



## Mandatory Vaccination and Testing Documentation and Reporting Required – New Jersey Department of Health

On October 7, 2021, the Commissioner of the New Jersey Department of Health (DOH) issued [Executive Directive \(ED\) 21-011](#) setting forth protocols for COVID-19 testing and vaccination reporting requirements, which supplements Executive Order 252, 253 & 264 issued on August 6, 2021. Specifically, [EO252](#) applies to physician offices and involves maintenance of policies requiring covered workers to either provide adequate proof that they have been fully vaccinated<sup>1</sup> or submit to COVID-19 testing<sup>2</sup> at a minimum of one to two times weekly. A [summary](#) of EO252 is available on the Conventus website. EOs 253 and 264 provides similar mandatory requirements for schools and certain childcare settings.

### Who is Covered under EO 252 and ED 21-011?

Physician offices are considered **covered settings** under both EO 252 and ED 21-011. **Covered workers** are employees, both full- and part-time, contractors and other individuals working in these settings, including individuals who provide operational or custodial services or administrative support. Under ED 21-011 **covered workers do not include** individuals who visit the setting only to provide one-time or limited-duration repairs, services or construction.

### Vaccination & Testing Documentation<sup>1,2</sup>

Under ED 21-011 documentation and reporting requirements are defined as follows:

1. Covered settings shall make every effort to inform covered workers about how to get vaccinated against COVID-19.
2. Each covered setting shall maintain the minimum documentation that covered workers who have not submitted proof that they are fully vaccinated were:
  - **Provided education** regarding the benefits and potential risks associated with COVID-19 vaccination;
  - **Offered the COVID-19 vaccine** or information on obtaining COVID-19 vaccination; and
  - **Offered COVID-19 testing** or information on obtaining COVID-19 testing.
3. Each covered setting shall have a policy regarding full COVID-19 vaccination of new covered workers (e.g., new employees or new volunteers)
4. Each covered worker who is not yet fully vaccinated and who are not tested through their covered setting, shall provide proof of testing, including results, to their covered setting. This shall occur at least once or twice weekly until the worker is fully vaccinated and in accordance with policies of the covered setting and may require authorization of result release.

<sup>1</sup>Fully vaccinated = Two weeks or more after the covered worker received the second dose in a two-dose series or two weeks or more after the covered worker received a single-dose vaccine.

<sup>2</sup>Testing = Antigen or molecular tests that have EUA by the FDA or are operating per the Laboratory Developed Test requirements by the Centers for Medicare & Medicaid Services. Self-tests (e.g., home administered-based tests) are acceptable, with the requirement that the covered worker makes the testing results (e.g., positive or negative) available to covered setting. Antibody tests (also known as serology test) indicate past infection and are not acceptable tests for the testing requirement.

## Vaccination Reporting Requirements

Beginning **October 26, 2021**, covered settings **must** prepare a weekly **COVID-19 Immunization Status Report**, compiled by Tuesday of each week for the previous week (preceding Tuesday through Monday), and include the following (See: *Sample COVID-19 Immunization Status Report Attached*):

- Identifying information for the covered setting (e.g., Practice/Facility name & address)
- Total number of covered workers
- Number of covered workers who are fully vaccinated
- Number of covered workers who are submitting once weekly testing
- Number of covered workers who are submitting twice weekly testing
- Number of unvaccinated workers who are not in compliance with testing requirements
- Actions taken by covered setting to address non-compliance (e.g., verbal warnings; written warnings; temporary suspension/unpaid leaves; and termination)
- *May* also include the number of unvaccinated covered workers who have not been vaccinated due to [medical contraindications](#) as defined by the Centers for Disease Control and Prevention (CDC). Medical contraindications must be validated in writing from a physician licensed to practice medicine or osteopathy (MD or DO); advanced practice nurse (APN); or clinical nurse specialist (CNS) in any jurisdiction of the United States, that the immunization is medically contraindicated for a specific period of time and the reason(s) for the medical contraindication.

A covered setting will be required to submit its status reports if requested by the DOH. If covered setting fails to submit status reports as requested, they covered setting will be considered delinquent and referred to various agencies. Documentation or other confirmation of vaccinations provided by employees is medical information about the employee(s) and must be kept confidential and in accordance with applicable laws and regulations.

## COVID-19 Testing Frequency

The DOH also provided clarity regarding COVID-19 testing frequency for employees who are not fully vaccinated. Frequency should be based upon the regional positivity rate reported in the [NJ DOH COVID-19 Activity Level Index \(CALI\) Weekly Report](#).

Regional CALI Level	Regional Percent Positivity Rate in the Past Week	Minimum Testing Frequency
Low (green)	<3%	Once a week
Moderate (yellow)	3-10%	Once a week
High/Very High (orange/red)	>10%	Twice a week

All testing result reporting is in addition to conventional reporting of test results. The aggregate reporting does not replace the requirement that testing administrators report individual COVID-19 test results (positive and negative) to public health authorities.

As always, Conventus members can call our Practice Resources Department at (877) 444-0484 ext. 7466 to speak with a member of our team to understand the COVID-19 vaccination mandate, DOH reporting and record keeping requirements or other issues impacting your practice.

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# COVID-19 Immunization Status Report

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Practice/Facility Name \_\_\_\_\_

Address \_\_\_\_\_, New Jersey

Date: Tuesday, \_\_\_\_\_, 202\_\_ thru Monday, \_\_\_\_\_, 202\_\_

Total Population:	Counts
<ul style="list-style-type: none"> <li>Total number of covered workers</li> </ul>	
Vaccination Population:	
<ul style="list-style-type: none"> <li>Number of covered workers who are fully vaccinated</li> </ul>	
Testing Participation:	
<ul style="list-style-type: none"> <li>Number of covered workers 1X/week testing</li> </ul>	
<ul style="list-style-type: none"> <li>Number of covered workers 2X/week testing</li> </ul>	
Noncompliance:	
<ul style="list-style-type: none"> <li>Number of covered workers not in compliance</li> </ul>	
<ul style="list-style-type: none"> <li>Actions taken to address noncompliance<sup>1</sup></li> </ul>	
Optional:	
<ul style="list-style-type: none"> <li>Number of covered workers with medical contraindications</li> </ul>	

**Instructions:**

This report should be compiled by the Tuesday of each week after a review of all appropriate COVID-19 vaccination and testing records for covered workers. The report should include the data for the preceding Tuesday through Monday.

<sup>1</sup>Actions taken must include whether a plan of correction was created, and the total number for actions taken e.g., verbal/written warnings, temporary suspensions, terminations etc.