



**State of New Jersey**  
**DEPARTMENT OF HEALTH**

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[www.nj.gov/health](http://www.nj.gov/health)


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March 13, 2020

JUDITH M. PERSICILLI, RN, BSN, MA  
*Commissioner*

**TO:** Licensed Ambulatory Care Facility (ACF) Administrators  
Licensed Adult and Pediatric Day Care (APD) Facility Administrators

**FROM:** Judith M. Persichilli, RN, BSN, MA   
Commissioner

**SUBJECT:** Temporary Operational Waivers during a State of Emergency

In the event of a State of Emergency as declared by the Governor of New Jersey in an Executive Order, that so significantly affects the ability of an ACF or APD to offer its full array of services or forces it to evacuate its patients/participants, or causes a licensed facility to accommodate evacuated patients/participants from another facility, the Department of Health (Department) will not require prior Department approval of temporary waivers for the following requirements for ACFs and APDs that are affected by such an event:

1. Physical space requirements; or
2. Staff qualifications requirements.

Affected ACFs and APDs (those licensed in accordance with N.J.A.C. 8:434A, 8:43F and 8:43J) will be required to provide a written report to the Department detailing which, if any, of the above actions were implemented, the duration of the implementation, and any adverse outcomes attributable to the actions. Once the State of Emergency is mitigated, ACFs and APDs will be required to return to the previously licensed capacity and to operate in accordance with all licensure standards.

You may review various important and useful Centers for Medicare and Medicaid Services (CMS) documents related to emergency preparedness at the following website:

<https://www.cms.gov/SurveyCertEmergPrep>

Please remember to maintain contact with your local and/or County Office of Emergency Management and your regional Medical Coordination Center during a State of Emergency. If you have any questions concerning this matter, please contact Ms. Jean DeVitto, Executive Director, Certificate of Need and Healthcare Facility Licensure Program at [jean.devitto@doh.nj.gov](mailto:jean.devitto@doh.nj.gov).

cc: Marcela Maziarz, Deputy Commissioner  
Jean DeVitto, Executive Director  
Local Health Officers