

[Third Reprint]

**SENATE, No. 4139**

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

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INTRODUCED NOVEMBER 12, 2021

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

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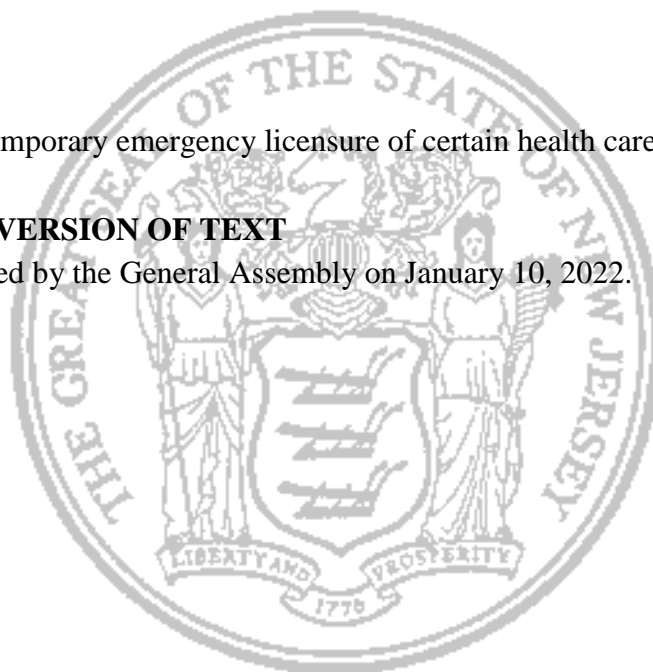
**Assemblywomen Vainieri Huttel, Murphy, Swain, Assemblyman Tully and  
Assemblywoman Lampitt**

**SYNOPSIS**

Extends temporary emergency licensure of certain health care professionals.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on January 10, 2022.



**(Sponsorship Updated As Of: 1/10/2022)**

1 AN ACT concerning certain health care professionals <sup>1</sup>and amending  
 2 <sup>3</sup>[P.L. , c. (pending before the Legislature as Assembly Bill No.  
 3 5353 (2R) of 2020/2021)<sup>1</sup>] P.L.2021, c.326<sup>3</sup> .  
 4

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

8 1. <sup>1</sup>(New section)<sup>1</sup> The Legislature finds and declares that:

9 a. Health care workers have demonstrated their commitment to  
 10 helping the residents of the State of New Jersey emerge from the  
 11 coronavirus disease 2019 (COVID-19) pandemic by continuing to  
 12 provide care and treatment to patients while working under  
 13 conditions of enormous stress and uncertainty.

14 b. On March 26, 2020, the Division of Consumer Affairs in the  
 15 Department of Law and Public Safety issued waivers, under the  
 16 authority of Executive Order No. 103 of 2020, permitting certain  
 17 health care workers licensed in other states to practice in New  
 18 Jersey under a temporary emergency license. On May 5, 2020, the  
 19 division issued additional waivers authorizing graduates of certain  
 20 accredited training programs to provide health care services in New  
 21 Jersey under a temporary emergency license.

22 c. The temporary emergency reciprocal licensure of out-of-  
 23 State health care workers in New Jersey and the temporary  
 24 emergency graduate licensure for nurses, physician assistants,  
 25 respiratory care therapists, pharmacists, and alcohol and drug  
 26 counselors approved under these waivers will expire on January 11,  
 27 2022, pursuant to the provisions of P.L.2021, c.103 (C.26:13-32 et  
 28 seq.) and Executive Order No. 244 of 2021.

29 d. In light of the ongoing health care needs of the citizens of  
 30 New Jersey and the ongoing challenges in ensuring the health care  
 31 workforce is able to meet the demand for health care services, the  
 32 Legislature finds it is necessary and appropriate to authorize out-of-  
 33 State health care workers practicing under a temporary emergency  
 34 reciprocal license, and <sup>1</sup>**[recently-graduated]** recently graduated<sup>1</sup>  
 35 health care workers practicing under a temporary emergency  
 36 graduate license, to continue to practice in the State to the same  
 37 extent, and subject to the same requirements, as are provided under  
 38 the Division of Consumer Affairs waivers, for a period <sup>1</sup>**[of 60 days**  
 39 **following the end of the federal public health emergency declared**  
 40 **in response to the COVID-19 pandemic]** extending through June  
 41 30, 2022, as well as to authorize additional out-of-State and recently  
 42 graduated health care workers to apply for, and be issued, a  
 43 temporary emergency license to practice in New Jersey during this  
 44 period<sup>1</sup> .

**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>Senate SHH committee amendments adopted December 6, 2021.

<sup>2</sup>Senate floor amendments adopted December 20, 2021.

<sup>3</sup>Assembly floor amendments adopted January 10, 2022.

1 2. <sup>1</sup>(New section)<sup>1</sup> a. As used in this section:

2 <sup>2</sup>"Alcohol and drug counselor intern" means an individual in  
3 training working under the clinical supervision of a qualified clinical  
4 supervisor as set forth in N.J.A.C.13:34C-6.2(a) and who is working  
5 toward completing the requirements of N.J.A.C.13:34C-2.3(b)3ii.<sup>2</sup>

6 "Division" means the Division of Consumer Affairs in the  
7 Department of Law and Public Safety.

8 "Group 2 health care professional" means an advanced practice  
9 nurse, <sup>2</sup>**[certified]** licensed<sup>2</sup> social worker, doctor of osteopathy,  
10 homemaker-home health aide, licensed practical nurse, licensed  
11 alcohol and drug counselor, licensed clinical social worker, marriage  
12 and family therapist, medical doctor, professional counselor,  
13 psychoanalyst, psychologist, registered professional nurse, and  
14 respiratory care practitioner.

15 <sup>2</sup>"Temporary emergency alcohol and drug counselor intern  
16 certification" means a certification to practice as an alcohol and drug  
17 counselor intern in New Jersey, subject to certain requirements and  
18 waivers, issued to an alcohol and drug counselor intern by the division  
19 pursuant to DCA Administrative Order No. 2020-13 and DCA Waiver  
20 No. W-2020-12.<sup>2</sup>

21 "Temporary emergency graduate license" means a license issued to  
22 a nurse, physician assistant, respiratory care therapist, pharmacist,  
23 <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>**[alcohol and drug]** associate<sup>2</sup> counselor who  
24 graduated from an accredited program but did not yet meet the  
25 requirements for licensure, which emergency <sup>1</sup>**[licensed]** license<sup>1</sup> was  
26 issued by the division pursuant to DCA Administrative Order No.  
27 2020-05 and DCA Waiver No. W-2020-09 <sup>2</sup>or DCA Administrative  
28 Order No. 2020-12 and DCA Waiver No. W-2020-11, as applicable<sup>2</sup> ,  
29 and which license authorizes the nurse, physician assistant, respiratory  
30 care therapist, pharmacist, <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>**[alcohol and drug]**  
31 associate<sup>2</sup> counselor to practice in New Jersey.

32 "Temporary emergency reciprocal license" means a license issued  
33 by the division, pursuant to a waiver approved by the division under  
34 the authority of Executive Order No. 103 of 2020, to a health care  
35 professional licensed in a state other than New Jersey, <sup>1</sup>**[and]**<sup>1</sup> which  
36 license authorizes the health care professional to fully engage in the  
37 practice of that person's profession in New Jersey, both in person and  
38 using telemedicine and telehealth, without requiring full licensure by a  
39 licensing board within the division.

40 b. <sup>1</sup>(1) For the period commencing on the effective date of this  
41 act through June 30, 2022, any group 2 health care professional may  
42 apply to the division for a temporary emergency reciprocal license,  
43 which license, if approved, shall authorize the professional to practice  
44 in New Jersey under the same terms and conditions as apply to a  
45 temporary emergency reciprocal license issued under the waiver  
46 approved by the division under the authority of Executive Order No.  
47 103 of 2020 authorizing the issuance of temporary emergency

1 reciprocal licenses. The requirements and criteria for issuance of a  
2 temporary emergency reciprocal license pursuant to this paragraph  
3 shall be the same as for a temporary emergency reciprocal license  
4 issued under the waiver approved by the division under the authority  
5 of Executive Order No. 103 of 2020 authorizing the issuance of  
6 temporary emergency reciprocal licenses. A group 2 health care  
7 professional issued a temporary emergency reciprocal license pursuant  
8 to this paragraph shall be authorized to practice under the license  
9 through June 30, 2022.

10 (2)<sup>1</sup> Notwithstanding any other provision of law to the contrary, a  
11 group 2 health care professional practicing in New Jersey under a  
12 temporary emergency reciprocal license on the effective date of this  
13 act shall be authorized to continue practicing, under the same terms  
14 and conditions as applied under that temporary emergency reciprocal  
15 license, <sup>1</sup>**[for a period of 60 days following the end of the federal**  
16 **public health emergency declared in response to the coronavirus**  
17 **disease 2019 (COVID-19) pandemic]** through June 30, 2022. A group  
18 2 health care professional who holds a valid temporary emergency  
19 reciprocal license on the effective date of this act shall not be required  
20 to apply for a license pursuant to paragraph (1) of this subsection to  
21 continue practicing under the temporary emergency reciprocal license  
22 through June 30, 2022<sup>1</sup>.

23 c. <sup>1</sup>(1) For the period commencing on the effective date of this  
24 act through June 30, 2022, any nurse, physician assistant, respiratory  
25 care therapist, pharmacist, <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>**[alcohol and drug]**  
26 associate<sup>2</sup> counselor may apply to the division for a temporary  
27 emergency graduate license, which license, if approved, shall  
28 authorize the professional to practice in New Jersey under the same  
29 terms and conditions as apply to a temporary emergency graduate  
30 license issued pursuant to DCA Administrative Order No. 2020-05 and  
31 DCA Waiver No. W-2020-09 <sup>2</sup>or DCA Administrative Order No.  
32 2020-12 and DCA Waiver No. W-2020-11, as applicable<sup>2</sup>. The  
33 requirements and criteria for issuance of a temporary emergency  
34 graduate license pursuant to this paragraph shall be the same as for a  
35 temporary emergency graduate license issued pursuant to DCA  
36 Administrative Order No. 2020-05 and DCA Waiver No. W-2020-09  
37 <sup>2</sup>or DCA Administrative Order No. 2020-12 and DCA Waiver No. W-  
38 2020-11, as applicable<sup>2</sup>. A nurse, physician assistant, respiratory care  
39 therapist, pharmacist, <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>**[alcohol and drug]**  
40 associate<sup>2</sup> counselor issued a temporary emergency graduate license  
41 pursuant to this paragraph shall be authorized to practice under the  
42 license through June 30, 2022.

43 (2)<sup>1</sup> Notwithstanding any other provision of law to the contrary, a  
44 nurse, physician assistant, respiratory care therapist, pharmacist,  
45 <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>**[alcohol and drug]** associate<sup>2</sup> counselor  
46 authorized to practice under a temporary emergency graduate license  
47 on the effective date of this act shall be authorized to continue

1 practicing, under the same terms and conditions as applied to a license  
2 issued pursuant to DCA Administrative Order No. 2020-05 and DCA  
3 Waiver No. W-2020-09 <sup>2</sup>or DCA Administrative Order No. 2020-12  
4 and DCA Waiver No. W-2020-11, as applicable<sup>2</sup> , <sup>1</sup>for a period of 60  
5 days following the end of the federal public health emergency declared  
6 in response to the COVID-19 pandemic] through June 30, 2022. A  
7 nurse, physician assistant, respiratory care therapist, pharmacist,  
8 <sup>2</sup>social worker,<sup>2</sup> or <sup>2</sup>[alcohol and drug] associate<sup>2</sup> counselor who  
9 holds a valid temporary emergency graduate license on the effective  
10 date of this act shall not be required to apply for a license pursuant to  
11 paragraph (1) of this subsection to continue practicing under the  
12 temporary emergency graduate license through June 30, 2022<sup>1</sup> .

13 d. <sup>2</sup>(1) For the period commencing on the effective date of this  
14 act through June 30, 2022, any alcohol and drug counselor intern may  
15 apply to the division for a temporary emergency alcohol and drug  
16 counselor intern certification, which certification, if approved, shall  
17 authorize the alcohol and drug counselor intern to practice in New  
18 Jersey under the same terms and conditions as apply to a temporary  
19 emergency alcohol and drug counselor intern certification issued  
20 pursuant to DCA Administrative Order No. 2020-13 and DCA Waiver  
21 No. W-2020-12. The requirements and criteria for issuance of a  
22 temporary emergency alcohol and drug counselor intern certification  
23 pursuant to this paragraph shall be the same as for a temporary  
24 emergency alcohol and drug counselor intern certification issued  
25 pursuant to DCA Administrative Order No. 2020-13 and DCA Waiver  
26 No. W-2020-12. An alcohol and drug counselor intern issued a  
27 temporary emergency alcohol and drug counselor intern certification  
28 pursuant to this paragraph shall be authorized to practice under the  
29 certification through June 30, 2022.

30 (2) Notwithstanding any other provision of law to the contrary, an  
31 alcohol and drug counselor intern authorized to practice under a  
32 temporary emergency alcohol and drug counselor intern certification  
33 on the effective date of this act shall be authorized to continue  
34 practicing, under the same terms and conditions as applied to a  
35 certification issued pursuant to DCA Administrative Order No. 2020-  
36 13 and DCA Waiver No. W-2020-12 through June 30, 2022. An  
37 alcohol and drug counselor intern who holds a valid temporary  
38 emergency alcohol and drug counselor intern certification on the  
39 effective date of this act shall not be required to apply for a  
40 certification pursuant to paragraph (1) of this subsection to continue  
41 practicing under the temporary emergency alcohol and drug counselor  
42 intern certification through June 30, 2022.

43 e. <sup>2</sup> Nothing in this section shall be construed to:

44 (1) prevent a health care professional practicing under a temporary  
45 emergency reciprocal license <sup>2</sup>[or] <sup>2</sup> an emergency graduate license  
46 <sup>2</sup>, or a temporary emergency alcohol and drug counselor intern  
47 certification<sup>2</sup> from applying for or receiving full licensure <sup>2</sup>or

1 certification<sup>2</sup> in New Jersey, provided the professional otherwise  
 2 meets the requirements for licensure <sup>2</sup>or certification<sup>2</sup>; or  
 3 (2) <sup>1</sup>authorize the issuance of a temporary emergency reciprocal  
 4 license <sup>2</sup>**[or]** <sup>2</sup>a temporary emergency graduate license <sup>2</sup>, or a  
 5 temporary emergency alcohol and drug counselor intern certification<sup>2</sup>  
 6 to, or<sup>1</sup> reinstate a temporary emergency reciprocal license <sup>2</sup>**[or]** <sup>2</sup>a  
 7 temporary emergency graduate license <sup>2</sup>, or a temporary emergency  
 8 alcohol and drug counselor intern certification<sup>2</sup> for <sup>1,1</sup> any individual  
 9 whose temporary emergency reciprocal license <sup>2</sup>**[or]** <sup>2</sup> temporary  
 10 emergency graduate license <sup>2</sup>, or temporary emergency alcohol and  
 11 drug counselor intern certification expired or<sup>2</sup> was <sup>2</sup>**[revoked]**  
 12 rescinded<sup>2</sup> by the division prior to the effective date of this act.

13  
 14 <sup>3</sup>**[**<sup>1</sup>3. Section 4 of P.L. , c. (pending before the Legislature as  
 15 Assembly Bill No. 5353 (2R) of 2020/2021) is amended to read as  
 16 follows:

17 4. Temporary nurse aides who have not been certified as nurse  
 18 aides pursuant to section 3 of **[this act]** P.L. , c. (pending before  
 19 the Legislature as Assembly Bill No. 5353 (2R) of 2020/2021) shall  
 20 be permitted to work as temporary nurse aides until **[February 16,**  
 21 **2022]** June 30, 2022.<sup>1</sup>

22 (cf: P.L. , c. , s.4 (pending before the Legislature as Assembly  
 23 Bill No. 5353 (2R) of 2020/2021))**]**<sup>3</sup>

24  
 25 <sup>3</sup>3. Section 3 of P.L.2021, c.326 is amended to read as follows:

26 3. Notwithstanding any provision of law to the contrary, the  
 27 Commissioner shall issue a nurse aide certification to an applicant who  
 28 has applied to the Department of Health for certification as a nurse  
 29 aide, in a manner determined by the Commissioner, and who is a  
 30 temporary nurse aide, if:

31 a. between the first day of the public health emergency declared in  
 32 response to COVID-19 and January 11, 2022:

33 (1) the temporary nurse aide successfully completed a training  
 34 program and competency assessment authorized under a New Jersey  
 35 waiver due to COVID-19 which included an online training  
 36 component and an online examination, and, if so required, such  
 37 additional training as may be required to satisfy the requirements of 42  
 38 C.F.R. s.483.152 or any other provision of federal law or regulation;  
 39 and

40 (2) the temporary nurse aide worked a minimum of 80 hours under  
 41 the supervision of a licensed professional nurse, and the temporary  
 42 nurse aide's adequate competency during that period is established by  
 43 a certification or letter from the director of nursing attesting to the  
 44 temporary nurse aide's adequate competency;

45 b. the temporary nurse aide successfully completed the criminal  
 46 history record background check required pursuant to section 2 of  
 47 P.L.1997, c.100 (C.26:2H-83) except that this section shall not be

1 construed to supersede subsection d. or any other provision of section  
2 3 of P.L.1997, c.100 (C.26:2H-84); and

3 c. between the first day of the public health emergency declared  
4 in response to COVID-19 and **February 16, 2022** June 30, 2022, the  
5 temporary nurse aide successfully completed (1) a State-approved  
6 nurse aide written examination in no more than three attempts and (2)  
7 a State-approved clinical skills competency examination.<sup>3</sup>

8 (cf: P.L.2021, c.326, s.3)

9

10 <sup>3</sup>4. Section 4 of P.L.2021, c.326 is amended to read as follows:

11 4. Temporary nurse aides who have not been certified as nurse  
12 aides pursuant to section 3 of **this act** P.L.2021, c.326 shall be  
13 permitted to work as temporary nurse aides until **February 16, 2022**  
14 June 30, 2022.<sup>3</sup>

15 (cf: P.L.2021, c.326, s.4)

16

17 <sup>3</sup>5. Section 5 of P.L.2021, c.326 is amended to read as follows:

18 5. The Department of Health may issue guidance or adopt  
19 regulations necessary to effectuate the purposes of this act, which  
20 regulations shall be effective immediately upon filing with the Office  
21 of Administrative Law and until **February 16, 2022** June 30, 2022.<sup>3</sup>

22 (cf: P.L.2021, c.326, s.5)

23

24 <sup>1</sup>**[3.]** <sup>3</sup>**[4.]** <sup>1</sup>6.<sup>3</sup> This act shall take effect immediately <sup>3</sup>**[1]**, except  
25 that section 3 of this act shall take effect on the date that section 4 of  
26 P.L. , c. (pending before the Legislature as Assembly Bill No. 5353  
27 (2R) of 2020/2021) takes effect<sup>1</sup>**]**<sup>3</sup> .