

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

OFFICE OF HEALTH CARE FINANCING

Ambulatory Care Facility Assessment

Readoption with Amendments: N.J.A.C. 8:31A

Proposed: February 7, 2022, at 54 N.J.R. 248(a).

Adopted: June 1, 2022, by Judith M. Persichilli, R.N., B.S.N., M.A., Commissioner,
Department of Health (with approval by the Health Care Administration Board).

Filed: June 1, 2022, as R.2022 d.079, **without change**.

Authority: N.J.S.A. 26:2H-1 et seq., specifically, 26:2H-5 and 26:2H-18.57.

Effective Dates: June 1, 2022, Readoption;
July 5, 2022, Amendments.

Expiration Date: June 1, 2029.

Summary of Public Comment and Agency Response:

The Department of Health (Department) received one comment from Preetham Pillarisetty, Radiology Center at Harding, Morristown, New Jersey, during the 60-day public comment period, which ended on April 8, 2022. The comment and the Department's response thereto are set forth below:

1. COMMENT: "No other state charges [an] ambulatory tax and i dont [sic] think the collected ambulatory tax is properly being utilized. It should be taken off. We survive with low profits and its [sic] really hurting our bottom line."

RESPONSE: The requirements for the Ambulatory Care Facility Assessment are set by statute, specifically, N.J.S.A. 26:2H-5 and 26:2H-18.57. Because the assessment is statutorily required, the Department is without authority or discretion to alter or abolish it.

Federal Standards Statement

The rules readopted with amendments are consistent with, and would not exceed, [42 CFR 433.55](#), a regulation that the Centers for Medicare and Medicaid Services administer, which addresses "health care-related taxes." There are no other Federal standards applicable to the rules readopted with amendments. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 8:31A.

Full text of the adopted amendments follows:

TEXT