

ADOPTIONS SECTION

HEALTH

HEALTH SYSTEMS BRANCH

DIVISION OF CERTIFICATE OF NEED AND LICENSING

Notice of Readoption

Standards for Licensure of Pediatric Community Transitional Homes

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

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

Authorized By: Kaitlan Baston, MD, MSc, DFASAM, Acting Commissioner, Department of Health, with the approval of the Health Care Administration Board.

Effective Dates: September 12, 2023, Readoption;
 October 16, 2023, Technical Changes.

New Expiration Date: September 12, 2030.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 8:43D, Standards for Licensure of Pediatric Community Transitional Homes, were scheduled to expire on October 12, 2023.

N.J.A.C. 8:43D establishes uniform standards for the licensure and operation of pediatric community transitional homes, which provide a coordinated array of supportive health care, personal care services, and social services for medically fragile children in New Jersey. N.J.A.C. 8:43D was created to establish rules governing facilities that provide services to newborn babies who were medically ready to be released from a hospital, but whose parents were unable to care for them. These babies typically were

babies born with HIV infection, or born with substance use disorders because of the delivering parent's substance use. Instead of remaining in a hospital nursery for weeks or months, these babies could be discharged into pediatric community transitional homes until the parents were able to provide the care needed.

Initially, there were five such facilities; however, the demand for this type of facility has decreased over the years, due to advancements in HIV medical care, and enhanced efforts to ensure that pregnant persons receive prenatal care and to recruit and train standby foster parents for babies with these needs. As a result, in 2019, the last three active pediatric transitional homes licensed to operate in the State closed. Even though there are no licensed pediatric community transitional homes currently operating in the State, the Department of Health (Department) has determined that the licensing rules at N.J.A.C. 8:43D should be readopted, in case a change in circumstances leads an entity to seek licensure of such a facility.

Subchapter 1, Definitions and Qualifications, states the purpose and scope of the rules for licensed pediatric community transitional homes to facilitate the delivery of supportive health care, personal care services, and social services to medically fragile children. N.J.A.C. 8:43D-1.3 would continue to define the words and terms used throughout the chapter. The Department is making a technical change to "CDC" to update a website link.

Subchapter 2, Licensure Procedures, establishes licensure procedures that govern applications for filing a license, plan reviews of newly constructed, renovated, and expanded facilities, facility surveys, transfer of ownership, surrender of a license,

applying for a waiver, enforcement actions against a license, rights to an appeal, and advertisement of pediatric community transitional homes.

Subchapter 3, Physical Plant and Environment, provides standards for the physical plant and environment of facilities. Specifically, the rules address the construction of new buildings and alterations, renovations and additions to existing buildings licensed as pediatric community transitional homes, square footage requirements for residential units, availability of toilets, baths, and handwashing sinks for residents, staff, and visitors, square footage for community space, laundry, dietary services, fire safety, and the use of sounding devices.

Subchapter 4, General Requirements, establishes general licensure requirements for the services pediatric community transitional homes must offer residents, such as personal care services, nursing services, pharmacy services, meals, activities, recreation, social work services, and other services that are needed to meet the needs of each resident. This subchapter also establishes requirements for ownership of a pediatric community transitional home, reporting diagnosed and suspected child abuse, admission and discharge, and medical recordkeeping.

Subchapter 5, Administration, establishes the administrative responsibilities in a pediatric community transitional home.

Subchapter 6, Resident Care Policies, states the requirements for resident care policies and procedures.

Subchapter 7, Resident Assessment and Care Plans, establishes standards for resident assessments and care plans.

Subchapter 8, Dining Services, establishes standards governing dining services.

Subchapter 9, Pharmaceutical Services, addresses requirements for pharmaceutical services.

Subchapter 10, Social Work Services, ensures the provision of social work services by licensed or certified social workers, in accordance with New Jersey Social Work Board requirements.

Subchapter 11, Emergency Services and Procedures, requires a licensed facility to arrange for emergency medical services and have a written plan for all potential emergency situations at the facility.

Subchapter 12, Resident Records, establishes the requirements for medical records of residents at the facility.

Subchapter 13, Resident Rights, establishes resident rights at the facility.

Subchapter 14, Housekeeping, Sanitation, Safety and Maintenance, establishes standards for housekeeping, sanitation, safety, and maintenance.

Subchapter 15, Infection Prevention and Control Services, establishes infection prevention and control standards for pediatric community transitional homes.

The Department reviewed N.J.A.C. 8:43D and determined that the chapter continues to be necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:43D is readopted and shall continue in effect for an additional seven years.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. DEFINITIONS AND QUALIFICATIONS

8:43D-1.3 Definitions

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

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“Centers for Disease Control and Prevention” or “CDC” means an agency of the United States Department of Health and Human Services, for which the contact information for access to publications referred to in this chapter as the Morbidity and Mortality Weekly Review or MMWR, is CDC, 1600 Clifton Road, MS E-90, Atlanta, GA 30333, telephone (404) 498-1150, [e-mail] **email** mmwrq@cdc.gov, website [www.cdc.gov/mwwwmwr] <https://www.cdc.gov/mmwr>.

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