

ADOPTIONS SECTION

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

OFFICE OF CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE

Notice of Readoption

Standards for Licensure of Pediatric Medical Day Care Facilities

Readoption with Technical Changes: N.J.A.C. 8:43J

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

Authorized By: Cathleen D. Bennett, Commissioner, Department of Health, in consultation with the Health Care Administration Board.

Effective Date: October 14, 2016.

New Expiration Date: October 14, 2023.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner (Commissioner) of the Department of Health (Department) hereby readopts with technical amendments N.J.A.C. 8:43J, Standards for Licensure of Pediatric Medical Day Care Facilities, which was scheduled to expire on November 16, 2016.

N.J.A.C. 8:43J, Standards for Licensure of Pediatric Medical Day Care Facilities establishes standards for licensure of pediatric medical day care facilities. Subchapter 1 contains general provisions. Subchapter 2 establishes ownership requirements. Subchapter 3 establishes standards applicable to licensees and facility administrators. Subchapter 4 establishes child rights. Subchapter 5 establishes standards addressing child assessment and interdisciplinary plans of care. Subchapters 6 through 12,

respectively, establish standards addressing general, nursing, medical, pharmaceutical, dietary, developmental and rehabilitative, and social work services. Subchapter 13 establishes physical plant standards. Subchapter 14 establishes standards addressing medical records. Subchapter 15 establishes standards addressing infection control, sanitation, and housekeeping. Subchapter 16 establishes standards addressing transportation services. Subchapter 17 establishes standards addressing facility quality improvement programs.

In this rulemaking, the Department is making technical amendments throughout N.J.A.C. 8:43J to correct the contact information for public and private entities.

Moreover, the Department is developing a rulemaking that would revise, update, and reorganize existing N.J.A.C. 8:43J, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, this rulemaking will not be ready for stakeholder comment and proposal before the expiration of existing N.J.A.C. 8:43J.

The Department has reviewed N.J.A.C. 8:43J and has determined that, subject to the technical amendments, and pending the finalization of the anticipated rulemaking, described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:43J 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. GENERAL PROVISIONS

8:43J-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Academy of Nutrition and Dietetics” means the entity by that name for which the contact information is Academy of Nutrition and Dietetics, 120 South Riverside Plaza, Suite 2000, Chicago, Illinois 60606-6995, website www.eatright.org, and telephone (800) 877-1600 or (312) 899-0040.

...

[“American Dietetic Association” means the entity by that name for which the contact information is American Dietetic Association, 120 South Riverside Plaza, Suite 2000, Chicago, Illinois 60606-6995, (800) 877-1600, www.eatright.org.]

...

“Department” means the New Jersey Department of Health [and Senior Services].

...

“Division of Health Facility Survey and Field Operations” means the division by that name within the Health Systems Branch of the Department, for which the contact information is Division of Health Facility Survey and Field Operations, New Jersey Department of Health, PO Box 367, Trenton, NJ 08625-0367 , and elephone: (800) 792-9770.

...

“Office of Certificate of Need and Healthcare Facility Licensure” means the health care facility licensing unit within the Division of [Health Facilities Evaluation] **Certificate of**

Need and Licensing of the [Senior Services and] Health Systems Branch of the Department, for which the contact information is Office of Certificate of Need and Healthcare Facility Licensure, Division of [Health Facilities Evaluation] **Certificate of Need** and Licensing, Department of Health [and Senior Services], PO Box 358, Trenton, NJ 08625-0358, (609) 292-5960, website address for forms: www.nj.gov/health/forms.

...

“Registered dietitian” means an individual so credentialed by the [American Dietetic Association] **Academy of Nutrition and Dietetics**.

...

SUBCHAPTER 2. LICENSURE PROCEDURES

8:43J-2.2 Licensure application procedures and requirements

(a) A person, organization, or corporation desiring to operate a pediatric medical day care facility, or to expand or relocate an existing facility, shall submit a project proposal and a completed Application for a Long Term Care Facility License LCS-9, along with the appropriate licensure fee.

1. The application form can be obtained from the Department's forms website at nj.gov/health/forms, or upon request to the following:

Director, Office of Certificate of Need and Healthcare Facility Licensure

Division of [Health Care Facilities Evaluation] **Certificate of Need** and Licensing

[NJ] **New Jersey** Department of Health [and Senior Services]

PO Box 358

Trenton, NJ 08625-0358.

2. (No change.)

(b) – (h) (No change.)

8:43J-2.7 Surveys

(a) When the Department approves an initial licensure application and the facility is ready for occupancy, representatives of the Department shall conduct a survey of the facility to determine if the facility adheres to this chapter.

1. (No change.)

2. The facility shall notify the Division of Health [Care Facilities Evaluation and Licensing] **Facility Survey and Field Operations** when the deficiencies, if any, have been corrected, and the Department shall schedule one or more resurveys of the facility prior to occupancy of the facility.

3. (No change.)

(b) – (e) (No change.)

8:43J-2.12 Transfer of ownership

(a) – (e) (No change.)

(f) For Medicaid provider enrollment, the new owner shall contact [Unisys] **Molina Medicaid Solutions** for an application for Medicaid participation at [(609) 588-6036] **(800) 776-6334** or access the application on the Internet at www.njmmis.com.

SUBCHAPTER 3. ADMINISTRATION

8:43J-3.3 Responsibilities of the administrator

(a) The administrator shall be responsible for, at minimum, the following:

1. – 6. (No change.)

7. Ensuring that each child satisfies N.J.A.C. 8:43J-6.1(c) prior to admission.

i. For purposes of this paragraph, the administrator may rely on an authorization letter from the fiscal agent reflecting a determination of eligibility pursuant to N.J.A.C.

[8:87]10:166-3.4(c)5i.

8:43J-3.4 Administrative policies and procedures

(a) – (d) (No change.)

(e) The manual shall address at least the following:

1. – 16. (No change.)

17. Procedures for compliance with applicable statutes and protocols to report abuse or mistreatment of children, elopement, sexual abuse, specified communicable diseases, poisonings, birth defects, and unattended or suspicious deaths, which shall address, at a minimum, the following:

i. The notification of any suspected case of child abuse or exploitation to the New Jersey Department of Children and Families, Division of [Youth and Family Services] **Child Protection and Permanency**;

ii. – v. (No change.)

(f) – (h) (No change.)

8:43J-3.13 Required documents

(a) All facilities shall have the following documents on the premises and available to staff:

1. - 2. (No change.)

3. N.J.A.C. [8:87] 10:166;

4. - 5. (No change.)

(b) (No change.)

SUBCHAPTER 4. CHILD RIGHTS

8:43J-4.2 Rights of each child

(a) The facility shall establish policies and procedures to protect the rights of each child, that require, at a minimum, that children's parents:

1. – 10. (No change.)

11. Are informed that, in the case of a Medicaid beneficiary, the determination of eligibility to receive services is not permanent and that redeterminations will be made on the basis of subsequent assessments pursuant to N.J.A.C. [8:87] **10:166.**

i. (No change.)

12. (No change.)

(b) The administrator shall provide the child's parent with the name, address, and telephone number of the following offices with which complaints may be lodged:

Division of Health [Care Facilities Evaluation] **Facility Survey** and

[Licensing] **Field Operations**

New Jersey Department of Health [and Senior Services]

PO Box 367

Trenton, NJ 08625-0367

Telephone: (800) 792-9770

...

Division of [Youth and Family Services] **Child Protection and Permanency**

New Jersey Department of Children and Families

PO Box 717

Trenton, NJ 08625-0717

Telephone: (609) 292-6920 or (800) 792-8610.

(c) – (d) (No change.)

SUBCHAPTER 5. CHILD ASSESSMENT AND INTERDISCIPLINARY PLAN OF CARE

8:43J-5.1 Pre-admission assessment

(a) (No change.)

(b) Based on the information obtained in the preadmission assessment, the administrator, in consultation with the nursing director and the medical director, shall:

1. For a Medicaid beneficiary who, based upon the preadmission assessment, meets the clinical eligibility requirements for PMDC, adhere to the procedure in N.J.A.C. [8:87]10:166-3 and either admit the child or deny admission; or

2. (No change.)

(c) (No change.)

SUBCHAPTER 6. GENERAL SERVICES

8:43J-6.1 General services provided

(a) – (b) (No change.)

(c) Regardless of the payer source, children attending pediatric medical day care shall be technology-dependent or medically complex.

1. For children who are Medicaid beneficiaries, the facility shall comply with N.J.A.C. [8:87] 10:166.

(d) The facility shall maintain a daily record of child attendance for each day during which services are provided, in accordance with N.J.A.C. [8:87]10:166-2.1(a)4.

(e) – (f) (No change.)

SUBCHAPTER 8. MEDICAL SERVICES

8:43J-8.7 Medical emergencies

(a) – (c) (No change.)

(d) A facility shall have copies of the following reference sources on site:

1. (No change.)

2. “The American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care” ([2005]**2010**), as amended and supplemented.

SUBCHAPTER 9. PHARMACEUTICAL SERVICES

8:43J-9.3 Pharmacy reporting policies and procedures

(a) – (b) (No change.)

(c) The administrator shall notify the Drug Control **Unit in the** Division[,] of **Consumer Affairs of the** New Jersey Department of Law and Public Safety of any theft or unexplained loss of any controlled substances, syringes, and/or needles within 48 hours of discovery of such loss or theft.

SUBCHAPTER 10. DIETARY SERVICES

8:43J-10.3 Qualifications of the food service supervisor

(a) The food service supervisor shall:

1. (No change.)

2. Be a graduate of a dietetic technician or dietetic assistant training program approved by the [American Dietetic Association] **Academy of Nutrition and Dietetics**; or

3. (No change.)

SUBCHAPTER 14. MEDICAL RECORDS

8:43J-14.3 Contents of medical records

(a) The child's complete medical record shall include, but not be limited to, the following:

1. – 17. (No change.)

18. Documentation of Department determination of Medicaid clinical eligibility for PMDC services pursuant to N.J.A.C. [8:87] **10:166**, as applicable; and

19. (No change.)