

Alert | Health Emergency Preparedness Task Force: Business Continuity Amid COVID-19



August 2021

COVID-19 Update: New Requirements for Workers in Health Care Facilities in New Jersey

On Aug. 2, 2021, Governor Phil Murphy announced that New Jersey health care workers in certain state and private facilities must be fully vaccinated against COVID-19 or face consistent COVID-19 testing to help curb the continued spread of the virus. Governor Murphy’s contemporaneous Aug. 2, 2021, [press release](#) states the new requirements will apply to private facility settings including, but not limited to:

- Long-term care and assisted-living facilities
- County jails
- Acute-care hospitals and specialty hospitals
- Short-term and post-acute in-patient rehabs
- Licensed behavioral health facilities
- Home health agencies

The heightened compliance requirements will be enforced starting Sept. 7, 2021, requiring all applicable employees to either comply with the vaccine mandate or participate in a COVID-19 testing program (including a minimum of one to two COVID-19 tests per week). The press release did not indicate the specific testing requirements and procedures for unvaccinated individuals, but states “[t]he State will pursue an aggressive testing cadence for settings of particular concern under its purview” and adds that

“[p]rivate facilities are strongly encouraged to consider instituting requirements above and beyond the baseline that will be required by the State.”

Governor Murphy explained:

[w]e are taking this step today because it has been proven time and time again that vaccines save lives and are our way out of this pandemic. Individuals in health care facilities should have confidence in their caretakers, and this measure will help ensure peace of mind for those in higher-risk settings. And we are prepared to consider additional measures if we do not see a satisfactory increase in vaccination uptake in those settings as this new requirement is put into effect.

Governor Murphy’s press release further explained:

[t]his requirement will not alter any entity’s existing stated policy requiring employees to be fully vaccinated as a condition of employment without a testing alternative. The Administration will work in collaboration with union and labor partners ahead of the vaccine-requirement deadline and private sector employers are encouraged to similarly work with labor partners as they implement their own vaccination and testing policies.

Health care providers must continue to monitor COVID-19 requirements and should consult employment counsel to ensure compliance.

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