

8:43B-2.2 Application for licensure

(a) Following receipt of a certificate of need, the holder of such certificate shall make application to the Commissioner for a license to operate a sponsor agency on forms prescribed by the Department. Such forms may be obtained from:

Director
Licensing, Certification and Standards
Division of Health Facilities Evaluation and Licensing
New Jersey State Department of Health
CN 367
Trenton, New Jersey 08625
(609) 588-7726

(b) The applicant shall submit to the Department a non-refundable filing fee of \$250.00 for the initial licensure of a sponsor agency, and annually thereafter for renewal of the license.

(c) No agency or other health care provider shall advertise or claim itself to be a "sponsor agency" unless licensed as a sponsor agency.

8:43B-2.3 Surveys and temporary license

(a) Following submission of the application for temporary licensure and prior to the initiation of services, a survey by representatives of the Health Facilities Inspection Program of the Department may be conducted to determine if the facility complies with the rules in this chapter:

1. The sponsor agency shall be notified in writing of the findings of the survey, including any deficiencies found;

2. The sponsor agency shall notify the Health Facilities Inspection Program of the Department when the deficiencies, if any, have been corrected, and the Health Facilities Inspection Program will schedule one or more resurveys of the facility prior to initiating services; and

3. Additional survey visits may be made to a sponsor agency at any time by authorized staff of the Department. Such visits may include, but not be limited to, the review of all sponsor agency documents, client records, home visits, and conferences with clients.

(b) Following submission of an application for licensure, and at the discretion of the Department, a preliminary conference for review of the conditions for licensure and operation may take place between staff of the Licensing, Certification, and Standards Program and representatives of the sponsor agency, who will be advised that the purpose of the temporary license is to allow the Department to determine the facility's compliance with N.J.S.A. 26:2H-1 et seq. and the rules pursuant thereto prior to issuance of a full license. A temporary license may be issued to a sponsor agency when all of the following conditions have been met:

1. Survey(s) by representatives of the Department indicate that the sponsor agency complies with the rules of this chapter;

2. The fee for filing of the application has been received by the Department and the application has been deemed complete;

3. Written approvals are on file with the Department from the local zoning, fire, health, and building authorities;

4. Personnel are employed in accordance with the staffing requirements in this chapter; and

5. Evidence of a current liability insurance policy.

(c) A temporary license shall be valid for a period of six months.

(d) An application for licensure may be denied if the applicant, during the preceding 12 months from the date of the application, was found to have violated state licensing or Federal certification requirements for operation of a health care facility which posed a serious and immediate threat to the health, safety or welfare of patients or residents. Such violation shall have resulted in the imposition of civil penalties, an action for revocation of a license, or curtailment of admissions.

(e) No sponsor agency shall be managed or operated by any person convicted of a crime relating adversely to the person's capability to manage or operate the sponsor agency.

(f) The temporary license shall be conspicuously posted at the sponsor agency's office.

(g) The temporary license is not assignable or transferable, and it shall become immediately void if the sponsor agency ceases to operate or if its ownership changes.

8:43B-2.4 Full license

(a) A full license shall be issued on expiration of the temporary license if surveys by the Department have determined that the sponsor agency is operated as required by N.J.S.A. 26:2H-1 et seq. and by the rules pursuant thereto.

(b) A full license shall be granted for a period of one year.

(c) The full license shall be conspicuously posted at the sponsor agency's office.

(d) The full license shall not be assignable or transferable, and it shall become immediately void if the sponsor agency ceases to operate or if its ownership changes.

(e) The license, unless suspended or revoked, shall be renewed annually on the original licensure date, or within 30 days thereafter but dated as of the original licensure date.

The sponsor agency will receive a request for renewal fee 30 days prior to the expiration of the license. A renewal license shall not be issued unless the licensure fee is received by the Department.

8:43B-2.5 Surrender of license

(a) In the event a sponsor agency chooses to voluntarily cease operations, it shall notify each client, caregiver and the Department of Health at least 30 days prior to closure. A termination plan must be prepared and submitted to the Department for approval prior to implementation. The plan shall address, at a minimum, the procedures for the appropriate transfer of all services necessary to protect the health and welfare of clients. The license shall be returned to the Licensing, Certification and Standards Program of the Department within seven working days after cessation of operations.

(b) As directed under an order of revocation, refusal to renew, or suspension of license, the license shall be returned to the Licensing, Certification and Standards Program of the Department within seven working days after the revocation, non-renewal, or suspension of license.

8:43B-2.6 Waiver

(a) The Commissioner or his or her designee may, in accordance with the general purposes and intent of this chapter, waive sections of these rules if, in his or her opinion, such waiver would not endanger the life, safety, or health of clients or the public.

(b) A sponsor agency seeking a waiver of these rules shall apply in writing to the Director of the Licensing, Certification and Standards Program of the Department.

(c) A written request for waiver shall include the following:

1. The specific rule(s) or part(s) of the rule(s) for which waiver is requested;
2. Reasons for requesting a waiver, including a statement of the type and degree of hardship that would result to the sponsor agency upon compliance;
3. An alternative proposal which would ensure client safety; and
4. Documentation necessary to support the request, if applicable.

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

8:43B-2.7 Action against a license

(a) If the Department determines that a sponsor agency is not in compliance with the requirements of this chapter, the Commissioner or his or her designee may take any and all necessary action as set forth at N.J.A.C. 8:43E. The Commissioner or his or her designee shall notify the sponsor agency in writing of such determination.

(b) The provisions of this section shall apply to a sponsor agency with either a temporary or a full license.

8:43B-2.8 Hearings

(a) Whenever the Department moves pursuant to N.J.A.C. 8:43E with regard to action against a license, the licensee may, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, request a hearing at the Office of Administrative Law.

(b) Prior to transmittal of any hearing request to the Office of Administrative Law, the Department may schedule a conference to attempt to settle the matter.

SUBCHAPTER 3. GENERAL REQUIREMENTS

8:43B-3.1 Compliance with laws and rules

The sponsor agency shall comply with all applicable Federal, State and local laws, rules and regulations.

8:43B-3.2 Ownership

(a) The ownership and governance of the sponsor agency shall be disclosed to the Department in the sponsor agency's initial application for licensure. The Director of the Licensing, Certification and Standards Program shall be notified by the sponsor agency, in writing, of any proposed transfers or changes in ownership at least 30 days prior to the proposed change. All transfers of ownership must be in conformance with the certificate of need requirements for such transfers, as set forth at N.J.A.C. 8:33-3.3.

(b) The Director of the Licensing, Certification and Standards Program of the Department shall be notified by the sponsor agency of any proposed change in the location of the sponsor agency office(s) in writing at least 30 days prior to the change and in conformance with requirements for certificate of need.

8:43B-3.3 Submission of documents and data

(a) The sponsor agency shall, upon request, submit any documents which are required by the rules in the chapter to be maintained to the Director of the Licensing, Certification and Standards Program. Additionally, the sponsor agency shall, upon request, submit data related to utilization, demographics, costs, charges, staffing, and other planning and financial data necessary to evaluate the quality of the program.

(b) The sponsor agency shall maintain an ongoing registry of all caregivers and clients. The following standards for maintaining the registry shall apply: