



# News Release

PO Box 360, Trenton, N.J. 08625-0360

Heather Howard,  
Commissioner

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## **DHSS Proposes the Readoption of N.J.A.C. 8:42C, Hospice Licensing Standards, with Amendments and a Repeal**

The Office of Certificate of Need and Healthcare Facility Licensure of the Health Facilities Evaluation and Licensing Division in the Senior Services and Health Systems Branch of the Department of Health and Senior Services (Department) is proposing the readoption of N.J.A.C. 8:42C, Hospice Licensing Standards, with amendments and a repeal. The notice of proposal appears in the January 4, 2010 issue of the *New Jersey Register*. LexisNexis® provides free on-line public access to the *New Jersey Administrative Code* and the *New Jersey Register* at <http://lexisnexis.com/njoal>.

N.J.S.A. 26:2H-81 requires the Department to promulgate rules for licensure of hospice care programs as necessary to implement N.J.S.A. 26:2H-79 through 81. The rules at N.J.A.C. 8:42C fulfill this statutory mandate by establishing licensure standards and minimum standards necessary to operate hospice care programs and protect the health and safety of terminally ill patients. The minimum standards at N.J.A.C. 8:42C apply to general operational requirements, administration, patient care services, nursing services, pharmacy services, maintaining medical and health records, and infection prevention and control.

In this rulemaking the Department proposes technical and substantive amendments and a repeal. Noteworthy substantive proposed amendments include the following:

- An amendment at recodified N.J.A.C. 8:42C-3.1(e)2 to permit licensed hospice providers to employ contracted staff under extraordinary circumstances, as set forth in the rules.
- An amendment at recodified N.J.A.C. 8:42C-3.1(e)3 to permit licensed hospice providers to enter into an agreement with another Medicare certified hospice program for the provision of core services.
- Amendments at N.J.A.C. 8:42C-3.4(h) that would provide an option for how to test employees and contract personnel for tuberculosis by adding interferon gamma release assay (IGRA) as an acceptable test and to establish the meaning of a positive, negative, or intermediate test result.
- An amendment at N.J.A.C. 8:42C-3.4(l) to establish that the Department cannot issue or continue a license for a hospice program unless the owner, any current or prospective employees in a position that involves direct contact with patients, any current or prospective administrator or any current or prospective volunteer who has direct contact with patients has obtained clearance from the Department's Criminal Background Investigation Unit.

- An amendment at N.J.A.C. 8:42C-3.8(c) that would require hospice programs to report every serious preventable adverse event to the Department in accordance with Department administrative rules at N.J.A.C. 8:43E-10 and the Patient Safety Act at N.J.S.A. 26:2H-12.23–12.25.
- Amendments at N.J.A.C. 8:42C-5.1(b) to expand patient rights.

The public has until March 5, 2010 to comment on the notice of proposal. Persons wishing to comment on the proposal must submit their comments in writing through regular mail to Ruth Charbonneau, Director, Office of Legal and Regulatory Affairs, Office of the Commissioner, Department of Health and Senior Services, PO Box 360, Trenton, NJ 08625-0360. Written comments on the proposal must be postmarked on or before March 5, 2010, which is the close of the 60-day public comment period.

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