

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

OFFICE OF CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE

Standards for Licensure of Assisted Living Residences, Comprehensive Personal Care Homes, and Assisted Living Programs; Licensing Standards for Dementia Care Homes; Standards for Licensure of Long-Term Care Facilities; and Standards for Licensure of Residential Health Care Facilities Located with, and Operated by, Licensed Health Care Facilities

Definitions and Social Isolation Prevention

Readoption of Specially Adopted Amendments and New Rules: N.J.A.C. 8:36-1.3 and 13A, 8:37-1.2 and 10, 8:39-1.2 and 39A, and 8:43-1.3 and 17

Proposed: October 21, 2024, at 56 N.J.R. 2064(a).

Adopted: January 16, 2025, by Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health, with the approval of the Health Care Administration Board.

Filed: January 16, 2025, as R.2025 d.025, **without change**.

Authority: N.J.S.A. 26:2H-12.97 through 12.99, especially 12.98; and P.L. 2020, c. 113, § 4.

Effective Date: January 16, 2025.

Expiration Dates: November 29, 2028, N.J.A.C. 8:36;

October 17, 2031, N.J.A.C. 8:37;

November 22, 2028, N.J.A.C. 8:39; and

February 26, 2026, N.J.A.C. 8:43.

Summary of Public Comment and Agency Response:

The New Jersey Department of Health (Department) received a written comment from Christopher E. Miller, of Neptune City, New Jersey, who describes himself as an author and advocate for people with disabilities:

COMMENT: A commenter states that “access to technology ... to communicate with friends and family can brighten a person’s day. With these technologies residents can stay connected and be included in special events just by having technology access. [The commenter applauds] the Department for [promulgating the specially adopted amendments and new rules proposed for readoption as being] a positive step [toward] inclusion and building connections between residents, friends, and family.

[Residents] are not always given the opportunity to use technology when they want or need to[,] based on staffing. This leads to further stress and anxiety for ... resident[s] and their loved ones. Residents should have access to assistive technology to assist them with communication because of the benefits it provides. If staff are denying access[,] this defeats the whole purpose of having technology available. [A facility should offer] the technology on the floor where the residents are[,] rather than having to take them down to the technology room. [Staff] has to take them down to the recreation room when staff was short. [Residents are] not getting what they should be because of circumstances outside of their control.

There needs to be stronger monitoring and enforcement to make sure facilities are following and implementing these specially adopted amendments and new rules proposed for readoption. Residents of long-term care facilities deserve dignity and access to communication technology to enhance their quality of life.

It has been proven that technology access has a wide array of benefits, especially for people with disabilities and long-term care residents. It is imperative [to] make sure long[-]term care facilities maintain and allow ... residents to use the technology to preserve residents['] emotional and cognitive well-being.

[The commenter hopes that the Department will] consider strengthening monitoring and enforcement mechanisms to achieve the outcome that the [specially adopted amendments and new rules proposed for readoption] are intended to provide[,] which is access to assistive technology to prevent social isolation.”

RESPONSE: The Department acknowledges the commenter’s support for the readopted specially adopted amendments and new rules and the commenter’s concerns.

While the commenter’s suggestion that a facility should make communication technology available where the residents are in the facility is well taken, the Department believes that such a requirement may be burdensome and unmanageable for compliance by all facilities. The requirements at N.J.A.C. 8:36-13A.3, 8:37-10.2, 8:39-39A.2, and 8:43-17.2 require facilities to develop and implement policies and procedures that ensure that trained staff is available to assist residents in maintaining contact with individuals outside of the facility and utilizing the technology. The Department will enforce these provisions by issuing a notice of deficiency to a facility that fails to comply with the readopted specially adopted amendments and new rules by limiting or denying residents’ access to communication technology due to staff shortages.

N.J.S.A. 26:2H-12.99 addresses inspections, violations, and penalties and establishes the Department's enforcement authority to perform routine and complaint inspections, assess monetary penalties, and take other action against a facility's license for violation of the act and the readopted specially adopted amendments and new rules. N.J.A.C. 8:43E, General Licensure Procedures and Standards Applicable to All Licensed Facilities, establishes enforcement procedures and remedies that are available to the Department, which are adequate and sufficient to enable the Department to ensure and enforce compliance with the readopted specially adopted amendments and new rules. Therefore, the Department will make no change upon adoption in response to the comment.

Federal Standards Statement

There are no Federal standards applicable to the readopted specially adopted amendments and new rules. Therefore, no Federal standards analysis is required.

Full text of the readopted specially adopted amendments and new rules follows:
TEXT