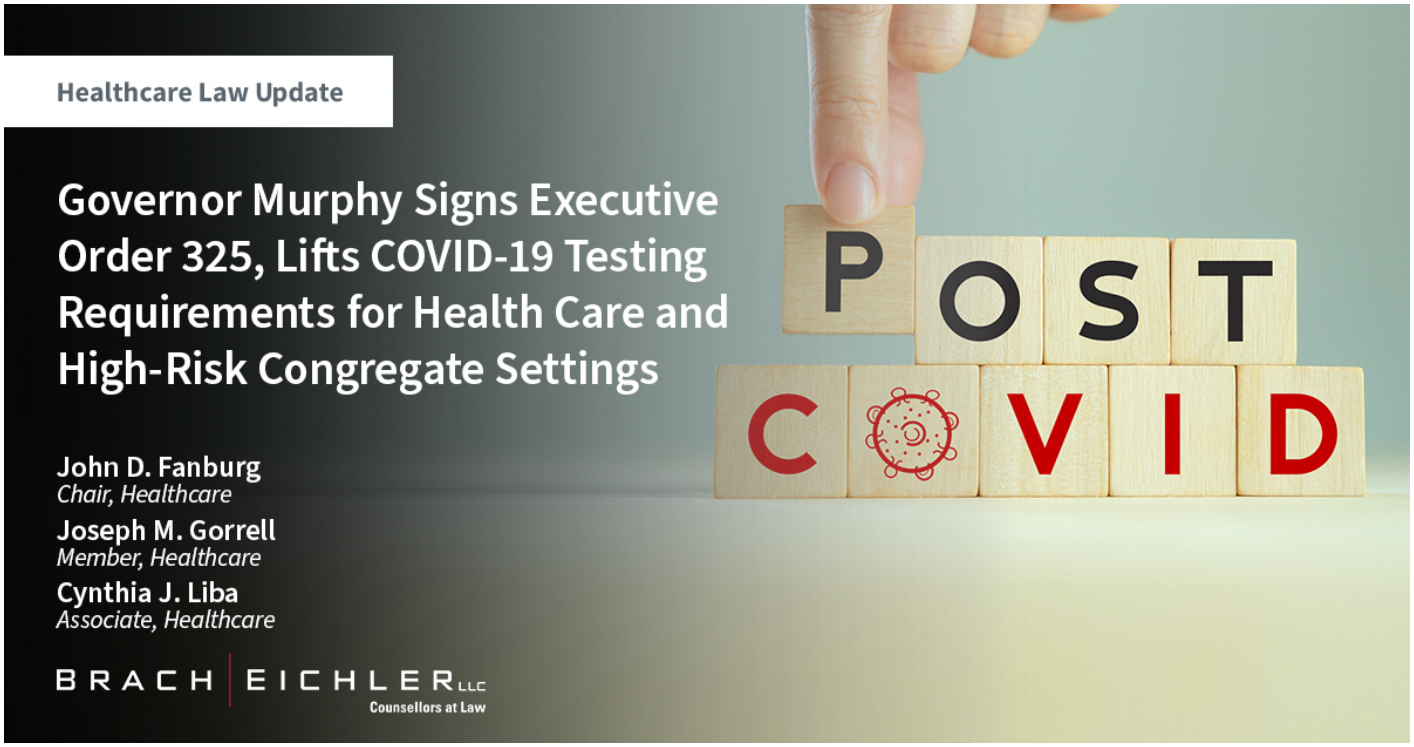
# Governor Murphy Signs Executive Order 325, Lifts COVID-19 Testing Requirements for Health Care and High-Risk Congregate Settings, Lifts Vaccination Requirements for High Risk-Congregate Settings, Continues Vaccination Requirements for Health Care Settings




On April 3, 2023, Governor Murphy signed Executive Order 325 (EO 325), lifting COVID-19 testing requirements for covered workers at health care settings and high-risk congregate settings (collectively, "Covered Settings"). Under Executive Order 283 (EO 283), covered workers that received an exemption from vaccination were required to continue weekly or twice weekly testing.

EO 325 removes this testing requirement for those covered workers that are unvaccinated due to an exemption. As previously provided in EO 283, covered workers that do not receive an exemption from vaccination do not have the option to test in lieu of vaccination. EO 325 lifts vaccination requirements for covered workers in high-risk congregate settings. However, covered workers in health care settings are still required to provide proof that they are up to date with their COVID-19 vaccinations. Health care settings must adopt policies pursuant to EO 325 that provide for appropriate accommodations, as required by federal or state law, for covered workers who request an exemption from COVID-19 vaccinations because of a disability, medical condition, or sincerely held religious belief. In accordance with EO 283, health care settings must adopt policies to address a covered worker's noncompliance with vaccination requirements, if such covered worker is not otherwise eligible for an exemption. Such policies must include a disciplinary process for a covered worker's noncompliance which, may include termination of employment.

EO 325 does not prevent Covered Settings from implementing a COVID-19 vaccination or testing policy that includes additional or stricter requirements than those set forth in EO 325. EO 325 took effect immediately on April 3, 2023, and shall remain in

effect until revoked or modified by the Governor.

**Covered Settings**

For purposes of EO 325, "health care settings" include:

- Acute, pediatric, inpatient rehabilitation, and psychiatric hospitals, including specialty hospitals, and ambulatory surgical centers;
- Long-term care facilities;
- Intermediate care facilities;
- Residential detox, short-term, and long-term residential substance abuse disorder treatment facilities;
- Clinic-based settings like ambulatory care, urgent care clinics, dialysis centers, Federally Qualified Health Centers, family planning sites, and Opioid Treatment Programs;
- Community-based healthcare settings including Program of All-inclusive Care for the Elderly, pediatric and adult medical day care programs; and
- Licensed home health agencies and registered health care service firms operating within the State.
- This includes licensed ambulatory care facilities. The EO does not cover private physician offices; however, practitioners that render services at hospitals or other

licensed facilities covered by the EO will be required to comply with the vaccination requirements of those facilities.

For purposes of EO 325, "high-risk congregate settings" include:

- State and county correctional facilities;
- All congregate care settings operated by the Juvenile Justice Commission, which includes secure care facilities and residential community homes;
- Licensed community residences for individuals with intellectual and developmental disabilities ("IDD") and traumatic brain injury ("TBI");
- Licensed community residences for adults with mental illness;
- Certified day programs for individuals with IDD and TBI; and
- Group homes and psychiatric community homes licensed by the Department of Children and Families.

**Covered Workers**

For purposes of EO 325, "covered workers" are defined as:

- Full and part-time employees;
- Contractors; and
- Other individuals working in covered settings, including individuals providing operational, custodial services or administrative support.

**"Up to Date" with COVID-19 Vaccinations**

For purposes of EO 325, a covered worker will be considered "up to date" with COVID-19 vaccinations if the covered worker has received a primary series, which consists of either a 2-dose series of an mRNA COVID-19 or protein subunit vaccine, or a single dose viral vector COVID-19 vaccine, and the first booster dose for which they are eligible as recommended by the CDC.

If you have any questions about EO 325 or need assistance in implementing your COVID-19 vaccination policies, please feel free to contact any of the attorneys listed below.

Click Here to read the entire April 2023 Healthcare Law Update now!

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