal and State law to perform the test,
3 including, but not limited to, the federal "Clinical Laboratory
4 Improvement Amendments of 1988 (CLIA)," Pub. L. 100-
5 578 (42 U.S.C. s.263a), the "New Jersey Clinical Laboratory
6 Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), and
7 associated regulations. If the test which is administered is one for
8 which the analysis can be performed at a CLIA-waived facility, and
9 if the pharmacy at which the specimen is collected has a CLIA
10 waiver, then the test may be conducted at that pharmacy. In all
11 other cases, the test shall be conducted at an off-site laboratory,
12 which laboratory shall report the results of the test to the pharmacist
13 who ordered or administered the test² .

14 b. If an individual tests positive for COVID-19 using a test
15 administered by a pharmacist pursuant to subsection a. of this
16 section, the pharmacist shall advise the patient ¹**【to self-isolate at**
17 **home for at least 14 days】** on self-isolation guidance¹ and provide
18 the individual with ¹**【a copy of】** any necessary resources, such as¹
19 the COVID-19 Home Care Guide ²developed by the New Jersey
20 Department of Health² , except that, if the patient is a member of a
21 group that is at high risk for health complications from COVID-19
22 or is experiencing symptoms of a severe adverse reaction to
23 COVID-19, the pharmacist shall ²also² advise the patient to
24 promptly seek treatment at a hospital ¹or contact the patient's health
25 care provider¹ . The pharmacist shall ensure compliance with all
26 other State and federal requirements concerning a positive test for
27 COVID-19, including applicable reporting and data collection
28 requirements.

29 ¹**【c. The Board of Pharmacy may extend the authority to order**
30 **and administer COVID-19 tests to any other professional subject to**
31 **licensure or oversight by the board.】**¹
32

33 ¹2. Section 1 of P.L.2020, c.7 is amended to read as follows:

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

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

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

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

1 c. The Commissioner of Human Services shall apply for such
2 State plan amendments or waivers as may be necessary to implement
3 the provisions of this act and to secure federal financial participation
4 for State Medicaid expenditures under the federal Medicaid program.¹
5 (cf: P.L.2020, c.7, s.1)
6

7 ¹3. Section 2 of P.L.2020, c.7 is amended to read as follows:

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

12 (1) the testing of coronavirus disease 2019, provided that a health
13 care professional licensed in accordance with the provisions of
14 **[P.L.2017, c.117 (C.45:1-61 et al.)]** Title 45 of the Revised Statutes,
15 or otherwise authorized to provide health care services in this State,
16 has issued a medical order for the testing; and

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

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

24 c. As used in this section, “carrier,” means an insurance company,
25 health service corporation, hospital service corporation, medical
26 service corporation, or health maintenance organization authorized to
27 issue health benefits plans in this State, and shall include the State
28 Health Benefits Program and the School Employees' Health Benefits
29 Program.¹

30 (cf: P.L.2020, c.7, s.2)
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32 ¹**[2.] 4.¹ This act shall take effect immediately.
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36**

37 Authorizes pharmacists to order and cause to be administered
38 test for coronavirus disease 2019 (COVID-19) or COVID-19
39 antibodies; requires health benefits and Medicaid coverage for tests.