

STATE OF NEW JERSEY

DEPARTMENT OF HEALTH

NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION

PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)

AND EXECUTIVE ORDER 119 (MURPHY) (APRIL 7, 2020)

COVID-19 STATE OF EMERGENCY

Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:41A-4.2 – Emergency Medical Technician (EMT) – Paramedic Reciprocity**, adopted by the **DEPARTMENT OF HEALTH**

Date: **May 20, 2020**

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy) (“EO 103”); Executive Order No. 119 (Murphy)(“EO 119”)

Effective Date: **May 20, 2020**

Expiration Date: Concurrent with the end of the Public Health Emergency

This is an emergency adoption of a temporary rule waiver and modification of N.J.A.C. 8:41A-4.2, which sets forth the requirements for individuals certified as an EMT-Paramedic by the National Registry of Emergency Medical Technicians (NREMT) or a state other than New Jersey to be eligible for reciprocity. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions or the Administrative Procedure Act or any law to the contrary. This authority was extended by EO 119. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management, the Commissioner of the Department of Health is waiving/modifying its rules as follows:

COVID-19 is a contagious, and at times fatal, respiratory disease that is responsible for the 2019 novel coronavirus outbreak. The Centers for Disease Control and Prevention (CDC) expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur. As of May 20, 2020, there were at least 150,399 positive cases of COVID-19 in New Jersey, with at least 10,747 of those cases having resulted in death. If COVID-19 continues to spread in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the health care professionals charged with caring for patients ill with COVID-19 and may become too large in scope to be handled by New Jersey’s currently certified health care professionals, including EMT-Paramedics.

Under current N.J.A.C. 8:41A-4.2, a person validly certified as an EMT-Paramedic by the NREMT or a state other than New Jersey which has required the person to complete a course of study equivalent to or greater than that required of New Jersey EMTs-Paramedics and that adheres to the program curriculum, shall be deemed eligible for reciprocity. To prepare for an increasing number of individuals suspected of having or diagnosed with COVID-19 in New Jersey who may require advanced life support due to a deterioration of their condition outside of an acute care hospital, it is necessary and appropriate to relax the requirements for EMT-Paramedic reciprocity to ensure that the State has a sufficient number of qualified paramedics to render emergency advanced life support care in the State.

Pursuant to this rule waiver and modification, during the period of the COVID-19 Public Health Emergency, individuals who are validly certified or licensed as an EMT-Paramedic by the NREMT or a state other than New Jersey are eligible for a 6-month COVID-19 Provisional EMT-Paramedic Certification so long as: (1) the applicant is not currently under investigation by any State EMT-Paramedic or health care licensing authority; (2) the applicant does not have a proposed or final enforcement action pending or entered against him or her by any State EMT-Paramedic or health care licensing authority; (3) the applicant is not excluded from acting as an EMT-Paramedic or other health care practitioner pursuant to a settlement reached with any State EMT-Paramedic or health care licensing authority; (4) the applicant has not been cited for impersonating an EMT, EMT-Paramedic, and/or other health care practitioner; or (5) the applicant does not have a criminal history or pending criminal charges referenced in N.J.A.C. 8:41A-5.2. If an applicant does not fall into one of the disqualification categories, then the applicant may proceed with the “COVID-19 EMT-Paramedic Reciprocity” process, which requires the applicant to:

1. Complete a COVID-19 reciprocity application at www.njems.us;
2. Obtain sponsorship through a mobile intensive care hospital;
3. Possess a valid EMT-Paramedic, CPR, ACLS, and either PALS, PEPP-Advanced or Advanced-EPC certifications;
4. Obtain verification of a valid EMT-Paramedic certification or license from a state, NREMT or other health care licensing authority; and

i. The verification may be obtained through the licensing authority’s electronic verification platform, if applicable.

5. Obtain verification of endorsement and competency from the sponsoring agency’s medical director.

Upon successful completion and submission of the above requirements to the Department, the Department will issue the applicant a 6-month COVID-19 Provisional EMT-Paramedic certification. Submissions shall be at www.njems.us.

To obtain full certification as an EMT-Paramedic at the end of the 6-month COVID-19 provisional period, the applicant must:

1. Obtain verification of paramedic education and training from the paramedic training center where the applicant completed his or her education and training;
2. Obtain official verification from all state agencies and health care licensing authorities at which the applicant has ever been certified or licensed as an EMT-Paramedic and/or other licensed health care practitioner;
3. Maintain endorsement from the sponsoring mobile intensive care hospital;
4. Maintain endorsement and competency through the sponsoring agency's medical director; and
5. Successfully complete the NREMT Paramedic Certification Examination.

If the applicant fails to successfully complete these requirements by the end of the 6-month provisional period, then the applicant's COVID-19 Provisional EMT-Paramedic certification will expire, and the individual will no longer be permitted to practice as a New Jersey EMT-Paramedic.

An applicant issued a COVID-19 Provisional EMT-Paramedic certification under this waiver and modification shall: (1) not be permitted to serve as a crewmember for a one Paramedic/ one EMT crew configuration authorized under the COVID-19 Mobile Care Unit Crewmember waiver issued by the Department on March 13, 2020. Waiver Control Number: 20 – N.J.A.C. 8:41-2.3(a) and 9.8(a) - 021; and (2) for two paramedic crew configurations on Mobile Intensive Care Units, only one of the crewmembers shall possess a 6-month COVID-19 Provisional EMT-Paramedic Certification issued under this waiver/modification.

Full Text of the proposed waiver/modification follows, with additional terms and conditions indicated in boldface:

8:41A-4.2 Reciprocity

(a) A person validly certified as an EMT-Paramedic by the NREMT or a state other than New Jersey which has required the person to complete a course of study equivalent to or greater than that required of New Jersey EMTs-Paramedic and that adheres to the program curriculum, shall be deemed eligible for reciprocity. If training hours are below what is required, the mobile intensive care hospital sponsoring the student may provide any additional clinical experience needed to complete this requirement.

1. A person seeking reciprocity shall first obtain the sponsorship of a mobile intensive care hospital and shall then apply jointly, with that sponsoring mobile intensive care hospital, for reciprocity. All requests shall be made in writing, and shall be in a form and manner specified by the Department, including, but not limited to, a listing of all similar valid certifications and demographic and identifying information.

2. Once the completed application has been received, all information has been verified and the Department determines the person is eligible for reciprocity, a provisional EMT-Paramedic certification shall be issued. This provisional certification shall be valid for a one-year period or the duration of the out-of-State certification, whichever is the lesser amount of time.

i. A provisionally certified EMT-Paramedic shall be monitored for performance by the medical director and the Department.

ii. A provisionally certified EMT-Paramedic shall operate only when under the direct supervision of an EMT-Paramedic, registered nurse or physician. Under no circumstances may a provisionally certified EMT-Paramedic act independently or in conjunction with another provisionally certified EMT-Paramedic on the same MICU, SCTU or AMU.

iii. The EMS Educator or the director shall monitor the progress of the provisionally certified EMT-Paramedic, and shall forward to the Department a progress report at the end of the provisional period, or as required by the Department.

iv. The Department shall have the right to restrict or otherwise limit the scope of practice of a provisionally certified EMT-Paramedic. Failure to meet such conditions or any terms of the provisional period shall be deemed cause for refusal to issue certification.

(b) A person who is not certified by the NREMT as an EMT-Paramedic shall sit for the NREMT-Paramedic Certification Examination within six months after the issuance of a provisional certification.

1. A person who has taken and failed the NREMT-Paramedic Certification Examination and whose out-of-State certification has expired may request an extension of his or her provisional certification until the next available NREMT-Paramedic Certification Examination. Only one such extension shall be granted.

(c) A person who is certified as an EMT-Paramedic by the NREMT shall be eligible for certification, after at least six months of provisional certification, upon endorsement of the sponsoring mobile intensive care hospital.

(d) A person who fails to gain certification at the expiration of the provisional certification shall be ineligible for EMT-Paramedic certification unless he or she successfully completes a continuing education program for persons with expired certifications, as set forth at N.J.A.C. 8:41A-4.4.

(e) Upon successful completion of the NREMT-Paramedic Certification Examination, or at the end of the provisional period (as applicable), the person shall be issued EMT-Paramedic certification.

(f) The Department shall verify all requests for reciprocity in a timely manner. The Department shall obtain written verification as to the person's status from the certifying agency in the jurisdiction under which he or she is certified.

(g) Persons validly certified as EMT-Paramedics in other jurisdictions shall be eligible for reciprocity, provided the certification period is less than two years from the date it was issued (for example, the certificate is not in the third year of a four-year certification period).

(h) Notwithstanding the above provisions, during the period of the COVID-19 Public Health Emergency, individuals who are validly certified or licensed as an EMT-Paramedic by the NREMT or a state other than New Jersey are eligible for a 6-month COVID-19 Provisional EMT-Paramedic certification under the following conditions:

- 1. An applicant is DISQUALIFIED from the “COVID-19 EMT-Paramedic Reciprocity” process if he or she:**
 - i. is currently under investigation by any other State EMT-Paramedic or health care licensing authority;**
 - ii. has a proposed or final enforcement action pending or entered against him or her by any State EMT-Paramedic or health care licensing authority;**
 - iii. is excluded from acting as an EMT-Paramedic or other health care practitioner pursuant to a settlement reached with any State EMT-Paramedic or health care licensing authority;**
 - iv. was cited for impersonating an EMT, EMT-Paramedic, and/or other health care practitioner; or**
 - v. has a criminal history or pending criminal charges referenced in N.J.A.C. 8:41A-5.2.**

- 2. If the applicant does not fall into one of the disqualification categories, then the applicant may proceed with the “COVID-19 EMT-Paramedic Reciprocity,” process, which requires the applicant to:**
 - i. Complete a COVID-19 reciprocity application at www.njems.us;**
 - ii. Obtain sponsorship through a mobile intensive care hospital;**
 - iii. Possess a valid EMT-Paramedic, CPR, ACLS, and either PALS, PEPP-Advanced or Advanced-EPC certifications;**
 - iv. Obtain verification, through the licensing authority’s electronic verification platform, if applicable, of a valid EMT-Paramedic certification or license from a state, NREMT, or other health care licensing authority; and**

- v. **Obtain verification of endorsement and competency from the sponsoring agency's medical director.**

(i) Upon completion of the above requirements and submission to the Department, the Department will issue the applicant a 6-month COVID-19 Provisional EMT-Paramedic certification.

(j) To obtain full certification as an EMT-Paramedic in New Jersey following the 6-month COVID-19 provisional period, the applicant must:

- 1. Obtain verification of paramedic education and training from the paramedic training center where the applicant completed his or her education and training;**
- 2. Obtain official verification of certification or licensure from all state agencies and health care licensing authorities through which the applicant has ever been certified or licensed as an EMT-Paramedic and/or other licensed health care practitioner;**
- 3. Maintain endorsement from the sponsoring mobile intensive care hospital;**
- 4. Maintain endorsement and competency through the sponsoring agency's medical director; and**
- 5. Successfully complete the NREMT Paramedic Certification Examination.**

(k) If the applicant fails to satisfy these requirements by the end of the 6-month provisional period, then:

- 1. The applicant's COVID-19 Provisional EMT-Paramedic certification will expire upon the completion of the 6-month provisional period; and**
- 2. The applicant will no longer be permitted to practice as a New Jersey EMT-Paramedic.**

(l) An applicant issued a COVID-19 Provisional EMT-Paramedic certification under this waiver/ modification shall:

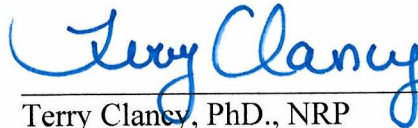
- 1. Not be permitted to serve as a crewmember for a one Paramedic/ one EMT crew configuration authorized under the COVID-19 Mobile Care Unit Crewmember waiver issued by the Department on March 13, 2020; and**
- 2. For two paramedic crew configurations on Mobile Intensive Care Units, only one of the crewmembers shall possess a 6-month COVID-19 Provisional EMT-Paramedic Certification issued under this waiver/modification.**

I find that waiver/modification of the rules above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

**JUDITH M. PERSICILLI, RN, BSN, MA
COMMISSIONER
DEPARTMENT OF HEALTH**

5/20/2020

DATE



BY: Terry Clancy, PhD., NRP
Acting Director
Office of Emergency Medical services

WAIVER CONTROL NUMBER: 20 – N.J.A.C. 8:41A-4.2 – 026