

CHAPTER 43C

REGISTRATION STANDARDS FOR SURGICAL PRACTICES

Authority

N.J.S.A. 26:2H-12; and P.L. 2009, c. 24, § 6
(approved March 21, 2009).

Source and Effective Date

R.2012 d.022, effective January 17, 2012.
See: 43 N.J.R. 940(a), 44 N.J.R. 151(a).

Chapter Expiration Date

Chapter 43C, Registration Standards for Surgical Practices, expires on
January 17, 2019.

Chapter Historical Note

Chapter 43C, Ambulatory Care Facilities, Public Health Centers,
Health Maintenance Organizations and Rehabilitation Facilities, expired
on July 1, 2006.

Chapter 43C, Registration Standards for Surgical Practices, was
adopted as new rules by R.2012 d.022, effective January 17, 2012. See:
Source and Effective Date.

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SUBCHAPTER 1. REGISTRATION STANDARDS FOR SURGICAL PRACTICES

8:43C-1.1 Scope

This subchapter applies to all surgical practices.

8:43C-1.2 Purpose

The purpose of this subchapter is to establish registration standards for surgical practices as mandated by P.L. 2009, c. 24 (approved March 21, 2009).

8:43C-1.3 Definitions

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

“Class of operating room” means the class of the operating room being registered as defined by the Guidelines for Design and Construction of Health Care Facilities, 2010 edition, incorporated herein by reference, as amended and supplemented, published by the American Society of Healthcare Engineering of the American Hospital Association, 155 North Wacker Drive, Chicago, IL 60606, Pub. No. ISBN 978-0-87258-859-2, available through the Facility Guidelines Institute, telephone: (800) 242-2628, website: www.fgiguidelines.org or by writing to AHA Services Inc., PO Box 933283, Atlanta, GA 31193-3283.

“Department” means the Department of Health and Senior Services.

“Independent accreditation organization” means a national accreditation organization for ambulatory surgery centers which is approved by the Centers for Medicare and Medicaid Services (CMS) pursuant to 42 CFR Part 488 at the time of the survey of the surgical practice.

“Medicaid-eligible” means that a person has received a determination of medical and financial eligibility for Medicaid coverage, or a person who qualifies medically and financially for Medicaid but has not applied for Medicaid coverage.

“Program” means the Office of Certificate of Need and Healthcare Facility Licensure, PO Box 358, Trenton, NJ 08625-0358, telephone: (609) 292-8773, telefacsimile: (609) 292-3780.

“Scope of services” means the class of the operating room within a registered surgical practice.

“Surgical practice” means a structure or suite of rooms that has the following characteristics, and includes an unlicensed entity certified by the Centers for Medicare and Medicaid Services (CMS) as an ambulatory surgery center provider if it has the following characteristics:

1. No more than one operating room that is:
 - i. Specially equipped to perform surgery; and
 - ii. Designed and constructed to accommodate invasive diagnostic and surgical procedures;
2. One or more post-anesthesia care units or a dedicated recovery area, which includes the operating room if used for recovery, where the patient may be closely monitored and observed until discharged; and
3. Is established by a physician, physician professional association surgical practice or other professional practice form that is recognized in regulation by the Board of Medical Examiners solely for the physician’s, association’s or other professional practice entity’s private medical practice.

8:43C-1.4 Registration

(a) Applicants for registration of a surgical practice shall submit to the following to the Program:

1. A completed Surgical Practice Application, in the form at Appendix (hereinafter referred to as "Surgical Practice Application"), incorporated herein by reference, available for download from the Department's forms page at www.state.nj.us/forms, or upon request to the Program, with the box marked "Registration" checked; and

2. If the surgical practice is applying pursuant to (d) or (e) below, documentation from the municipality in which the surgical practice is to be located indicating that plans, specifications, and/or any other required building, zoning, or construction documents were filed with the municipality prior to September 17, 2009.

(b) The applicant shall provide the following information on the Surgical Practice Application upon the initial registration for a surgical practice in operation for more than one year as of January 17, 2012 and upon application for renewal of a surgical practice registration:

1. The number of surgical patients served by payment source in the prior year or since the last renewal;

2. The number of surgical patients accepted in the prior year or since the last renewal; and

3. The number and type of practitioners involved in the surgical practice in the prior year or since the last renewal.

(c) A surgical practice in operation on January 17, 2012 shall register with the Department or cease operation no later than April 16, 2012.

(d) A surgical practice that had not commenced operation prior to September 17, 2009, but began operating by January 17, 2012, shall have filed plans, specifications and/or any other required building, zoning or construction documents with the municipality in which the surgical practice will be located prior to September 17, 2009 to be eligible to register with the Department.

(e) A surgical practice that has not commenced operation by January 17, 2012, but has filed or files plans, specifications and/or other required building, zoning or construction documents with the municipality in which the surgical practice will be located prior to September 17, 2009 shall register with the Department prior to commencing operation.

1. The surgical practice shall apply to the Department for registration within two years of receiving approval from the municipality in which the surgical practice is to be located.

i. The Department shall not register a surgical practice that has not applied for registration within two years of receiving approval from the municipality in which the surgical practice is to be located.

(f) As provided by N.J.S.A. 26:2H-12(g)(6), nothing in this chapter shall be construed to limit the State Board of Medical Examiners from establishing standards of care with respect to the practice of medicine.

8:43C-1.5 Registration renewal

(a) A registration is valid for one year and is subject to annual renewal.

(b) The Department shall send a renewal packet at least 30 days prior to the expiration of the registration.

(c) A registrant shall apply for renewal of the registration annually.

(d) To apply for renewal of a registration, the registrant shall submit the following to the Program:

1. A completed Surgical Practice Application with the box marked "Renewal" checked; and

2. A copy of the registrant's:

i. Certification from CMS as an ambulatory surgery center; or

ii. Ambulatory surgery accreditation by an independent accreditation organization.

(e) The Department shall grant an application for renewal of a registration unless the existing registration is suspended or revoked pursuant to N.J.A.C. 8:43C-1.9, provided:

1. There has been no material change in the circumstances upon which the Department based its approval of the original registration; and

2. The applicant satisfies all the requirements of (d) above.

(f) As a condition of continued validity of a renewed registration, surgical practices shall maintain either the certification or the accreditation required pursuant to (d)2 above.

1. A registration shall lapse if the surgical practice fails to maintain either the certification or the accreditation specified in (d)2 above.

i. A surgical practice that fails to maintain certification or accreditation shall cease operation.

8:43C-1.6 Transfers of ownership

(a) To apply for authorization to transfer the ownership of a registered surgical practice, or to add a new individual to ownership, the prospective new owners shall submit the following to the Department at least 90 days prior to the planned transfer of ownership:

1. A completed Surgical Practice Application with the box marked "Transfer of Ownership" checked;