

ADOPTIONS SECTION

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

Notice of Readoption

Certificate of Need: Cardiac Diagnostic Facilities and Cardiac Surgery Centers

Readoption: N.J.A.C. 8:33E

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Authorized By: Judith M. Persichilli, RN, BSN, MA, Commissioner, Department of Health.

Effective Date: March 20, 2020.

New Expiration Date: March 20, 2027.

Take notice that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner (Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:33E, Certificate of Need: Cardiac Diagnostic Facilities and Cardiac Surgery Centers, which was scheduled to expire on April 19, 2020.

N.J.A.C. 8:33E, Certificate of Need: Cardiac Diagnostic Facilities and Cardiac Surgery Centers, establishes standards and general criteria for planning a cardiac diagnostic facility and cardiac surgery centers and for the preparation of an application for a certificate of need for such a facility. N.J.A.C. 8:33E-1 establishes the general criteria and certificate of need requirements for invasive cardiac diagnostic services. Subchapter 2 establish standards and general criteria for the planning of a cardiac

surgical center and for the preparation of an application for a certificate of need for such a facility, or, in the case of primary percutaneous coronary intervention (PCI), non-cardiac surgery center hospitals providing primary PCI.

The Department is developing rulemaking to revise, update, and reorganize existing N.J.A.C. 8:33E, and anticipates filing this rulemaking with the Office of Administrative Law for processing in the ordinary course. However, the Public Health Emergency that Governor Philip D. Murphy declared in Executive Order No. 103, on March 9, 2020, has necessitated the reallocation of many Department personnel and resources to pandemic response activities, making it unlikely that the Department will be able to finalize the anticipated rulemaking prior to chapter expiration. Moreover, the declaration has made impracticable the convening of a meeting of the Health Care Administration Board to obtain that Board's authorization to process the anticipated rulemaking proposal, as required by the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq. Therefore, the Department will not be able to finalize the anticipated rulemaking prior to the expiration of existing N.J.A.C. 8:33E.

The Commissioner has reviewed N.J.A.C. 8:33E and has determined that, 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(2), N.J.A.C. 8:33E is readopted and shall continue in effect for seven years.