



News Release

PO Box 360, Trenton, N.J. 08625-0360

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Commissioner

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Department of Health and Senior Services Proposes to Readopt N.J.A.C. 8:43A, the Manual of Standards for Licensing of Ambulatory Care Facilities, with Amendments, Repeals, and a New Rule

The Office of Certificate of Need and Healthcare Facility Licensure in the Division of Health Facilities Evaluation and Licensing of the Senior Services and Health Systems Branch of the Department of Health and Senior Services is proposing to readopt N.J.A.C. 8:43A, the Manual of Standards for Licensing of Ambulatory Care Facilities, with amendments, repeals and a new rule. The notice of proposal appears in the June 18, 2007, issue of the New Jersey Register.

Most of the proposed revisions are technical in nature, and would improve grammar, style and readability, update cross-references to publications and laws incorporated by reference, and correct contact information for entities to which the chapter refers.

Among proposed substantive changes is a proposed new rule at N.J.A.C. 8:43A-2.6(g) that would establish as a condition of licensure renewal that facilities not have ambulatory care facility assessments in arrears, and would establish a procedure by which facilities may obtain conditional renewal if they establish escrow accounts for assessments that are the subject of an appeal process, which conditional status would be lifted provided the facility pays the assessment amount that is due upon conclusion of the appeal.

Similar to proposed new N.J.A.C. 8:43A-2.6(g), proposed new N.J.A.C. 8:43A-3.3(a)1 through 3 would establish as a condition of Department approval of a change in facility ownership that facilities not have ambulatory care facility assessments in arrears, and would establish a procedure by which facilities may obtain conditional approval of a change in facility ownership if they establish escrow accounts for assessments that are the subject of an appeal process, which conditional status would be lifted provided the assessment amount that is due upon conclusion of the appeal is paid. The Department proposes no requirement as to which of either the ownership transferor or transferee should bear the responsibility of payment of the assessment as part of an ownership transfer inasmuch as this is a business decision; however, the Department would not issue final approval of an ownership transfer unless and until the assessment is paid.

The Department is proposing to repeal N.J.A.C. 8:43A-3.12, which establishes audit and reporting requirements applicable to ambulatory surgery facilities. The Department typically requires health care facilities to collect and report this information to the Department in connection with the Department's decision-making process for the issuance of certificates of need. It is no longer necessary for the Department to require to collect and report this information because a 1998 law exempted ambulatory surgery facilities from the requirement of a certificate of need.

A proposed substantive repeal would delete N.J.A.C. 8:43A-6.9, Smoking in facility, inasmuch as it is potentially inconsistent with the New Jersey Smoke-Free Air Act.

A proposed amendment at N.J.A.C. 8:43A-13.5 would add domestic partners and civil union partners to the list of persons deemed to be the “legally authorized representative” of a patient for purposes of that section, for consistency with the Domestic Partnership Act and New Jersey’s civil union law.

The public has until August 17, 2007 to comment on the proposal. Persons wishing to comment on the proposal must submit their comments in writing to John A. Calabria, Director, Office of Certificate of Need and Healthcare Facility Licensure, Division of Health Facilities Evaluation and Licensing, NJ Department of Health and Senior Services, P O Box 360, Trenton, NJ 08625-0358. Written comments must be postmarked on or before August 17, 2007, which is the close of the 60-day public comment period.

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