



State of New Jersey  
DEPARTMENT OF HEALTH AND SENIOR SERVICES  
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JON S. CORZINE  
Governor

[www.nj.gov/health](http://www.nj.gov/health)

HEATHER HOWARD  
Commissioner

February 27, 2009

TO: Administrators for Licensed Home Health Care Agencies, Hospice Care  
Providers and Ambulatory Care Facilities  
Interested Parties

FROM: Heather Howard  
Commissioner

RE: Patient Safety Act Implementation

The Department of Health and Senior Services adopted administrative rules at N.J.A.C. 8:43E-10 implementing the "Patient Safety Act," N.J.S.A. 26:2H-12.23 through 12.25. The rules require licensed health care facilities to report every serious preventable adverse event that occurs within the licensed facility to the Department. N.J.A.C. 8:43E-10.2(a)4, 5 and 7 became effective on August 30, 2008, respectively, for home health agencies licensed pursuant to N.J.A.C. 8:42 hospice care providers licensed pursuant to N.J.A.C. 8:42C and ambulatory care facilities licensed pursuant to N.J.A.C. 8:43A.

The purpose of this letter is to describe a phased process for implementation of adverse event reporting requirements for licensed home health care agencies, hospice care providers, and ambulatory care facilities with the exception of ambulatory care surgery centers. This phase-in will apply to serious preventable adverse event reporting pursuant to N.J.A.C. 8:43E-10.6(c) and voluntary reporting pursuant to N.J.A.C. 8:43E-10.8.

New Jersey will be only one of a few states to apply mandatory reporting to these facilities. A period of evaluation is necessary regarding the application of the Patient Safety Act's adverse event definitions to care delivered episodically in the home or in an ambulatory setting. Furthermore, public comment on implementing administrative rules regarding N.J.A.C. 8:43E-10.2 noted the obstacles faced by home health care agencies, hospices, and ambulatory care facilities in implementing the Patient Safety Act and asked for delayed implementation. Upon further consideration, the Department has determined it is reasonable to extend the implementation of the Patient Safety Act using a phased approach for licensed home health care agencies, hospice care providers, and ambulatory care facilities with the exception of ambulatory care surgery facilities.

Interested Parties  
Page Two

In Phase 1, effective April 10, 2009, licensed home health care agencies, hospice care providers, and ambulatory care facilities shall identify a patient safety contact and establish patient safety committees. Please complete the attached form designating a contact and fax to the Patient Safety Initiative before April 10, 2009 at 609-984-7707.

The obligation to report events articulated at N.J.A.C. 8:43E-10.6(e) through (j) and voluntary reporting pursuant to N.J.A.C. 8:43E-10.8 will not come into effect until Phase 2 of the implementation, at a date still to be determined.

In the interim, licensed home health care agencies, hospice care providers, and ambulatory care facilities shall continue to report events to the Office of Health Facilities Assessment and Survey in compliance with N.J.A.C. 8:43A-3.8 and N.J.A.C. 8:43E-10.11 as part of the licensing requirements. Submit reports by telephone to 800-792-9770 or by fax to 609-943-3013.

For questions regarding event reporting to the Department's Assessment and Survey Office, please call at 609-633-8991.

Attachment

- c. Eliot Fishman, Director, Office of Policy
- Matthew D'Oria, Deputy Commissioner