

STATE OF NEW JERSEY
DEPARTMENT OF HEALTH
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO P.L. 2021, C.103

Revised Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:7-1.11 – Licensure Issuance and Renewal, N.J.A.C. 8:7-1.12 – Active and Inactive Licenses, N.J.A.C. 8:7-1.13 – Licensure Renewal and Continuing Education Requirements, and N.J.A.C. 8:7-1.17 – Record of Continuing Education Credit Hours for Public Health Positions, adopted by THE COMMISSIONER OF THE DEPARTMENT OF HEALTH.**

Initial Issuance Date: October 13, 2020

Revised Date: August 19, 2021

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; P.L. 2021, c.103

Effective Date: August 19, 2021

Expiration Date: January 11, 2022

Executive Order 103, issued by Governor Philip D. Murphy on March 9, 2020, declared the existence of a Public Health Emergency in the State for COVID-19. Pursuant to section 6 of the Executive Order, agency heads were authorized 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. Relying upon this Executive Order, the Department issued a temporary rule modification/waiver on October 13, 2020 for the continuing education requirements for active health officer and registered environmental health specialist (REHS) licenses set out at N.J.A.C. 8:7-1.11, N.J.A.C. 8:7-1.12, N.J.A.C. 8:7-1.13, and N.J.A.C. 8:7-1.17. On June 4, 2021, Governor Murphy signed P.L. 2021, c. 103 and Executive Order No. 244, which among other things, resulted in the termination of the Public Health Emergency declared in Executive Order No. 103. Nonetheless, Section 3 of P.L. 2021, c.103 provides that any administrative orders, directives, or waivers that relied upon the existence of the Public Health Emergency may be continued or modified by agency heads until January 11, 2022, unless explicitly revoked before that date. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management, the Commissioner of the Department of Health is continuing and modifying the rule waiver issued on October 13, 2020 for health officers and REHSs as follows:

COVID-19 is an infectious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus. A coordinated, rapid response to suspected or confirmed COVID-19 cases in New Jersey and the implementation of appropriate measures to mitigate person-to-person spread of COVID-19 are critical. Public health professionals licensed in New Jersey, including health officers and REHSs, serve in leadership roles to combat the COVID-19 pandemic's unprecedented

and evolving impact on New Jersey. Specifically, public health professionals, including health officers and REHSs licensed by NJDOH, are charged with investigating COVID-19 cases, tracing contacts, coordinating necessary support for proper isolation and quarantine of individuals diagnosed with or suspected of having COVID-19, leading COVID-19 outbreak investigations, supporting COVID-19 testing sites, and coordinating jurisdictional recovery efforts, among other duties. To provide for the delivery of essential public health services amid the dynamic response to COVID-19, sustaining an experienced public health professional workforce of health officers and REHSs is needed.

Under N.J.A.C. 8:7-1.11(b)-(c), N.J.A.C. 8:7-1.12(a)(1), N.J.A.C. 8:7-1.13(a)-(c), and N.J.A.C. 8:7-1.17(b)-(c), active licensed health officers or REHSs who wish to renew their licenses in their respective public health positions must annually obtain 15 contact hours of approved continuing education (CE) and submit verification of the CE contact hours with their annual license renewal application.

On October 13, 2020, due to the pressing demands caused by the public health emergency, the Department of Health issued a waiver of the CE requirements for current active health officers and REHSs who were renewing their licenses as active for the 2021 licensing period. The Department reasoned that such a waiver would not only provide active licensed health officers and REHSs a reprieve from the CE obligation so they may focus on the public response to COVID-19 in New Jersey, but would also ensure that the State maintained a sufficient number of active licensed health officers and REHSs to carry out essential public health services and respond to the public health emergency.

Due to the continuing demands caused by the COVID-19 pandemic, the Department has determined that an extension of the CE rule waiver is necessary and appropriate for actively licensed health officers and REHS. Accordingly, the Department will continue to waive the CE requirement as follows for active licensees for the 2022 licensing period.

Pursuant to this revised rule waiver/continuation, individuals with an active health officer or REHS license in good standing for the 2021 licensing period may renew their respective license for the 2022 licensing period without completing the required 15 contact hours of CE credits or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in N.J.A.C. 8:7 et seq. Licensees will still be responsible for satisfying all other requirements to renew their licenses, including payment of the \$50 renewal fee, pursuant to N.J.A.C. 8:7-1.11(b).

Active health officer and REHS licensees may still complete CE contact hours if they wish. Active licensees who complete CEs during the 2021 licensing period may carry over up to five excess CE contact hours consistent with N.J.A.C. 8:7-1.13(b).

Upon successfully submitting a complete and accurate renewal application, and payment of the renewal fee, the Department will electronically issue the applicant an active health officer or REHS license (as applicable) for the 2022 licensing period.

This revised temporary waiver/modification shall be effective until January 11, 2022.

Full Text of the affected regulations follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

N.J.A.C. 8:7-1.11 License issuance, renewal, and fees for licenses

(a)-(e) (No change.)

(f)-(i) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification)

(j) (No Change. Temporary COVID-19 Continuing Education Waiver dated October 13, 2020)

(k) Notwithstanding (b) and (c) above, until January 11, 2022, individuals with an active health officer or registered environmental health specialist license in good standing for the 2021 licensing period may renew their respective license for the 2022 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter, including payment of the \$50 renewal fee, pursuant to N.J.A.C. 8:7-1.11(b).

N.J.A.C. 8:7-1.12 Active and inactive licenses

(a) (No change.)

(b)-(c) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification.)

(d) (No Change. Temporary COVID-19 Continuing Education Waiver dated October 13, 2020)

(e) Notwithstanding the provisions in (a) above, until January 11, 2022, individuals with an active health officer or registered environmental health specialist license in good standing for the 2021 licensing period may renew their respective license for the 2022 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter, including payment of the \$50 renewal fee, pursuant to N.J.A.C. 8:7-1.11(b).

N.J.A.C. 8:7-1.13 License renewal and continuing education requirements

(a)-(d) (No change.)

(e)-(f) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification.)

(g) (No Change. Temporary COVID-19 Continuing Education Waiver dated October 13, 2020)

(h) Notwithstanding the provisions in (a), (c), and (d) above, until January 11, 2022, individuals with an active health officer or registered environmental health specialist license in good standing for the 2021 licensing period may renew their respective license for the 2022 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter, including payment of the \$50 renewal fee, pursuant to N.J.A.C. 8:7-1.11(b).

- 1. Licensees who complete continuing education contact hours under N.J.A.C. 8:7-1.12(a)(1) during the 2021 licensing cycle may carry over up to five excess contact hours of continuing education to the 2022 licensing cycle consistent with the provisions of (b) above.**

N.J.A.C. 8:7-1.17 Record of continuing education contact hours

(a)-(c) (No change.)

(d)-(e) (No Change. Temporary COVID-19 Inactive Public Health Professional Licensure Reactivation Modification)

(f) (No Change. Temporary COVID-19 Continuing Education Waiver dated October 13, 2020)

(g) Notwithstanding the provisions in (b) and (c) above, until January 11, 2022, individuals with an active health officer or registered environmental health specialist license in good standing for the 2021 licensing period may renew their respective license for the 2022 licensing period without completing the required 15 contact hours of continuing education or providing evidence of same if they satisfy all other requirements for licensure renewal set forth in this chapter, including payment of the \$50 renewal fee, pursuant to N.J.A.C. 8:7-1.11(b).

I find that this revised modification/waiver of the rules N.J.A.C. 8:7-1.11 through 1.13, and N.J.A.C. 8:7-1.17 above is necessary and appropriate, pursuant to P.L. 2021, c. 103.

**JUDITH M. PERSICHILLI, RN, BSN, MA
COMMISSIONER
DEPARTMENT OF HEALTH**

8/18/21

DATE


BY: Shereen Semple
Director
Office of Local Public Health

WAIVER CONTROL NUMBER: N.J.A.C. 8:7-1.11 through 1.13 and 1.17