

Clarification Regarding Mandatory Covid-19 Vaccination and Testing Reporting by Physician Offices

New Jersey [Executive Order 252](#), issued by Governor Murphy in August 2021 established requirements regarding COVID-19 vaccinations/testing of employees in certain healthcare facilities ("covered settings."). In early October 2021 the New Jersey Department of Health issued [Executive Directive 21-011](#) outlining protocols for COVID-19 testing and vaccination reporting in "covered settings." Conventus published a summary of both for our members.

EO252 and ED21-011 are both ambiguous regarding the specific inclusion of physician offices in the definition of "covered settings". This ambiguity has led to differing interpretations. Based on updated information, at this time it is unclear if physician offices are included in the definition of "covered settings." When clarification is provided regarding the requirements for physician offices, Conventus will communicate this to our members to ensure full compliance.

In the interim, Conventus recommends in order to continue to provide a safe environment for your staff and patients, that you incorporate some of the following options into your practice:

- Continued adherence to the requirements of the [Administrative Order No 2020-07](#) issued by the Division of Consumer Affairs regarding mask wearing, patient screening, social distancing, etc.
- If not already done, develop a COVID-19 plan for your office(s) that includes guidelines regarding COVID-19 vaccines and testing requirements for unvaccinated individuals including the enforcement and management of this plan
- Optional adoption of the more aggressive requirements as outlined in EO 252 and ED21-011

It is recommended, but not required, to know the vaccination status of your employees. Under the HIPAA Privacy Rules, COVID 19-vaccination status, as well as other vaccination statuses, is not prohibited from being asked. Of note, on September 30, 2021, the U.S. Department of Health & Human Services (HHS) Office for Civil Rights (OCR) issued guidance on [HIPAA, COVID-19 Vaccination and the Workplace](#). In the guidance, the OCR reminds the following:

- HIPAA does not prohibit any person (e.g., an individual or an entity such as a business) from asking whether an individual has received a particular vaccine, including the COVID-19 vaccine.
- HIPAA does not regulate the ability of covered entities and business associates to request information from patients and visitors. The covered entity or business may ask whether an individual (e.g., a patient or visitor) has received a particular vaccine, including COVID-19 vaccine.

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

If you have any questions regarding the COVID-19 response requirements for your practice, call our Practice Resource Department at (877)444-0484 ext.7466 to speak with a member of our team.

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