

## COVID HEALTH CARE WORKER MANDATES: NEW YORK, NEW JERSEY AND CONNECTICUT

As the Delta variant of COVID-19 continues to spread, New York, New Jersey, and Connecticut have mandated that certain health care workers be vaccinated against COVID-19.

### New York

- By Order dated August 18, 2021, the New York State Commissioner of Health is requiring that healthcare workers in general hospitals (*i.e.*, hospitals that provide inpatient care 24 hours a day) and nursing homes be vaccinated against COVID-19, except for those with *bona fide* religious or medical exemptions. These healthcare workers, including employees, students, volunteers and medical staff, are required to have at least one dose of an approved vaccine by **September 27, 2021**. It does not appear that applicable health care workers will be permitted to undergo regular testing in lieu of vaccination. On September 2, 2021, there is an opportunity for health care facilities impacted by the announcement to present evidence that failure to comply will not constitute a danger to the health of the people of the State of New York

### New Jersey

- On August 6, 2021, Governor Murphy issued [Executive Order 252](#), requiring the following health care facilities to implement policies that require their workers (*i.e.*, full and part-time employees, contractors and other individuals working in the settings noted below, including individuals providing operational, custodial or administrative support) to be vaccinated against COVID-19 by **September 7, 2021**, or submit to testing at a minimum of one to two times per week:
  - Acute, pediatric, inpatient rehabilitation, specialty, and psychiatric hospitals;
  - Ambulatory surgical centers, long-term care facilities, and intermediate-term care facilities;
  - Residential detox, short-term, and long-term substance abuse disorder treatment facilities;
  - Clinic-based health care settings, including ambulatory care, urgent care clinics, dialysis centers, federally qualified health centers, and family planning sites; and
  - Community-based health care settings, including elderly care programs, pediatric and adult medical day care programs, and licensed home health agencies and registered health care service firms operating within New Jersey.

### Connecticut

- On August 6, 2021, Governor Lamont issued [Executive Order 13B](#), which requires employees, and volunteers and contractors with direct access, at long-term care facilities to receive at least the first vaccination dose by **September 7, 2021**, except for those who fall under a medical or religious exemption. The Executive Order does not provide the option to undergo testing in lieu of vaccination.
- A “long-term care facility” is defined to include the following:
  - Nursing homes and residential care homes;
  - Assisted living services agencies;
  - Intermediate care facilities for individuals with intellectual disabilities;
  - Managed residential communities; and
  - Chronic disease hospitals.
- Executive Order 13B also specifies that long-term care facilities shall not employ any individual that has received the first dose, but fails to receive the second dose, of a two-dose series vaccination.

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Should you have any questions regarding the above, please contact the [Garfunkel Wild attorney](#) with whom you regularly work, or contact us at [info@garfunkelwild.com](mailto:info@garfunkelwild.com).

**Contact Information:**

111 Great Neck Road	411 Hackensack Avenue	350 Bedford Street	677 Broadway
Great Neck, NY 11021	Hackensack, NJ 07601	Stamford, CT 06901	Albany, NY 12207
516.393.2200	201.883.1030	203.316.0483	518.242.7582

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