**ADOPTIONS SECTION**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**DIVISION OF CERTIFICATE OF NEED AND LICENSING**

**Notice of Readoption**

**Rules Implementing the Health Care Professional Responsibility and Reporting Enhancement Act**

**Readoption with Technical Changes: N.J.A.C. 8:30**

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5 and 12.2.a through 12.2.d, and 45:1-41.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health, with approval by the Health Care Administration Board.

Effective Dates: March 25, 2024, Readoption;

May 6, 2024, Technical Changes.

New Expiration Date: March 25, 2031.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Acting Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:30, Rules Implementing the Health Care Professional Responsibility and Reporting Enhancement Act, which was scheduled to expire on May 15, 2024.

N.J.A.C. 8:30, Rules Implementing the Health Care Professional Responsibility and Reporting Enhancement Act, establishes standards by which licensed healthcare facilities may inquire into the past conduct of healthcare professionals from prior employers, provides notice of reporting requirements for misconduct, and establishes fines for the failure to report or respond to an inquiry.

Subchapter 1, Rules Implementing the Health Care Professional Responsibility and Reporting Enhancement Act, has six sections and an appendix. N.J.A.C. 8:30-1.1, Purpose and scope, states the purpose and scope of the chapter. N.J.A.C. 8:30-1.2, Definitions, establishes definitions of terms the chapter uses. N.J.A.C. 8:30-1.3 establishes reporting requirements, which are in addition to those at N.J.A.C. 13:45E, the Health Care Professional Reporting Responsibility rules that the Department of Law and Public Safety administers. N.J.A.C. 8:30-1.4, Inquiry using, and response to, a Health Care Facility Inquiry Regarding Health Care Professional form; response time; response to non-form written requests, describes how a healthcare facility may inquire about a healthcare professional to other facilities. N.J.A.C. 8:30-1.5, Maintenance of records of complaints and disciplinary actions, sets forth standards for the maintenance of records of complaints and disciplinary actions. N.J.A.C. 8:30-1.6, Civil monetary penalties, sets forth civil monetary penalties for a healthcare facility’s failure to comply with the chapter. The chapter appendix includes the Health Care Facility Inquiry Regarding Health Care Professional Form, referred to as the CN-9, and the instructions for completion of the form. The Department hereby readopts the chapter.

The Department of Health is making one technical change to correct a cross-reference at N.J.A.C. 8:30-1.6, Civil monetary penalties, and one change to correct the Subchapter 1 heading, which has a misspelling.

The Department adopted N.J.A.C 8:30 as new rules effective May 15, 2017. See 48 N.J.R. 619(a); 49 N.J.R. 1214(a).

The Department continues to monitor the operation of N.J.A.C. 8:30 in addressing the purposes for which the Department adopted it, that is, to implement the Health Care Professional Responsibility and Reporting Enhancement Act, in conjunction with the Health Care Professional Information Clearing House Coordinator of the New Jersey Division of Consumer Affairs, who receives and maintains the reports that healthcare facilities file.

The Department has reviewed N.J.A.C. 8:30 and has determined that the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:30 is readopted and shall continue in effect for seven years.

**Full text** of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. RULES IMPLEMENTING THE HEALTH CARE [PRFESSIONAL] **PROFESSIONAL** RESPONSIBILITY AND REPORTING ENHANCEMENT ACT

8:30-1.6 Civil monetary penalties

(a) Pursuant to N.J.S.A. 26:2H-[12.2b]**12.2.b**, health care entities are subject to the following penalties for failing to comply with this chapter:

1. $500.00 per violation, which the Department may assess for each day of noncompliance it finds, for failing to notify the Clearing House Coordinator**,** or failing to comply with a request for information from the Division or the Medical Practitioner Review Panel, as required [by] **pursuant to** N.J.A.C. 8:30-1.3[(b)]**(a) and (c)**;

2.-6. (No change.)