

Two New Laws in New Jersey on Telehealth and Expedited Professional Licenses During COVID-19

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Governor Phil Murphy Signs A3860 and A3862 on Telehealth and Expedited Professional Licenses During State Of Emergency on March 19, 2020

ASSEMBLY No. 3862 EXPEDITED HEALTH CARE PROFESSIONAL LICENSES

Assembly Bill 3862 permits New Jersey professional and occupational licensing boards to expedite licensure during the COVID-19 state of emergency. This law allows the director of the Division of Consumer Affairs (DCA) in the Department of Law and Public Safety, with the approval of the Attorney General, to expedite the professional and occupational licensing process for out-of-state individuals during a New Jersey state of emergency. The individual must have a corresponding license, certificate of registration or certification in good standing from another jurisdiction. The law gives the DCA director and applicable boards the ability to waive certain requirements normally required in the licensure process, such as a criminal history record background check of an individual and payment of certain fees for the license, certificate of registration or certification.

ASSEMBLY No. 3860 PROVISION OF TELEHEALTH DURING COVID-19

Assembly Bill 3860 authorizes New Jersey health care practitioners to provide and bill for services using telemedicine and telehealth for the duration of the COVID-19 emergency, notwithstanding the fact that rules and regulations concerning the practice of telemedicine and telehealth may not have been yet adopted.

A3860 also allows for the practice of telemedicine and telehealth by out-of-state licensees in New Jersey during the outbreak provided that:

- the practitioner is licensed or certified to practice in another state or territory of the United States or in the District of Columbia, and is in good standing in that jurisdiction;
- the services provided by that practitioner are consistent with the practitioner's authorized scope of practice in the jurisdiction that issued the practitioner's license or certification; and
- **unless the practitioner has a preexisting provider-patient relationship with the patient that is unrelated to COVID-19, the services provided are limited to services related to screening for, diagnosing, or treating COVID-19.**

The law requires the Department Of Health and DCA Commissioners to waive any requirement of State law or regulation as may be necessary to facilitate using telemedicine and telehealth during the COVID-19 emergency, including any privacy requirements that would limit the use of electronic or technological means that are not typically used, provided that the law does not authorize the waiver of any State laws or regulations restricting the collection, exchange, transmission, or use of confidential patient health information.

In engaging in telehealth encounters with New Jersey patients, it is important for practitioners to keep in mind that telehealth encounters remain subject to the same standard of care as face-to-face encounters.

If you are a practitioner with a telehealth question or concern about your practice with respect to COVID-19 or any other reason, please contact [Grace Mack](#) or any member of the [Health Law Team](#).

Attorney

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Practice

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