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NJ Healthcare Providers Are Impacted by Termination of Longstanding Pandemic-Era Emergency Declarations by January 16th Executive Order

Sukrti Thonse

Greenbaum, Rowe, Smith & Davis LLP Client Alert

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What You Need to Know

- New Jersey will fully exit its pandemic-era regulatory framework for certain healthcare providers on February 16, 2026
- Advanced Practice Nurses, Physician Assistants, hospitals, medical practices, and providers operating under emergency or reciprocity licenses may face regulatory scrutiny for non-compliance with a return to pre-COVID supervision, prescribing and licensure requirements
- Impacted providers should take immediate action to ensure that all collaborative agreements, supervision structures, and prescribing authority are compliant by the February 16th deadline

On January 16, 2026, former Governor Phil Murphy signed Executive Order 415, marking a critical return to New Jersey's pre-pandemic regulatory framework for certain healthcare providers. While the Executive Order immediately rescinds many pandemic-era waivers, the formal termination of the COVID-19 State of Emergency (EO 103) will take effect at 5:00 p.m. on February 16, 2026.

During the public health emergency, temporary waivers allowed certain healthcare providers to expand their scope of practice, loosen supervision and collaborative practice requirements, prescribe more independently, and operate under emergency reciprocity licenses to address workforce shortages.

Attorneys

Sukrti Thonse

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A limited 30-day window is intended to allow healthcare providers to transition back into full statutory compliance. Once the emergency ends on February 16, 2026, longstanding collaborative practice and supervision requirements will be fully reinstated and those who are non-compliant could face regulatory scrutiny.

- For **Advanced Practice Nurses** (APNs), this means a return to the requirement of maintaining a written joint protocol agreement with a collaborating physician pursuant to *J.A.C. 13:37-8.1*, as well as reinstated restrictions on prescribing Controlled Dangerous Substances (CDS) without proper physician authorization.
- **Physician Assistants** (PAs) must also resume practicing under required physician supervision, and previously waived “authorization to prescribe” requirements are being restored.
- In addition, **emergency reciprocity licenses** issued to out-of-state and retired providers will expire with the State of Emergency, requiring affected individuals to obtain full New Jersey licensure or cease practice by the February 16th

Although legislation has been introduced that could expand independent practice authority for certain experienced APNs, those propositions are not yet law. Until further action is taken, pre-pandemic requirements will remain the governing standard.

Next Steps for Providers

Hospitals, medical practices, and other healthcare facilities should **promptly audit staffing models** and ensure **compliant collaborative agreements and supervisory arrangements** are fully executed and on file.

With the February 16th deadline fast approaching, Greenbaum’s healthcare regulatory and corporate teams are prepared to assist clients in conducting targeted compliance reviews, drafting and reinstating joint protocol agreements, updating supervision and prescribing documentation, assessing CDS authority, evaluating licensure status, and advising on staffing and structural adjustments.

Our attorneys are also available to coordinate with hospital systems and practice administrators to ensure all required agreements are executed and properly maintained before the deadline.

If you may be impacted, we encourage you to contact us promptly so we can develop a tailored compliance plan and help mitigate regulatory risk.

We will continue to closely monitor legislative and regulatory developments and provide further updates as they arise. Please contact the author of this Alert with questions or to discuss your specific circumstances.

Sukrti Thonse

Associate, Corporate and Healthcare
sthonse@greenbaumlaw.com
732.476.2481