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Employer Alert: New Jersey Division of Consumer Affairs Issues New Mask Order for Medical Offices

08/01/22

The New Jersey Division of Consumer Affairs has modified DCA Administrative Order No. 2021-11, which had several requirements for medical offices, including that patients and their companions wear masks in the office. The modifications were issued in [DCA Administrative Order No. 2022-01](#). The new order removes the blanket requirement to wear a mask. Instead, it mandates health care professionals providing services in an office setting follow the current guidance issued by the CDC, the New Jersey Department of Health, OSHA, and local health departments. Health care professionals must monitor the applicable guidance, and the indicia of community spread as reflected by statewide Variant Weekly Surveillance Reports, [found here](#), and the CDC Community Levels, [found here](#). In addition, health care professionals should also ensure that staff is protected from retaliation for engaging in conduct that is recommended in guidance and standards issued by the CDC, the New Jersey Department of Health, OSHA, and local health departments.

In order to determine if a medical office should stop requiring masks, management would need to look at the current guidance for community spread according to the office location. For example, if the office is located in Monmouth County, the CDC and the NJ Department of Health currently state that the level of community spread is high and masks should be worn indoors. As such, offices in Monmouth County should continue to require that everyone wear masks.

The order provides that health care professionals “shall include licensees of the following New Jersey State Boards and Committees: Board of Dentistry, Board of Medical Examiners, Board of Nursing, Board of Optometrists, Board of Ophthalmic Dispensers and Ophthalmic Technicians, Board of Respiratory Care, Board of Pharmacy, Acupuncture Examining Board, Board of Chiropractic Examiners, Occupational Therapy Advisory Council, Board of Physical Therapy Examiners, Orthotics and Prosthetics Board of Examiners, Board of Polysomnography, Athletic Training Advisory Committee, and Audiology and Speech-Language Pathology Advisory Committee.” Office is defined as “a health care practice setting not licensed by the NJDOH, including but not limited to health care professional offices, private practices, clinics, urgent care centers, and community medical centers.”

Takeaway: Medical offices covered by the Division of Consumer Affairs should monitor COVID-19 guidance and its community spread in order to adjust policies and practices accordingly. Employers with questions about the DCA Administrative Order No. 2022-01 can contact Tracy Armstrong or another member of the Wilentz [Employment Law](#) Team.

Attorney

- Tracy Armstrong

Practice

- Employment Law