

CHAPTER 52**RECOGNIZED PUBLIC HEALTH ACTIVITIES AND
MINIMUM STANDARDS OF PERFORMANCE FOR
LOCAL BOARDS OF HEALTH IN NEW JERSEY****Authority**

N.J.S.A. 26:1A-15.

Source and Effective Date

R.1992 d.24, effective December 11, 1991.
See: 23 N.J.R. 2528(a), 24 N.J.R. 144(a).

Executive Order No. 66(1978) Expiration Date

Chapter 52, Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey, expires on December 11, 1996.

Chapter Historical Note

Recognized Public Health Activities and Minimum Standards of Performance for Local Boards of Health in New Jersey was filed and become effective prior to September 1, 1969, as Chapter 51. Chapter 51 was repealed and new rules on the subject were adopted at Chapter 52 by R.1986 d.476, effective December 15, 1986 (operative January 1, 1987). See: 18 N.J.R. 1690(a), 18 N.J.R. 2448(a). Chapter 52 was readopted without change as R.1992 d.24, effective December 11, 1991. See: Source and Effective Date.

See section annotations for additional rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS**8:52-1.1 Purpose**

The purpose of this chapter is to establish minimum standards of performance for recognized public health activities and to designate those public health activities to be provided by all local boards of health in order to protect and improve the health of New Jersey residents.

8:52-1.2 Scope

Each local board of health is required to establish and maintain a program to meet the minimum standards of performance for each activity designated as core as defined in this chapter. No such minimum standard shall be construed as authorizing a lesser standard than that prescribed by statute or regulation or as empowering or requiring a local health agency to act in matters solely under the jurisdiction of a State, county or municipal agency.

8:52-1.3 Compliance

A local board of health that is determined by the Department to be deficient in meeting "Minimum Standards of Performance ..." for mandated public health activities shall submit a plan of correction to the Department as directed.

Failure to implement the provisions of the approved plan of correction shall result in action by the Department of Health in accordance with N.J.S.A. 26:3A2-11.

8:52-1.4 Definitions

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

"Community Health Profile" means health planning document which examines the health status as well as the social, economic and demographic risk factors of the community to determine public health problems and needs within a local health jurisdiction.

"Department of Health" means the New Jersey Department of Health.

"Full-time health officer" means a holder of a license as a health officer issued by the State Department of Health who is employed by a local board of health to function during all the working hours of the regularly scheduled work week of the governmental unit to which the local health agency is attached and not regularly employed during the working hours of that scheduled work week in other activities for which he receives remuneration.

"Local board of health", as defined in N.J.S.A. 26:1A-1 and N.J.S.A. 26:3-1, shall be the enforcement, policy and rule making body with respect to Local Health Services provided by local health agencies under N.J.S.A. 26:3A2-1 et seq.

"Local health agency" means a municipal, county, regional or other governmental agency conducting a public health program pursuant to law.

"Local Health Service Plan" means a multi year public plan prepared by a local health agency which identifies specific program goals and objectives to address the public health problems and needs identified in the community health profile and the activities mandated by N.J.A.C. 8:52.

"Recognized public health activities" are those activities which either have been provided by local boards of health or which are reasonable activities to be provided by local boards of health to meet the public health needs of the local health jurisdiction. Recognized public health activities are classified as either Core or Elective as defined in these rules.

"Core activities" means those recognized public health activities which are mandatory for local boards of health in all municipalities. The activities designated as Core represent those which are considered necessary for the provision of basic public health services.

"Elective activities" means those recognized public health activities which the local board of health may choose to provide based on special health needs identified within the jurisdiction of the local health agency and available resources.

8:52-1.5 Contractual services

A core or elective recognized public health activity meeting the standards prescribed in N.J.A.C. 8:52 may be planned and offered directly by the local board of health or by a person or agency under contract to the board, provided that the contract specifies that services provided shall be in accordance with N.J.A.C. 8:52 and shall not violate State statute or regulation.

8:52-1.6 Modification or waiver of program standard

(a) A local health agency may apply in writing to the Department of Health, Health Aid Services Program to obtain a modification or waiver of a program standard when:

1. The Community Health Profile indicates that the local health jurisdiction does not contain a high risk population sufficient to warrant the provision of a particular program services; or
2. The local health agency can demonstrate that the public health needs with respect to a given activity are being adequately met by other health care providers serving the local health jurisdiction; or
3. The local health agency can demonstrate to the satisfaction of the Department of Health that an alternative method exists to providing services in a manner which meets the intent of N.J.A.C. 8:52 and is appropriate to the public health needs of the local health jurisdiction; or
4. The local health agency can demonstrate that a significant unmet health need exists within the local health jurisdiction and resources are not available to adequately address all mandated public health needs.

(b) The Department of Health may allow a local health agency to provide certain mandated activities at a lesser level of service than is required by these standards in order to focus additional resources on critical health issues.

(c) Authorization to provide mandated activities at a lesser level of service shall be granted for a period of one year and shall be thoroughly reevaluated if documented requests are received for an extension of the authorization.

(d) The decision of the Department of Health regarding the request for a modification or waiver of standard shall be rendered in writing within 45 days of receipt and shall outline the conditions upon which the request is approved or denied. If the request is not approved, the Department of Health shall outline the procedure by which the decision may be reviewed.