

EXECUTIVE ORDER NO. 103 WAIVERS

HEALTH

THE COMMISSIONER

Notice of Revocation of Revised Temporary Rule Waiver/Modification/Suspension Pursuant to Executive Order Nos. 103 (2020), 281 (2022), and 292 (2022)

Authorized: October 13, 2023, by Kaitlan Baston, MD, MSc, DFASAM, Acting Commissioner, Department of Health.

Authority: N.J.S.A. App.A:9-45 and 9-47; Executive Order Nos. 103 (2020), 281 (2022), and 292 (2022).

Effective Dates: February 4, 2024.

Section 3 of Executive Order No. 281 (2022) provided that certain administrative orders, directives, and waivers, issued by any Executive Branch departments and agencies pursuant to Executive Order (EO) 103 and the Emergency Health Powers Act to respond to the COVID-19 outbreak and set forth in an appendix to the EO, shall remain in full force and effect unless otherwise modified or revoked by the Executive Branch department or agency. EO 292 terminated the Public Health Emergency but declared that the Executive Branch agency administrative orders, directives, and waivers that had not already been revoked would remain in full force and effect until revoked or modified by the department or agency head, or until the State of Emergency is no longer in effect. After due consideration, the Department of Health has determined that the temporary rule waivers/modifications identified below should be revoked as they are no longer necessary, and enforcement of the rules in their original form would no longer be detrimental to the public.

Accordingly, the following waivers are hereby revoked as of the dates indicated below:

Rule Citation	Register Citation	Revocation Effective Date	Subject
N.J.A.C. 8:39, 8:36, 8:37, and 8:43	N/A	February 4, 2024	Telemedicine Permitted to Replace On-Site Visit by Health Care Practitioner
N.J.A.C. 8:42 and 8:42C	N/A	February 4, 2024	Home Health Agencies and Hospice Facilities Temporary Operational Waivers during a State of Emergency
N.J.A.C. 8:43A-23.3	53 N.J.R. 101(b)	February 4, 2024	Ambulatory Care Facility Mobile Vans

The Acting Commissioner of the Department of Health finds that revocation of the revised temporary rule waivers/modifications above is necessary because enforcement of the rules in their original form would no longer be detrimental to the public welfare during this state of emergency.