

CHAPTER 33C

CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE: REGIONALIZED PERINATAL SERVICES AND MATERNAL AND CHILD HEALTH CONSORTIA

Authority

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

Source and Effective Date

R.2007 d.293, effective August 16, 2007.
See: 39 N.J.R. 829(a), 39 N.J.R. 3915(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 33C, Certificate of Need and Healthcare Facility Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, expires on August 16, 2014. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 33C, Certificate of Need: Perinatal Services, was originally codified in Title 8 as Subchapter 8 of Chapter 31. Subchapter 8 of Chapter 31 was adopted as R.1973 d.362, effective January 1, 1974. See: 5 N.J.R. 374(b), 6 N.J.R. 11(a). Subchapter 8 of Chapter 31 was recodified as Chapter 33C, Certificate of Need: Perinatal Services, effective March 20, 1980.

Pursuant to Executive No. 66(1978), Chapter 33C, Certificate of Need: Perinatal Services, was readopted as R.1984 d.360, effective August 6, 1984. See: 16 N.J.R. 1431(a), 16 N.J.R. 2281(c).

Pursuant to Executive Order No. 66(1978), Chapter 33C, Certificate of Need: Perinatal Services, was readopted as R.1989 d.417, effective July 17, 1989. See: 21 N.J.R. 1187(a), 21 N.J.R. 2289(a). Pursuant to Executive No. 66(1978), Chapter 33C, Certificate of Need: Perinatal Services, expired on July 17, 1991.

Chapter 33C, Certificate of Need: Regionalized Perinatal Services, was adopted as R.1992 d.343, effective September 8, 1992 (operative November 1, 1992). See: 24 N.J.R. 2005(a), 24 N.J.R. 3131(a). Pursuant to Executive No. 66(1978), Chapter 33C, Certificate of Need: Regionalized Perinatal Services, expired on September 8, 1997.

Chapter 33C, Certificate of Need and Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, consisting of N.J.A.C. 8:33C-4.1(c), was adopted as new rules by R.1998 d.579, effective December 7, 1998. The remainder of Chapter 33C, Certificate of Need and Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, was adopted as new rules by R.1999 d.26, effective February 1, 1999. See: 30 N.J.R. 3633(a), 30 N.J.R. 4221(b); 30 N.J.R. 2399(a), 31 N.J.R. 406(a). Chapter 33C, Certificate of Need and Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, expired on December 7, 2001.

Chapter 33C, Certificate of Need and Acute Care Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, was adopted as new rules by R.2002 d.64, effective March 4, 2002. See: 33 N.J.R. 2618(a), 34 N.J.R. 1040(a).

Chapter 33C, Certificate of Need and Acute Care Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, was readopted as R.2007 d.293, effective August 16, 2007. As a part of R.2007 d.293, Chapter 33C, Certificate of Need and Acute Care Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, was renamed Certificate of Need and Healthcare Facility Licensure: Regionalized Perinatal Services and Maternal and Child Health Consortia, effective September 17, 2007. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

8:33C-1.1 Scope and purpose

(a) The rules contained in this chapter address the certificate of need designation and licensure requirements for a Maternal and Child Health Consortium (MCHC), and for providers seeking and/or requesting a change of the following designations as defined in N.J.A.C. 8:33C-1.2:

1. Community Perinatal Center-Birth Center;
2. Community Perinatal Center-Basic;
3. Community Perinatal Center-Intermediate;
4. Community Perinatal Center-Intensive; and
5. Regional Perinatal Center.

(b) The purpose of this chapter is to:

1. Set forth certificate of need and licensure requirements for all MCHC;
2. Set forth certificate of need and designation requirements for MCHC members providing perinatal services; and
3. Ensure provision of maternal and child health services in a coordinated and cooperative, prevention-oriented manner which is accessible to those in need of care.

8:33C-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings:

“Advanced practice nurse” means a licensed registered professional nurse with certification in a specialty requiring expertise in maternal and child health who has been certified by the New Jersey Board of Nursing, in accordance with N.J.A.C. 13:37-7, Certification of Nurse Practitioners/Clinical Nurse Specialists.

“Back transport” means the act of returning patients to the facility to which they were originally admitted or to their local hospital for further care when the problems that required transport to a higher level facility have been resolved and the patient no longer requires such higher level of care.

“Central service facility” means a health care facility, regulated by the Department, providing essential administrative and clerical support services to two or more direct providers of health care services in a region, which may also include some direct provision of health care services.

“Certified nurse midwife” means a registered professional nurse, licensed as such by the New Jersey State Board of Nursing, who is also a graduate of an accredited school certified by the American College of Nurse Midwives, and licensed as such by the New Jersey Board of Medical Examiners as required through N.J.A.C. 13:35-2A.

“Co-managed” means for two or more providers to temporarily share responsibility for a patient's health care.

“Commissioner” means the New Jersey State Commissioner of Health and Senior Services.

“Community Perinatal Center” means a Department-designated Community Perinatal Center-Basic, Community Perinatal Center-Birth Center, Community Perinatal Center-Intensive and Community Perinatal Center-Intermediate collectively.

“Community Perinatal Center-Basic” means a general acute care hospital licensed by the Department in accordance with N.J.A.C. 8:43G, and authorized to provide services to neonates and uncomplicated, low risk maternity patients expected to deliver neonates at least 36 weeks in gestational age and weighing greater than 2,499 grams as well as supportive services to infants returned from Regional or Community Perinatal Center-Intensive facilities, as such services are specified within a formal letter of agreement between the facility and a Regional Perinatal Center.

“Community Perinatal Center-Birth Center” means an ambulatory care facility, or a distinct part of a health care facility separately licensed as an ambulatory care facility, authorized to provide routine prenatal and intrapartum care to low risk maternity patients who are expected to deliver neonates at least 37 weeks of gestational age, weighing greater than 2,499 grams, and requiring less than a 24-hour stay following birth.

“Community Perinatal Center-Intensive” means a general acute care hospital, licensed by the Department in accordance with N.J.A.C. 8:43G, and authorized to provide services to neonates and complicated maternity patients who are expected to deliver neonates at least 28 weeks of gestational age and weighing greater than 999 grams, as such services are specified within a formal letter of agreement between the facility and a Regional Perinatal Center.

“Community Perinatal Center-Intermediate” means a general acute care hospital, licensed by the Department in accordance with N.J.A.C. 8:43G, and authorized to provide services to neonates and complicated maternity patients expected to deliver neonates at least 32 weeks of gestational age and weighing greater than 1,499 grams, as such services are specified within a formal letter of agreement between the facility and a Regional Perinatal Center.

“Consultation” means information or guidance provided by a person recognized as a specialist in a particular medical field. This information may be provided via the telephone or