

## CHAPTER 43A

### MANUAL OF STANDARDS FOR LICENSING OF AMBULATORY CARE FACILITIES

#### Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-12.5;  
and Reorganization Plan No. 002-2004.

#### Source and Effective Date

R.2008 d.24, effective December 21, 2007.  
See: 39 N.J.R. 2309(a), 40 N.J.R. 702(a).

#### Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 43A, Manual of Standards for Licensing of Ambulatory Care Facilities, expires on December 21, 2014. See: 43 N.J.R. 1203(a).

#### 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Chapter 43A, Ambulatory Care Facilities, was repealed and Chapter 43A, Manual of Standards for Ambulatory Care Facilities, was adopted as new rules by R.1985 d.438, effective September 3, 1985.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 (1978), 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was readopted as R.1993 d.443, effective August 16, 1993, and Subchapters 1 through 11 and 13 through 19 were repealed and new Subchapters 1 through 11 and 13 through 29 were adopted as R.1993 d.443, effective September 7, 1993.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: 30 N.J.R. 2558(a), 30 N.J.R. 4070(c).

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

Subchapter 30, Radiation Oncology, was adopted as new rules by R.2000 d.376, effective September 18, 2000. See: 31 N.J.R. 2729(a), 32 N.J.R. 3459(b).

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

Chapter 43A, Manual of Standards for Licensing of Ambulatory Care Facilities, was adopted as new rules by R.2002 d.142, effective May 20, 2002. See: 33 N.J.R. 2619(a), 34 N.J.R. 1831(b).

Administrative correction. See: 34 N.J.R. 3022(a).

Subchapter 24, Renal Dialysis, was repealed and adopted as new rules, and Subchapter 32, Other Services, was adopted as new rules by R.2005 d.278, effective September 6, 2005. See: 37 N.J.R. 699(a), 37 N.J.R. 3348(a).

Subchapter 33, Programs of All-Inclusive Care for the Elderly (PACE) Organizations, was adopted as new rules by R.2007 d.106, effective April 16, 2007. See: 38 N.J.R. 4154(a), 39 N.J.R. 1480(a).

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 43A, Manual of Standards for Licensing of Ambulatory Care Facilities, expires on November 16, 2007. See: 39 N.J.R. 2309(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 43A, Manual of Standards for Licensing of Ambulatory Care Facilities, was extended by gubernatorial directive from November 16, 2007 to January 31, 2008. See: 39 N.J.R. 5340(a).

Chapter 43A, Manual of Standards for Licensing of Ambulatory Care Facilities, was readopted as R.2008 d.24, effective December 21, 2007. See: Source and Effective Date. See, also, section annotations.

Petition for Rulemaking. See: 42 N.J.R. 529(a).

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

#### SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

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

(a) This chapter applies to all health care facilities that provide ambulatory care services, including, but not limited to:

1. 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; and
2. Abortion facilities, comprehensive outpatient rehabilitation facilities, and birth centers.

(b) 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.

(c) The rules in this chapter constitute the basis for the licensure of ambulatory care facilities by the Department of Health and Senior Services.

Amended by R.2008 d.24, effective January 22, 2008.

See: 39 N.J.R. 2309(a), 40 N.J.R. 702(a).

Inserted all subsection designations; in the introductory paragraph of (a), substituted "This chapter applies" for "The rules in this chapter pertain", "that" for "which" and a colon for "; primary", and inserted a comma following "services"; in (a)1, inserted "Primary" and substituted "; and" for ". These rules also pertain to abortion"; in (a)2, inserted "Abortion"; and in (c), substituted "Department of Health and Senior Services" for "New Jersey State Department of Health".

##### 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.

"Addiction Professionals Certification Board of New Jersey, Inc." means the entity by that name for which the contact information is Addiction Professionals Certification Board of New Jersey, Inc., 1200 Tices Lane, Suite 104, East Brunswick, NJ 08816 (732) 249-1991, telefacsimile (732) 249-1559, [www.certbd.com](http://www.certbd.com).

"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