



New Jersey MGMA Legal Update Fall 2019

NJ "Aid-in-Dying" Law Back in Effect

On August 28, 2019, the Appellate Division overturned the preliminary injunction granted by the Superior Court last month blocking the implementation of New Jersey's Medical Aid-in-Dying for the Terminally Ill Act. The New Jersey Supreme Court affirmed the decision, thus providing closure on the matter. The law permits mentally capable, terminally ill adults with six months or less to live to be able to request a doctor's prescription for a medication that, if taken, will result in their death. New Jersey is the 8th jurisdiction in the country to enact such a law following, Oregon, Washington, the District of Columbia, Vermont, California, Colorado, and Hawaii.

Acupuncture Telemedicine Regulations

On July 1, 2019, at 51 N.J.R. 1088(a), the Department of Law and Public Safety, Division of Consumer Affairs, State Board of Medical Examiners, State Acupuncture Board proposed new rules that establish telemedicine regulations that are applicable to licensed acupuncturists. See [N.J.A.C. 13:35-9.21-9.28](#).

Nursing Telemedicine Regulations

On July 1, 2019, at 51 N.J.R. 1094(a), the Department of Law and Public Safety, Division of Consumer Affairs, State Board of Nursing, proposed new rules that establish telemedicine regulations that are applicable to licensed nurses. See [N.J.A.C. 13:37-8A](#).

Wage Theft Law

New Jersey has recently passed legislation ratcheting up its Wage and Hour laws. Several of the changes are set forth below:

1. Increased statute of limitations for wage claims to six years;
2. Increased liability for unpaid wages and wages lost due to retaliation;

3. Presumption of retaliation when an employer takes adverse action against an employee within 90 days of the employee filing a wage-related complaint or claim; and
4. Includes successor entities within the definition of an employer.

Pharma Gift Amendments

On May 6, 2019, the Attorney General adopted the proposed amendments to rules relating to prescriber acceptance of compensation from pharmaceutical manufactures. Generally, the rules limit prescribers, i.e., physicians, podiatrists, physician assistants, advanced practice nurses, dentists, or optometrists, from accepting gifts from pharmaceutical manufacturers and place \$15/\$30 limits on meals for promotional events. The new amendments do not significantly modify the rules, however, provide additional clarity as follows:

Limitation of Scope: Exclusion of Medical Device Interactions

The Attorney general specified that the rules do not apply to prescribers' interactions with pharmaceutical manufacturers to the extent that such pharmaceutical manufacturers also manufacture medical devices and such interactions are directed solely to medical devices.

Redefining Educational Events

The Attorney General modified the definition of "education event" to: (i) those that are appropriate and conducive to informational communication and training about healthcare information including information about disease states and treatment approaches; and (ii) specify that notwithstanding the FDA's classification of a program as promotional, a program that meets New Jersey's definition of "education event" is deemed an "education event".



Should you have any questions or suggestions about future topics, please reach out to Jason Krisza, Esq. at jkrisza@wilentz.com.

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