

Health Law Check Up

Mar 18 2020

COVID-19 Resources for Health Care Professionals: New York

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The following resources and information are intended to provide guidance to health care providers in New York City on testing and preparedness for COVID-19.

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COVID-19 Resources for Health Care Professionals: New Jersey

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The New Jersey Department of Health website page COVID-19: Information for Public Health Professionals contains New Jersey Guidance and Disease Prevention Resources.

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COVID-19 Resources for Health Care Professionals: Office for Civil Rights (OCR) HIPAA Guidance

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On March 17, 2020, the Office for Civil Rights (OCR) announced the Notification of Enforcement Discretion for Telehealth Remote Communications during the COVID-19 Nationwide Public Health Emergency. In February 2020, the OCR at the U.S. Department of Health and Human Services (HHS) provided a bulletin to assist entities in determining the appropriate way in which patient information could be permissibly shared in compliance with HIPAA in the event of an outbreak of infectious disease or other emergency situations. OCR has outlined several ways by which the HIPAA Privacy Rule permits entities to disclose PHI without a patient's authorization.

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COVID-19 Resources for Health Care Professionals: The Centers for Medicare & Medicaid Services (CMS) & The Centers for Disease Control and Prevention (CDC)

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The Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and Medicaid.gov have provided numerous resources and updates for health care professionals regarding the coronavirus (COVID-19).

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OCR Announces It Will Not Impose Penalties for HIPAA Non-Compliance for Use of Telehealth During COVID-19 Outbreak

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The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) announced on March 17, 2020 that OCR will exercise its enforcement discretion and will not impose penalties for non-compliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency.

Mar 06 2020

New Coronavirus Law Allowing Waiver of Telehealth Restrictions

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On March 6, 2020, President Trump signed HB 6074, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020. The Act is an \$8.3 billion supplemental funding bipartisan package to address the coronavirus outbreak. The package includes the “Telehealth Services During Certain Emergency Periods Act of 2020” which gives the Secretary of US Department of Health and Human Services (HHS) the authority to waive or modify telehealth restrictions under Medicare during the coronavirus emergency to ensure Medicare beneficiaries are able to receive telehealth services at home without risk of exposure.

Jul 17 2019

Pharma Gift Amendments

On May 6, 2019, the Attorney General adopted the proposed amendments to rules relating to prescriber acceptance of compensation from pharmaceutical manufactures. Generally, the rules limit prescribers, i.e., physicians, podiatrists, physician assistants, advanced practice nurses, dentists, or optometrists, from accepting gifts from pharmaceutical manufacturers and place \$15/\$30 limits on meals for promotional events. The new amendments do not significantly modify the rules, however, the rules provide additional clarity.

Jul 17 2019

Prescription Monitoring Program (“PMP”)

On May 6, 2019, the Division of Consumer Affairs adopted new rules and amendments for the Prescription Monitoring Program (“PMP”) that was established under N.J.S.A. 45:1-45 et seq. The rule adoptions include amendments to existing rules and new rules, the new rules being N.J.A.C. 13:45A-35.6A and 35.12. Amendments have been made to N.J.A.C. 13:45A-35.1, 35.2, 35.3, 35.6, 35.7, 35.8, 35.9 and 35.11.

Jul 17 2019

Continuing Medical Education

In May 2019, the New Jersey Board of Medical Examiners proposed a rule change for N.J.A.C. 13:35-6.15, which would implement hours of volunteer service for credit toward the 100 hour continuing medical education credit every biennial renewed period. Essentially, the Board proposal would permit a licensee to gain up to 10 hours of continuing medical education credits by providing care outside of their offices to low-income patients. Licensees will gain one credit for every two hours of care spent. However, volunteer hours are not counted toward the 40 hours required in Category I courses. Additionally, the Board has discretion to deny a licensee from including volunteer hours for credit if the licensee has to complete continuing education credit hours to maintain competence or to address developments in science or technology.

Jul 17 2019

Massive Expansion of the Medicinal Marijuana Program in New Jersey

On July 1, 2019, the New Jersey Department of Health ("NJDOH") released a new notice of a Request for Applications ("RFA") for up to 24 additional Alternative Treatment Centers ("ATCs") in the State of New Jersey. As of July 15, 2019, the permit application forms for ATCs and additional instructions will be available at <http://www.nj.gov/health/medicalmarijuana>. Applications for dispensary endorsements must be submitted to the NJDOH by 3:00 p.m. on Wednesday, August 21, 2019. Applications for cultivation endorsements must be submitted to the NJDOH by 3:00 pm on Thursday, August 22, 2019.