

CHAPTER 33M

CERTIFICATE OF NEED: REHABILITATION
HOSPITALS AND COMPREHENSIVE
REHABILITATION SERVICES

Authority

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

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SUBCHAPTER 1. GENERAL PROVISIONS

8:33M-1.1 Scope and purpose

(a) The Department of Health and Senior Services is "designated as the sole agency in this State for comprehensive health planning" (N.J.S.A. 26:2H-1). The Health Care Facilities Planning Act stipulates that "no health care facility shall be constructed or expanded, and no new health care services shall be instituted . . . except upon application for and receipt of a certificate of need" (N.J.S.A. 26:2H-7). Consequently, the rules contained in this chapter specify the certificate of need requirements for all new rehabilitation hospitals and for all existing rehabilitation hospitals proposing to alter their licensed bed complements.

(b) A rehabilitation hospital may be either a freestanding inpatient health care facility or one or more separate and distinct inpatient units within a health care facility that is licensed by the Department of Health and Senior Services

to provide comprehensive rehabilitation services, as defined in N.J.A.C. 8:33M-1.2. The facility shall provide both inpatient and outpatient rehabilitation services. The coordinated, multidisciplinary services provided in rehabilitation hospitals shall be aimed at ameliorating the effects of disabilities by maximizing individual and family functional capacities for independent, productive living.

(c) Comprehensive rehabilitation and inpatient rehabilitation services which are promoted or advertised as being comprehensive in nature shall be provided exclusively in health care facilities licensed by the Department of Health and Senior Services as rehabilitation hospitals. Only rehabilitation hospitals so licensed shall bill patients and third party payers for inpatient rehabilitation services which are promoted or advertised as being comprehensive in nature.

(d) In the case of health care facilities that provide comprehensive rehabilitation as well as other types of health care services, only those beds located in separate and distinct units used exclusively for comprehensive rehabilitation shall be counted as part of the facility's rehabilitation hospital license.

(e) Any providers seeking to alter their licensed complement of comprehensive rehabilitation beds or any other providers proposing to establish services that will meet the licensure requirements for comprehensive rehabilitation contained in N.J.A.C. 8:43H shall obtain certificate of need approval, in accordance with the rules contained in this chapter.

8:33M-1.2 Definitions

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

"Applicant" means the applicant for a certificate of need for comprehensive rehabilitation services.

"Comprehensive rehabilitation" means an intensive, multidisciplinary program of inpatient care designed to restore a disabled person to the highest attainable level of functioning and to provide new skills for successful adaptation to long-term impairments, offered primarily to patients who have recently experienced disability due to a congenital defect, acute illness or injury, or the exacerbation of a chronic illness or injury. Patients admitted to comprehensive rehabilitation programs are screened to assure that their treatment in the facility will result in demonstrably increased functional abilities and an improved quality of life after discharge from the institution, to an extent that would not generally be possible with treatment available from other types of health care facilities.

"Comprehensive rehabilitation agency" means an ambulatory care facility which provides at least medical, physical

therapy, and social or psychological services in a coordinated manner.

“Department” means the New Jersey State Department of Health and Senior Services.

“Environmental modification services” means a planned process of evaluation and adaptation of a patient’s living environment as may be needed to permit maximum independent functioning.

“Freestanding rehabilitation hospital” means a facility that carries its own separate license from the Department of Health and Senior Services for comprehensive rehabilitation beds.

“Medicaid patient” means a patient whose care is paid for by Medicaid.

“Medically underserved” means segments of the population whose utilization of health care services is less than those numbers approximately proportionate to their presence in the population as adjusted to account for their need for such services. Medically underserved includes, but is not limited to, racial and ethnic minority populations, migrant workers, the handicapped, Medicaid recipients, and the medically indigent, defined as those individuals lacking third party insurance coverage whose income is less than or equal to 200 percent of the United States Department of Health and Human Services Income Poverty Guidelines, 42 U.S.C. 9902(2).

“Multidisciplinary program” means a collaborative, integrated process whereby health professionals from a variety of disciplines assess individual patients and work together as a team to establish each patient’s plan of care and goals for that care. The team meets on a regular basis to review patients’ progress, to modify goals as necessary, and to assure that patients’ needs are being met. Members of the team either provide care directly to patients in accordance with their treatment plans, or are responsible for supervising other health care workers who provide such care.

“Physiatrist” means a physician who is either certified or eligible for certification by the American Board of Physical Medicine and Rehabilitation or by the American Osteopathic Board of Rehabilitation Medicine.

SUBCHAPTER 2. REQUIREMENTS

8:33M-2.1 Relationship between licensure and certificate of need requirements

The provisions of N.J.A.C. 8:43H, the Manual of Standards for Licensure of Comprehensive Rehabilitation Hospitals, are hereby incorporated by reference. Applicants receiving certificate of need approval for comprehensive rehabilitation beds shall comply with all applicable requirements of N.J.A.C. 8:43H.

8:33M-2.2 Facility personnel and service requirements

(a) Applicants shall document that they will provide services in such numbers and types to adequately meet the needs of the patient population. These services may be provided by staff employed directly by the facility or through contractual arrangements with other agencies or facilities. At a minimum, the rehabilitation hospital shall provide the following services, on both an inpatient and an outpatient basis, at the facility: audiology, dental, dietary, driver evaluation, environmental modification, laboratory, medical, nursing, nutritional counseling, occupational therapy, orthotic and prosthetic, pharmaceutical, physiatry, physical therapy, psychological, radiological, recreational therapy, respiratory therapy, sexual counseling, social work, speech-language pathology, and vocational testing and counseling.

(b) The applicant shall describe, to the satisfaction of the Department of Health and Senior Services, how the multidisciplinary program will be organized. This shall include an identification of personnel who will be included on the team, as well as members’ roles and responsibilities. The applicant shall document how the multidisciplinary team will promote coordination of care for patients.

(c) The applicant shall document that combined rehabilitative therapies, excluding nursing care and physician services and including physical therapy and occupation therapy and/or speech therapy, shall be provided for a minimum of three hours per patient per day, five days per week. In the case of pediatric rehabilitation hospitals, applicants shall document that combined rehabilitative therapies, including nursing care and physician services and including at least two out of four modalities (that is, physical, occupational, speech, and/or respiratory therapies), shall be provided for a minimum of three hours per patient per day, five days per week.

(d) The applicant shall provide documentation that the comprehensive rehabilitation program for adult patients will be under the direction of a full-time, Board-certified physiatrist. If the comprehensive rehabilitation program is intended to treat pediatric patients, the applicant shall provide documentation that the program will be under the direction of a full-time, Board-certified pediatrician, with a physiatrist available to all patients as needed. Medical staffing at a proposed rehabilitation hospital shall include, at a minimum, one full-time equivalent physiatrist per 20 adult patients. For pediatric patients, the proposed rehabilitation hospital shall be staffed, at a minimum, with one full-time equivalent pediatrician per 20 patients.