



State of New Jersey
DEPARTMENT OF HEALTH
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Governor

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Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA
Commissioner

April 24, 2020

TO: Administrators of Home Health Agencies Licensed Pursuant to N.J.A.C. 8:42

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

SUBJECT: Blanket Waiver for Home Health Agency Licensing Standards at N.J.A.C. 8:42 that are More Stringent than Waivers and Guidance Issued by the Centers for Medicare & Medicaid Services during the Public Health Emergency

On March 9, 2020 Governor Philip D. Murphy issued Executive Order No. 103, declaring a Public Health Emergency in New Jersey as a result of the COVID-19 pandemic. The Centers for Medicare & Medicaid Services (CMS) issued certain COVID-19 blanket waivers on March 23, 2020 affecting home health agencies (available at <https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>) and is expected to issue additional waivers and guidance in its evolving response to the Public Health Emergency posed by COVID-19.

N.J.A.C. 8:42-2.6 grants the Department the authority to waive regulations affecting Home Health Agencies and to ensure that necessary care is provided as Home Health Agencies experience staffing issues due to the Public Health Emergency posed by COVID-19.

Pursuant to its authority under N.J.A.C. 8:42-2.6, and in light of the rapidly evolving nature of the Public Health Emergency and in order ensure the provision of necessary care, the Department is issuing a blanket waiver from any provisions of N.J.A.C. 8:42 that are more stringent than the requirements relaxed or modified in waivers and guidance issued by CMS on or after March 23, 2020. Any such provisions are relaxed to conform to any CMS guidance and waivers issued on or after March 23, 2020. All other requirements which are not subject to specific CMS guidance or waivers remain in full force and effect.

Licensed home health agencies are permitted to follow the guidance and waivers issued by CMS during the Governor's declaration of a Public Health Emergency. These waivers are intended as a temporary response to the Public Health Emergency posed by COVID-19. As such, these waivers will terminate upon the conclusion of the Public Health Emergency or upon termination of the waivers by CMS, whichever occurs first.

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.



Handwritten signature in blue ink: Joseph M. Gersichilli. The signature is written over a horizontal line.