

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

**NOTICE OF RULE WAIVER PURSUANT TO EXECUTIVE ORDER NO. 103
(MURPHY)
COVID-19 STATE OF EMERGENCY**

DCA-W-2020-04

Rule Waiver adopted by Paul R. Rodríguez, Acting Director, Division of Consumer Affairs

Date: April 13, 2020

Authority: N.J.S.A. App.A:9-45; Executive Order Nos. 103 (Murphy)(“EO 103”) and 107 (Murphy) (“EO 107”)

Effective Date: March 9, 2020

Expiration Date: Concurrent with the end of the public health emergency declared pursuant to EO 103

Introduction and Overview

This is an emergency adoption of a temporary waiver, for the duration of the public health emergency declared pursuant to EO 103 in response to the COVID-19 pandemic, of rules that require continuing education coursework to be completed in-person by holders of licenses, certificates of registration, or certifications issued by the boards and committees identified below:

- 1) Acupuncture Examining Board
- 2) Alcohol and Drug Counselor Committee
- 3) Art Therapists Advisory Committee
- 4) Board of Chiropractic Examiners
- 5) Board of Dentistry
- 6) Electrologists Advisory Committee
- 7) Elevator, Escalator, and Moving Walkway Mechanics Licensing Board
- 8) Fire Alarm, Burglar Alarm and Locksmith Advisory Committee
- 9) Home Inspection Advisory Committee
- 10) Board of Marriage and Family Therapy Examiners
- 11) Board of Massage and Bodywork Therapy
- 12) Board of Mortuary Science

- 13) Board of Optometrists
- 14) Perfusionists Advisory Committee
- 15) Board of Pharmacy
- 16) Board of Psychological Examiners

Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes the Director of the Division of Consumer Affairs to waive rules the enforcement of which would be detrimental to the public welfare. Further, EO 107 requires non-essential businesses, schools, and institutions of higher learning to close or cease in-person instruction.

Pursuant to the above-cited authority, with the approval of the Governor, and in consultation with the Commissioner of the Department of Health and the State Director of Emergency Management, for the professionals who hold a license to practice, certificate of registration, or certification from one or more of the above-referenced boards and committees, I hereby waive the following rules:

- Acupuncture - N.J.A.C. 13:35-9.20(d)7 to the extent that the rule limits the number of hours for which course participants will be granted credit for distance learning courses;
- Alcohol and Drug Counselor - N.J.A.C. 13:34C-5.3(b)4 to the extent that the rule limits the number of hours for which course participants will be granted credit for distance learning courses or programs;
- Art Therapy - N.J.A.C. 13:34D-4.4(c) to the extent that the rule limits the number of hours for which course participants will be granted credit for continuing education through electronic media distance learning courses or programs;
- Chiropractic Examiners - N.J.A.C. 13:44E-1A.5(h) and N.J.A.C. 13:44E-4.9(h) to the extent that the rules limit the number of hours for which course participants will be granted credit for continuing education provided through asynchronous distance learning courses where the instructor and the learner are not in direct, live communication during the course;
- Dentistry - N.J.A.C. 13:30-5.1(i)(1)iv to the extent that the rule limits the number of hours for which course participants will be granted credit for continuing education for written or electronic media distance learning courses;
- Electrologists - N.J.A.C. 13:35-12.19(c) to the extent that the rule requires attendance in-person for continuing education courses for a minimum number of credits;
- Fire Alarm, Burglar Alarm, and Locksmith - N.J.A.C. 13:31A-1.12 to the extent that the rule limits the number of hours for which course participants will be granted credit for continuing education for completing Committee-approved correspondence, self-study, televised, videotaped, teleconference, or internet courses;

- Home Inspection - N.J.A.C. 13:40-15.14 to the extent that the requires in-person attendance for certain credit hours of continuing education;
- Marriage and Family Therapy - N.J.A.C. 13:34-5.2 and 5.2A to the extent that the rules mandate minimum hours of continuing education through “face-to-face” instruction;
- Massage and Bodywork - N.J.A.C. 13:37A-4.1(c) to the extent that the rule limits the number of hours for which course participants will be granted credit for courses presented on-line or through DVDs;
- Mortuary Science - N.J.A.C. 13:36-10.3(b) to the extent that the rule requires in-person attendance for certain credit hours;
- Optometrists - N.J.A.C. 13:38-7.4(e) to the extent that the rule limits the number of hours for which course participants will be granted credit for videotape, audiotape, computer media, Internet, journal, or correspondence courses or programs;
- Perfusionists - N.J.A.C. 13:35-13.16(g) to the extent that the rule limits the number of hours for which course participants will be granted credit for continuing education for video-taped, teleconference and Internet courses;
- Pharmacy - N.J.A.C. 13:39-3A.1(a) to the extent that the rule mandates a minimum number of hours of continuing education credit to be obtained through in-person instruction;
- Psychological Examiners - N.J.A.C. 13:42-10.21(c) to the extent that the rule mandates a minimum number of credits be obtained through courses or programs that provide the opportunity for live interaction with the continuing education instructor.

Accordingly, all continuing education credits earned during the public health emergency, including but not limited to credits earned prior to the date of this rule waiver, will be counted as in-person credits.

I find that waiver of the rules above is necessary because enforcement of these existing requirements would be detrimental to the public welfare during this emergency.



Date: April 13, 2020

Paul R Rodríguez, Acting Director