

**8:43F-1.6 Qualifications of dietitians**

Each dietitian at an adult day health care facility shall be registered or eligible for registration by the Commission on Dietetic Registration (Office on Dietetic Credentialing, 216 W. Jackson Boulevard—7th Floor, Chicago, Illinois 60606-6995).

**8:43F-1.7 Qualifications of the director of nursing services**

The director of nursing services at an adult day health care facility shall be a registered professional nurse who has at least one year of full-time, or full-time equivalent, experience in nursing supervision and/or nursing administration in a licensed health care facility.

**8:43F-1.8 Qualifications of food service supervisors**

(a) The food service supervisor at an adult day health care facility shall:

1. Be a dietitian; or
2. Be a graduate of a dietetic technician or dietetic assistant training program approved by the American Dietetic Association (Office on Dietetic Credentialing, 216 W. Jackson Boulevard—7th Floor, Chicago, Illinois 60606-6995); or
3. Be a graduate of a course approved by the State of New Jersey providing 90 or more hours of classroom instruction in food service supervision and have at least one year of full-time, or full-time equivalent, experience as a food service supervisor in a licensed health care facility, with consultation from a dietitian; or
4. Have training and experience in food service supervision and management in a military service equivalent to the programs listed in (a)2 or 3 above.

**8:43F-1.9 Qualifications of licensed practical nurses**

Each licensed practical nurse at an adult day health care facility shall be so licensed by the New Jersey State Board of Nursing.

**8:43F-1.10 Qualifications of the medical director**

The medical director of an adult day health care facility shall be a physician.

**8:43F-1.11 Qualifications of medical record practitioners**

(a) Each medical record practitioner at an adult day health care facility shall:

1. Be certified or eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART) by the American Medical Record Association (American Medical Record Association, 875 North Michigan Avenue, Suite 1850, John Hancock Center, Chicago, Illinois 60611); or
2. Be a graduate of a program in medical record science accredited by the Committee on Allied Health

Education and Accreditation of the American Medical Association in collaboration with the Council on Education of the American Medical Record Association (American Medical Record Association, 875 North Michigan Avenue, Suite 1850, John Hancock Center, Chicago, Illinois 60611).

**8:43F-1.12 Qualifications of occupational therapists**

Each occupational therapist at an adult day health care facility shall be certified or eligible for certification as an occupational therapist, registered (OTR) by the American Occupational Therapy Association (American Occupational Therapy Association, 6000 Executive Boulevard, Rockville, Maryland 20852).

**8:43F-1.13 Qualifications of patient activities director**

(a) The patient activities director shall:

1. Be certified or eligible for certification as an activity director certified (ADC) by the National Certification Council for Activity Professionals (National Certification Council for Activity Professionals, 520 Stewart, Park Ridge, Illinois 60068); or
2. Be certified or eligible for certification as a certified therapeutic recreation specialist (CTRS) by the National Council for Therapeutic Recreation (National Council for Therapeutic Recreation, Inc., P.O. Box 479, Thiells, NY 10984-0479); or
3. Be certified or eligible for certification by the New Jersey State Board of Recreation Examiners (New Jersey State Board of Recreation Examiners, 101 South Broad Street, CN 814, Trenton, New Jersey 08625) as a recreation administrator or recreation supervisor; or
4. Have a baccalaureate degree from a college or university approved by a state department of education with a major in recreation, creative arts therapy, music therapy, therapeutic recreation, art, art education, psychology, sociology, or occupational therapy; or
5. Have a high school diploma and at least two years of full-time, or full-time equivalent, experience in patient activities in a licensed health care facility and have successfully completed an activities education program approved by the New Jersey State Department of Health.

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-1.14 Qualifications of pharmacists**

Each pharmacist at an adult day health care facility shall be so registered by the New Jersey State Board of Pharmacy.

**8:43F-1.15 Qualifications of physical therapists**

Each physical therapist at an adult day health care facility shall be so licensed by the New Jersey State Board of Physical Therapy Examiners.

**8:43F-1.16 Qualifications of physicians**

Each physician at an adult day health care facility shall be licensed or authorized by the New Jersey State Board of Medical Examiners to practice medicine in the State of New Jersey.

**8:43F-1.17 Qualifications of registered professional nurses**

Each registered professional nurse at an adult day health care facility shall be so licensed by the New Jersey State Board of Nursing.

**8:43F-1.18 Qualifications of social workers**

Each social worker shall be certified or licensed by the New Jersey State Board of Social Work Examiners.

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-1.19 Qualifications of speech-language pathologists**

Each speech-language pathologist at an adult day care health facility shall hold a current New Jersey license issued by the Audiology and Speech-Language Pathology Advisory Committee, Division of Consumer Affairs of the New Jersey State Department of Law and Public Safety.

**SUBCHAPTER 2. LICENSURE PROCEDURES****8:43F-2.1 Application for licensure**

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

Director  
Licensing, Certification and Standards  
Division of Health Facilities Evaluation and Licensing  
New Jersey State Department of Health  
CN 367  
Trenton, N.J. 08625

(b) The Department shall charge a nonrefundable fee of \$500.00 for the filing of an application for licensure as an adult day health care facility and \$500.00 for the annual renewal of the license. If adult day health care services are offered by a licensed hospital facility as a separate service within the hospital, the hospital facility shall be charged \$150.00 for the filing of an application for licensure of the service and \$150.00 for the annual renewal.

(c) Each applicant for a license to operate a facility shall make an appointment for a preliminary conference at the Department with the Licensing and Certification Program.

Recodified from 8:43F-2.2 and amended by R.1995 d.128, effective March 6, 1995.

See: 26 N.J.R. 4532(a), 27 N.J.R. 939(a).

Prior text at 8:43F-2.1, Certificate of Need, repealed.

**8:43F-2.2 Newly constructed or expanded facilities**

(a) The application for license for a newly constructed or expanded facility shall, pursuant to N.J.A.C. 8:43F-23, include written approval of final construction of the physical plant by:

Health Facilities Construction Services  
Division of Health Facilities Evaluation  
New Jersey State Department of Health  
CN 367

Trenton, N.J. 08625

(b) An on-site inspection of the construction of the physical plant shall be made by representatives of the Health Facilities Construction Services to verify that the building has been constructed in accordance with the architectural plans approved by the Department.

(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 is not assignable or transferable, and it shall be immediately void if the facility ceases to operate or if its ownership changes.

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).

#### 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 is not assignable or transferable, and it shall be immediately void if the facility ceases to operate or if its ownership changes.

(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).

#### 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.