



State of New Jersey
DEPARTMENT OF HEALTH

PO BOX 358
TRENTON, N.J. 08625-0358

www.nj.gov/health

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

To: All Licensed Healthcare Facilities

From: Michael J. Kennedy, J.D. *MJK*
Executive Director, Division of Certificate of Need and Licensing

Date: November 29, 2023

Re: Health Care Heroes Act

On May 8, 2023, Governor Phil Murphy signed the 'Health Care Heroes Violence Prevention Act' (Health Care Heroes Act) to make it a criminal offense to intentionally threaten healthcare professionals or volunteers in an effort to intimidate them or interfere with their work. The Health Care Heroes Act also establishes additional penalties against individuals who assault healthcare workers or volunteers.

Specifically, the Health Care Heroes Act expands the aggravating factors a court may consider pursuant to N.J.S.A. 2C:44-1 in sentencing a defendant to include consideration of whether a defendant committed an offense against any health care professional or any volunteer for or employee of a health care professional or health care facility while the professional, volunteer, or employee was engaged in professional duties.

The Health Care Heroes Act also establishes the criminal offense, found at N.J.S.A. 2C:12-3., of threats against a health care professional, a volunteer working for a health care professional or working at a health care facility, or an employee of a health care professional or health care facility. Specifically, a person is guilty of a disorderly persons offense if the person knowingly and willfully makes a threat against a covered person with the intent to intimidate, interfere with, or impede the performance of the covered person's official duties. Further, a person is guilty of a disorderly persons offense if that person knowingly sends, delivers, or makes for the purposes of sending or delivering a threat to intimidate, interfere with, or impede the official duties of a health care professional or a volunteer for or employee of a health care professional or health care facility. A disorderly persons offense is punishable by imprisonment for up to six months, a fine of up to \$1,000, or both. The law defines "health care facility" as a health care facility licensed pursuant to N.J.S.A. 26:2H-1 et al., a State or county psychiatric hospital, a State developmental center, or a health care service firm registered by the

Division of Consumer Affairs in the Department of Law and Public Safety. The law additionally provides that a person who commits an assault against a health care professional or a volunteer for or employee of a health care professional or a health care facility may be sentenced to an anger management course of up to 12 months duration and up to 30 days of community service. A sentence of community service may stand in lieu of part of a sentence to incarceration.

Finally, the Health Care Heroes Act imposes the requirement that facilities must conspicuously display written notice of the law, which contains the following or substantially similar language:

It is a crime to assault a health care professional, any volunteer working for a health care professional or working at a health care facility, or any employee of a health care professional or a health care facility, while the health care professional, volunteer, or employee is performing official duties. Any person who assaults a health care professional, volunteer, or employee in violation of this prohibition shall be subject to a fine, imprisonment, or both under the New Jersey Code of Criminal Justice, N.J.S.A. 2C:1-1 et seq.

The Department of Health is issuing this memorandum in lieu of rulemaking to advise facilities of the important new deterrents established by the Health Care Heroes Act. It is important that facilities are aware that the Health Care Heroes Act requires facilities to post proper signage in a common area of the facility so that employees, volunteers, patients, and others can also be made aware of the law.