



State of New Jersey  
DEPARTMENT OF HEALTH  
PO BOX 360  
TRENTON, N.J. 08625-0360  
[www.nj.gov/health](http://www.nj.gov/health)

PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

JUDITH M. PERSICILLI, RN, BSN, MA  
Commissioner

To: General Hospitals Licensed Pursuant to N.J.A.C. 8:43G

From: Marcela Maziarz, MPA  
Deputy Commissioner, Health Systems *MM*

Date: July 21, 2021

Re: Waiver of standards at N.J.A.C. 8:43G-2.5 to permit licensed general hospitals to participate in the Centers for Medicare & Medicaid Services Acute Care Hospital at Home Program

In November 2020, the Centers for Medicare & Medicaid Services (CMS), implemented the Acute Care Hospital at Home Program in to allow approved hospitals to treat eligible patients in their homes. The Acute Care Hospital at Home Program identified 60 acute care conditions that can be appropriately and safely treated at home with proper monitoring and treatment protocols.

CMS instituted the Acute Care Hospital at Home Program by initiating an individual waiver requirement for the standards at 42 *C.F.R.* §482.23(b) and (b)(1) of the Hospital Conditions of Participation. These standards require nursing services to be provided in a hospital 24 hours a day, 7 days a week with a registered nurse immediately available for the care of any patient.

The Department of Health (Department) is issuing this blanket waiver pursuant to the authority of N.J.A.C. 8:43G-2.8 to waive the requirement at N.J.A.C. 8:43G-2.5 that a licensed general hospital (hospital) only provide services within the hospital's licensed space and permit hospitals to apply for entry into CMS's Acute Care Hospital at Home Program and provide the services permitted under the program by CMS, if approved.

Pursuant to this temporary rule waiver/modification, hospitals that have been granted a waiver by CMS authorizing the hospital to participate in the Acute Care Hospital at Home Program will be able to provide the Hospital at Home services approved by CMS so long as prior to providing any services, the facility sends the following information to the Department via email to [eugene.brenycz@doh.nj.gov](mailto:eugene.brenycz@doh.nj.gov).

1. A copy of the hospital's Acute Hospital Care at Home CMS waiver approval letter;
2. The date the hospital will begin providing Acute Hospital Care at Home Program services; and
3. The name, phone number and email address of a contact person at the hospital who the Department of Health may contact regarding the Acute Hospital Care at Home Program.

After the conclusion of the CMS waiver authorizing the Acute Hospital Care at Home Program, hospitals will be required to resume compliance with the licensing requirements set forth at N.J.A.C. 8:43G-2.5.

Any questions concerning this temporary rule waiver/modification should be directed to the Certificate of Need and Healthcare Facility Licensure Program, at [eugene.brenycz@doh.nj.gov](mailto:eugene.brenycz@doh.nj.gov).