

“Social worker” means a person who is certified or licensed by the New Jersey State Board of Social Work Examiners.

“Speech-language pathologist” means a person who holds a current New Jersey license issued by the Audiology and Speech-Language Pathology Advisory Committee, Division of Consumer Affairs of the New Jersey Department of Law and Public Safety.

“Staff education plan” means a written plan that describes a coordinated program for staff education for each service, including in-service programs and on-the-job training.

“Staff orientation plan” means a written plan for the orientation of each new employee to the duties and responsibilities of the service to which the employee has been assigned, as well as to the personnel policies of the facility.

“Sterilization” means a process of destroying all microorganisms, including those bearing spores, in, on, and around an object.

“Supervision” means authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his or her sphere of competence, with initial direction and periodic on-site inspection of the actual act of accomplishing the function or activity.

“Transportation services” means the conveying of participants who require transportation between the facility and the participant’s home, either directly or through contractual arrangements. No participant’s daily transportation time shall exceed two hours.

“Volunteer” means a person who gives his or her time and services regularly without remuneration.

### 8:43F-1.3 Licensure application procedures and requirements

(a) Any person, organization, or corporation desiring to operate an adult or pediatric day health services facility shall make application to the Commissioner for a license on forms prescribed by the Department. Such forms may be obtained from:

Director  
Long Term Care Licensing and Certification  
Division of Long Term Care Systems  
New Jersey Department of Health and Senior Services  
PO Box 367  
Trenton, NJ 08625-0367

1. The Department shall charge a nonrefundable fee of \$1,000 for the filing of an application for licensure and \$1,000 for each annual renewal thereof.

2. The Department shall charge a nonrefundable fee of \$1,000 for the filing of an application to add services or program slots to an existing adult or pediatric day health services facility.

3. The Department shall charge a nonrefundable fee of \$250.00 for the filing of an application to reduce services at an existing adult or pediatric day health services facility.

4. The Department shall charge a nonrefundable fee of \$250.00 for the filing of an application for the relocation of an adult or pediatric day health services facility.

5. The Department shall charge a nonrefundable fee of \$1,000 for the filing of an application for the transfer of ownership of an adult or pediatric day health services facility.

6. All applicants shall demonstrate that they have the capacity to operate an adult or pediatric day health services facility in accordance with the rules in this chapter. An application for a license or change in service shall be denied if the applicant cannot demonstrate that the premises, equipment, personnel, including principals and management, finances, rules and bylaws, and standards of health care are fit and adequate and that there is reasonable assurance that the health care facility will be operated in accordance with the standards required by these rules. The Department shall consider an applicant’s prior history in operating a health care facility either in New Jersey or in other states in making this determination. Any evidence of licensure violations representing serious risk of harm to participants may be considered by the Department, as well as any record of criminal convictions representing a risk of harm to the safety or welfare of participants.

7. Each adult and pediatric day services facility shall be assessed a biennial inspection fee of \$300.00. This fee shall be assessed in the year the facility will be inspected along with the annual licensure fee for that year. The fee shall be added to the initial licensure fee for new facilities. Failure to pay the inspection fee shall result in nonrenewal of the license for existing facilities and the refusal to issue an initial license for new facilities. This fee shall be imposed only every other year even if inspections occur more frequently and only for the inspection required to either issue an initial license or to renew an existing license. This fee shall not be imposed for any other type of inspection.

### 8:43F-1.4 Waiver

(a) The Commissioner or his or her designee may, in accordance with the general purposes and intent of N.J.S.A. 26:2H-1 et seq. and the rules in this chapter, waive provisions of these rules if, in his or her opinion, such waiver would not render the premises, equipment, personnel, finances, rules and bylaws, and standards of health care at a facility unfit or inadequate.

1. A facility seeking a waiver of these rules shall apply in writing to the Director of the Licensing and Certification Program of the Department.

2. A written request for waiver shall include the following:

i. The specific rule(s) or part(s) of the rule(s) for which waiver is requested;

ii. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the facility upon adherence;

iii. An alternative proposal which would ensure the care and safety of participants; and

iv. Documentation to support the request for waiver.

3. The Department reserves the right to request additional information before processing a request for waiver.

#### 8:43F-1.5 Newly constructed or expanded facilities

(a) The licensure application for a newly constructed, renovated or expanded facility shall include written approval of final construction of the physical plant by:

Health Care Plan Review Services  
Division of Codes and Standards  
New Jersey Department of Community Affairs  
PO Box 815  
Trenton, NJ 08625-0815  
609-633-8151

1. Any existing or proposed adult or pediatric day health services facility with a construction program shall submit plans to the Health Care Plan Review Services, Division of Codes and Standards, Department of Community Affairs, PO Box 815, Trenton, NJ 08625-0815, for review and approval prior to the initiation of construction.

2. An on-site inspection of the construction of the physical plant shall be made by representatives of Health Care Plan Review Services to verify that the building has been constructed in accordance with the architectural plans approved by the Department of Community Affairs. At the discretion of the Health Care Plan Review Services a certificate of occupancy issued by the local municipality may be submitted in lieu of an on-site inspection.

#### 8:43F-1.6 Preliminary conference

When a newly constructed facility is approximately 80 percent complete or when an applicant's estimated date of opening is within 30 days, the applicant shall schedule a preliminary conference with the Long Term Care Licensing and Certification Program for review of the conditions for licensure and operation.

#### 8:43F-1.7 Surveys

(a) When the written application for licensure is approved and the building is ready for occupancy, a survey of the facility by representatives of the Department shall be conducted at the Department's discretion to determine if the facility adheres to the rules in this chapter.

1. The facility shall be notified in writing of the findings of the survey, including any deficiencies found.

2. The facility shall notify the Division of Long Term Care Systems of the Department when the deficiencies, if any, have been corrected, and the Assessment and Survey Program will schedule one or more resurveys of the facility prior to occupancy.

3. Professional personnel shall be employed in accordance with the staffing requirements in this chapter.

(b) No facility shall admit participants to the facility until the facility has the approval and/or license issued by the Long Term Care Licensing and Certification Program of the Department.

(c) Survey visits may be made to a facility at any time by authorized representatives of the Department. Such visits may include, but not be limited to, the review of all facility documents and participants' records and conferences with participants.

(d) The Department shall conduct an on-going evaluation of the day health services facility by on-site visits. A Day Health Services On-Site Report (chapter Appendix D, incorporated herein by reference) shall be completed by Department staff and a copy shall be forwarded to the facility.

(e) Department staff may request a plan of correction if the facility is evaluated as providing substandard services and/or inadequate documentation of these services. The plan of correction shall address deficiencies noted by the Department staff, and shall be submitted to the Department by the facility by the requested date.

1. If a follow-up on-site visit reveals the plan of correction is not being implemented, a ban on new admissions to the facility or other such actions as the Department deems necessary may be considered. For example, prior authorization of services may be imposed. Continued non-compliance with the Department's standards may result in the termination of the provider agreement, with a 30-day notice of termination sent to the facility by the Department. Providers wishing to request hearings under this section are referred to N.J.A.C. 10:49-10.3 and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

#### 8:43F-1.8 License

(a) A license shall be issued if surveys by the Department have determined that the facility is operated as required by N.J.S.A. 26:2H-1 et seq. and the rules promulgated pursuant thereto.