



## Federal and New Jersey COVID-19 Vaccination Requirements for Healthcare Workers

Both the Federal government and the State of New Jersey have announced separate executive orders mandating the COVID-19 vaccine for all healthcare workers.

New Jersey Governor Phil Murphy issued [Executive Order 252](#) which states that **Covered workers** are required to be **fully vaccinated** or **submit to testing** by September 7th, 2021. Under the order Covered workers **include** all full and part-time employees, contractors, and other individuals who work in **covered facilities and settings**, including individuals providing operational, custodial, or administrative support.

Separately, the [Biden-Harris Administration announced](#) on September 9, 2021 that the COVID-19 vaccine will be required for staff within all Medicare and Medicaid-certified facilities. The Centers for Medicare & Medicaid Services (CMS), in collaboration with the Centers for Disease Control and Prevention (CDC) announced that the emergency regulations requiring vaccinations for nursing home workers will be expanded to include any facility, setting or agency participating in the Medicare and Medicaid programs. CMS is currently developing an interim rule for this and no date for enactment has yet been announced.

On September 10, 2021, President Biden published a [Path out of the Pandemic](#), “a comprehensive national strategy that employs the same science-based approach that was used to successfully combat previous variants of COVID-19 earlier this year.”

Under the New Jersey executive order:

- **Covered settings** include acute care, rehabilitation and psychiatric hospitals, ambulatory surgery centers, intermediate and long-term care facilities...**clinic-based settings like ambulatory care, and urgent care clinics among others listed in the order. (See order for full list of covered settings.) While physician offices are not specifically mentioned, they fall under the definition of [ambulatory care](#).**

**Conventus advises that physician offices consult with their personal counsel regarding how this Executive Order impacts their individual practice and human resource policies.**

- A covered worker is considered **fully vaccinated** for COVID-19:
  - Two weeks or more after they have received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine.
  - Where they have received a COVID-19 vaccine that is currently authorized for emergency use by the FDA or the WHO, or that are approved for use by the same.

**Individuals may demonstrate proof of full vaccination status\*** by presenting the following documents if they list COVID-19 vaccines authorized for Emergency Use Authorization ("EUA") in the United States and/or World Health Organization ("WHO") along with the administration date for each dose:

- The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- Official record from the New Jersey Immunization Information System (NJIS) or other State immunization registry;
- A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- A military immunization or health record from the United States Armed Forces; or
- *doCKET*<sup>®</sup> (Official Immunization Record for NJ) mobile phone application record or any state specific application that produces a digital health record.

*\*Covered settings collecting vaccination information from covered workers must comport with all federal and state laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.*

### **Unvaccinated or Unknown/Unproven Vaccination Status**

Workers who are not fully vaccinated or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, must be considered unvaccinated for purposes of this order. These employees will be required to submit to once or twice weekly COVID-19 testing on an ongoing basis until fully vaccinated.

- Both antigen and molecular tests that have received EUA by the US Food & Drug Administration (FDA) are acceptable for weekly testing.
- If the covered worker is not working during a week where testing would otherwise be required, the worker is not required to submit to testing for that week.
- Covered settings must have a policy for tracking test results from testing as required by [Executive Order 252](#) and must report results to local public health departments.

This requirement does not impact an employer's ability to impose more stringent vaccination or testing requirements on workers, including any requirement for more frequent testing, for testing of both vaccinated and unvaccinated staff, and for mandatory vaccinations without a testing alternative.

For additional healthcare employer related resources regarding COVID-19 virus and vaccine see the:

- New Jersey Department of Health [COVID-19 Vaccine Frequently Asked Questions](#).
- United States Department of Labor, Occupational Safety and Health Administration (OSHA) [Frequently Asked Questions](#)

As always, Conventus members can call our Practice Resources Department at (877) 444-0484 ext. 7466 to speak with a member of our team should you have any questions or need assistance in complying with the executive order.

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