

CHAPTER 43E

GENERAL LICENSURE PROCEDURES AND STANDARDS APPLICABLE TO ALL LICENSED FACILITIES

Authority

N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5, 5b, 5c, 5e, 5.12, 5.16, 7, 7.21, 13, and 14; and N.J.S.A. 34:11-56a31 et seq., particularly 56a38.

Source and Effective Date

R.2006 d.332, effective August 18, 2006.
See: 38 N.J.R. 1121(b), 38 N.J.R. 3898(a).

Chapter Expiration Date

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, expires on August 18, 2011.

Chapter Historical Note

Chapter 43E, Policy Manual for Planning and Certificate of Need Reviews of Psychiatric Health Care Facilities and Services within the State of New Jersey, was recodified as N.J.A.C. 8:33R by R.1993 d.29, effective January 4, 1993. See: 24 N.J.R. 3598(a), 25 N.J.R. 111(a).

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was adopted as R.1995 d.198, effective April 3, 1995. See: 26 N.J.R. 4527(a), 27 N.J.R. 1411(a).

Pursuant to Executive Order No. 66(1978), Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, expired on April 3, 2000.

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was adopted as new rules by R.2001 d.59, effective February 20, 2001. See: 32 N.J.R. 3041(a), 33 N.J.R. 653(b).

Subchapter 6, Pain Management Procedures, was adopted as new rules by R.2004 d.38, effective January 20, 2004. See: 35 N.J.R. 1828(a), 36 N.J.R. 426(a).

Subchapter 8, Mandatory Overtime, was adopted as new rules by R.2004 d.71, effective February 17, 2004. See: 35 N.J.R. 4195(a), 36 N.J.R. 1017(a).

Subchapter 7, Requirement to Use Needles and Sharp Instruments Containing Integrated Safety Features or Needleless Devices, was adopted as new rules by R.2004 d.301, effective August 2, 2004. See: 35 N.J.R. 3513(a), 36 N.J.R. 3536(a).

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was readopted as R.2006 d.332, effective August 18, 2006. See: Source and Effective Date.

Chapter 43E, General Licensure Procedures and Enforcement of Licensure Regulations, was renamed General Licensure Procedures and Standards Applicable to All Licensed Facilities, and Subchapter 10, Patient or Resident Safety Requirements and Reportable Events, was adopted as new rules by R.2008 d.52, effective March 3, 2008. See: 39 N.J.R. 314(a), 40 N.J.R. 1094(a).

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APPENDIX A. REPORT OF SERIOUS PREVENTABLE ADVERSE EVENT IN A NEW JERSEY LICENSED HEALTH CARE FACILITY

APPENDIX B. REPORT OF SERIOUS PREVENTABLE ADVERSE EVENT IN A NEW JERSEY LICENSED HEALTH CARE FACILITY: ROOT CAUSE ANALYSIS (RCA)

SUBCHAPTER 1. SCOPE AND GENERAL PURPOSE

8:43E-1.1 Scope

The rules in this chapter pertain and apply to all health care facilities licensed by the Department pursuant to the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq. The rules set forth the procedures for the conduct of surveys of health care facilities, the basis and procedures for imposition of penalties and other enforcement actions and remedies, and the rights and procedures available to facilities to request a hearing to contest survey findings and the imposition of penalties.

8:43E-1.2 Purpose

The rules in this chapter are intended to promote the health, safety, and welfare of patients or residents of health care facilities through establishing rules and regulations implementing the Department's legislative mandate to enforce violations of licensing regulations. The rules also are intended to afford health care facilities with appropriate and adequate due process rights and procedures upon the finding of a violation or assessment of a penalty or other enforcement action.

8:43E-1.3 Definitions

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

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

“Curtailement” means an order by the Department which requires a licensed health care facility to cease and desist all admissions and readmissions of patients or residents to the facility or affected service.

“Deficiency” means a determination by the Department of one or more instances in which a State licensing regulation or Federal certification regulation has been violated.

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

“Division” means Division of Health Care Systems Analysis, New Jersey Department of Health and Senior Services.

“Facility” means the entity which has been issued a license to operate a health care facility pursuant to N.J.S.A. 26:2H-1 et seq. For the purposes of this chapter, “facility” includes ambulance and invalid coach services.

“Immediate and serious threat” means a deficiency or violation that has caused or will imminently cause at any time serious injury, harm, impairment, or even death to residents or patients of the facility and therefore requires immediate corrective action.

“Patient” means an individual under the medical and nursing care and supervision of a licensed health care facility. For purposes of this chapter, “patient” is synonymous with “resident.”

“Plan of correction” means a plan developed by the facility and reviewed and approved by the Department which describes the actions the facility will take to correct deficiencies and specifies the time frame in which those deficiencies will be corrected.

“Resident” means an individual residing in a licensed health care facility and under the supervision of that facility for the purpose of receiving medical, nursing, and/or personal care services. For purposes of this chapter, “resident” is synonymous with “patient.”

“Survey” means the evaluation of the quality of care and/or the fitness of the premises, staff, and services provided by a facility as conducted by the Department and/or its designees to determine compliance or non-compliance with applicable State licensing regulations, statutes, or Federal Medicare/Medicaid certification regulations or statutes.

SUBCHAPTER 2. SURVEY PROCEDURES

8:43E-2.1 Scope and types of surveys

(a) The Department, or another State agency to which the Department has delegated the authority for conduct of surveys either partially or fully, may conduct periodic or special