

ADOPTIONS SECTION

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

Notice of Readoption

General Licensure Procedures and Standards Applicable to All Licensed Facilities

Readoption: N.J.A.C. 8:43E

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

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

Effective Date: April 13, 2020.

New Expiration Date: April 13, 2027.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, which was to expire on May 16, 2020.

N.J.A.C. 8:43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, governs all health care facilities subject to the Health Care Facilities Planning Act (Act), N.J.S.A. 26:2H-1 et seq. This chapter permits the Department to inquire into the operations of health care facilities and certain health care services through the survey and inspection process; and impose enforcement actions that include an assessment of civil monetary penalties upon those facilities that fail to

comply with applicable licensure standards. N.J.A.C. 8:43E-1 provides the scope, purpose, and definitions for the chapter. Subchapter 2 establishes standards for survey procedures, including deficiency findings, informal dispute resolution, and plans of correction. Subchapter 3 details the enforcement remedies available to the Department. Subchapter 4 establishes the rules for hearings and settlements of enforcement actions. Subchapter 5 details the licensure procedures including track record evaluations, surveys, licensure, conditional licenses, surrender of license, and waivers. Subchapter 6 provides the rules for pain management procedures. Subchapter 7 details the requirements to use needles and sharp instruments containing integrated safety features or needless devices. Subchapter 8 details the rules regarding mandatory overtime for employees. Subchapter 9 is reserved. Subchapter 10 concerns safety requirements for patients or residents as well as events that must be reported. Subchapter 11 concerns violence prevention in health care facilities. Subchapter 12 details the rules for handling patients safely. Subchapter 13 details the rules for the universal transfer form. Subchapter 14 details the rules for human trafficking handling and response training.

The Department is developing rulemaking to revise, update, and reorganize existing N.J.A.C. 8:43E, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, the Public Health Emergency that Governor Philip D. Murphy declared in Executive Order No. 103, on March 9, 2020, has necessitated the reallocation of many Department personnel and resources to pandemic response activities, making it unlikely that the Department will be able to finalize the anticipated rulemaking prior to chapter expiration. Moreover, the

declaration has made impracticable the convening of a meeting of the Health Care Administration Board to obtain that Board's authorization to process the anticipated rulemaking, as required by the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq. Therefore, the Department will not be able to finalize the anticipated rulemaking prior to the expiration of existing N.J.A.C. 8:43E.

The Commissioner has reviewed N.J.A.C. 8:43E and has determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:43E is readopted and shall continue in effect for seven years.