



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
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March 31, 2021

Eric Orlando
Executive Vice President
Kaufman Zita Group
The Offices at Trenton Junction
400 Sullivan Way
West Trenton, NJ 08628

Via email to: Eorlando@kzgrp.com

Dear Mr. Orlando:

You have raised with the Division of Consumer Affairs the interest that the Athletic Trainers Society of New Jersey (ATSNJ) has in clarifying whether its members who are working at colleges are eligible to perform COVID testing in conjunction with athletic events and practices. In response to our questions, you have shared more specifics as to how the colleges envision such programs operating.

The relevant Executive Directive issued by the Commissioner of the Department of Health identifying certain licensees as eligible testers (DOH ED 2020-012, as Revised on May 12, 2020) does not expressly recognize athletic trainers as eligible testers. However, we do not view the list as exhaustive; it references “licensed healthcare providers” and those “trained personnel at a health care facility . . . or medically supervised COVID-19 testing site” as being eligible to “collect and submit” SARS-COV-2 viral tests approved or authorized by the FDA. The Executive Directive further authorizes the person collecting a specimen to impart information to the individual being tested, including the test results and, if positive, the need for follow-up care and self-isolation. Recognized health care providers are further directed to follow all CDC guidelines for collecting, handling and testing, consistent with manufacturer instructions. The Division of Consumer Affairs has consistently recognized athletic trainers to be health care professionals.

We are also mindful of the August 31, 2020 federal guidance that you have provided.* That guidance supports the view that an athletic trainer, as a licensed “health-care practitioner,” is

* U.S. Dep’t of Health and Human Servs., Guidance for PREP Act Coverage for COVID-19 Screening Tests at Nursing Homes, Assisted Living Facilities, Long-Term-Care Facilities, and other Congregate Facilities (Aug. 31,



authorized to “prescribe and administer point-of-care COVID-19 tests, using anterior nares specimen collection or self-collection for screening in congregate facilities across the Nation.” If the college’s student health service has obtained a CLIA waiver, such specimens can be submitted for laboratory analysis.

We hope you find this helpful and thank you for bringing this matter to our attention.

Sincerely,



Kaitlin A. Caruso
Acting Director

Cc: Jessica Springstead, Athletic Trainers Society of New Jersey
Kimberly E. Jenkins, New Jersey Department of Health

2020), available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-coverage-for-screening-in-congregate-settings.pdf>

