

To Combat the COVID-19 Pandemic, New Jersey Executive Order No. 112 Suspends Certain Restrictions Governing the Practice of Medicine

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On April 1, 2020, Governor Phil Murphy signed Executive Order No. 112 (the Order) suspending a number of New Jersey regulatory provisions that could prohibit healthcare providers from providing necessary services during the COVID-19 pandemic. The actions taken in the Order are to remain in effect for the greater of the period of the State of Emergency or Public Health Emergency (the Period).

- **Retired Physicians.** The Order authorizes the Division of Consumer Affairs (DCA) to reactivate the licenses for any physician who has retired within the last five years. The requirement to pay fees, provide an affidavit of employment during period of retirement, provide proof of continuing education credits, and be covered by liability insurance are waived or suspended.
- **Foreign Licensees.** The Order authorizes the DCA to issue temporary licenses to any physician licensed in good standing, in another country who has engaged in the practice of medicine for at least five years.
- **Advance Practice Nurses.** Certain limitations on the scope of practice for advanced practice nurses are waived or suspended during the Period pursuant to the Order, including certain requirements with respect to (1) joint protocols; (2) the need to include name, address, and telephone number of a collaborating physician on prescription orders; (3) review of patient charts and records with collaborating physician; and (4) authorization or written approval from collaborating physician in order to dispense drugs for maintenance treatment or detoxification treatment or to determine the medical necessity for services for substance abuse treatment.
- **Physician Assistants.** Certain limitations on the scope of practice for physician assistants are waived or suspended during the Period, including certain requirements with respect to: (1) physician supervision; (2) the need to enter into a signed delegation agreement; (3) authorization to order or prescribe controlled dangerous substances; or (4) limitations on the assistance provided in the operating room. Also, the provisions in N.J.S.A. 45:9-27.17 (physician's responsibility for assistants) are waived for physicians and physician assistants.
- **Licensee Immunity.** Any individual holding a license, certificate, registration or certification to practice a healthcare profession or occupation in New Jersey, including but not limited to any advanced practice nurses or physician assistants acting outside the scope of their ordinary practice pursuant to the Order, shall be immune from civil liability for any damages alleged to have been sustained as a result of the individual's acts or omissions undertaken in good faith in the course of providing healthcare services in support of the State's COVID-19 response, whether or not within the scope of their practice, whether or not such immunity is otherwise available under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct.
- **Facility Immunity.** Any healthcare facility, any modular field treatment facility, and any other site designated by the Commissioner of the Department of Health for temporary use for the purpose of providing essential services in support of the State's COVID-19 response, including hotels and student dormitories, shall be immune from civil liability for any damages alleged to have been sustained as a result of an act or omission undertaken in good faith in the course of providing services in support of the State's COVID-19 response by one or more of its agents, officers, employees, servants, representatives or volunteers, if, and to the extent, such agent, officer, employee, servant, representative or volunteer is immune from liability, whether or not such immunity is otherwise available

under current law. Such immunity shall not extend to acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct.

- **Applicable Period of Immunity.** The immunity conferred by the Order applies to acts or omissions occurring at any time during the Period, including acts or omissions occurring prior to issuance of the Order.

If you are a health care practitioner with questions about Executive Order No. 112 or any aspect of your practice during COVID-19, please contact [Grace Mack](#), [Steven Okoye](#) or another member of our [Health Law Team](#).

Attorney

- Grace D. Mack

Practice

- Health Law