

ADOPTIONS SECTION

HEALTH

HEALTH SYSTEMS BRANCH

CERTIFICATE OF NEED AND LICENSING DIVISION

CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE PROGRAM

Notice of Readoption

Certificate of Need and Healthcare Facility Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia

Readoption with Technical Changes: N.J.A.C. 8:33C

Authorized By: Judith M. Persichilli, RN, BSN, MA, Commissioner, Department of Health.

Authority: N.J.S.A. 26:2H-1 et seq., specifically N.J.S.A. 26:2H-5(b).

Effective Dates: November 18, 2021, Readoption;
December 20, 2021, Technical Changes.

New Expiration Date: November 18, 2028.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner of the Department of Health (Department) hereby readopts N.J.A.C. 8:33C, Rules for Certificate of Need and Healthcare Facility Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia. N.J.A.C. 8:33C was scheduled to expire July 10, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet

occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

N.J.A.C. 8:33C, Certificate of Need and Healthcare Facility Licensure:

Regionalized Perinatal Services and Maternal and Child Health Consortia, governs the certificate of need and licensure requirements for the three Maternal and Child Health Consortia (MCHC), the certificate of need and designation requirements for MCHC members providing perinatal services, and ensures the services are provided in a coordinated and cooperative manner and that the services are accessible to those in need of care.

Subchapter 1. General Provisions, establishes standards for the scope and purpose, definitions, certificate of need, submission of certificate of need applications, and data reporting requirements of certificate of need applicants. Subchapter 2. Maternal and Child Health Consortia, establishes standards for the Establishment of maternal and child health service regions, membership of the maternal and child health consortia, governance of the regional maternal and child health consortia, budget requirements of the maternal and child health consortia, staffing requirements of the regional maternal and child health consortia, functions of the regional maternal and child health consortia, regional perinatal and pediatric plan, projection of need for intermediate and intensive bassinets, distribution of intermediate and intensive bassinets, regional professional and consumer education, total quality improvement program, regional maternal-fetal and neonatal transport system, and infant follow-up. Subchapter 3. Certificate of Need Review Criteria, establishes standards for MCHC certificate of need application review criteria, facility certificate of need application

review criteria, certificate of need application requirements, designation-specific certificate of need documentation, and relationship between licensure and certificate of need requirements. Subchapter 4. Maternal and Child Health Consortia Licensure Requirements, establishes standards for application for licensure, licensure, surrender of license, waiver, action against a licensee, hearings, relocation, and transfer of ownership. Subchapter 5. Minimum Requirements For Licensure of Maternal and Child Health Consortia, establishes standards for required services, data reporting requirements, compliance with laws and rules, policy and procedure manual, reportable events, and notices. Subchapter 6. Governing Authority, establishes standards for appointment of the MCHC governing authority and responsibility of the governing authority. Subchapter 7. Administration, establishes standards for appointment of administrator/executive director, administrative/executive director's responsibilities, and staff qualifications.

The Commissioner has reviewed N.J.A.C. 8:33C and has determined that the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which they were promulgated, as amended and supplemented over time, and should be readopted. Therefore, subject to the technical changes discussed below, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:33C is readopted and shall continue 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 also updating contact information and correcting cross-references within the text of the rule.

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

SUBCHAPTER 1. GENERAL PROVISIONS

8:33C-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

...

"Commissioner" means the New Jersey State Commissioner of Health [and Senior Services].

...

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

...

8:33C-1.3 Certificate of need

(a) (No change.)

(b) Certificate of need applications and instructions for completion pursuant to N.J.A.C.

8:33 and this chapter may be obtained from:

New Jersey State Department of Health [and Senior Services]

Division of Certificate of Need and [Acute Care Licensure] Licensing

PO Box [360, Room 604] **358**

Trenton, New Jersey 08625-[0360]0358

(c) - (d) (No change.)

8:33C-1.5 Data reporting requirements of certificate of need applicants

(a) (No change.)

(b) All Regional and Community Perinatal Center certificate of need applicants shall document the ability to comply with the following data reporting requirements for submission to the Department and the appropriate MCHC:

1. (No change.)

2. New Jersey Department of Health [and Senior Services] Electronic Birth Certificate system, as required by N.J.S.A. 26:8-[2.8]28 and N.J.A.C. 8:2; and

3. (No change.)

(c) (No change.)

SUBCHAPTER 2. MATERNAL AND CHILD HEALTH CONSORTIA

8:33C-2.3 Governance of the regional Maternal and Child Health Consortia

(a)-(b) (No change.)

(c) The Board of Directors or Trustees shall be nominated from and voted upon by the general membership. The Board shall consist of a minimum of 18 members, one-third of which shall be hospital providers, one-third of which shall be non-hospital providers and one-third of which shall be consumers/consumer advocacy organizations. The

racial/ethnic composition of the maternal and child health service region, as well as an appropriate number of agencies concerned with women's reproductive health and the needs of pregnant women, infants, young children, adolescents, and children with special needs, shall be reflected in the membership of the MCHC Board of Directors or Trustees. At least two members shall be physicians, holding a current New Jersey license, one who is board eligible or certified in obstetrics, and one who is board eligible or certified in pediatrics. At least one member shall be a registered professional nurse, holding a current New Jersey license with a certification in either maternal and child health nursing or in community health nursing. At least one member shall be a full-time health officer, as defined [in] **at N.J.A.C. 8:52-[1.4]2.1.**

8:33C-2.4 Budget requirements of the Maternal and Child Health Consortia

Each MCHC certificate of need applicant shall submit a budget plan for the first complete year of operation which links all projected salary and non-salary costs to the required activities as described [in] **at N.J.A.C. 8:33C-2.5, Staffing requirement, 5.1, [(required) Required services[]], and 7.3 ([staffing requirements], Staff qualifications[]).** Subsequent to certificate of need approval, a projected budget, including the Board approved formula for distribution of the allocated or assessed amount to be paid by member hospitals, shall be provided annually by the MCHC to the Department for review and approval.

SUBCHAPTER 3. CERTIFICATE OF NEED REVIEW CRITERIA

8:33C-3.4 Designation-specific certificate of need documentation

(a) In addition to the requirements specified [in] **at** N.J.A.C. 8:33C-3.2(a) and 3.3(b), certificate of need applicants seeking designation as Regional Perinatal Centers shall provide the following additional information:

1. – 6. (No change.)

7. Documentation that high risk infant follow-up services shall be provided.

Guidelines, compliance with which is not mandatory, are available from the Department of Health [and Senior Services], Regional Services Program, PO Box 364, Trenton, New Jersey 08625-0364, telephone (609) 292-5616;

8. - 9. (No change.)

10. Documentation that a full range of risk reduction services shall be provided.

Guidelines, compliance with which is not mandatory, are available from the Department of Health [and Senior Services], Regional Services Program, PO Box 364, Trenton, New Jersey 08625-0364, telephone (609) 292-5616.

(b) In addition to the requirements specified [in] **at** N.J.A.C. 8:33C-3.2(a) and 3.3(b), certificate of need applicants seeking designation as a Community Perinatal Center-Intensive shall provide the following additional information:

1. – 3. (No change.)

4. Documentation of a mechanism for providing or assuring access to high risk infant follow-up services. Guidelines, compliance with which is not mandatory, are available from the Department of Health [and Senior Services], Regional Services Program, PO Box 364, Trenton, New Jersey 08625-0364, telephone (609) 292-5616.

(c) - (f) (No change.)

SUBCHAPTER 4. MATERNAL AND CHILD HEALTH CONSORTIA LICENSE
REQUIREMENTS

8:33C-4.1 Application for licensure

(a) Following receipt of a certificate of need, any person, organization, or corporation desiring to operate a MCHC shall make application to the Commissioner for licensure on forms prescribed by the Department, in accordance with the requirements set forth in this chapter. Operation of the MCHC shall not commence until the license is issued. Every MCHC shall apply for licensure renewal annually. Licensure application forms may be obtained from:

Director

Division of Certificate of Need and [Acute Care Licensure] Licensing

[Division of Health Care Systems Analysis]

New Jersey State Department of Health [and Senior Services]

PO Box 360

Trenton, New Jersey 08625-0360

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

8:33C-4.3 Surrender of license

(a) The MCHC shall notify the Department at least 30 days prior to the voluntary surrender of a license. Whenever a license is subject to voluntary surrender, revocation, nonrenewal, or suspension it shall be returned to the **Division of Certificate of Need**

and [Acute Care Licensure Program] **Licensing** of the Department within seven working days after the voluntary surrender, revocation, non-renewal, or suspension.

(b) (No change.)

SUBCHAPTER 5. MINIMUM REQUIREMENTS FOR LICENSURE OF MATERNAL AND CHILD HEALTH CONSORTIA

8:33C-5.1 Required services

(a) (No change.)

(b) The MCHC shall develop and implement a system for discharge planning, infant follow-up and child health care coordination in the MCHC region. This system shall assure post-discharge continuity of care and shall be linked to necessary resources, such as:

1. (No change.)

2. Referral to follow-up services for [high risk] **high-risk** infants. Guidelines, compliance with which is not mandatory, are available from the Department of Health [and Senior Services], Regional Services Program, PO Box 364, Trenton, New Jersey 08625-0364, telephone (609) 292-5616;

3. - 5. (No change.)

(c) - (e) (No change.)