



services. Subchapter 8 addresses pharmacy services. Subchapter 9 addresses medical/health records. Subchapter 10 addresses infection prevention and control.

The Department separately proposed amendments and new rules at N.J.A.C. 8:42C to establish inpatient hospice care provider licensure standards as to which the public comment period closed on April 7, 2017. 49 N.J.R. 232(a). The Commissioner has reviewed N.J.A.C. 8:42C and determined that, subject to the Department's anticipated further rulemaking with respect to the pending notice of proposal described above, and the technical changes on readoption described below, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4(h), N.J.A.C. 8:42C is readopted, with the technical changes described below, and continues in effect for seven years.

The Department is making several technical changes upon readoption.

The Department is correcting references throughout the chapter to the Department to reflect the change in the Department's name pursuant to N.J.S.A. 26:1A-2.1.

The Department is correcting references to the names of units within the Department that have changed following Department reorganization.

The Department is correcting references to various professional boards of the Division of Consumer Affairs within the Department of Law and Public Safety to reflect the accurate names of these boards.

The Department is correcting the name of a chapter of the New Jersey Administrative Code to which N.J.A.C. 8:42C refers.

The Department is correcting the official short title and adding the unofficial but popularly known name of a Federal law to which N.J.A.C. 8:42C refers.

The Department is deleting a cross-reference to the Code of Federal Regulations describing them as “rules,” and adding instead a cross-reference thereto as “regulations,” to conform to Office of Administrative Code style conventions.

**Full text** of the adopted technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 8:42C-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

“Commissioner” means the [New Jersey State] Commissioner of the **New Jersey** Department of Health [and Senior Services], or his or her designee.

...

“Department” means the New Jersey [State] Department of Health [and Senior Services].

...

“Hospice” means a program which is licensed by the [New Jersey State] Department [of Health and Senior Services] to provide palliative services to terminally ill

patients in the patient’s home or place of residence, including medical, nursing, social work, volunteer, and counseling services.

...

“Office of Certificate of Need and Healthcare Facility Licensure” means the health care facility licensing unit within the Division of [Health Facilities Evaluation] **Certificate of Need** and Licensing of the [Senior Services and] Health Systems Branch of the Department[.

1. The **for which the** contact information is [as follows]:

[i.] **1.** Mailing address: Office of Certificate of Need and Healthcare Facility Licensure, Division of [Health Facilities Evaluation] **Certificate of Need** and Licensing, **Health Systems Branch**, Department of Health [and Senior Services], PO Box 358, Trenton, NJ 08625-0358; and

[ii.] **2.** (No change in text.)

“Office of [Health Facilities] Assessment and Survey” means the survey and inspections unit [for acute care services] within the Division of Health [Facilities Evaluation] **Facility Survey** and [Licensing] **Field Operations** of the [Senior Services and] Health Systems Branch of the Department[.

1. The **for which the** contact information is [as follows]:

[i.] **1.** Mailing address: Office of [Health Facilities] Assessment and Survey, Division of Health [Facilities Evaluation] **Facility Survey** and [Licensing] **Field Operations, Health Systems Branch**, Department of Health [and Senior Services], PO Box 367, Trenton, NJ 08625-0367; and

[ii.] **2.** (No change in text.)

...

“Physical therapist” means a person who is so licensed by the [New Jersey] State Board of Physical Therapy **Examiners** in accordance with N.J.S.A. 45:9-37.11 et seq., and N.J.A.C. 13:39A.

“Physician” means a person who is licensed or authorized by the [New Jersey] State Board of Medical Examiners to practice medicine in the State of New Jersey in accordance with N.J.S.A. 45:9-1 et seq., and N.J.A.C. 13:35.

...

“Registered professional nurse” means a person who is so licensed by the New Jersey [State] Board of Nursing in accordance with N.J.S.A. 45:11-23 et seq., and N.J.A.C. 13:37.

...

“Speech-language pathologist” means a person who is so licensed by the Director of the Division of Consumer Affairs of the New Jersey [State] Department of Law and Public Safety in accordance with N.J.S.A. 45:3B-1 et seq., and N.J.A.C. 13:44C.

...

## SUBCHAPTER 2. LICENSURE AND LICENSURE PROCEDURES

### 8:42C-2.1 Functional review applicability

(a) (No change.)

(b) Requests for a functional review shall be in writing, specifying the type of facility and/or service proposed, and shall be forwarded to[:] **the Director of the Office of Certificate of Need and Healthcare Facility Licensure.**

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(c) (No change.)

#### 8:42C-2.5 Licensure

(a) (No change.)

(b) At the request of the applicant, an office conference for review of the conditions for licensure and operation may take place between the **Office of Certificate of Need and [Acute Care Licensing Program] Healthcare Facility Licensure** within the Department and the applicant, who shall be advised that the purpose of the license is to allow the Department to determine whether the applicant complies with N.J.S.A. 26:2H-1 et seq., 26:2H-79 through 80 specifically, and any relevant rules promulgated pursuant thereto, including this chapter.

(c) — (l) (No change.)

#### 8:42C-2.7 Waiver

(a) (No change.)

(b) A hospice seeking a waiver of these rules shall apply in writing to the Director of the [Department's] Office of Certificate of Need and Healthcare Facility Licensure.

(c) — (d) (No change.)

### SUBCHAPTER 3. GENERAL REQUIREMENTS

#### 8:42C-3.2 Ownership

(a) The hospice shall disclose the ownership of the hospice and the property on which it is located to the Department.

1. (No change.)

2. Any proposed change in ownership shall be reported to the Director of the [Department's] Office of Certificate of Need and Healthcare Facility Licensure in writing at least 30 days prior to the change and in conformance with the requirements for Certificate of Need applications at N.J.A.C. 8:33-3.3.

(b) (No change.)

#### 8:42C-3.3 Submission of documents

The hospice shall, upon request, submit any documents which are required by these rules to the [Department's] Office of Certificate of Need and Healthcare Facility Licensure.

### SUBCHAPTER 5. PATIENT RIGHTS

#### 8:42C-5.1 Policies and procedures

(a) (No change.)

(b) Each patient shall be entitled to the following rights, none of which shall be abridged or violated by the hospice or any of its staff:

1. –3. (No change.)

4. To be informed in writing of the following:

i. – iv. (No change.)

v. Notification regarding the filing of complaints with the [New Jersey Department of Health and Senior Services'] **Department's** 24-hour Complaint Hotline at 1-800-792-9770, or in writing to[:

New Jersey State Department of Health and Senior Services] **the**

Office of [Health Facilities] Assessment and Survey.

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5. –22. (No change.)

23. To be transferred to another hospice provider only for one of the reasons delineated in the Standards for Licensure of Residential Health Care Facilities **Located with, and Operated by, Licensed Health Care Facilities, at N.J.A.C. 8:43-4.16(g);** and

24. (No change.)

(c) (No change.)

## SUBCHAPTER 8. PHARMACY SERVICES

### 8:42C-8.1 Pharmacy and supplies

(a) The hospice shall establish written policies and procedures governing pharmacy and supplies that are reviewed annually, revised as needed, and implemented. The written policies and procedures shall include at least the following:



1. Requirements for the purchase, storage, handling, safeguarding, accountability, use, and disposition of medications in accordance with the New Jersey State Board of Pharmacy rules (N.J.A.C. 13:39), the Federal [Controlled Dangerous Substances] **Comprehensive Drug Abuse Prevention and Control** Act of 1970 and amendments thereto (**popularly known as the Controlled Substances Act**), 21 U.S.C. §§ 801 et seq. and [rules] **regulations** promulgated pursuant thereto, and the New Jersey Controlled Dangerous Substances Act [of 1970 (], N.J.S.A. 24:21-1 et seq.)], [as well as subsequent amendments] and rules promulgated pursuant thereto; and

2. (No change.)

(b)-(c) (No change.)

## SUBCHAPTER 9. MEDICAL/HEALTH RECORDS

### 8:42C-9.1 Maintenance of medical/health records

(a) At least 14 days before a hospice plans to cease operations, it shall notify the [New Jersey] Department [of Health and Senior Services] in writing of the location and method for retrieval of medical/health records.

(b) (No change.)