Governor Murphy Issues Executive Order 138 Further Extending New Jersey's Public Health Emergency

Client Alert

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By: John Zen Jackson

May 6, 2020, New Jersey Governor Phil Murphy issued Executive Order 138, which extends the Public Health Emergency declared on March 9, 2020 under Executive Order 103 and extended on April 7 under Executive Order 119. Under the Emergency Health Powers Act, a declared public health emergency expires after 30 days unless renewed. All previously entered Executive Orders remain "in full force and effect" under Executive Order 138.

The findings cited as leading up to today's action by the Governor recognize that although New Jersey's social distancing measures have helped to slow the increase of COVID-19 cases and deaths in the state, the total number of cases and deaths in New Jersey has continued to rise and would rise at an even more precipitous rate absent these important measures.

In remarks accompanying the issuance of Executive Order 138, the Governor emphasized the continued importance of social distancing as the best available tool in the absence of a vaccine or effective therapies. The current absence of widespread availability of prompt and reliable testing for asymptomatic individuals remains a vulnerability.

Executive Order 138 states that although New Jersey has made all reasonable efforts to procure medical resources from the federal government, existing supplies in the state, donations, and private sector purchasing, the availability of medical resources in the state remains a serious concern. In consultation with the Commissioner of the Department of Health, it was therefore determined that New Jersey needs the help of additional qualified health, mental health, and other professionals to supplement the state's healthcare capacity on a temporary basis to address healthcare needs related to the COVID-19 pandemic, and that emergency measures taken to address these needs must continue at this time.

Please contact the author of this Alert, **John Zen Jackson** jjackson@greenbaumlaw.com | 732.476.3336 with questions. Mr. Jackson is Of Counsel to the firm's **Healthcare Department**.

Related Attorneys

John Zen Jackson

Of Counsel

732.476.3336

Email