Healthcare Law Alert: Governor Murphy Signs Executive Order Terminating the COVID-19 Public Health Emergency

March 10, 2022

Governor Murphy Signs Executive Order Terminating the COVID-19 Public Health Emergency

On March 4, 2022, Governor Phil Murphy signed Executive Order (EO) 292, which terminates the COVID-19 Public Health Emergency (PHE), effective March 7, 2022. The State of Emergency declared in EO 103 will remain in place to ensure that the State continues to have necessary resources as COVID-19 is managed on an endemic level. Additionally, the EOs listed below will remain in full force and effect under the State of Emergency.

- EO 111: Requiring healthcare facilities to report their capacity and supplies, including bed capacity, ventilators, and personal protective equipment (PPE) inventory, on a daily basis.
- EO 112: Granting the Division of Consumer Affairs (DCA) the authority to temporarily reactivate certain inactive healthcare licenses and allow the licensure of physicians licensed and in good standing in another country; suspending and waiving certain licensure requirements for advanced practice nurses and physician assistants; relaxing registration requirements for the Prescription Monitoring Program; and waiving signature requirements for funeral agreements and authorizations. Importantly, however, any civil or criminal immunity related to the COVID-19 response granted by EO 112 shall no longer be in effect.
- EO 207: Requiring all individuals, regardless of age, to be automatically enrolled in the New Jersey Immunization Information System upon receipt of a COVID-19 vaccination.
- EO 252: Requiring all covered healthcare and high-risk congregate settings to maintain a policy that requires all covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly, as subsequently revised by EO 283.
- EO 253: Requiring school districts to maintain a policy that requires all covered workers to provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly.
- EO 264: Requiring all child care centers and other child care facilities to maintain a policy that requires all covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. However, these facilities will no longer be required to maintain a policy regarding the mandatory use of face masks.
- EO 271: Requiring state government contracts to include a clause that contractors and subcontractors must have a policy that their covered workers will provide adequate proof of full vaccination or submit to COVID-19 testing at minimum one to two times weekly.
- EO 283: Requiring healthcare facilities and high-risk congregate settings covered by the EO to adopt and implement policies requiring covered workers at covered settings to be up to date with their COVID-19 vaccinations, including having received a booster dose. Healthcare Law Alert on EO 283 can be found here.
- EO 290: Revising timelines outlined in EO 283 to align the state timelines with updated Centers for Disease Control and Prevention (CDC) recommendations on optimal intervals between first and second doses of vaccination series. Healthcare Law Alert on EO 290 can be found here.

EO 292 leaves in full force and effect various Administrative Orders, Directives, and Waivers taken by the Executive Branch departments and agencies in response to the pandemic to ensure an orderly transition to the next phase of New Jersey's

recovery from the pandemic.

For more information, contact:

John D. Fanburg, Managing Member and Chair, Healthcare Law, at 973-403-3107 or jfanburg@bracheichler.com

Isabelle Bibet-Kalinyak, Member, Healthcare Law, at 973-403-3131 or ibibetkalinyak@bracheichler.com

Lani M. Dornfeld, CHPC, Member, Healthcare Law, at 973-403-3136 or ldornfeld@bracheichler.com

Joseph M. Gorrell, Member, Healthcare Law, at 973-403-3112 or jgorrell@bracheichler.com

Carol Grelecki, Member, Healthcare Law, at 973-403-3140 or cgrelecki@bracheichler.com

Edward Hilzenrath, Counsel, Healthcare Law, at 973.364.5229 or ehilzenrath@bracheichler.com