

STATE OF NEW JERSEY
DEPARTMENT OF HEALTH
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:40A-7.1 – EMT-Basic Certification and N.J.A.C. 8:40A-7.5 – EMT-Basic Recertification adopted by THE COMMISSIONER OF THE DEPARTMENT OF HEALTH.**

Date: August 7, 2020

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy) (“EO 103”); Executive Order No. 119 (Murphy) (“EO 119”); Executive Order No. 138 (Murphy) (“EO 138”); Executive Order No. 151 (Murphy)(“EO 151”); Executive Order No. 162 (Murphy)(“EO 162”)

Effective Date: August 7, 2020

Expiration Date: Concurrent with the end of the Public Health Emergency

This is an emergency adoption of a temporary rule waiver/modification of the expiration deadlines of Emergency Medical Technician (EMT)-Basic certifications at N.J.A.C. 8:40A-7.1 and EMT-Basic recertifications at N.J.A.C. 8:40A-7.5. 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, the Commissioner of the Department of Health is waiving/modifying its rules as follows:

Basic Life Support (BLS) services in New Jersey are provided by personnel with an EMT-Basic certification. Under N.J.A.C. 8:40A-7.1(a), no person may act in the capacity of an EMT-Basic unless properly certified by the Department to do so. EMT-Basic certifications must either expire on June 30 or December 31, depending on the date of issuance. N.J.A.C. 8:40A-7.1(e). In order to recertify as an EMT-Basic, one must indicate, among other things, that he or she satisfied certain continuing proficiency and education requirements during the previous certification period. See N.J.A.C. 8:40A-7.5.

The COVID-19 pandemic has placed an enormous burden on healthcare workers providing BLS services in New Jersey. In an effort to assist BLS providers during this public health emergency, the Department determined that certain certification and recertification requirements should be relaxed. Accordingly, on March 12, 2020, the Department issued the following waiver:

1. The June 30, 2020 expiration date for all valid NJ EMT-Basic certifications was extended to August 31, 2020; and

2. EMT-Basics were able to complete their recertification requirements for their current credentials up to and including August 31, 2020.

However, because the COVID-19 pandemic continues to place a strain on the State's BLS providers, the Department has determined that the above expiration dates and recertification requirements must be further extended as follows:

1. The June 30, 2020 expiration date for all valid NJ EMT-Basic certifications is extended to December 31, 2020;
2. EMT-Basics shall be able to complete their recertification requirements for their current credentials up to and including December 31, 2020.

This temporary waiver/modification shall be effective during the period of the Public Health Emergency originally declared by Governor Philip D. Murphy in Executive Order No. 103. The temporary waiver/modification shall expire upon the conclusion of the Public Health Emergency.

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

N.J.A.C. 8:40A-7.1 General Information

(a)-(i) [No Change.]

(j) Notwithstanding (e) above, during the period of the COVID-19 Public Health Emergency, EMT-Basic certifications set to expire on June 30, 2020, shall be automatically extended to December 31, 2020.

N.J.A.C. 8:40A-7.5 Recertification

(a)-(f) [No Change.]

(g) Notwithstanding (b), (c), and (e) above, during the period of the COVID-19 Public Health Emergency, individuals with EMT-Basic certifications set to expire on June 30, 2020, will have until December 31, 2020, to satisfy the recertification requirements above.

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

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

8/7/2020
DATE

Terry Clancy
BY: Terry Clancy, PhD, RN, NRP
Director
Office of Emergency Medical Services
On Behalf of Commissioner Persichilli