

**Public Notice**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**DIVISION OF CERTIFICATE OF NEED AND LICENSING**

**CERTIFICATE OF NEED AND HEALTHCARE FACILITY LICENSURE PROGRAM**

**Notice of Action on Petition for Rulemaking**

**Manual of Standards for Licensing of Ambulatory Care Facilities**

**Hospital Licensing Standards**

**Radiation Oncology**

**Radiation Therapy Continuous Quality Improvement Methods**

**N.J.A.C. 8:43A-30.7 and 8:43G-28.19**

Petitioner: Laura I. Thevenot, Chief Executive Officer, American Society for Radiation Oncology.

**Take notice** that on August 23, 2018, the Department of Health (Department) received a petition for rulemaking from Laura I. Thevenot, Chief Executive Officer, American Society for Radiation Oncology (ASTRO), Arlington, Virginia. The petitioner requests that the Department make certain amendments to the Manual of Standards for Licensing Ambulatory Care Facilities at N.J.A.C. 8:43A-30.7, Radiation oncology services quality improvement methods, and the Hospital Licensing Standards at N.J.A.C. 8:43G-28.19, Radiation therapy continuous quality improvement methods.

The petitioner requests that the Department make changes to N.J.A.C. 8:43A-30.7 and 8:43G-28.19, which currently require radiation oncology facilities to be accredited by either the American College of Radiology (ACR) or the American College

of Radiation Oncology (ACRO). Specifically, the petitioner requests that the Department:

Amend N.J.A.C. 8:43A-30.7(b) and 8:43G-28.19(b) to include the ASTRO, or a program found equivalent by the Department, as alternative entities, additional to those the existing rules recognize, by which radiation oncology services and programs operated by ambulatory care facilities and hospitals may obtain and maintain accreditation; and amend N.J.A.C. 8:43A-30.7(c) and 8:43G-28.19(c) to require ambulatory care facilities and hospitals to file accreditation certificates from the ASTRO, or a program found equivalent by the Department, within 45 days of receipt of a certificate, as the existing rules require with respect to accreditation certificates that the ACR and the ACRO issue.

A notice acknowledging receipt of the petition was published in the October 15, 2018, New Jersey Register at 50 N.J.R. 2177(a). In accordance with applicable law, the Department published a notice of action in the December 3, 2018, New Jersey Register at 50 N.J.R. 2434(a), announcing that the Department reviewed the petition and determined that additional time was needed to deliberate about this petition. After deliberating over the ASTRO petition, the Department has decided to grant the petition and initiate rulemaking. The Department believes that allowing an additional accreditation agency may provide more options for providers and may result in a more competitive environment among the various accreditation agencies. Therefore, the Department will initiate rulemaking and seek public comment on the amendments requested by ASTRO.

Accordingly, after further deliberations and pursuant to N.J.A.C. 1:30-4.2(a)3, the Department has decided to grant this petition and initiate rulemaking within 90 days. A copy of this public notice is being mailed to the petitioner.