

STATE OF NEW JERSEY
DEPARTMENT OF HEALTH
NOTICE OF RULE WAIVER/MODIFICATION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule **WAIVER/MODIFICATION OF N.J.A.C. 8:36-9.2(c) – CERTIFIED MEDICATION AIDES**, adopted by **DEPARTMENT OF HEALTH**

Date: **April 15, 2020**

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: **April 15, 2020**

Expiration Date: Concurrent with the end of the Public Health Emergency

This is an emergency adoption of a temporary rule waiver/modification of N.J.A.C. 8:36-9.2(c), which sets forth the period of time within which a certified medication aide candidate must sit for the medication aide exam after completing his or her medication aide training course. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive, modify or suspend any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management, the Commissioner of the Department of Health is waiving its rules as follows:

N.J.A.C. 8:36-9.2(c) requires a certified medication aide candidate to sit for the Department of Health approved standardized examination within six (6) months of successfully completing an approved medication administration training course. The standardized examinations are administered by PSI Testing Centers. In an effort to protect the community from the spread of COVID-19, PSI Testing Centers closed and are no longer administering standardized examinations. As a result, medication aide candidates that successfully completed the approved training course are not able to sit for the standardized examination within the specified timeframe. Accordingly, an extension of the time period that certified medication aide candidates have to sit for the exam is warranted so that the candidates do not have to unnecessarily retake the training course to qualify for the exam and gain certification after the public health emergency concludes.

Pursuant to this rule waiver/modification, if a candidate’s deadline to sit for the standardized examination falls between March 1, 2020 and May 31, 2020, then the candidate shall have an additional six (6) months from the original deadline to sit for the examination. For example, if a candidate was required to sit for the examination by March 1, 2020, the deadline will

be extended to August 31, 2020. The remaining provisions set forth in N.J.A.C. 8:36-9.2 shall remain in effect.

Full Text of the affected regulations follows, with additional terms and conditions indicated in boldface:

8:36-9.2 Certified Medication Aides

...

(c) An applicant for medication aide certification shall sit for the standardized examination within six months of successful completion of an approved medication administration training course.

...


The above-referenced rule is hereby waived/modified subject to the following additional terms and conditions:

If the deadline for a candidate to sit for the standardized examination falls between March 1, 2020 and May 31, 2020, the candidate shall have an additional six (6) months from the original deadline to sit for the examination.

I find that waiver/modification of the rule above is necessary because enforcement of the existing rule would be detrimental to the public welfare during this emergency.

4/15/20

DATE


JUDITH M. PERSICHILLI, RN, BSN, MA
COMMISSIONER
DEPARTMENT OF HEALTH

WAIVER CONTROL NUMBER: 20 – N.J.A.C. 8:36-9.2(c)