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June 24, 2021

**To:** Ambulatory Care Facilities Licensed Pursuant to N.J.A.C. 8:43A-20 through 23

**From:** Marcela Maziarz, MPA   
Deputy Commissioner  
Health Systems

**Subject:** Alternate Care Locations

Pursuant to the Commissioner of the New Jersey Department of Health's (NJDOH) waiver authority at N.J.A.C. 8:43A-2.9, facilities licensed pursuant to N.J.A.C. 8:43A-20 through 23 providing pediatric, primary care, family practice, or family planning, prenatal, postpartum, and gynecological services may apply for a waiver of the licensing standards that prohibit a facility from providing services at a location other than the location identified on the facility's license.

The facility must identify an alternate care location where it provides licensed services on a regular schedule to the patients or clients of another facility or agency. The facility may be permitted to utilize an alternate care location pursuant to the following conditions:

- 1) The facility must submit a waiver request using [form CN-28](#) to the NJDOH identifying the following:
  - a. The address where services will be provided;
  - b. The agency or entity whose patients or clients will be served by the licensed facility;
  - c. The location within the building where services will be provided;
  - d. The hours of operation at the alternate care location; and
  - e. The entity responsible for NJDOH enforcement actions with respect to shared space.
- 2) The facility must develop and implement policies and procedures for the provision of services in the alternate care location including, but not limited to, the following:

- a. Coordination of services between the facilities;
  - b. Development and implementation of emergency and disaster plans that are coordinated between the facilities; and
  - c. Methods for ensuring visual and auditory privacy of patients pursuant to N.J.A.C. 8:43A-6.3(a)<sup>14</sup> including how safeguards will be extended to space shared between the entities.
- 3) The alternate care location must have a designated examination room to provide licensed services that is not shared with the other facility or entity.
- 4) The alternate care location must comply with the following standards from the construction guidelines<sup>1</sup> for the examination room:
- a. The room must have a floor area of at least 80 square feet and accommodate a minimum of 2 feet 8 inches at each side of the examination table;
  - b. A portable or fixed examination light;
  - c. Storage for supplies;
  - d. Accommodations for written/electronic documentation;
  - e. Space for a visitor's chair; and
  - f. A hand-washing station.
- 5) The facility must comply with the following subchapters for services provided at the alternate care location:
- a. N.J.A.C. 43A-3. General requirements
  - b. N.J.A.C. 43A-6. Patient care policies and services
  - c. N.J.A.C. 8:43A-14. Infection prevention and control
  - d. N.J.A.C. 8:43A-16. Patient rights
  - e. N.J.A.C. 8:43A-18. Quality assurance
- 6) The facility must comply with the following subchapters for services provided at the alternate care location with noted exceptions:
- a. N.J.A.C. 43A-5. Administration
    - i. The administrator may be the same person as the administrator for the main facility location.
  - b. N.J.A.C. 43A-7. Medical services
    - i. The medical director may be the same person as the medical director for the main facility location.

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<sup>1</sup> "Construction guidelines" means the Guidelines for Design and Construction of Health Care Facilities, 2018 edition published by the American Institute of Architects, which can be accessed at <https://fgiguilines.org/guidelines/2018-fgi-guidelines/>

- c. N.J.A.C. 43A-8. Nursing services
  - i. The director of nursing services may be the same person as the director of nursing services for the main facility location.
- d. N.J.A.C. 8:43A-13. Medical records
  - i. The facility must utilize an electronic health record for patients seen at the alternate care location.
- e. N.J.A.C. 8:43A-17 Housekeeping
  - i. Standards must be implemented for the space where clinical services are provided.
- f. N.J.A.C. 8:34A-31. Water supply and laundry
  - i. The alternate care location is not required to have laundry service unless reusable linens are used for patient care.

A survey of the alternate care location may be conducted by the NJDOH prior to operation to ensure the facility complies with regulations and this waiver.