

**STATE OF NEW JERSEY**

**Department of Children and Families**

**NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION**

**PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)**

**COVID-19 STATE OF EMERGENCY**

Temporary Rule Suspension adopted by Christine Norbut Beyer, Commissioner Department of Children and Families

Date:

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

Effective Date: June 22, 2020

Expiration Date: Concurrent with expiration of EO 103

This is an emergency adoption of a temporary rule suspension and modification of the Department’s Office of Licensing rules as outlined below. This emergency modification and suspension supersedes the emergency modification and suspension adopted by the Department on May 1, 2020, and that notice is hereby rescinded as of the effective date of this modification and suspension.

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 and the Commissioner of the Department of Health, the Department of Children and Families is suspending certain rules as follows:

In order to (1) facilitate social distancing and other virus mitigation strategies in licensed facilities (2) create flexibility to add or realign staff to address virus related personnel shortages, and (3) enable the rapid establishment, relocation or realignment of programs to meet new or shifting demands for care, the Department is taking the following action:

N.J.A.C. 3A:55-7.2 (b) and (e) are suspended, as are N.J.A.C. 3A:56-7.2(b) and (e), on the condition that all youth being admitted to group homes or youth residential facilities are subjected to a pre-admission screening prior by a registered nurse, which includes a screening for COVID-19.

For the sake of limiting visitation in programs, the Department is suspending the provisions at : N.J.A.C. 3A:55-3.6(a), N.J.A.C. 3A:55-9.20(b), and N.J.A.C. 3A:56-3.6(a), and the Department is amending the provisions at N.J.A.C. 3A:55-10.13, N.J.A.C. 3A:55-6.6 (b), N.J.A.C. 3A:56-6.6 (b), N.J.A.C. 3A:56-10.13 to require that safety precautions and social distancing are required for all such visits, and that visitors be limited to one per day per resident.

To ensure the rapid backfill of staff into congregate care programs that may be impacted by COVID-19 related absenteeism, the training requirements at N.J.A.C. 3A:55-5.4(c) and N.J.A.C. 3A:56-5.4(c) are suspended.

The text of the modified regulations are as follows, with insertions indicated in **bold** print:

§ 3A:55-6.6 Visitation and Communication

(a) No change.

(b) The facility shall develop a visiting policy and explain the visiting policy to the child and parents at intake. The visiting policy shall specify:

1-5. No change.

**6. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.**

**7. That each resident will be permitted no more than one visitor per day, which will not include persons engaged in official public business.**

(c)-(d) No change.

§ 3A:55-10.13 Visiting and Communication

(a) No change

(b) The facility shall develop a visiting policy and explain the visiting policy to the adolescent and her parent(s) at intake. The visiting policy shall specify:

1. -7 No change.

**8. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.**

**9. That each resident will be permitted no more than one visitor per day, which will not include persons engaged in official public business.**

§ 3A:56-6.6 Visitation and Communication

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(c)-(d) No change.

§ 3A:56-10.13 Visiting and Communication

(a) No change

(b) The facility shall develop a visiting policy and explain the visiting policy to the adolescent and her parent(s) at intake. The visiting policy shall specify:

1. -7 No change.

**8. That necessary precautions to prevent the spread of illness, including social distancing, and the use of face masks and other personal protective equipment, must be observed during visits.**

**9. That each resident will be permitted no more than one visitor per day, which will not include persons engaged in official public business.**

I find that waiver/suspension/modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

June 22 2020

Date



Christine Norbut Beyer, M.S.W.

Commissioner