



State of New Jersey  
DEPARTMENT OF HEALTH AND SENIOR SERVICES  
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JON S. CORZINE  
Governor

[www.nj.gov/health](http://www.nj.gov/health)

HEATHER HOWARD  
Commissioner

April 28, 2009

TO: Administrators for Assisted Living Residences, Comprehensive Personal Care Homes, Assisted Living Programs, Long Term Care Facilities, Residential Health Care Facilities attached to another facility type licensed by the Department, Adult and Pediatric Day Health Services Facilities Interested Parties

FROM: Heather Howard  
Commissioner

RE: Patient Safety Act Implementation

The Department of Health and Senior Services adopted administrative rules at N.J.A.C. 8:43E-10 implementing the "Patient Safety Act," N.J.S.A. 26:2H-12.23 through 12.25. The rules require licensed health care facilities to report every serious preventable adverse event that occurs within the licensed facility to the Department. N.J.A.C. 8:43E-10.2(a)1, 2, 3, 6 and 8 became effective on March 3, 2009, respectively, for assisted living residences licensed pursuant to N.J.A.C. 8:36, comprehensive personal care homes licensed pursuant to N.J.A.C. 8:36, assisted living programs licensed pursuant to N.J.A.C. 8:36, long-term care facilities licensed pursuant to N.J.A.C. 8:39, residential health care facilities attached to another facility type licensed by the Department pursuant to N.J.A.C. 8:43, and adult and pediatric day health services facilities licensed pursuant to N.J.A.C. 8:43F.

The purpose of this letter is to describe a phased process for implementation of adverse event reporting requirements for assisted living residences, comprehensive personal care homes, assisted living programs, long-term care facilities, residential health care facilities attached to another facility type licensed by the Department, and adult and pediatric day health services facilities. This phase-in will apply to serious preventable adverse event reporting pursuant to N.J.A.C. 8:43E-10.

New Jersey will be one of only a few states to apply mandatory reporting to these facilities. A period of evaluation is necessary regarding the application of the Patient Safety Act's adverse event definitions to care delivered in the long term care setting. Furthermore, public comment on implementing administrative rules regarding N.J.A.C. 8:43E-10.2 noted the obstacles faced by assisted living residences, comprehensive personal care homes, assisted living programs, long-term care facilities, residential health care facilities attached to another facility type licensed by the Department,

and adult and pediatric day health services facilities in implementing the Patient Safety Act and asked for delayed implementation. Upon further consideration, the Department has determined it is reasonable to extend the implementation of the Patient Safety Act using a phased approach for licensed assisted living residences, comprehensive personal care homes, assisted living programs, long-term care facilities, residential health care facilities attached to another facility type licensed by the Department, and adult and pediatric day health services facilities.

In Phase 1, effective May 21, 2009, licensed assisted living residences, comprehensive personal care homes, assisted living programs, private long-term care facilities, residential health care facilities attached to another facility type licensed by the Department, and adult and pediatric day health services facilities shall identify a patient safety contact and establish patient safety committees. Please complete the attached form designating a contact and fax to the Patient Safety Initiative before May 21, 2009 at 609-984-7707.

The obligation to report events articulated at N.J.A.C. 8:43E-10.6(e) through (j) and voluntary reporting pursuant to N.J.A.C. 8:43E-10.8 will not come into effect until Phase 2 of the implementation, at a date still to be determined. Facilities will be provided sufficient advanced notice of that new date in a subsequent memorandum.

Medicare and/or Medicaid Nursing Homes shall establish patient safety committees before May 21, 2009, but are not required to identify a patient safety contact. Medicare and/or Medicaid Nursing Homes shall be deemed in compliance with N.J.A.C. 8:43E-10.6 provided they report in compliance with applicable federal and state reporting statutes and regulations.

In the interim, licensed assisted living residences, comprehensive personal care homes, assisted living programs, long-term care facilities, residential health care facilities attached to another facility type licensed by the Department, and adult and pediatric day health services facilities shall continue to report events to the Office of Health Facilities Assessment and Survey as part of the licensing requirements. Submit reports by telephone to 800-792-9770 or by fax to 609-633-9060.

For questions regarding event reporting to the Department's Assessment and Survey Office, please call at 609-633-8991.

Attachment

- c. Eliot Fishman, Director, Office of Policy  
Matthew D'Oria, Deputy Commissioner