



**State of New Jersey**  
**DEPARTMENT OF HEALTH**

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JUDITH M. PERSICILLI, RN, BSN, MA  
*Commissioner*

**To:** Administrators of Nursing Homes (Long-Term Care Facilities)  
Licensed Pursuant to N.J.A.C. 8:39, Dementia Care Homes  
Licensed Pursuant to N.J.A.C. 8:37 and Residential Health Care  
Facilities Licensed Pursuant to N.J.A.C. 8:43

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

**Date:** April 14, 2022

**Re:** Statutory Amendments Regarding Temperature Level Standards  
Pursuant to N.J.S.A. 26:2H-14.13 et seq.

This memorandum is to advise you of a new statute, P.L. 2021, c. 260, codified at N.J.S.A. 26:2H-14.13 et seq. ("Act"), which establishes new temperature level standards for nursing homes, dementia care homes and residential health care facilities (collectively "facilities"). The Act was signed by Governor Philip D. Murphy on November 8, 2021, with an effective date of May 1, 2022. The requirements of the Act will be addressed in the applicable licensing chapters in future rulemaking.

**New Minimum and Maximum Temperature Standards**

Specifically, the Act changes the maximum temperature in areas used by resident to 81 degrees Fahrenheit, from the current requirement of 82 degrees Fahrenheit. Facilities that are not equipped with air conditioning must provide for and operate adequate ventilation in all areas used by patients or residents. This may be done by the use of ceiling fans, wall fans or portable fans. The facilities shall not directly assess residents for the expense of this equipment.

In addition, the Act requires facilities to not have the temperature in areas used by residents fall below 65 degrees Fahrenheit.

## **LTC Temperature Memo**

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### **Exemptions from the Temperature Standards**

The requirement that areas used by residents shall be maintained within a temperature range from 65 to 81 degrees Fahrenheit does not apply to rooms:

1. Designated for activities requiring physical exertion; or
2. Where residents can individually control the temperature in their own living units, independent from other areas.

Where the Centers for Medicare and Medicaid Services (CMS) has a temperature range set by regulation that differs from the standards set in the Act, a nursing home, or a residential health care facility owned by a licensed health care facility and licensed by the Department of Health may follow the temperature levels set by CMS.

### **Waiver Standard**

The Act also provides that the Commissioner may waive the temperature standards “in the case of any unusual event which results from natural or unnatural causes beyond the control of the facility, including, but not limited to, the declaration of a state of emergency or disaster by the State or by the federal government, which results in the inability of the facility to maintain the temperature guidelines” contained in the Act.

Questions regarding this memo may be directed to Michael Kennedy, Executive Director, Division of Certificate of Need and Licensing at [Michael.Kennedy@doh.nj.gov](mailto:Michael.Kennedy@doh.nj.gov) and (609) 376-7760.