

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS**

**ADMINISTRATIVE ORDER AND NOTICE OF RULE ADOPTION
PURSUANT TO P.L. 2020, c. 18; P.L. 2021, c. 103.**

**HEALTH AND SAFETY STANDARDS FOR NURSING AND COSMETOLOGY
SCHOOLS**

**DCA Administrative Order No. 2021-16
Superseding DCA Administrative Order No. 2020-17**

Administrative Order and Temporary Rule Adoption by Kaitlin A. Caruso, Acting Director,
Division of Consumer Affairs

Date: July 6, 2021

Authority: P.L. 2020, c. 18; P.L. 2021, c. 103

Effective Date: July 6, 2021

Expiration Date: January 11, 2022.

* * *

WHEREAS, on March 9, 2020, through EO 103, the facts and circumstances of which are adopted by reference herein, Governor Murphy declared both a public health emergency and a state of emergency throughout the State due to the public health hazard posed by coronavirus disease 2019 (COVID-19); and

WHEREAS, the public health emergency declared in EO 103 was extended and then was ended on June 4, 2021, as described below; and

WHEREAS, on March 16, 2020, through Executive Order No. 104 (EO 104), the facts and circumstances of which are adopted by reference herein, Governor Murphy ordered the cessation of in-person instruction at all institutions of higher education beginning on March 18, 2020, and authorized the Secretary of the Office of Higher Education (OSHE) to grant waivers to allow in-person instruction to students on a case-by-case basis where a compelling rationale to allow such access exists; and

WHEREAS, through Executive Order No. 107 (EO 107), issued on March 21, 2020, and Executive Order No. 109 (EO 109), issued on March 23, 2020, the facts and circumstances of which are adopted by reference herein, Governor Murphy implemented strategies to mitigate community spread, including the continued cessation of in-person instruction at all institutions of

higher education, absent a waiver granted on a case-by-case basis based on a compelling rationale, the closure of certain facilities offering personal care services, and a prohibition on gatherings; and

WHEREAS, on April 14, 2020, Governor Murphy signed into law P.L. 2020, c. 18, which permitted the Director of the Division of Consumer Affairs to issue administrative orders to suspend temporarily any provision of Title 45 of the Revised Statutes or suspend or modify temporarily any rule adopted pursuant to such authority or to adopt temporarily any rule relating to the practice of any profession licensed by a board in the Division of Consumer Affairs, upon concurrence by the Attorney General, after determining that such order is necessary to promote the public welfare and further such other purposes of the state of emergency or public health emergency declared in EO 103; and

WHEREAS, on June 13, 2020, and June 26, 2020, through Executive Orders 154 and 157, the facts and circumstances of which are adopted by reference herein, Governor Murphy permitted facilities that provide cosmetology services to reopen to the public on Monday, June 22, 2020, provided that the facility complies with health and safety standards issued by the Director of the Division of Consumer Affairs, which were issued on June 13, 2020, in Administrative Order 2020-09, and subsequently revised, most recently by **Administrative Order 2021-13 issued on May 28, 2021**; and

WHEREAS, on June 18, 2020, through Executive Order No. 155 (EO 155), the facts and circumstances of which are adopted by reference herein, Governor Murphy authorized institutions of higher education and training schools to resume in-person instruction, subject to certain health and safety standards and the preparation of restart plans; and

WHEREAS, pursuant to EO 155, approximately 80 Registered Nursing (RN) and Licensed Practical Nursing (LPN) programs accredited and approved by the New Jersey Board of Nursing in the Division of Consumer Affairs (Board of Nursing), 200 Certified Homemaker-Home Health Aid (CHHA) training programs approved by the Board of Nursing, and 34 cosmetology schools licensed to operate by the New Jersey State Board of Cosmetology and Hairstyling in the Division of Consumer Affairs (Board of Cosmetology), were required to submit restart plans to the applicable board prior to the resumption of in-person education and comply with all applicable rules or standards promulgated by the board or the Director of the Division of Consumer Affairs; and

WHEREAS, on August 13, 2020, through Executive Order No. 175 (EO 175), the facts and circumstances of which are adopted by reference herein, Governor Murphy authorized degree granting institutions to immediately resume in-person instruction that was not previously permitted by EO 155, subject to a requirement that those institutions provide students with the option of participation via remote learning to the extent practicable, and with express recognition that those institutions could instead continue to provide instruction in a form other than in-person instruction; and

WHEREAS, on September 1, 2020, the Division issued Administrative Order 2020-17, which established health and safety standards - including masking, social distancing, and infection

control standards - for cosmetology and nursing education programs seeking to reinstate in-person education; and

WHEREAS, through various Administrative Orders including AO 2021-11 (DCA AO 2021-11), issued on May 7, 2021, the Division of Consumer Affairs established standards for the safe provision of in-person, office-based health care services, including but not limited to elective surgery and invasive procedures, in order to mitigate the spread of COVID-19; and

WHEREAS, on May 24, 2021, through Executive Order No. 242, the facts and circumstances of which are adopted by reference herein, in recognition of the progress made throughout the State in the response to the COVID-19 pandemic Governor Murphy eliminated, as of May 28, 2021, all requirements to wear masks and engage in social distancing in various indoor settings, including degree granting higher education institutions; and

WHEREAS, on June 4, 2021, through Executive Order No. 244, the facts and circumstances of which are adopted by reference herein, Governor Murphy terminated the public health emergency declared in EO 103, as extended, and signed into law P.L. 2021, c. 103, which authorized the head of any State agency to modify administrative orders entered while the public health emergency was in place; and

WHEREAS, on June 10, 2021, the United States Department of Labor, Occupational Health and Safety Administration issued the Occupational Exposure to COVID-19; Emergency Temporary Standard, setting forth safety standards to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present; and

WHEREAS, the requirements in this Order may be supplemented by non-binding guidance on best practices;

NOW, THEREFORE, I, Kaitlin A. Caruso, Acting Director of the Division of Consumer Affairs, by virtue of the authority vested in me by the statutes of this State, upon concurrence by the Attorney General, determine that this ORDER is necessary to promote the public welfare and further such other purposes for which the state of emergency was declared in EO 103, and, consistent with P.L. 2021, c.103, hereby ORDER as follows:

1. To the extent that the clinical instruction in any RN, LPN and CHHA training program involves the provision of services to patients, such programs shall ensure that students comply with all of the health and safety standards applicable to licensee practice, including the Occupational Exposure to COVID-19 Emergency Temporary Standard issued by the United States Department of Labor, Occupational Health and Safety Administration.
2. To the extent that the clinical instruction in any Cosmetology program involves the provision of services to other students, staff, or members of the public, the school shall comply with any standards applicable to the provision of services in a licensed shop pursuant to Executive Order 242 or any subsequent health and safety order.

3. This Order hereby supersedes DCA Administrative Order No. 2020-17 (September 1, 2020).

This Order shall take effect immediately and shall remain in effect until January 11, 2022, unless expressly revoked or superseded by a subsequent Administrative Order issued by the Director of the Division of Consumer Affairs.

A handwritten signature in black ink, appearing to read "Kaitlin Caruso". The signature is written in a cursive, flowing style.

Date: July 6, 2021

Kaitlin A. Caruso, Acting Director