

CHAPTER 42

LICENSING STANDARDS FOR HOME
HEALTH AGENCIES

Authority

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

Source and Effective Date

R.1998 d.68, effective January 20, 1998.
See: 29 N.J.R. 3802(a), 30 N.J.R. 345(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 42, Licensing Standards for Home Health Agencies, expires on July 19, 2003. See: 35 N.J.R. 65(a).

Chapter Historical Note

Chapter 42, Home Health Agencies, was adopted as R.1976 d.164, effective May 26, 1976. See: 8 N.J.R. 182(c), 8 N.J.R. 282(a). Subchapter 2, Standards for Licensure of Residential and Inpatient Drug Treatment Facilities, was adopted as R.1976 d.356, effective December 9, 1976. See: 8 N.J.R. 462(a), 8 N.J.R. 550(b). Subchapter 2 was amended by R.1978 d.373, effective November 9, 1978. See: 10 N.J.R. 330(c), 10 N.J.R. 484(b). Subchapter 3, Alcohol Abuse Treatment Facilities, was adopted as R.1979 d.240, effective July 5, 1979. See: 11 N.J.R. 233(c), 11 N.J.R. 331(c). The expiration date of Subchapter 3 was extended by R.1979 d.486, effective December 31, 1979. See: 11 N.J.R. 546(a), 12 N.J.R. 15(d). The expiration date of Subchapter 3 was further extended effective June 19, 1980. See: 12 N.J.R. 407(b). Chapter 42 was amended by R.1979 d.485, effective February 1, 1980. See: 11 N.J.R. 545(d), 12 N.J.R. 15(c); R.1980 d.399, effective October 9. See: 12 N.J.R. 463(b), 12 N.J.R. 578(c); R.1981 d.157, effective June 4, 1981. See: 13 N.J.R. 12(a), 13 N.J.R. 342(b). Pursuant to Executive Order No. 66(1978) Subchapter 3, Alcohol Abuse Treatment Facilities, expired on June 30, 1981.

Pursuant to Executive Order No. 66(1978), Subchapter 2, Standards for Licensure of Residential and Inpatient Drug Treatment Facilities, was readopted as R.1982 d.391, effective November 1, 1982 (operative November 9, 1982). See: 14 N.J.R. 812(a), 14 N.J.R. 1214(a). Chapter 42 was amended by R.1983 d.66, effective March 7, 1983. See: 14 N.J.R. 1273(a), 15 N.J.R. 336(a). Subchapter 2, Standards for Licensure of Residential and Inpatient Drug Treatment Facilities, was repealed by R.1983 d.309, effective August 1, 1983. See: 15 N.J.R. 397(a), 15 N.J.R. 1248(a). Chapter 42 was amended by R.1985 d.26, effective February 4, 1985. See: 16 N.J.R. 3125(a), 17 N.J.R. 285(a).

Pursuant to Executive Order No. 66(1978), Chapter 42 was readopted as R.1985 d.117, effective March 18, 1985. See: 16 N.J.R. 3250(a), 17 N.J.R. 704(b). N.J.A.C. 8:42-1.4(b) was recodified from N.J.A.C. 8:31-26.5(b). See: 19 N.J.R. 662(c). N.J.A.C. 8:42-1.8(p) was recodified as N.J.A.C. 8:31-26.4(p) through (s). See: 19 N.J.R. 662(c). Petition for rulemaking on the testing and certification of homemaker/home health aides. See: 21 N.J.R. 578(a).

Pursuant to Executive Order No. 66(1978), Chapter 42 was readopted as R.1987 d.333, effective August 17, 1987 (operative October 17, 1987). See: 19 N.J.R. 2287(a), 19 N.J.R. 1547(a).

Chapter 42, Home Health Agencies, was repealed and a new Chapter 42, Standards for Licensure of Home Health Agencies, was adopted as R.1992 d.322, effective August 17, 1992. See: 24 N.J.R. 2031(a), 24 N.J.R. 2941(a). Pursuant to Executive Order No. 66(1978), Chapter 42, Standards for Licensure of Home Health Agencies, expired on August 17, 1997.

Chapter 42, Licensing Standards for Home Health Agencies, was adopted as R.1998 d.68, effective January 20, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. DEFINITIONS**8:42-1.1 Scope; purpose**

(a) The rules in this chapter pertain to all home health agencies in the State of New Jersey.

(b) The purpose of this chapter is to assure the provision of high quality home health care services to the residents of New Jersey in a coordinated and cost-effective manner.

8:42-1.2 Definitions

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

“Activities of daily living (ADL)” means the functions or tasks for self-care which are performed either independently or with supervision or assistance. Activities of daily living include at least mobility, transferring, walking, grooming, bathing, dressing and undressing, eating, and toileting.

“Administrator” means a person who is administratively responsible and available for all aspects of facility operations, and:

1. Has a master’s degree in administration or a health related field, and at least two years of supervisory or administrative experience in home health care or in a health care setting; or
2. Has a baccalaureate degree in administration or a health related field and four years of supervisory or administrative experience in home health care or in a health care setting.

“Advance directive” means a written statement of the patient’s instructions and directions for health care in the event of future decisionmaking incapacity in accordance with the New Jersey Advance Directives for Health Care Act, P.L. 1991, c.201. It may include a proxy directive, an instruction directive, or both.

“Available” means ready for immediate use (pertaining to equipment); capable of being reached (pertaining to personnel).

“Branch office” means a facility site from which services are provided to patients in their homes or place of residence; which is physically separate from the home health agency but shares administrative oversight and services; which meets all requirements for licensure; and which has available a nursing supervisor or alternate coverage by a registered professional nurse. When the nursing supervisor or alternate is not on the premises, then there must be a licensed nurse on the premises when the facility is open to the public.

“Bylaws” means a set of rules adopted by the facility for governing its operation. (A charter, articles of incorporation, and/or a statement of policies and objectives is an acceptable equivalent.)

“Cleaning” means the removal by scrubbing and washing, as with hot water, soap or detergent, and vacuuming, of infectious agents and/or organic matter from surfaces on which and in which infectious agents may find conditions for surviving or multiplying.

“Clinical note” means a signed and dated notation made at each patient visit by each health care professional who renders a service to the patient. The clinical note shall include a written description of signs and symptoms, treatment and/or medication(s) administered, the patient’s response, and any changes in physical or emotional condition, and may be documented in a flow sheet format. The flow sheet shall be supplemented by a narrative clinical note at least once a week and whenever there is a change in the patient’s condition or care which cannot be clearly documented on a flow sheet. The clinical note shall be written or dictated on the day service is rendered and shall be incorporated into the patient’s medical/health record according to the facility’s policies and procedures.

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

“Communicable disease” means an illness due to a specific infectious agent or its toxic products, which occurs through transmission of that agent or its products from a reservoir to a susceptible host.