

PUBLIC NOTICES

HEALTH AND SENIOR SERVICES

SENIOR SERVICES AND HEALTH SYSTEMS BRANCH

DIVISION OF HEALTH FACILITIES EVALUATION AND LICENSING

Moratorium Affecting Licensure of Adult Day Health Services Facilities

Take notice that, in accordance with N.J.S.A. 26:2H-1 et seq., the Commissioner of the Department of Health and Senior Services (Department) shall not accept applications for the licensure of new, or the expansion of existing, adult day health services (ADHS) facilities, effective immediately and extending the existing moratorium until May 1, 2012. Pursuant to the public notice at 42 N.J.R. 2644(b) (November 1, 2010), the Commissioner reviewed the existing moratorium and determined an extension is necessary.

The Department began to transition ADHS participants to managed care organizations (MCOs) on July 1, 2011. The Department has determined that it is appropriate to continue the existing moratorium to permit feedback from the MCOs regarding capacity and eligibility assessments of participants prior to proposing amendments to the existing rules governing ADHS facilities.

The Department has licensed 12,975 ADHS slots in 141 facilities, and has applications pending for over 5,000 additional slots. The vast majority of the pending applications that are under review are for slots in over 30 new facilities. There has been a dramatic growth in the number of licensed slots available since an earlier moratorium was lifted on October 1, 2006 (see 38 N.J.R. 3324(c)), with even more slots and

facilities pending in the licensing pipeline. There continues to be adequate access to ADHS facilities and the Department is not aware of any facilities with waiting lists.

Therefore, it is necessary for the Department to continue temporarily to decline the acceptance of applications for the licensure of new ADHS facilities and for authorization to expand existing facilities. The Department will continue to process licensing applications for ADHS facilities formally submitted to the Department prior to November 3, 2008. This moratorium applies to applications for licensure of new facilities, authorization to relocate unlicensed facilities, and authorization to operate more than one shift at existing or new facilities. The Department will not accept requests for authorization to relocate unlicensed facilities because the relocation of an existing unlicensed facility would require the submission of a new licensing application.

Any person holding an ADHS facility license may undertake activities to construct and operate a replacement facility with a census that would be the same or lower than the existing facility's licensed census, provided that such replacement facility might only be licensed upon the otherwise unconditional cessation of operation of the existing licensed ADHS facility.

The Department will continue to process applications seeking the approval of ownership transfers of existing licensed ADHS facilities, provided such transfers would not result in an increase in the number of licensed facilities or slots.

The existing moratorium for pediatric medical day care facilities (see 38 N.J.R. 3325(a)) remains in effect.

Mary E. O'Dowd, MPH

Commissioner of Health and Senior Services

Dated: October , 2011