

CHAPTER 43H
MANUAL OF STANDARDS FOR LICENSURE
OF REHABILITATION HOSPITALS

Authority

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

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R.2005 d.158, effective April 22, 2005.
See: 36 N.J.R. 4908(a), 37 N.J.R. 1728(a).

Chapter Expiration Date

Chapter 43H, Manual of Standards for Licensure of Rehabilitation Hospitals, expires on April 22, 2010.

Chapter Historical Note

Chapter 43H, Rehabilitation Hospitals, was adopted as R.1989 d.432, effective August 21, 1989. See: 21 N.J.R. 1067(a), 21 N.J.R. 2476(b).

Subchapter 23, Physical Plant, and Subchapter 24, Functional Requirements, were adopted as R.1989 d.433, effective August 21, 1989. See: 21 N.J.R. 1188(a), 21 N.J.R. 2494(a).

Pursuant to Executive Order No. 66(1978), Chapter 43H, Manual of Standards for Licensure of Rehabilitation Hospitals, was readopted as R.1994 d.367, effective June 17, 1994. See: 26 N.J.R. 1628(a), 26 N.J.R. 2896(c). Pursuant to Executive Order No. 66(1978), Chapter 43H expired on June 17, 1999.

Chapter 43H, Manual of Standards for Licensure of Rehabilitation Hospitals, was adopted as new rules by R.1999 d.400, effective November 15, 1999. See: 31 N.J.R. 1843(a), 31 N.J.R. 3821(a).

Chapter 43H, Manual of Standards for Licensure of Rehabilitation Hospitals, was readopted as R.2005 d.158, effective April 22, 2005. See: Source and Effective Date.

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i. The rehabilitation hospital shall inform each person in writing of the results of his or her rubella screening test.

ii. The rehabilitation hospital shall maintain a list identifying the name of each person who is seronegative and unvaccinated to rubella.

iii. The rehabilitation hospital shall offer rubella vaccination to all employees, contract personnel and volunteers.

iv. A person serving as a volunteer providing direct care to patients shall not be subject to any type of rubella screening test.

9. All personnel, both directly employed and under contract to provide direct care to patients, who were born in 1957 or later shall be given a rubeola (measles) screening test using the hemagglutination inhibition test or other rubeola screening test. The only exceptions are personnel who can document receipt of live measles vaccine on or after their first birthday, physician-diagnosed measles, or serologic evidence of immunity.

i. The rehabilitation hospital shall ensure that all personnel, both directly employed and under contract to provide direct care to patients, who cannot provide serologic evidence of immunity are offered rubella and rubeola vaccination.

ii. A person serving as a volunteer providing direct care to patients shall not be subject to any type of rubeola screening test.

10. The rehabilitation hospital shall have available and shall comply with the guidelines listed below, incorporated herein by reference, to protect health care workers who may be exposed to infectious blood-borne diseases, such as AIDS and hepatitis-B:

i. "Enforcement Procedures for Occupational Exposure to Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV)," OSHA Instruction CPL-2-2.44B, August 15, 1990, as amended and supplemented;

ii. "Recommendations for Prevention of HIV Transmission in Health Care Settings," CDC, Morbidity and Mortality Weekly Report (MMWR) 1987; Volume 36 (supplement 2S), as amended and supplemented; and

iii. "Update: Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health Care Settings," CDC Morbidity and Mortality Weekly Report (MMWR) 1988; Volume 37, as amended and supplemented.

(b) The policy and procedure manual(s) shall be available and accessible to all patients, staff, and the public.

Amended by R.2001 d.287, effective August 20, 2001.

See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).

In (a)3, substituted "improvement" for "assurance" following "quality"; rewrote (a)7i; added (a)8 through (a)10.

¹ Copies of the law can be obtained from the local district office of the Division of Youth and Family Services (DYFS) or from the Office of Program Support, Division of Youth and Family Services, New Jersey State Department of Human Services, PO Box 717, Trenton, NJ 08625.

8:43H-3.6 Patient transportation

The facility shall develop and implement methods of patient transportation for services provided outside the facility, including emergency services, which includes plans for security and accountability for the patient and his or her personal possessions.

8:43H-3.7 Written agreements

(a) The rehabilitation hospital shall have a written agreement, or its equivalent, for services provided by contract or subcontract. The written agreement, or its equivalent, shall:

1. Be dated and signed by a representative of the rehabilitation hospital and by the person or agency providing the service;

2. Specify each party's responsibilities, functions, and objectives, the time during which services are to be provided, the financial arrangements and charges, and the duration of the written agreement or its equivalent;

3. Specify that the rehabilitation hospital shall retain administrative responsibility for services rendered, including subcontracted services;

4. Require that services are provided in accordance with this chapter and that personnel providing services meet training and experience requirements and are supervised in accordance with this chapter; and

5. Require that written documentation of services be provided to the facility within seven working days of execution of the contract, including, but not limited to, documentation of services rendered by the person or agency providing the service.

Amended by R.2001 d.287, effective August 20, 2001.

See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).

Rewrote the section.

8:43H-3.8 Reportable events

(a) The facility shall notify the Department immediately by telephone at 609-292-9900 (1-800-792-9770 after business hours), of any event occurring within the facility that jeopardizes the health and safety of patients or employees. Events which shall be reported to the Department include, but are not limited to, the following:

1. An unscheduled interruption for three or more hours of physical plant and/or clinical services essential to the health and safety of patients and employees;

2. All fires, disasters, or accidents which result in serious injury or death of patients or employees, or in evacuation of patients out of the facility;

3. All alleged or suspected crimes which endanger the life or safety of patients or employees, which are also reportable to the police department, and which result in an immediate on-site investigation by the police;

4. Any other unexpected patient and employee death or serious injury; and

5. The presence of epidemic disease in the facility.

(b) Information received by the Department of Health and Senior Services through immediate notification shall not be disclosed to public in such a way as to indicate the names of the specific patients or hospital employees to whom the information pertains.

(c) A follow-up written report shall be submitted to the Department within seven calendar days of the event, unless determined not to be necessary by the Department. The written report shall contain information about injuries to patients and/or staff, disruption of services, extent of damages and corrective actions taken.

Amended by R.2001 d.287, effective August 20, 2001.
See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).
Rewrote (a); added (b) and (c).

8:43H-3.9 Notices

(a) The rehabilitation hospital shall conspicuously post a notice that the following information is available in the facility during the facility's regular business hours to patients and the public:

1. All waivers granted by the Department;
2. All documents required by this chapter;
3. A list of deficiencies from the last annual licensure inspection and certification survey report (if applicable), and the list of deficiencies from any valid complaint investigation during the past 12 months;
4. A list of the rehabilitation hospital committees, or their equivalents, and the membership of each; and
5. Policies and procedures regarding patient rights;

(b) A rehabilitation hospital shall maintain on file in the administrator's office, the following information for any interested party to review:

1. The names and addresses of members of the governing authority; and
2. Any changes or membership of the governing authority, within 30 days after the change.

Amended by R.2001 d.287, effective August 20, 2001.
See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).
Rewrote (a); added (b).

8:43H-3.10 Reporting information to State Board of Medical Examiners

(a) A rehabilitation hospital shall make reports to the Medical Practitioner Review Panel for all events specified at N.J.S.A. 26:2H-12.2 with respect to any practitioner employed by, or under contract to, the rehabilitation hospital.

(b) For purpose(s) of (a) above, "practitioner" means physician, medical resident or intern, or podiatrist.

(c) The rehabilitation hospital shall provide the required notification within seven days of the date of the action, settlement, judgement or award to the New Jersey State Board of Medical Examiners, 140 East Front Street, Trenton, New Jersey 08608. (Questions may be directed to the Board office at (609) 292-4843).

Repeal and New Rule. R.2001 d.287, effective August 20, 2001.
See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).

Section was "Information reportable to State Board of Medical Examiners".

8:43H-3.11 Reporting to professional licensing boards

The rehabilitation hospital shall comply with all requirements of the professional licensing boards for reporting termination, suspension, revocation, or reduction of privileges of any health professional licensed in the State of New Jersey.

Repeal and New Rule. R.2001 d.287, effective August 20, 2001.
See: 32 N.J.R. 4073(a), 33 N.J.R. 2893(a).
Section was "Maintenance of records".

8:43H-3.12 Financial reports

(a) Upon development of a uniform cost reporting system approved by the Health Care Administration Board, the facility shall adopt and maintain the uniform system of cost reporting from which reports will be prepared to meet the requirements of the Commissioner as stated in N.J.S.A. 26:2H-1 et seq., and amendments thereto.

(b) An annual financial report shall be submitted to the Department and shall include a statement of income and expenditure.

SUBCHAPTER 4. GOVERNING AUTHORITY

8:43H-4.1 Responsibility of the governing authority

(a) The facility shall have a governing authority which shall assume legal responsibility for the management, operation, and financial viability of the facility. The governing authority shall be responsible for, but not limited to, the following:

1. Services provided and the quality of care rendered to patients;