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AG Grewal Announces Action by Division of Consumer Affairs to Pave Pathway for Healthcare Providers to Resume Routine Care and Elective Procedures

[Administrative Order](#) | [Executive Order 145](#) | [DCA Policies](#)

NEWARK – Attorney General Gurbir S. Grewal announced today that the New Jersey Division of Consumer Affairs (“the Division”) has issued policies to allow healthcare professionals to resume non-urgent care and elective procedures in outpatient settings, as the State loosens restrictions put in place early in the battle against COVID-19. The Division’s policies, contained in an [Administrative Order](#) issued yesterday, identify precautions and limitations to protect patients, practitioners, and office staff from the continued risks posed by COVID-19.

The Division’s action comes after Governor Phil Murphy on Friday issued [Executive Order No. 145](#), which allows elective surgeries and invasive procedures, whether medical or dental, to resume effective Tuesday, May 26, 2020, at 5:00 a.m. A previous Executive Order has prohibited all elective surgeries and invasive procedures performed on adults since March 27, 2020, in order to preserve personal protective equipment and protect the capacity of the State’s healthcare system.

The Division’s [policies](#) require practitioners to limit person-to-person contact in the office, facilitate social distancing in the office, adopt enhanced office cleaning and disinfection practices, establish rigorous protections for staff, and stay informed about new developments and guidance related to COVID-19. Additional safeguards apply to healthcare professionals providing care that involves direct contact with a patient’s face, eyes, or mouth, or present a high risk of aerosolization, including dentists, oral surgeons, pulmonologists, otolaryngologists and eye care professionals.

The Division developed its policies in consultation with the Department of Health and based on guidance from the Department of Health, the Centers for Disease Control and Prevention, and the Occupational Safety and Health Administration.

“We are committed to enabling New Jersey healthcare professionals to resume their outpatient practices with safeguards in place to protect public health,” said Attorney General Grewal. “As we move to reopen the State, the health and well-being of New Jerseyans remains our top concern.”

Expanding in-person care is an important step in New Jersey’s recovery, as some patients who need care may have delayed or postponed necessary treatment. As elective surgeries and invasive procedures resume, in-person office-based care will provide important pre- and post-operative care.

Under policies adopted by the Division, all healthcare professionals and their staff must adopt a number of practices for office-based settings, including that they:

- Utilize telemedicine to the greatest extent possible.
- Screen patients seeking in-person appointments for symptoms or possible exposure to COVID-19, and require temperature checks for patients and staff, regardless of symptoms, upon arrival.
- Prioritize services that, if deferred, are most likely to result in patient harm, and prioritize care for at-risk populations who would benefit the most from those services.
- Space appointments to minimize the number of people in the office at any given time, and restrict companions unless necessary.
- Require patients to remain in their cars or outside until they are ready to be seen, or wait in separate rooms to minimize contact with others.
- Provide face coverings and supplies for regular hand washing and sanitizing. Require clinical staff to wear personal protective equipment (PPE) consistent with the level of risk for exposure, and train them in the proper techniques.
- Optimize the supply of PPE utilizing techniques recommended by CDC, except when performing surgery or invasive procedures, when providing care that presents a greater risk of infection, or when providing care to those with increased susceptibility to infections or complications from COVID-19.
- Follow CDC guidelines to clean and disinfect high-touch areas routinely, and after each use.
- Require staff to stay home if they are sick and isolate them and send them home if they become sick at work.

“Many responsible healthcare providers have significantly curtailed office-based care to limit the spread of this disease during the current state of emergency” said Acting Director Paul R. Rodríguez. “The new protocols are intended to ensure the safety of providers, staff, and their patients as they begin to expand services to meet the health care needs of residents throughout the state.”

The Division’s Administrative Order for providers practicing in outpatient settings will complement policies from the New Jersey Department of Health for providers practicing in hospitals and ambulatory care centers.

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The mission of the Division of Consumer Affairs, within the Department of Law and Public Safety, is to protect the public from fraud, deceit, misrepresentation and professional misconduct in the sale of goods and services in New Jersey through education, advocacy, regulation and enforcement. The Division pursues its mission through its 51 professional and occupational boards that oversee 720,000 licensees in the state, its Regulated Business section that oversees 60,000 NJ registered businesses, as well as through its Office of Consumer Protection, Bureau of Securities, Charities Registration section, Office of Weights and Measures, and Legalized Games of Chance section.

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