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SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

8:43A-1.1 Scope

(a) This chapter applies to all health care facilities that provide ambulatory care services, including, but not limited to:

1. Primary care, hospital outpatient, ambulatory surgery, family practice, family planning, outpatient drug abuse treatment, chronic dialysis, computerized tomography, magnetic resonance imaging, extracorporeal shock wave lithotripsy, and radiological services; and

2. Abortion facilities, comprehensive outpatient rehabilitation facilities, and birth centers.

(b) Ambulatory care facilities provide preventive, diagnostic, and treatment services to persons who come to the facility to receive services and depart from the facility on the same day.

(c) The rules in this chapter constitute the basis for the licensure of ambulatory care facilities by the Department of Health and Senior Services.

Amended by R.2008 d.24, effective January 22, 2008.
See: 39 N.J.R. 2309(a), 40 N.J.R. 702(a).

Inserted all subsection designations; in the introductory paragraph of (a), substituted "This chapter applies" for "The rules in this chapter pertain", "that" for "which" and a colon for "; primary", and inserted a comma following "services"; in (a)1, inserted "Primary" and substituted "; and" for ". These rules also pertain to abortion"; in (a)2, inserted "Abortion"; and in (c), substituted "Department of Health and Senior Services" for "New Jersey State Department of Health".

8:43A-1.2 Purpose

The goal of this chapter is to protect the health and safety of patients who receive ambulatory care services by establishing minimum rules and standards of care with which an ambulatory care facility must comply in order to be licensed to operate in New Jersey.

8:43A-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Abortion facility" means a facility which performs termination of pregnancy, in accordance with N.J.A.C. 13:35-4.2, as a single modality. Facilities which offer multiple or comprehensive surgical services, inclusive of termination of pregnancy, are designated as ambulatory surgery facilities. Whereas all of the rules at N.J.A.C. 8:43A-12 apply to ambulatory surgery facilities, only those rules at N.J.A.C. 8:43A-12 which are relevant to the levels of anesthesia used in a particular abortion facility shall apply to that facility.

"Addiction Professionals Certification Board of New Jersey, Inc." means the entity by that name for which the contact information is Addiction Professionals Certification Board of New Jersey, Inc., 1200 Tices Lane, Suite 104, East Brunswick, NJ 08816 (732) 249-1991, telefacsimile (732) 249-1559, www.certbd.com.

"Advance directive" means a written statement of the patient's instructions and directions for health care in the event of future decision making incapacity. An advance directive may include a proxy directive or an instruction directive, or both.

"Affiliated community perinatal center" means a licensed hospital designated within a maternal and child health service region with which the birth center has a formal agreement for transfer and back-up services. This hospital must be designated as either a community perinatal center—intermediate or intensive or a regional perinatal center, in accordance with N.J.A.C. 8:33C.

"Ambulatory care facility" means a health care facility or a distinct part of a health care facility in which preventive, diagnostic, and treatment services are provided to persons

SUBCHAPTER 22. PEDIATRIC SERVICES

8:43A-22.1 Additional requirements

(a) An ambulatory care facility which provides pediatric services shall comply with N.J.A.C. 8:43A-1 through 11 and 13 through 19, and this subchapter.

1. The facility shall be a formal member of a Maternal and Child Health Consortium, in accordance with N.J.A.C. 8:33C.

8:43A-22.2 Medical staff to be provided

A facility which provides pediatric services shall have a pediatrician or family practice physician on the medical staff and available during the facility's hours of operation. ("Available" means capable of being reached.)

8:43A-22.3 Medical records

The complete medical record for pediatric patients shall include, but not be limited to, documentation of assessment of growth, including at least a record of weight and length or height, documentation of a basic developmental assessment, including sensory screenings, and a record of immunization.

SUBCHAPTER 23. PRIMARY CARE

8:43A-23.1 Additional requirements

(a) An ambulatory care facility which provides primary care services, as defined at N.J.A.C. 8:43A-1.3, shall comply with N.J.A.C. 8:43A-1 through 11 and 13 through 19, and this subchapter. If the facility provides family practice services, then the facility shall also comply with the rules in N.J.A.C. 8:43A-20. If the facility provides primary care to a pediatric population, then the facility shall also comply with the rules in N.J.A.C. 8:43A-22.

1. If a facility provides primary care services only, the requirement at N.J.A.C. 8:43A-8.2 for a registered professional nurse to be on the premises during the hours of operation may be satisfied by a physician, if permitted by the policies and procedures of the facility.

8:43A-23.2 Infection prevention and control

The administrator shall designate a person with training or experience in surveillance, prevention, and control of nosocomial infection who shall be responsible for the direction, provision, and quality of infection prevention and control services.

8:43A-23.3 Mobile vans

(a) If a facility wishes to provide services through use of one or more mobile vans, the facility shall obtain the prior authorization of the Licensing, Certification and Standards

Program of the Department. Such authorization may be contingent upon an on-site inspection by representatives of the Department.

(b) Policies and procedures for the use of mobile vans in the provision of primary care services shall address at least patient care, control of drugs, medical records, and infection prevention and control.

8:43A-23.4 Primary care outpatient facilities

New facilities that provide primary care services, except small facilities addressed at N.J.A.C. 8:43A-23.5, shall comply with Chapter 3.2 of the construction guidelines.

Amended by R.2008 d.24, effective January 22, 2008.

See: 39 N.J.R. 2309(a), 40 N.J.R. 702(a).

Rewrote the section.

8:43A-23.5 Small primary care outpatient facilities

(a) For purposes of this section, "small primary care outpatient facility" means a facility that provides primary care services at which four or fewer workers use the space and equipment at any one time.

(b) Small primary care outpatient facilities may be located within existing commercial, residential, licensed child care, educational, or other types of buildings or may be small, freestanding, new or converted structures.

(c) New small primary care outpatient facilities shall comply with Chapter 3.2 of the construction guidelines.

Amended by R.2008 d.24, effective January 22, 2008.

See: 39 N.J.R. 2309(a), 40 N.J.R. 702(a).

Added new (a); recodified former (a) and (b) as (b) and (c); in (b), deleted the definition of "Small Primary care outpatient facility" from the end; and in (c), substituted "3.2 of the construction guidelines" for "9, Section 9.4, of the Guidelines for Construction and Equipment of Hospital and Medical Facilities, 1992-1993 edition, as amended, incorporated herein by reference".

SUBCHAPTER 24. RENAL DIALYSIS

8:43A-24.1 Scope of renal dialysis standards

The standards within this subchapter shall apply to both hemodialysis and peritoneal dialysis units within ambulatory care facilities providing renal dialysis services. Ambulatory care facilities that provide chronic dialysis services shall comply with N.J.A.C. 8:43A-1 through 11 and 13 through 19, and this subchapter. Hospital facilities that provide renal dialysis services within the hospital shall comply with N.J.A.C. 8:43G-30 and with the requirements of this subchapter, except as specifically modified by N.J.A.C. 8:43G-30.

8:43A-24.2 Definitions

The following terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Ambulatory dialysis” means maintenance dialysis therapy provided to an individual on an outpatient basis.

“Patient care technician” means unlicensed dialysis facility staff who has been specifically trained and demonstrates competency to provide direct patient care, under the direct supervision of a registered professional nurse, to individuals receiving dialysis services.

8:43A-24.3 Minimum and maximum program size and transfer agreements

(a) A facility providing ambulatory dialysis services shall have at least six stations. In the case of new construction or renovation involving at least 25 percent of the existing physical plant, an open treatment area shall contain no more than 21 stations.

(b) A facility providing ambulatory dialysis services shall have a written transfer agreement with at least one hospital with a New Jersey license to provide inpatient dialysis and with at least one hospital having a Medicare-certified and Department-licensed renal transplantation program.

8:43A-24.4 Renal dialysis policies and procedures

(a) The renal dialysis service shall have written policies and procedures that are reviewed every three years, revised as needed, and implemented. They shall include at least:

1. Admission criteria for the ambulatory dialysis service that includes acceptance of patients who have communicable or transmittable diseases;
2. Criteria for handling the abusive or disruptive patient;
3. Orientation of new patients to the unit;
4. Specific facility response to medical and non-medical emergencies including, for example, equipment failure and water supply problems; and
5. Prohibition against patients bringing food into the unit, except for beverages which may be allowed at the discretion of the facility director.

(b) The renal dialysis service shall have written infection control policies and procedures specific to the renal dialysis unit that include standard industry precautions. The written policies and procedures shall be in accordance with the Centers for Disease Control and Prevention (CDC) publication “Recommendations for Preventing Transmission of Infections Among Chronic Hemodialysis Patients,” MMWR, Vol. 50, No. RR-5, April 27, 2001, as amended and supple-

mented, available from the CDC, Atlanta, Georgia 30333, incorporated herein by reference.

8:43A-24.5 Qualification of the medical director

The medical director of a facility that provides ambulatory dialysis services shall be a nephrologist. A medical director designated prior to July 1, 1993, shall have the qualifications of a nephrologist as specified at N.J.A.C. 8:43A-1.15. A medical director designated on or after July 1, 1993, shall be certified in the subspecialty of nephrology by either the American Board of Internal Medicine of the American Board of Medical Specialties or by the American Osteopathic Board of Internal Medicine, Bureau of Osteopathic Specialists of the American Osteopathic Association.

8:43A-24.6 Renal dialysis staff qualifications and policies and procedures

(a) Renal dialysis services shall be under the administrative supervision of an individual with at least one of the following qualifications:

1. A baccalaureate degree from an accredited college or university and the equivalent of at least one year experience in supervising renal dialysis services; or
2. Five years full-time experience in the provision of renal dialysis services and documentation of supervisory experience for at least one year.

(b) The medical staff shall possess the following qualifications:

1. Each physician on the medical staff shall have a current license to practice medicine in the State of New Jersey, and current Drug Enforcement Administration (DEA) and Controlled Dangerous Substances (CDS) certificates.
2. The members of the medical staff may include nephrologists and other physicians with training or demonstrated experience in the care of end stage renal disease patients.
3. Advanced practice nurses or physician assistants shall meet the requirements established by the Board of Nursing in New Jersey (for an advanced practice nurse—N.J.A.C. 13:37-7) or the Board of Medical Examiners in New Jersey (for a physician assistant—N.J.A.C. 13:35-2B).

(c) The director of nursing services is the registered professional nurse who has overall responsibility for the provision of nursing care in the facility. The director of nursing shall have a current New Jersey license to practice nursing and shall meet the qualifications set forth in N.J.A.C. 8:43A-1.10, except that the minimum 12 months of full-time experience in nursing supervision and/or nursing administration shall have been obtained in a hemodialysis setting within the last 24 months.