



State of New Jersey
DEPARTMENT OF HEALTH

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Acting Commissioner

To: Acute Care General Hospitals Licensed under N.J.A.C. 8:43G

From: Michael J. Kennedy, J.D. *MJK*
Executive Director, Division of Certificate of Need and Licensing

Date: December 6, 2023

Re: Participation in the Centers for Medicare & Medicaid Services Acute
Hospital Care at Home Program

On September 25, 2023, legislation was enacted at P.L. 2023, c.163, which directed the Department of Health (Department) to establish a program to permit a licensed acute care general hospital to provide acute care services to an individual outside of the hospital's licensed facility and within a private residence designated by the individual. The program is to be established in a manner that is consistent with the provisions of the Acute Hospital Care at Home Program, as authorized by CMS. The legislation directs that any hospital previously in receipt of a waiver to operate, or otherwise approved to participate in the CMS Acute Hospital Care at Home Program before the law's effective date is to be permitted to operate or to continue to operate the program in the same manner as previously permitted under federal law and is to be integrated into the program established by the Department.

On July 21, 2021, the Department issued a blanket waiver under the authority of N.J.A.C. 8:43G-2.8 to waive the requirement at N.J.A.C. 8:43G-2.5 that a licensed general hospital only provide services within the hospital's licensed space and permit hospitals to apply for entry into Centers for Medicare & Medicaid Services (CMS). Accordingly, the Department has determined that new administrative rules are not necessary to implement the provisions of P.L. 2023, c.163. The Department intends to continue the provisions of the July 21, 2023 blanket waiver, meaning that hospitals that have been granted a waiver by CMS authorizing the hospital to participate in the Acute Hospital Care at Home Program will be able to provide the Hospital at Home services approved by CMS so long as before providing any services, the facility sends the following information to the Department via email to Eugene Brenycz at Eugene.Brenycz@doh.nj.gov.

1. A copy of the hospital's Acute Hospital Care at Home CMS waiver approval letter;
2. The date the hospital will begin providing Acute Hospital Care at Home Program services; and

3. The name, phone number and email address of a contact person at the hospital who the Department of Health may contact regarding the Acute Hospital Care at Home Program.

Should the CMS waiver authorizing the Acute Hospital Care at Home Program be rescinded or the program terminated, hospitals will be required to resume compliance with the licensing requirements set forth at N.J.A.C. 8:43G-2.5.

Any questions concerning this temporary rule waiver/modification should be emailed to the Certificate of Need and Healthcare Facility Licensure Program, at Eugene Brenycz at Eugene.Brenycz@doh.nj.gov.