

2. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the facility upon full compliance;

3. An alternative proposal which would ensure patient safety; and

4. Documentation to support the application for waiver.

(d) The Department reserves the right to request additional information before processing a request for waiver.

Amended by R.2000 d.340, effective August 21, 2000.
See: 32 N.J.R. 627(a), 32 N.J.R. 3064(a).

In (b), substituted "Certificate of Need and Acute Care Licensure" for "Licensing, Certification and Standards".

Amended by R.2009 d.36, effective January 20, 2009.

See: 40 N.J.R. 4273(a), 41 N.J.R. 602(a).

In (b), inserted "Office of" and substituted "Healthcare Facility Licensure" for "Acute Care Licensure Program".

8:42-2.7 Action against a license

Action against a license shall be conducted in accordance with the General Licensure Procedures and Standards Applicable to all Licensed Facilities as set forth in N.J.A.C. 8:43E.

Amended by R.2000 d.340, effective August 21, 2000.
See: 32 N.J.R. 627(a), 32 N.J.R. 3064(a).

Rewrote the section.

Amended by R.2009 d.36, effective January 20, 2009.

See: 40 N.J.R. 4273(a), 41 N.J.R. 602(a).

Substituted "Standards Applicable to all Licensed Facilities" for "Enforcement of Licensure Regulations".

8:42-2.8 (Reserved)

Repealed by R.2000 d.340, effective August 21, 2000.
See: 32 N.J.R. 627(a), 32 N.J.R. 3064(a).

Section was "Hearings".

SUBCHAPTER 3. GENERAL REQUIREMENTS

8:42-3.1 Compliance with rules and laws

(a) The facility shall provide preventive, rehabilitative, and therapeutic services to patients. This shall include, but not be limited to, nursing, homemaker-home health aide, and physical therapy services. Nursing services shall be available 24 hours a day, seven days a week.

(b) The facility shall routinely provide nursing services through its own staff. Nursing services provided under contract shall be rendered only if the following conditions pertain:

1. During temporary periods when all available full and part-time employees have achieved maximum caseloads, or;

2. To provide specialized care which is not available through existing staff;

3. Contracted nursing personnel are oriented to the policies and procedures of the facility and receive supervision from supervisory staff employed by the facility; and

4. Provisions are made for continuity of patient care by the same contracted nursing personnel whenever possible.

(c) Other services such as physical therapy, occupational therapy, speech-language pathology, dietary counseling, homemaker-home health aide and social work services shall be available directly or through written agreement.

(d) The facility shall adhere to applicable Federal, State, and local rules, regulations, and requirements.

(e) The facility shall adhere to all applicable provisions of N.J.S.A. 26:2H-1 et seq., and amendments thereto.

(f) Each home health agency licensed pursuant to N.J.S.A. 26:2H-1 et seq. shall provide the following information to each patient receiving home-based services from that agency, or to a person designated by the patient:

1. The name and certification or licensure title, as applicable, of the homemaker home health aide or other health care professional whose practice is regulated pursuant to Title 45 of the Revised Statutes.

i. Agencies shall issue an identification tag to each homemaker-home health aide, and other health care professional in their employ.

ii. Agencies shall develop policies and procedures that require homemaker-home health aides, and other health care professionals, in their employ to wear identification tags in an easily visible place upon their person at all times while examining, observing, or caring for the patient;

2. A photograph of the homemaker-home health aide or other health care professional that shall be included on the identification tag required pursuant to (f)1 above; and

3. A copy of the most current edition of the consumer guide to homemaker-home health aides published by the New Jersey Board of Nursing.

(g) The consumer guide required pursuant to (f)3 above shall be provided:

1. In advance of the provision of services to the patient, whenever possible; and

2. Otherwise upon the homemaker-home health aide's initial visit to the patient's home.

Amended by R.2000 d.340, effective August 21, 2000.

See: N.J.R. 627(a), 32 N.J.R. 3064(a).

In (b), deleted "in order to provide specialized care which is unavailable through existing staff" at the end of 1, inserted a new 2, and recodified former 2 and 3 as 3 and 4; and in (c), deleted "audiology" following "pathology," and inserted "homemaker-home health aide" following "counseling,".

Amended by R.2005 d.72, effective February 22, 2005.
See: 36 N.J.R. 3239(a), 37 N.J.R. 591(a).
Added (f) and (g).

8:42-3.2 Ownership

(a) The ownership of the facility 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 Office of Certificate of Need and Healthcare Facility Licensure of the Department in writing at least 30 days prior to the change and in conformance with the requirements for Certificate of Need applications.

(b) No health care 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.

Amended by R.2000 d.340, effective August 21, 2000.
See: 32 N.J.R. 627(a), 32 N.J.R. 3064(a).

In (a), substituted "Certificate of Need and Acute Care Licensure" for "Licensing, Certification and Standards".

Amended by R.2009 d.36, effective January 20, 2009.

See: 40 N.J.R. 4273(a), 41 N.J.R. 602(a).

In (a), inserted "Office of" and substituted "Healthcare Facility Licensure" for "Acute Care Licensure Program".

8:42-3.3 Submission of documents

The facility shall, upon request, submit any documents, which are required by these rules, to the Director of the Office of Certificate of Need and Healthcare Facility Licensure of the Department.

Amended by R.2000 d.340, effective August 21, 2000.

See: 32 N.J.R. 627(a), 32 N.J.R. 3064(a).

Substituted "Certificate of Need and Acute Care Licensure" for "Licensing, Certification and Standards".

Amended by R.2009 d.36, effective January 20, 2009.

See: 40 N.J.R. 4273(a), 41 N.J.R. 602(a).

Inserted a comma following both "documents" and "rules"; inserted "Office of" and substituted "Healthcare Facility Licensure" for "Acute Care Licensure Program".

8:42-3.4 Personnel

(a) The facility shall ensure that the duties and responsibilities of all personnel are described in job descriptions and in the policy and procedure manual for each service.

(b) All personnel who require licensure, certification, or authorization to provide patients care shall be licensed, certified, or authorized under the appropriate laws or rules of the State of New Jersey.

(c) All personnel, both directly employed and under contract to provide direct care to patients, shall at all times wear or produce upon request employee identification.

(d) The facility shall have policies and procedures for the maintenance of confidential personnel records for each employee, including at least his or her name, previous employment, educational background, license number with effective date and date of expiration (if applicable), certification (if applicable), verification of credentials and references, health

evaluation records, job description, and evaluations of job performance.

(e) All new personnel, both directly employed and under contract to provide direct patient care, shall receive an initial health evaluation which includes at least a documented history.

(f) Employee health records shall be maintained for each employee. Employee health records shall be confidential and kept separate from personnel records.

(g) The employee health record shall include documentation of all medical screening tests performed and the results.

(h) All personnel, both directly employed and under contract to provide direct care to patients, shall receive a Mantoux tuberculin skin test with five tuberculin units of purified protein derivative. The only exceptions are personnel with documented negative Mantoux skin test results (zero to nine millimeters of induration) within the last year, personnel with documented positive Mantoux skin test results (10 or more millimeters of induration), personnel who received appropriate medical treatment for tuberculosis, or when medically contraindicated. Results of the Mantoux tuberculin skin tests shall be acted upon as follows:

1. If the Mantoux tuberculin skin test result is between zero and nine millimeters of induration, the test shall be repeated one to three weeks later.

2. If the Mantoux test result is 10 millimeters or more of induration, a chest x-ray shall be performed and, if necessary, followed by chemoprophylaxis or therapy.

(i) The Mantoux tuberculin skin test shall be administered to all agency personnel, both directly employed and under contract at the time of employment. To the extent, if any, that currently employed personnel have not been tested, they shall be tested immediately. The tuberculin skin test shall be repeated on an annual basis for all persons who provide direct patient care and every two years for all other employees.

(j) All personnel, both directly employed and under contract to provide direct care to patients, shall be given a rubella screening test using the rubella hemagglutination inhibition test or other rubella screening test. The only exceptions are personnel who can document seropositivity from a previous rubella screening test or who can document inoculation with rubella vaccine, or when medically contraindicated.

(k) The facility shall inform each person in writing of the results of his or her rubella screening test.

(l) The facility shall maintain a list identifying the name of each person who is seronegative and unvaccinated.

(m) All personnel, both directly employed and under contract to provide direct care to patients, who were born in 1957 or later shall be given a (measles) rubeola screening test using