

CHAPTER 43E
GENERAL LICENSURE PROCEDURES AND
STANDARDS APPLICABLE TO ALL
LICENSED FACILITIES

Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5, 5b, 5c, 5e, 5.12, 5.16, 5.23, 7, 7.21, 13, and 14; and N.J.S.A. 34:11-56a31 et seq., particularly 56a38.

Source and Effective Date

R.2006 d.332, effective August 18, 2006.
 See: 38 N.J.R. 1121(b), 38 N.J.R. 3898(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, expires on August 18, 2013. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 43E, Policy Manual for Planning and Certificate of Need Reviews of Psychiatric Health Care Facilities and Services within the State of New Jersey, was recodified as N.J.A.C. 8:33R by R.1993 d.29, effective January 4, 1993. See: 24 N.J.R. 3598(a), 25 N.J.R. 111(a).

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was adopted as R.1995 d.198, effective April 3, 1995. See: 26 N.J.R. 4527(a), 27 N.J.R. 1411(a).

Pursuant to Executive Order No. 66(1978), Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, expired on April 3, 2000.

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was adopted as new rules by R.2001 d.59, effective February 20, 2001. See: 32 N.J.R. 3041(a), 33 N.J.R. 653(b).

Subchapter 6, Pain Management Procedures, was adopted as new rules by R.2004 d.38, effective January 20, 2004. See: 35 N.J.R. 1828(a), 36 N.J.R. 426(a).

Subchapter 8, Mandatory Overtime, was adopted as new rules by R.2004 d.71, effective February 17, 2004. See: 35 N.J.R. 4195(a), 36 N.J.R. 1017(a).

Subchapter 7, Requirement to Use Needles and Sharp Instruments Containing Integrated Safety Features or Needleless Devices, was adopted as new rules by R.2004 d.301, effective August 2, 2004. See: 35 N.J.R. 3513(a), 36 N.J.R. 3536(a).

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was readopted as R.2006 d.332, effective August 18, 2006. See: Source and Effective Date.

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was renamed General Licensure Procedures and Standards Applicable to All Licensed Facilities, and Subchapter 10, Patient or Resident Safety Requirements and Reportable Events, was adopted as new rules by R.2008 d.52, effective March 3, 2008. See: 39 N.J.R. 314(a), 40 N.J.R. 1094(a).

Pursuant to Reorganization Plan No. 002-2005 and by notice of administrative change, Subchapters 2 and 3 of Chapter 43E of Title 8 were duplicated as Subchapters 17 and 18 of Chapter 27A of Title 5, effective December 2, 2008. See: 41 N.J.R. 225(a).

Subchapter 11, Violence Prevention in Health Care Facilities, was adopted as new rules by R.2011 d.231, effective September 6, 2011. See: 43 N.J.R. 12(a), 43 N.J.R. 2337(a).

Subchapter 12, Safe Patient Handling, was adopted as new rules by R.2011 d.232, effective September 6, 2011. See: 43 N.J.R. 17(a), 43 N.J.R. 2341(a).

Subchapter 13, Universal Transfer Form, was adopted as new rules by R.2011 d.198, effective August 1, 2011 (operative October 30, 2011). See: 42 N.J.R. 1462(a), 43 N.J.R. 1875(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. SCOPE AND GENERAL PURPOSE

- 8:43E-1.1 Scope
- 8:43E-1.2 Purpose
- 8:43E-1.3 Definitions

SUBCHAPTER 2. SURVEY PROCEDURES

- 8:43E-2.1 Scope and types of surveys
- 8:43E-2.2 Deficiency findings
- 8:43E-2.3 Informal dispute resolution
- 8:43E-2.4 Plan of correction

SUBCHAPTER 3. ENFORCEMENT REMEDIES

- 8:43E-3.1 Enforcement remedies available
- 8:43E-3.2 Notice of violations and enforcement actions
- 8:43E-3.3 Effective date of enforcement actions
- 8:43E-3.4 Civil monetary penalties
- 8:43E-3.5 Failure to pay a penalty; remedies
- 8:43E-3.6 Curtailment of admissions
- 8:43E-3.7 Appointment of a receiver
- 8:43E-3.8 Suspension of a license
- 8:43E-3.9 Revocation of a license
- 8:43E-3.10 Provisional license
- 8:43E-3.11 Cease and desist order

SUBCHAPTER 4. HEARINGS

- 8:43E-4.1 Hearings
- 8:43E-4.2 Settlement of enforcement actions

SUBCHAPTER 5. LICENSURE PROCEDURES

- 8:43E-5.1 Track record evaluation
- 8:43E-5.2 Facility surveys
- 8:43E-5.3 Facility licensure
- 8:43E-5.4 Conditional license
- 8:43E-5.5 Surrender of license
- 8:43E-5.6 Waiver

SUBCHAPTER 6. PAIN MANAGEMENT PROCEDURES

- 8:43E-6.1 Pain management standards; scope
- 8:43E-6.2 Purpose
- 8:43E-6.3 Definitions
- 8:43E-6.4 Pain assessment procedures
- 8:43E-6.5 Staff education and training programs
- 8:43E-6.6 Pain management continuous quality improvement

SUBCHAPTER 7. REQUIREMENT TO USE NEEDLES AND SHARP INSTRUMENTS CONTAINING INTEGRATED SAFETY FEATURES OR NEEDLELESS DEVICES

- 8:43E-7.1 Use of needles and sharp instruments containing integrated safety features
- 8:43E-7.2 Definitions
- 8:43E-7.3 Requirement and responsibilities of evaluation committees
- 8:43E-7.4 Waiver from the requirement to utilize available sharp devices with integrated safety features or needleless devices
- 8:43E-7.5 Recording requirements

SUBCHAPTER 8. MANDATORY OVERTIME

- 8:43E-8.1 Mandatory overtime; scope and general purpose
- 8:43E-8.2 Applicability
- 8:43E-8.3 Definitions
- 8:43E-8.4 Purpose
- 8:43E-8.5 Overtime procedures
- 8:43E-8.6 Records; dissemination of information
- 8:43E-8.7 Enforcement and administrative penalties
- 8:43E-8.8 Policies and procedures
- 8:43E-8.9 Discharge or discrimination against an employee making a complaint
- 8:43E-8.10 Complaint system
- 8:43E-8.11 Protection of the right to collective bargaining
- 8:43E-8.12 Data

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. PATIENT OR RESIDENT SAFETY REQUIREMENTS AND REPORTABLE EVENTS

- 8:43E-10.1 Purpose
- 8:43E-10.2 Scope
- 8:43E-10.3 Definitions
- 8:43E-10.4 Patient or resident safety committee
- 8:43E-10.5 Patient or resident safety plan
- 8:43E-10.6 Reporting of serious preventable adverse events
- 8:43E-10.7 Disclosure to patient or resident
- 8:43E-10.8 Voluntary, anonymous reporting system
- 8:43E-10.9 Confidentiality protections and restrictions on disclosure and use
- 8:43E-10.10 Interagency sharing and use of confidential information
- 8:43E-10.11 Other reporting requirements unrelated to the Patient Safety Act

APPENDIX A. REPORT OF SERIOUS PREVENTABLE ADVERSE EVENT IN A NEW JERSEY LICENSED HEALTH CARE FACILITY

APPENDIX B. REPORT OF SERIOUS PREVENTABLE ADVERSE EVENT IN A NEW JERSEY LICENSED HEALTH CARE FACILITY: ROOT CAUSE ANALYSIS (RCA)

SUBCHAPTER 11. VIOLENCE PREVENTION IN HEALTH CARE FACILITIES

- 8:43E-11.1 Scope and purpose
- 8:43E-11.2 Definitions
- 8:43E-11.3 Establishment of a violence prevention program
- 8:43E-11.4 Violence prevention committee
- 8:43E-11.5 System-level programs and committees
- 8:43E-11.6 Written violence prevention plan
- 8:43E-11.7 Completion of a violence risk assessment
- 8:43E-11.8 Implementation of methods to reduce identified risks
- 8:43E-11.9 Copies of the violence prevention plan
- 8:43E-11.10 Violence prevention training
- 8:43E-11.11 Incident response, investigation and reporting
- 8:43E-11.12 Recordkeeping
- 8:43E-11.13 Post-incident response
- 8:43E-11.14 Prohibition of retaliatory action
- 8:43E-11.15 Enforcement and penalties

SUBCHAPTER 12. SAFE PATIENT HANDLING

- 8:43E-12.1 Authority, scope and purpose
- 8:43E-12.2 Definitions
- 8:43E-12.3 Safe patient handling committee
- 8:43E-12.4 Establishment of the safe patient handling program
- 8:43E-12.5 Written description of the program
- 8:43E-12.6 Safe patient handling policy
- 8:43E-12.7 Assessments of patient need for assisted patient handling

- 8:43E-12.8 Needs assessment
- 8:43E-12.9 Implementation plan
- 8:43E-12.10 Financial plan
- 8:43E-12.11 Equipment selection, usage and maintenance
- 8:43E-12.12 Training program
- 8:43E-12.13 Educational materials
- 8:43E-12.14 Injury investigation, reporting, analysis and record-keeping
- 8:43E-12.15 Evaluation and recommendations
- 8:43E-12.16 Prohibition of certain retaliatory actions
- 8:43E-12.17 Enforcement and penalties

SUBCHAPTER 13. UNIVERSAL TRANSFER FORM

- 8:43E-13.1 Scope
- 8:43E-13.2 Purpose
- 8:43E-13.3 Definitions
- 8:43E-13.4 Mandatory use of Universal Transfer Form
- 8:43E-13.5 Policies and procedures regarding the use of the Universal Transfer Form

APPENDIX. NEW JERSEY UNIVERSAL TRANSFER FORM

SUBCHAPTER 1. SCOPE AND GENERAL PURPOSE

8:43E-1.1 Scope

The rules in this chapter pertain and apply to all health care facilities licensed by the Department pursuant to the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq. The rules set forth the procedures for the conduct of surveys of health care facilities, the basis and procedures for imposition of penalties and other enforcement actions and remedies, and the rights and procedures available to facilities to request a hearing to contest survey findings and the imposition of penalties.

8:43E-1.2 Purpose

The rules in this chapter are intended to promote the health, safety, and welfare of patients or residents of health care facilities through establishing rules and regulations implementing the Department's legislative mandate to enforce violations of licensing regulations. The rules also are intended to afford health care facilities with appropriate and adequate due process rights and procedures upon the finding of a violation or assessment of a penalty or other enforcement action.

8:43E-1.3 Definitions

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

"Commissioner" means Commissioner of the New Jersey Department of Health and Senior Services.

"Curtailed" means an order by the Department which requires a licensed health care facility to cease and desist all admissions and readmissions of patients or residents to the facility or affected service.