



State of New Jersey  
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CATHLEEN D. BENNETT  
Acting Commissioner

**To:** FQHCs and Other Department of Health Licensed Primary Care Facilities, Primary Care Association

**From:**  John A. Calabria, Director  
Division of Certificate of Need and Licensing

**Date:** October 19, 2015

**Re:** Waiver to Permit Sharing of Clinical Space

The Department of Health (Department) generally does not permit the sharing of clinical space. However, in recent years, the Department has granted individual waivers, pursuant to N.J.A.C. 8:43A-2.9, to a number of facilities to permit the sharing of clinical space in certain circumstances. In order to promote the integration of primary care and behavioral health services, the Department hereby grants a global waiver to permit the sharing of clinical space to all Department-licensed facilities providing medical primary care services that also wish to offer behavioral health services in accordance with the provisions as listed below. This global waiver to permit the sharing of clinical space will relieve the Department-licensed facility from the requirement of having to obtain additional space in order to have medical and behavioral services provided in separate clinical areas.

1. The Department-licensed facility shall obtain the appropriate license(s) from the Department of Human Services (DHS) to permit it to offer behavioral health services. Separate licenses are currently required for mental health services and substance abuse services.

2. At the time the Department-licensed facility submits a DHS licensing application to DHS, the applicant shall include with the application: (a) a copy of the Change in Scope of Service application; and (b) an attestation in writing stating that (i) the entity that is applying for the DHS license(s) is the exact same legal entity that holds the Department license and that entity shall be fully accountable and responsible for all services provided in its facility, and (ii) the applicant is not planning to make any changes to the physical plant or, if changes are planned, it has applied for and received approval from the Department of Health. A copy of the Department's approval letter notifying the facility that they can proceed with construction of any physical plant changes, or a letter from the Department stating that Departmental approval is not required, must accompany the DHS application for licensure.

3. The Department-licensed facility must continue to meet all of the Department's licensing requirements set forth in N.J.A.C. 8:43A and 43E.

4. It is the responsibility of the Department-licensed facility to forward to the Department a copy of any license issued to it by DHS.

5. Department and DHS staff will work together to ensure appropriate and necessary substantial compliance with their respective licensing requirements. The applicable licensing department shall take the lead in addressing any patient/family complaints or licensing violations pertaining to the program it licenses at the facility.

It remains the responsibility of each facility proposing to take advantage of this waiver program to understand and comply with any Medicaid requirements including, but not limited to, Change in Scope applications.

Should you have any questions regarding this memorandum, please call me at 609-292-8773 or email me at [John.Calabria@doh.state.nj.us](mailto:John.Calabria@doh.state.nj.us). Should you have questions regarding DHS licensing requirements or the scope of services permitted under a DHS license, you may call Jean DeVitto at 609-292-1550 or email Ms. DeVitto at [Jean.DeVitto@dhs.state.nj.us](mailto:Jean.DeVitto@dhs.state.nj.us).

c: Susan Dougherty, Assistant Commissioner, Division of Certificate of Need & Licensing, DOH  
Jean DeVitto, Chief, Office of Licensing, DHS