

Published Articles

Governor Murphy Signs Executive Order Setting COVID-19 Vaccination and Booster Shot Requirements for New Jersey Healthcare Workers

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Greenbaum, Rowe, Smith & Davis LLP Client Alert

January 26, 2022

What You Should Know

- Governor Murphy recently signed an Executive Order requiring healthcare providers and others working in New Jersey healthcare settings to be fully vaccinated against COVID-19 by specific dates.
- The Executive Order covers a broad range of healthcare facilities and high-risk congregate settings, including those that are not subject to the federal CMS vaccination mandate.
- Compliance deadlines for individuals working in covered settings must be met, and adequate proof of vaccination must be provided, to avoid penalties and/or disciplinary action.

On January 19, 2022, Governor Phil Murphy signed Executive Order 283 (EO 283), which, effective immediately, requires workers at New Jersey healthcare facilities and high-risk congregate settings to be fully vaccinated by specific dates or be subject to disciplinary actions for noncompliance.

As of January 19, 2022, healthcare workers in these settings will no longer be permitted to submit to testing as an alternative to full vaccination unless they are exempt from vaccination because they have been provided an accommodation.

Workers subject to the requirements set forth in EO 283 are defined as full and part-time employees; contractors; and other persons working in covered settings. This includes individuals providing operational, custodial, or administrative support. A list of the covered healthcare and

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high-risk congregate settings is provided on the New Jersey Department of Health website.

EO 283 Compliance Deadlines: Healthcare Facilities Subject to CMS Mandate

Consistent with the Centers for Medicare and Medicaid Services (CMS) mandate requiring healthcare facilities participating in Medicare and Medicaid programs to require all employees, volunteers, contractors, and other workers to receive the COVID-19 vaccine unless granted a medical or religious exemption, EO 283 provides the following dates for compliance:

- All workers must receive their first dose of a COVID-19 vaccine by **January 27, 2022**
- Unvaccinated workers must receive their first dose of a COVID-19 vaccine by **January 27, 2022**
- All workers must complete a primary series (i.e., one dose of a single-dose vaccine or all doses of a multiple-dose vaccine series) of a COVID-19 vaccine by **February 28, 2022**
- All workers must provide adequate proof of full vaccination status by **February 28, 2022**. With respect to booster shots, workers must provide adequate proof of vaccination status **within three weeks** of becoming eligible for the booster shot, whichever is later.

EO 283 Compliance Deadlines: Healthcare Facilities Not Subject to CMS Mandate

For healthcare facilities and high-risk congregate settings not subject to the CMS mandate, EO 283 provides the following date for compliance:

- All unvaccinated workers must obtain their first dose of the primary series of a COVID-19 vaccine by **February 16, 2022**
- All workers must provide adequate proof of vaccination status by **March 30, 2022**
- Any workers having received a booster dose must provide adequate proof of vaccination status by **March 30, 2022**, or within **three weeks** of becoming eligible for the booster, whichever is later.

EO 252: COVID-19 Testing Requirements

Governor Murphy's Executive Order 252 (signed on August 6, 2021) required all workers in certain state and private healthcare facilities, along with those in high-risk congregate settings, to be fully vaccinated against COVID-19 by September 7, 2021 or be subject to COVID-19 testing at minimum one to two times per week.

EO 283 further requires workers in healthcare facilities – whether subject to the CMS mandate or not – who are currently subject to testing under EO 252 to continue with their testing protocols based on the respective February 28 and March 30 deadlines stated previously.

Next Steps

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It is imperative that covered healthcare facilities and high-risk congregate settings begin implementing policies and procedures for full- and part-time employees, contractors, and other persons working in covered settings to become fully vaccinated by the dates set forth in EO 283, as lack of compliance may result in penalties. EO 283 provides for a disciplinary process to be in place for noncompliant workers which may include termination.

It should also be noted that EO 283 does not prevent a healthcare facility or high-risk congregate setting from instituting a stricter vaccination policy or additional requirements as long as the policy comports with the minimum requirements of EO 283.

Please contact the authors of this Alert with questions or to discuss your specific circumstances.

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