

## ADOPTIONS SECTION

### HEALTH

#### HEALTH SYSTEMS BRANCH

#### DIVISION OF CERTIFICATE OF NEED AND LICENSING

#### Notice of Readoption

#### Hospice Licensing Standards

#### Readoption with Technical Changes: N.J.A.C. 8:42C

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: February 15, 2024, Readoption;  
March 18, 2024, Technical Changes.

New Expiration Date: February 15, 2031.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Acting Commissioner (Acting Commissioner) of the Department of Health (Department) hereby readopts N.J.A.C. 8:42C, Hospice Licensing Standards. N.J.A.C. 42C, Hospice Licensing Standards, establishes uniform standards for the licensure and operation of outpatient and inpatient hospices in New Jersey.

Subchapter 1, General Provisions, provides the scope and purpose of the chapter, which is to ensure that hospices provide quality services.

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

license surrenders; waiver applications; enforcement actions against a licensee; and appeal rights.

Subchapter 3, General Requirements, provides operation standards for hospices.

Subchapter 4, Administration, establishes the administrative responsibilities in a hospice.

Subchapter 5, Patient Rights, establishes requirements for the development and implementation of policies and procedures addressing patient rights.

Subchapter 6, Patient Care Services, establishes minimum standards for patient care policies and services.

Subchapter 7, Nursing Services, establishes requirements for the provision of nursing services.

Subchapter 8, Pharmacy Services, addresses requirements for pharmaceutical services.

Subchapter 9, Medical/Health Records, establishes the requirements for medical/health records of individuals receiving services at a hospice.

Subchapter 10, Infection Prevention and Control, establishes infection prevention and control standards for hospices.

Subchapter 11, Inpatient Hospice Care Unit, establishes standards for the physical plant and environment of inpatient hospice facilities. Specifically, the rules address the square footage requirements of areas where services are provided, laundry and dietary services.

In accordance with N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 42C, Hospice Licensing Standards, were scheduled to expire April 20, 2024. The Acting

Commissioner has reviewed N.J.A.C. 8:42C and determined, subject to the technical changes described below, that the chapter continues to be necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:42C is readopted and shall continue in effect for an additional seven years.

The Department is making technical changes throughout the chapter. The change at N.J.A.C. 8:42C-2.5(h) would remove the date for an exemption for licensure because the exemption no longer applies (as the date has passed). Similarly, the change at N.J.A.C. 8:42C-11.1(c) would remove a provision that is no longer relevant as the dates have passed. Additional technical changes throughout the chapter would update references to publications incorporated by reference and add and/or correct website addresses.

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

## SUBCHAPTER 2. LICENSURE AND LICENSURE PROCEDURES

### 8:42C-2.5 Licensure

(a)-(g) (No change.)

(h) No hospice shall accept patients until the facility has the written approval and/or license issued by the Department. [An exemption shall be granted to hospice care programs in operation as of June 21, 1999 awaiting licensure under this chapter.]

(i)-(n) (No change.)

### SUBCHAPTER 3. GENERAL REQUIREMENTS

#### 8:42C-3.4 Personnel

(a)-(j) (No change.)

(k) [The] **A** hospice shall have available and [shall] comply with the guidelines listed below, incorporated herein by reference, as amended and supplemented:

1. (No change.)

2. CDC, ["Guidelines for Preventing the Transmission of *Mycobacterium tuberculosis* in Health-Care Settings, 2005," MMWR (December 30, 2005), Volume 54(RR17), 1-141, available at <https://www.cdc.gov/mmwr/preview/mmwrhtml/rr5417a1.htm> and at <https://www.cdc.gov/mmwr/pdf/rr/rr5417.pdf>] **Tuberculosis Screening, Testing, and Treatment of U.S. Health Care Personnel: Recommendations from the National Tuberculosis Controllers Association and CDC, 2019. MMWR 2019;68:439-443, available on the CDC website at:**

[https://www.cdc.gov/mmwr/volumes/68/wr/mm6819a3.htm?s\\_cid=mm6819a3\\_w](https://www.cdc.gov/mmwr/volumes/68/wr/mm6819a3.htm?s_cid=mm6819a3_w);

3. Bolyard, E.A., "Guideline for Infection Control in Health Care Personnel," **June 1998, updated 2019**, available [at:

i. American Journal of Infection Control, Volume 26 (June 1998), 289-354, DOI: [http://dx.doi.org/10.1016/S0196-6553\(98\)80015-1](http://dx.doi.org/10.1016/S0196-6553(98)80015-1);

ii. Infection Control and Hospital Epidemiology, Volume 19, No. 6 (June 1998), 407-463, DOI: <https://doi.org/10.2307/30142429>;

iii. <https://www.cambridge.org/core/journals/infection-control-and-hospital-epidemiology/article/div-classtitleguideline-for-infection-control-in-healthcare-personnel-1998div/53C855C7BFCD0FFCCA6A919F79ED014>; and

iv. <https://stacks.cdc.gov/view/cdc/20711>] **on the CDC website at <https://www.cdc.gov/infectioncontrol/guidelines/healthcare-personnel/index.html>**; and

4. Kuhar, D.T., et al., “Updated [United States] **U.S.** Public Health Service Guidelines for the Management of Occupation Exposures to Human Immunodeficiency Virus and Recommendations for Postexposure Prophylaxis,” [Infection Control and Hospital Epidemiology, Vol. 34, No. 9 (September 2013), 875-892,] available **on the CDC website** at[:

i. <http://www.jstor.org/stable/10.1086/672271>;

ii.] <https://stacks.cdc.gov/view/cdc/20711>]; and

iii. <https://www.cambridge.org/core/journals/infection-control-and-hospital-epidemiology/article/div-classtitleupdated-us-public-health-service-guidelines-for-the-management-of-occupational-exposures-to-human-immunodeficiency-virus-and-recommendations-for-postexposure-prophylaxisdiv/FACD234C788E0D541E37BC3DEFB4C248>].

## SUBCHAPTER 10. INFECTION PREVENTION AND CONTROL

### 8:42C-10.2 Infection control policies and procedures

(a) (No change.)

(b) The interdisciplinary committee shall develop, implement, and review, at least annually, written policies and procedures regarding infection prevention and control, including:

1.-3. (No change.)

4. Sterilization and high level of disinfection of reusable medical devices, following guidelines recommended by the Association for the Advancement of Medical Instrumentation (AAMI, [Suite 220, 1110] **901** North Glebe Road, **Suite 300**, Arlington, VA [22201-4795] **22203** or available at the AAMI website at [www.aami.org](http://www.aami.org)), and any amendments thereto, which are incorporated herein by reference, including, at a minimum:

i. “Comprehensive Guide to Steam Sterilization and Sterility Assurance in Health Care Facilities,” ANSI/AAMI ST 79 (2006), incorporated herein by reference, as amended and supplemented, available electronically at [www.aami.org](http://www.aami.org) or by telephone at [(877) 249-8226] **(800) 332-2264**;

ii. “Chemical Sterilization and High-level Disinfection in Health Care Facilities,” ANSI/AAMI ST [58 (2005)] **58:2013**, incorporated herein by reference, as amended and supplemented, available electronically at [www.aami.org](http://www.aami.org) or by telephone at [(877) 249-8226] **(800) 332-2264**;

iii.-iv. (No change.)

(c) (No change.)

8:42C-10.3 Infection control measures

(a) The hospice shall follow all recommendations in the following publications of the Centers for Disease Control and Prevention, incorporated herein by reference, as amended and supplemented:

1. Guideline for Prevention of Catheter-Associated Urinary Tract Infections, [PB84-923402, 1981] **2009, available on the CDC website at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/cauti-guidelines-H.pdf>;**

2. Guidelines for **the** Prevention of Intravascular Catheter-Related Infections, [CDC Morbidity and Mortality Weekly Report (MMWR) 2002, Volume 51(RR-10)] **2011, updated October 2017, available on the CDC website at <https://www.cdc.gov/infectioncontrol/pdf/guidelines/bsi-guidelines-H.pdf>;**

3. Guideline for Prevention of Surgical Site Infection[, 1999] **(2017), available on the CDC website at <https://www.cdc.gov/infectioncontrol/guidelines/ssi/index.html>;**

4. Guideline for Hand Hygiene in Health-Care Settings, CDC Morbidity and Mortality Weekly Report (MMWR) 2002, Volume 51 (RR16), **available on the CDC website at <https://www.cdc.gov/mmwr/PDF/rr/rr5116.pdf>;**

[5. Guideline for Infection Control for Health Care Personnel, 1998;]

**5. Infection Control in Healthcare Personnel: Infrastructure and Routine Practices for Occupational Infection Prevention and Control Services (October 2019), available on the CDC website at <https://stacks.cdc.gov/view/cdc/82043>;**

6. Guidelines for Environmental Infection Control in Health-Care Facilities, CDC Morbidity and Mortality Weekly Report (MMWR), 2003, Volume 52 (RR10), **updated July 2019, available on the CDC website at:**

<https://www.cdc.gov/infectioncontrol/pdf/guidelines/environmental-guidelines-P.pdf>;

7. **2007** Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings (**last update July 2023**), [2007] **available on the CDC website at:**

<https://www.cdc.gov/infectioncontrol/pdf/guidelines/Isolation-guidelines-H.pdf>;

8. Management of Multidrug-Resistant Organisms in Healthcare Settings, 2006, **available on the CDC website at**

<https://www.cdc.gov/infectioncontrol/pdf/guidelines/mdro-guidelines.pdf>; and

9. Guidelines for Preventing Health-Care-Associated Pneumonia, [CDC Morbidity and Mortality Weekly Report (MMWR), 2004, Volume 53 (RR03)] **2003, available on the CDC website at**

<https://www.cdc.gov/infectioncontrol/pdf/guidelines/healthcare-associated-pneumonia-H.pdf>.

[(b) Publications of the Centers for Disease Control and Prevention (CDC) are available:

1. From the National Technical Information Service (NTIS), U.S. Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312;

2. Through telephonic request at (800) 553-6847 or (703) 605-6000; and

3. Electronically at the NTIS website at [www.ntis.gov](http://www.ntis.gov) or the CDC website at [www.cdc.gov](http://www.cdc.gov).]

## SUBCHAPTER 11. INPATIENT HOSPICE CARE UNIT

### 8:42C-11.1 Scope



(a)-(b) (No change.)

[(c) An inpatient hospice care provider operating a unit prior to January 16, 2018, shall:

1. File a licensing application by March 17, 2018, for which the Department shall charge the applicant no fee;

2. Comply with N.J.A.C. 8:42C-11.4 within one year of the issuance of a license pursuant to (c)1 above, subject to Department inspection prior thereto for review of progress toward compliance and readiness and for identification of potential deficiencies and matters requiring correction.]

8:42C-11.4 Patient care area requirements for inpatient hospice care units

(a)-(n) (No change.)

(o) All toilet and bath facilities used by patients shall have grab bars that are compliant with the International Code Council, Inc., Accessible and Usable Buildings and Facilities (ICC [A117.1-2009] **A117.1-2017**) ([2010]**2017**), published by the International Code Council [of the American National Standards Institute, 500 New Jersey Avenue, NW, 6th Floor] **200 Massachusetts Avenue, Suite 250**, Washington, DC 20001, telephone: [(800) 786-4452]**(888) 422-7233**, website: <http://www.iccsafe.org>, which is incorporated herein by reference, as amended and supplemented.

(p)-(z) (No change.)

(aa) Inpatient hospice care facilities shall meet the requirements of the Facility Guidelines Institute, Guidelines for Design and Construction of Residential Health, Care, and Support Facilities ([2014]**2022**), incorporated herein by reference, as amended and supplemented, published by [the American Society of Healthcare Engineering of the

American Hospital Association, 155 N. Wacker Drive, Suite 400, Chicago, IL 60606, telephone: (800) 242-2626, telefacsimile: (866) 516-5817, website: <http://www.ashe.org>, electronic mail address: [ashe@aha.org](mailto:ashe@aha.org), and available from] the Facility Guidelines Institute, [350 N. Saint Paul St., Suite 100, Dallas, TX 75201,] website: [www.fgiguideines.org](http://www.fgiguideines.org), [electronic mail address: [info@fgiguideines.org](mailto:info@fgiguideines.org)] **and can be contacted through a contact page at: <https://fgiguideines.org/contact-us/>.**

8:42C-11.5 Inpatient hospice care unit infection control

(a) (No change.)

(b) The system established pursuant to (a) above shall:

1. Incorporate and adhere to the ["Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005," Centers for Disease Control and Prevention, MMWR 2005; 54 (No. RR-17), as amended and supplemented,] **Tuberculosis Screening, Testing, and Treatment of U.S. Health Care Personnel: Recommendations from the National Tuberculosis Controllers Association and CDC, 2019. MMWR 2019;68:439-443, available on the CDC website at:**

**[https://www.cdc.gov/mmwr/volumes/68/wr/mm6819a3.htm?s\\_cid=mm6819a3\\_w](https://www.cdc.gov/mmwr/volumes/68/wr/mm6819a3.htm?s_cid=mm6819a3_w),**

in accordance with 29 U.S.C. § 651, the Occupational Safety and Health Act of 1970;

and

2. (No change.)

8:42C-11.8 Food service for inpatient hospice care units

(a) (No change.)

(b) The dietary service shall comply with N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, **and Cottage Food Operations.**

(c) - (f) (No change.)