

HEALTH

(a)

DIVISION OF CERTIFICATE OF NEED AND LICENSING

CERTIFICATE OF NEED AND HEALTH CARE FACILITY LICENSURE PROGRAM

Notice of Readoption

Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board

Readoption: N.J.A.C. 8:34

Authority: N.J.S.A. 26:2H-1 et seq., particularly 26:2H-27 and 28, and 30:11-11 et seq., particularly 30:11-13 and 21.

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Commissioner, Department of Health (in consultation with the Nursing Home Administrator's Licensing Board).

Effective Date: October 2, 2024.

New Expiration Date: October 2, 2031.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrator's Licensing Board, were scheduled to expire on December 26, 2024. N.J.A.C. 8:34 governs the licensure of nursing home administrators and the responsibilities and obligations of the Nursing Home Administrator's Licensing Board (Board).

Subchapter 1, General Provisions, addresses the scope and purpose of the chapter, the scope of individual practice, the scope of administrator responsibility, definitions, severability of invalid provisions, and a waiver process. Subchapter 2, Nursing Home Administrator's Licensing Board, describes the general powers of the Board and the standards governing the confidential nature of certain information to which Board members have access.

Subchapter 3, License Requirements, establishes the requirements for licensure and the process for obtaining a license as a nursing home administrator through application and examination. Subchapter 4, Administrative Experience Requirement, describes the requirements for the administrative intern experience and training program, the preceptor for an administrative intern, the equivalent to the internship requirement, and the written plans and reports to complete for participation in the administrative intern program. Subchapter 5, Examination, describes the examination requirements, schedule, fee, subject matter tested, grading of examinations, retention of examination results, re-examination, and the appeal procedure for an individual whom the Board has disqualified from taking an examination. Subchapter 6, Licensure, establishes standards to apply for and obtain a license, renew a license, use the title "Licensed Nursing Home Administrator," display a license, obtain a duplicate license, notify the Board of changes to a licensee's name, address, or place of employment, and obtain licensure by equivalency. Subchapter 7, Continuing Education, establishes standards for continuing education, the scope of continuing education programs, the approval process for programs, recordkeeping requirements for continuing education credits, extending a waiver of the requirement, and waiving of the requirement.

Subchapter 8, Administrative Practice Violations, Sanctions, and Due Process, provides for Board review of nursing home administrators' compliance with the chapter, specifies violations and penalties, and sets forth the due process rights of licensed nursing home administrators. Subchapter 9, Fees, lists the fees that the Board charges.

The Department of Health (Department) is working with internal and external stakeholders to develop rulemaking to update and revise the chapter to reflect new statutory requirements and updated best practices. The Department anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course; however, this rulemaking would not be concluded before the expiration of N.J.A.C. 8:34. The Commissioner has reviewed existing N.J.A.C. 8:34 and

determined that, pending the finalization of the anticipated rulemaking described above, the existing chapter remains necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which it was originally promulgated, 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. 8:34 is readopted and shall continue in effect for seven years.

HUMAN SERVICES

(b)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Readoption

Life-Threatening Emergencies

Readoption: N.J.A.C. 10:42A

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:6D-5.1 et seq.

Effective Date: September 30, 2024.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, the rules at N.J.A.C. 10:42A were scheduled to expire on November 17, 2024. N.J.A.C. 10:42A implements Danielle's Law, P.L. 2003, c. 191. Danielle's Law requires staff members working with persons with developmental disabilities or traumatic brain injury to contact 911 in the event of a life-threatening emergency.

Subchapter 1 sets forth the purpose and the scope of the rules, which is to provide guidelines for direct care staff who serve individuals in facilities for persons with developmental disabilities or traumatic brain injury. The rules require staff to call the 911 emergency telephone service in a life-threatening emergency. Subchapter 1 also provides the definitions used in the chapter.

Subchapter 2 sets forth the general standards applicable to the requirement to call 911 in the event of a life-threatening emergency.

Subchapter 3 provides that the Department of Human Services will maintain a record of incidents that require staff to contact 911. Subchapter 3 also sets forth penalties for violations and the process for the direct care staff to appeal the penalty.

While the Division of Developmental Disabilities (Division) is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules in the future. Thus, the Division will continue to review the rules and may consider making substantial amendments prior to the next scheduled expiration.

The Division has reviewed the rules and determined that they are necessary and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:42A is readopted and shall continue in effect for seven years.

(c)

DIVISION OF DEVELOPMENTAL DISABILITIES

Notice of Readoption

Family Support Service System

Readoption: N.J.A.C. 10:46A

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:6D-33 et seq.

Effective Date: September 30, 2024.

New Expiration Date: September 30, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1 and N.J.A.C. 1:30-6.4, the rules at N.J.A.C. 10:46A were scheduled to expire on November 14, 2024. N.J.A.C. 10:46A implements the Family Support Act, P.L.