

P.L. 2020, CHAPTER 3, *approved March 19, 2020*  
Assembly, No. 3860

1 AN ACT concerning the use of telemedicine and telehealth to  
2 respond to coronavirus disease 2019.

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

6  
7 1. a. For the duration of the public health emergency declared  
8 pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) in response to  
9 coronavirus disease 2019 (COVID-19), any health care practitioner  
10 shall be authorized to provide and bill for services using  
11 telemedicine and telehealth, which may include all services  
12 included in the definitions of telemedicine and telehealth set forth  
13 in section 1 of P.L.2017, c.117 (C.45:1-61) to the extent appropriate  
14 under the standard of care, which services may be provided  
15 regardless of whether rules and regulations concerning the practice  
16 of telemedicine and telehealth have been adopted pursuant to the  
17 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
18 seq.). A health care practitioner who is not licensed or certified to  
19 provide health care services pursuant to Title 45 of the Revised  
20 Statutes may provide telemedicine and telehealth services pursuant  
21 to this section, provided that:

22 (1) the health care practitioner is validly licensed or certified to  
23 provide health care services in another state or territory of the  
24 United States or in the District of Columbia, and is in good standing  
25 in the jurisdiction that issued the license or certification;

26 (2) the health care services provided by the health care  
27 practitioner using telemedicine and telehealth are within the  
28 practitioner’s authorized scope of practice in the jurisdiction that  
29 issued the license or certification;

30 (3) unless the health care practitioner has a preexisting provider-  
31 patient relationship with the patient that is unrelated to COVID-19,  
32 the health care services provided are limited to services related to  
33 screening for, diagnosing, or treating COVID-19; and

34 (4) in the event that the health care practitioner determines  
35 during a telemedicine or telehealth encounter with a patient located  
36 in New Jersey that the encounter will not involve services related to  
37 screening for, diagnosing, or treating COVID-19, and the  
38 practitioner does not have a preexisting provider-patient  
39 relationship with the patient that is unrelated to COVID-19, the  
40 practitioner shall advise the patient that the practitioner is not  
41 authorized to provide services to the patient, recommend that the  
42 patient initiate a new telemedicine or telehealth encounter with a  
43 health care practitioner licensed or certified to practice in New  
44 Jersey, and terminate the telemedicine or telehealth encounter.



1 are consistent with the practitioner’s authorized scope of practice in  
2 the jurisdiction that issued the practitioner’s license or certification;  
3 (3) unless the practitioner has a preexisting provider-patient  
4 relationship with the patient that is unrelated to COVID-19, the  
5 services provided are limited to services related to screening for,  
6 diagnosing, or treating COVID-19; and (4) in the event that the  
7 practitioner determines that a telemedicine or telehealth encounter  
8 with a patient located in New Jersey will not involve screening for,  
9 diagnosing, or treating COVID-19, and the practitioner does not  
10 have a preexisting provider-patient relationship with the patient that  
11 is unrelated to COVID-19, the practitioner advises the patient that  
12 the practitioner is not authorized to provide services to the patient,  
13 recommends that the patient initiate a new telemedicine or  
14 telehealth encounter with a health care practitioner licensed or  
15 certified to practice in New Jersey, and terminates the telemedicine  
16 or telehealth encounter.

17 The bill requires that any amount charged for services provided  
18 under the bill be reasonable and consistent with the ordinary fees  
19 typically charged for that service. In the event that a health care  
20 practitioner who is not licensed to practice in New Jersey is  
21 required to terminate a telemedicine or telehealth encounter because  
22 the encounter does not involve the provision of services related to  
23 screening, diagnosing, or treating COVID-19, the practitioner will  
24 be prohibited from billing for any services provided during the  
25 encounter.

26 The bill requires the Commissioner of Health and the Director of  
27 the Division of Consumer Affairs in the Department of Law and  
28 Public Safety to waive any requirement of State law or regulation as  
29 may be necessary to facilitate the provision of health care services  
30 using telemedicine and telehealth during the COVID-19 public  
31 health emergency, including any privacy requirements that would  
32 limit the use of electronic or technological means that are not  
33 typically used in the provision of telemedicine and telehealth,  
34 provided that nothing in the bill will authorize the waiver of any  
35 State laws or regulations restricting the collection, exchange,  
36 transmission, or use of confidential patient health information..

37 Nothing in the bill is to be construed to abrogate any authority  
38 granted to the Commissioner of Health under the “Emergency  
39 Health Powers Act,” P.L.2005, c.222 (C.26:13-1 et seq.).  
40  
41

42

43

44

45

---

46 Establishes certain requirements to use telemedicine and  
47 telehealth to respond to coronavirus disease 2019 (COVID-19).