

(c) Any adult day health care facility with a construction program shall submit plans to the Health Facilities Construction Services of the Department for review and approval prior to the initiation of construction.

Recodified from 8:43F-2.3 and amended by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

8:43F-2.3 Surveys and temporary license

(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 Division of Health Facilities Evaluation and Licensing 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 Health Facilities Evaluation and Licensing of the Department when the deficiencies, if any, have been corrected, and the Health Facilities Inspection Program will schedule one or more resurveys of the facility prior to occupancy.

(b) A temporary license may be issued to a facility when the following conditions are met:

1. A preliminary conference (see N.J.A.C. 8:43F-2.2(c)) for review of the conditions for licensure and operation has taken place between the Licensing, Certification and Standards Program and representatives of the facility, who will be advised that the purpose of the temporary license is to allow the Department to determine the facility's compliance with N.J.S.A. 26:2H-1 et seq. and the rules pursuant thereto;

2. Written approvals are on file with the Department from the local zoning, fire, health, and building authorities;

3. Written approvals of the water supply and sewage disposal system from local officials are on file with the Department for any water supply or sewage disposal system not connected to an approved municipal system;

4. Survey(s) by representatives of the Department indicate that the facility adheres to the rules in this chapter; and

5. Professional personnel are employed in accordance with the staffing requirements in this chapter.

(c) No facility shall admit patients to the facility until the facility has the written approval and/or license issued by the Licensing, Certification and Standards Program of the Department.

(d) Survey visits may be made to a facility at any time by authorized staff of the Department. Such visits may include, but not be limited to, the review of all facility

documents and patient records and conferences with patients.

(e) A temporary license may be issued to a facility for a period of six months and may be renewed as determined by the Department.

(f) The temporary license shall be conspicuously posted in the facility.

(g) The temporary license shall not be assignable or transferable and shall be immediately void if the facility ceases to operate, if the facility's ownership changes, or if the facility is relocated to a different site.

Recodified from 8:43F-2.4 and amended by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).
Amended by R.1996 d.339, effective July 15, 1996.
See: 28 N.J.R. 2365(a), 28 N.J.R. 3556(a).

8:43F-2.4 Full license

(a) A full license shall be issued on expiration of the temporary license, 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 by the rules pursuant thereto.

(b) A license shall be granted for a period of one year or less as determined by the Department.

(c) The license shall be conspicuously posted in the facility.

(d) The license shall not be assignable or transferable and shall be immediately void if the facility ceases to operate, if the facility's ownership changes, or if the facility is relocated to a different site.

(e) The license, unless suspended or revoked, shall be renewed annually on the original licensure date, or within 30 days thereafter but dated as of the original licensure date. The facility will receive a request for renewal fee 30 days prior to the expiration of the license. A renewal license shall not be issued unless the licensure fee is received by the Department.

(f) The license may not be renewed if local rules, regulations, and/or requirements are not met.

Recodified from 8:43F-2.5 by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).
Amended by R.1996 d.339, effective July 15, 1996.
See: 28 N.J.R. 2365(a), 28 N.J.R. 3556(a).

8:43F-2.5 Surrender of license

The facility shall notify each patient, the patient's physician, and any guarantors of payment at least 30 days prior to the voluntary surrender of a license, or as directed under an order of revocation, refusal to renew, or suspension of license. In such cases, the license shall be returned to the Licensing and Certification Program of the Department

within seven working days after the voluntary surrender, revocation, non-renewal, or suspension of license.

Recodified from 8:43F-2.6 by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

8:43F-2.6 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 sections of these rules if, in his or her opinion, such waiver would not endanger the life, safety, or health of patients or the public.

(b) A facility seeking a waiver of these rules shall apply in writing to the Director of the Licensing, Certification and Standards Program of the Department.

(c) A written request for waiver shall include the following:

1. The specific rule(s) or part(s) of the rule(s) for which waiver is requested;
2. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the facility upon adherence;
3. An alternative proposal which would ensure patient safety; and
4. Documentation to support the request for waiver.

(d) The Department reserved the right to request additional information before processing a request for waiver.

Recodified from 8:43F-2.7 by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

8:43F-2.7 Action against a license

(a) If the Department determines that operational or safety deficiencies exist, it may require that all new admissions to the facility cease. This may be done simultaneously with, or in lieu of, action to revoke licensure and/or impose a fine. The Commissioner or his or her designee shall notify the facility in writing of such determination.

(b) The Commissioner may order the immediate removal of patients from a facility whenever the Commissioner determines imminent danger to any person's health or safety.

(c) The provisions of this section shall apply to facilities with a temporary license and facilities with a full license.

Recodified from 8:43F-2.8 by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

8:43F-2.8 Hearings

(a) If the Department proposes to suspend, revoke, deny, or refuse to renew a license, the licensee or applicant may request a hearing which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. If the Commissioner has ordered the immediate removal of all patients from a facility pursuant to N.J.A.C. 8:43F-2.8, the applicant may request an expedited hearing.

(b) Prior to transmittal of any hearing request to the Office of Administrative Law, the Department may schedule a conference to attempt to settle the matter.

Recodified from 8:43F-2.9 by R.1995 d.128, effective March 6, 1995.
See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

SUBCHAPTER 3. GENERAL REQUIREMENTS

8:43F-3.1 Services provided

(a) The facility shall provide preventive, diagnostic, therapeutic, and rehabilitative services to patients who do not require 24-hour inpatient health care, in accordance with the rules in this chapter.

(b) The facility shall provide, at a minimum, dietary, nursing, patient activities, pharmaceutical, and social work services, directly in the facility.

(c) The facility shall provide dental, laboratory, medical, nutritional counseling, occupational therapy, physical therapy, speech-language pathology, and radiological services.

(d) The facility shall provide transportation services either directly or through contractual arrangements, to all patients who require transportation between the facility and the patient's home. No patient's total daily transportation time shall exceed two hours.

(e) Adult day health care services shall be provided for at least five consecutive hours daily, exclusive of transportation time, a minimum of five days a week.

(f) The facility shall provide at least one full-time, or full-time equivalent, staff member for every nine patient equivalents, calculated on the basis of the daily census. Additional staff members shall be provided when assessment of the acuity of patient need indicates that additional staff members are required, in accordance with the facility's patient care policies and procedures for determining staffing levels.

1. The facility shall maintain a daily record of patient attendance for each day on which services are provided.

(g) If a health care facility licensed by the Department provides adult day health care services in addition to other health care services, the facility shall adhere to the rules in this chapter and to the rules for licensure of facilities providing the other health care services.

(h) Except in an emergency, facilities shall not provide services for more than 12 hours during any calendar day of the year without prior written approval by the Department.

(i) The facility shall adhere to applicable Federal, State, and local laws, rules, regulations, and requirements.

8:43F-3.2 Ownership

(a) The ownership of the facility and the property on which it is located shall be disclosed to the Department. Proof of this ownership shall be available in the facility. Any proposed change in ownership shall be reported to the Director of the Licensing and Certification Program of the Department in writing at least 30 days prior to the change and in conformance with requirements for Certificate of Need applications.

(b) No facility shall be owned or operated by any person convicted of a crime relating adversely to the person's capability of owning or operating the facility.

8:43F-3.3 Submission and availability of documents

The facility shall, upon request, submit in writing any documents which are required by the rules in this chapter to the Director of the Licensing and Certification Program of the Department.

8:43F-3.4 Personnel

(a) The facility shall develop written job descriptions and ensure that personnel are assigned duties based upon their education, training, and competencies, and in accordance with their job descriptions.

(b) All personnel who require licensure, certification, or authorization to provide patient care shall be licensed, certified, or authorized under the appropriate laws or rules of the State of New Jersey.