

**CHAPTER 43A**

**MANUAL OF STANDARDS FOR LICENSURE OF AMBULATORY CARE FACILITIES**

**Authority**

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

**Source and Effective Date**

R.1998 d.535, effective November 16, 1998.  
See: 30 N.J.R. 2558(a), 30 N.J.R. 4070(c).

**Executive Order No. 66(1978) Expiration Date**

Chapter 43A, Manual of Standards for Licensure of Ambulatory Care Services, expires on November 16, 2001.

**Chapter Historical Note**

Chapter 43A, Ambulatory Care Facilities, was adopted as R.1976 d.165, effective May 26, 1976. See: 8 N.J.R. 117(a), 8 N.J.R. 282(b). The expiration date for Subchapter 14 was extended by R.1979 d.489, effective December 14, 1979. See: 11 N.J.R. 547(a), 12 N.J.R. 16(b). The expiration date for Subchapter 14 was further extended by R.1980 d.273. See: 12 N.J.R. 407(c).

Pursuant to Executive Order 66(1978), Chapter 43A, Ambulatory Care Facilities, was readopted as R.1983 d.427, effective October 3, 1983. See: 15 N.J.R. 994(a), 15 N.J.R. 1662(a).

Pursuant to Executive Order No. 66(1978), Chapter 43A, Ambulatory Care Facilities, was readopted as R.1984 d.497, filed October 18, 1984. See: 16 N.J.R. 2208(a), 16 N.J.R. 3031(a).

Chapter 43A, Ambulatory Care Facilities, was repealed and Chapter 43A, Manual of Standards for Ambulatory Care Facilities, was adopted as new rules by R.1985 d.438, effective September 3, 1985. See: 16 N.J.R. 3254(a), 17 N.J.R. 2110(b). Petition for Rulemaking. See: 19 N.J.R. 306(d), 19 N.J.R. 570(b).

Pursuant to Executive Order No. 66 (1988), Chapter 43A, Manual of Standards for Ambulatory Care Facilities, was readopted as R.1990 d.416, effective July 27, 1990. See: 22 N.J.R. 1496(a), 22 N.J.R. 2507(a).

Pursuant to Executive Order No. 66 (1978), Chapter 43A, Manual of Standards for Licensure of Ambulatory Care Facilities, was readopted as R.1993 d.443, effective August 16, 1993, and Subchapters 1 through 11 and 13 through 19 were repealed and new Subchapters 1 through 11 and 13 through 29 were adopted by R.1993 d.443, effective September 7, 1993. See: 25 N.J.R. 757(b), 25 N.J.R. 4140(a).

Pursuant to Executive Order No. 66(1978), Chapter 43A, Manual of Standards for Licensure of Ambulatory Care Facilities, expired on August 16, 1998.

Chapter 43A, Manual of Standards for Ambulatory Care Facilities, was adopted as new rules by R.1998 d.535, effective November 16, 1998. See: Source and Effective Date.

Administrative correction. See: 31 N.J.R. 54(a).

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### APPENDIX A. DRUG AND ALCOHOL ADMISSION RECORD; DISCHARGE RECORD

#### SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

##### 8:43A-1.1 Scope

The rules in this chapter pertain to all health care facilities which provide ambulatory care services including, but not limited to, primary care, hospital outpatient, ambulatory surgery, family practice, family planning, outpatient drug abuse treatment, chronic dialysis, computerized tomography, magnetic resonance imaging, extracorporeal shock wave lithotripsy, and radiological services. These rules also pertain to abortion facilities, comprehensive outpatient rehabilitation facilities, and birth centers. Ambulatory care facilities provide preventive, diagnostic, and treatment services to persons who come to the facility to receive services and depart from the facility on the same day. The rules in this chapter constitute the basis for the licensure of ambulatory care facilities by the New Jersey State Department of Health.

Amended by R.1996 d.341, effective July 15, 1996.  
See: 28 N.J.R. 1364(a), 28 N.J.R. 3560(a).

##### 8:43A-1.2 Purpose

The goal of this chapter is to protect the health and safety of patients who receive ambulatory care services by establishing minimum rules and standards of care with which an ambulatory care facility must comply in order to be licensed to operate in New Jersey.

##### 8:43A-1.3 Definitions

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

“Abortion facility” means a facility which performs termination of pregnancy, in accordance with N.J.A.C. 13:35-4.2, as a single modality. Facilities which offer multiple or comprehensive surgical services, inclusive of termination of pregnancy, are designated as ambulatory surgery facilities. Whereas all of the rules at N.J.A.C. 8:43A-12 apply to ambulatory surgery facilities, only those rules at N.J.A.C. 8:43A-12 which are relevant to the levels of anesthesia used in a particular abortion facility shall apply to that facility.

“Advance directive” means a written statement of the patient's instructions and directions for health care in the event of future decision making incapacity. An advance directive may include a proxy directive or an instruction directive, or both.

“Affiliated community perinatal center” means a licensed hospital designated within a maternal and child health service region with which the birth center has a formal agreement for transfer and back-up services. This hospital must be designated as either a community perinatal center—intermediate or intensive or a regional perinatal center, in accordance with N.J.A.C. 8:33C.

“Ambulatory care facility” means a health care facility or a distinct part of a health care facility in which preventive, diagnostic, and treatment services are provided to persons who come to the facility to receive services and depart from the facility on the same day.

“Ambulatory surgery facility” means a surgical facility in which ambulatory surgical cases are performed and which is licensed as an ambulatory surgery facility, separate and apart from any other facility license. (The ambulatory surgery facility may be physically connected to another licensed facility, such as a hospital, but is corporately and administratively distinct.)

“Ambulatory surgical case” and “same day surgical case” are synonymous terms for a surgical procedure performed on a patient in a surgical facility generally requiring anesthesia, with a facility-based post surgery period of at least one hour, and generally without the requirement of an overnight stay.

“Available” means ready for immediate use (pertaining to equipment) or capable of being reached (pertaining to personnel), unless otherwise defined.

“Birth center” means a health care facility or a distinct part of a health care facility which provides routine prenatal and intrapartum care to low-risk maternity patients who are expected to deliver neonates of a weight greater than 2,499 grams and of 36 weeks gestational age and who require a stay of less than 24 hours after birth. “Routine intrapartum care” means labor and delivery services not requiring surgical intervention.

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

“Cardiac rehabilitation program” means a health care service in which an individualized program of physical exercise is prescribed for each cardiac patient.

“Chronic dialysis” means dialysis rendered to a patient with end stage renal disease in whom recovery of renal function is not expected.

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

“Clinical note” means a written, signed, and dated notation made by a health care professional who renders a service to the patient. Clinical notes are written into the patient’s medical record the day service is rendered.

“Clinical practitioner” means a physician, dentist, podiatrist, certified nurse midwife, physician assistant, or nurse practitioner.

“Commissioner” means the New Jersey State Commissioner of Health.

“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.

“Community perinatal center-birthing center” means a licensed birth center designated within a maternal and child health service region, in accordance with N.J.A.C. 8:33C.

“Comprehensive outpatient rehabilitation facility” means an ambulatory care facility which provides at least medical, physical therapy, and social or psychological services in a coordinated manner. The term applies to facilities which are certified or eligible for certification as comprehensive outpatient rehabilitation facilities in accordance with 42 CFR Part 485, Subpart B.

“Comprehensive rehabilitation agency” means an ambulatory care facility which provides at least medical, physical therapy, and social or psychological services in a coordinated manner.

“Conspicuously posted” means placed at a location within the facility accessible to and seen by patients and the public.

“Contamination” means the presence of an infectious or toxic agent in the air, on a body surface, or on or in clothes, bedding, instruments, dressings, or other inanimate articles or substances, including water, milk, and food.

“Controlled Dangerous Substances Acts” means the Controlled Substances Act of 1970 (Title II, Public Law 91-513) and the New Jersey Controlled Dangerous Substances Act of 1970, N.J.S.A. 24:21-1 et seq.

“Counseling” means provision of information intended to direct the behavior of a patient. Counseling services include, but are not limited to, dietary counseling, social work, and/or drug counseling services.

“Current” means up-to-date, extending to the present time.

“Department” means the New Jersey State Department of Health.