



State of New Jersey
DEPARTMENT OF HEALTH

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DR. RAYNARD E. WASHINGTON
Commissioner

To: All Licensed Facilities

From: Rebecca Nazario-Straffi, MBA, Assistant Commissioner
Division of Certificate of Need and Licensing 

Date: September 3, 2026

Re: Civil Monetary Penalties for Violation of Transfer of Ownership
Approval Requirement

The Department of Health ("Department") is issuing this guidance memorandum to inform all licensed facilities of the Department's decision to resume the issuance of civil monetary penalty (CMP) letters to facilities that transfer ownership without Department approval.

Pursuant to N.J.A.C. 8:33-1.2(i), an application shall be filed with the Office of Certificate of Need and Healthcare Facility Licensing for approval prior to the transfer of ownership of a facility. N.J.A.C. 8:33-3.3(a) requires a certificate of need for a transfer of ownership of an entire general hospital or a transfer that will result in a new Medicare provider number for the hospitals involved. The transfer of ownership of all other operating health care facilities not specified in (a) above do not require a certificate of need but do require Department approval. See N.J.A.C. 8:33-3.3(b).

N.J.A.C. 8:43E-3.4(a)5 permits the Department to assess a CMP for the transfer of ownership of a health care facility without prior Department approval. The penalty amount is \$ 500.00 per day from the date of the transfer of interest to the date of discovery by the Department. At some point in the past, the Department stopped issuing CMP letters pursuant to N.J.A.C. 8:43E-3.4(a)5.

At this time the Department has made the decision to resume the assessment of such penalties. If the Department discovers that a transfer of ownership was performed without Department approval after September 30, 2026, the Department will issue a CMP letter pursuant to N.J.A.C. 8:43E-3.5(a)5 and 8:33-3.3(c).

Any questions regarding this memo may be directed to Nicole Pine, Certificate of Need and Healthcare Facility Licensure Program at Nicole.Pine@doh.nj.gov.