



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 360
TRENTON, N.J. 08625-0360
www.nj.gov/health

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

April 17, 2020

TO: Administrators
Long-Term Care Facilities licensed pursuant to N.J.A.C. 8:39
Assisted Living Facilities and Comprehensive Personal Care Homes
licensed pursuant to N.J.A.C. 8:36
Dementia Care Homes licensed pursuant to N.J.A.C. 8:37
Residential Health Care Facilities located with, and operated by,
Licensed Health Care Facilities licensed pursuant to N.J.A.C. 8:43

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

SUBJECT: Telemedicine Permitted to Replace On-Site Visit by Health Care
Practitioner

On March 9, 2020 Governor Philip D. Murphy declared a Public Health Emergency in New Jersey as a result of the COVID-19 pandemic. On March 20, 2020, Governor Murphy signed P.L. 2020, c. 3 into law, which provides that any health care practitioner may provide telemedicine and telehealth services during the duration of the declared public health emergency. The law permits "any health care practitioner. . . to provide and bill for services using telemedicine and telehealth. . . to the extent appropriate under the standard of care, which services may be provided regardless of whether rules and regulations concerning the practice of telemedicine and telehealth have been adopted. . . ." Finally, the law directs the Commissioner of the Department of Health to "waive any requirement of State law or regulation as may be necessary to facilitate the provision of health care services using telemedicine and telehealth during the state of public health emergency declared in response to COVID-19." To effectuate the purpose of this law, multiple state agencies, including the Department of Human Services and Division of Consumer Affairs, have issued rule waivers and guidance documents designed to promote access to telehealth and telemedicine, as well as clarify practice standards during the public health emergency.

Consistent with the above law and in order to minimize resident contact with outside health care providers while at the same time ensuring that routine healthcare continues to be provided to residents of health care facilities during this Public Health

Emergency, I find it necessary and appropriate to permit a telemedicine or telehealth examination to substitute for any on-site examination or in-office visit of a resident by an outside healthcare provider that is required under the rules for long-term care facilities, assisted living facilities, assisted living programs, comprehensive personal care homes, dementia care homes and residential health care facilities. Accordingly, I am waiving the rule requirements set forth in N.J.A.C. 8:39, N.J.A.C. 8:36, N.J.A.C. 8:37, and N.J.A.C. 8:43 that require on-site examinations or in-office visits for residents of health care facilities to which this memorandum is directed for the duration of the Public Health Emergency, with the following conditions:

1. The health care facility shall ensure that the outside healthcare provider conducting the telemedicine or telehealth examination:
 - i. Notes in the resident's record that the resident is appropriate for a telemedicine or telehealth examination; and
 - ii. Advises the facility whether the telemedicine or telehealth examination indicates that an on-site or in-office examination of the resident is necessary.
2. If the outside health care provider advises the facility that an on-site or in-office examination of the resident is needed, then the facility shall make the necessary arrangements for the exam to take place within the timeframe indicated by the outside health care provider.
3. Health care providers performing telehealth or telemedicine services pursuant to this waiver/modification shall comply with the requirements and practice standards set forth in N.J.S.A. 45:1-61 to -63, unless and until these provisions are waived or modified by the Commissioner or any other state or federal department.

This waiver applies only to regulations that may require an on-site examination or in-office visit of a resident by an outside healthcare provider. Long-term care facilities, assisted living facilities, assisted living programs, comprehensive personal care homes, dementia care homes and residential health care facilities are still required to maintain adequate on-site medical staff, including nurses and personal care assistants (PCAs), consistent with the mandatory staffing provisions set forth in N.J.A.C. 8:39, N.J.A.C. 8:36, N.J.A.C. 8:37, and N.J.A.C. 8:43 (except as otherwise waived or modified by the Commissioner). On-site medical staff are required to monitor residents and provide routine in-person care and medical treatment in accordance with all applicable statutes, regulations, and professional standards (except as otherwise waived or modified by the Commissioner).

For more information about rule waivers issued by other state agencies affecting telehealth and telemedicine, please visit <https://www.nj.gov/governor/news/news/562020/20200322b.shtml> . Please remember to maintain contact with your local and/or County Office of Emergency Management and your regional Medical Coordination Center during the 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 .



cc: Marcela Maziarz, Deputy Commissioner
Maria Christenson, Assistant Commissioner
Jean DeVitto, Executive Director