

HEALTH

HEALTH SYSTEMS BRANCH

CERTIFICATE OF NEED AND LICENSING DIVISION

CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE PROGRAM

Standards for Licensure of Adult Family Care Caregivers and Sponsor Agencies

Adopted New Rules: N.J.A.C. 8:43B

Proposed: November 7, 2022, at 54 N.J.R. 2038(a).

Adopted: February 6, 2023, by Judith M. Persichilli, RN, BSN, MA, Commissioner,
Department of Health.

Filed: February 6, 2023, as R.2023 d.031, **with non-substantial changes** not requiring
additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 26:2Y-1 et seq.

Effective Date: March 6, 2023.

Expiration Date: March 6, 2030.

Summary of Public Comment and Agency Response:

The Department of Health (Department) received one comment during the 60-day public comment period, which ended on January 6, 2023, from Judith Lefkowitz, River Home Care, Manchester, New Jersey. The comment and the Department's response thereto are set forth below:

1. COMMENT: "I would appreciate if someone can contact me in regards to proposal Number: PRN 2022-140. thank you!"

RESPONSE: The individual provided two telephone numbers and an email address. The Department reached out to Ms. Lefkowitz by email and phone to discuss her concerns. She had questions about the rule adoption process.

Federal Standards Statement

The adopted new rules are not being adopted under the authority of, or in order to implement, comply with, or participate in, any program established under Federal law or any State statute that incorporates or refers to any Federal law, standard, or requirements. Therefore, a Federal standards analysis is not required.

Full text of the adopted new rules follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 2. LICENSING PROCEDURES FOR AFC CAREGIVERS AND AFC SPONSOR AGENCIES

8:43B-2.1 Licensing of AFC caregiver

(a) (No change.)

(b) A person who is already functioning as ***an*** AFC caregiver through a licensed AFC sponsor agency as of ***[(the effective date of this rulemaking)]* **March 6, 2023,***** shall have until ***[(90 days after the effective date of this rulemaking)]* **June 4, 2023,***** to comply with the licensure requirement.

(c) (No change.)

8:43B-2.2 Licensing of AFC sponsor agency

(a) (No change.)

(b) An entity that is already functioning as an AFC sponsor agency as of *[(the effective date of this rulemaking)]* **March 6, 2023,** shall have until *[(90 days after the effective date of this rulemaking)]* **June 4, 2023,** to comply with the licensure requirement.

(c) (No change.)

SUBCHAPTER 4. AFC CAREGIVERS

8:43B-4.2 Qualifications of substitute AFC caregiver

(a) (No change.)

(b) An applicant for licensure as substitute AFC caregivers whom an AFC sponsor agency approves, and who is functioning as an AFC sponsor agency-approved caregiver prior to *[(the effective date of this rulemaking)]*, **March 6, 2023,** is exempt from the age requirement at (a)2 above.

(c) - (d) (No change.)