



State of New Jersey  
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To: Assisted Living Residences Licensed Pursuant to N.J.A.C. 8:36

From: Michael J. Kennedy, J.D. *MJK*  
Executive Director, Division of Certificate of Need and Licensing

Date: April 26, 2023

Re: Guidance Memorandum regarding the replacement of the Advanced Standing Pilot Program with the Deemed Status Program, effective November 1, 2023

**Effective November 1, 2023, New Jersey's Advanced Standing Pilot Program will be replaced by a Deemed Status Program. The Deemed Status Program will be in lieu of periodic inspections of Assisted Living Residences (ALRs) licensed pursuant to N.J.A.C. 8:36.**

Since 2012, the Department of Health (Department) has offered an Advanced Standing Pilot Program, which offered licensed ALRs the opportunity to be granted Advanced Standing through inspections which are conducted by the Health Care Association of New Jersey ("HCANJ"). On October 31, 2023, the Advanced Standing Pilot Program will conclude and will be replaced by a Deemed Status program, which is described below.

The Department is offering ALRs licensed pursuant to N.J.A.C. 8:36 the opportunity to apply for deemed status. A grant of deemed status offers relief from the provisions of N.J.A.C. 8:36-2.2, 8:36-2.4, and N.J.A.C. 8:43E-2.1, 8:43E-5.2, which outline the requirements for periodic inspections of facilities. The Department will consider deemed status in lieu of the required periodic inspection where:

1. At the time of the biennial inspection, a facility has been accredited within the past two years by an accrediting body recognized by the Department;
2. The facility submits the accrediting body report indicating that it is currently accredited. As applicable, any remediation plan required by the accrediting body shall also be submitted;
3. The facility submits a written request for deemed status; and
4. The Department grants the facility deemed status.

Deemed status may be considered at the time of the biennial inspection and, if granted, is subject to revocation or modification. The Department will review requests for deemed status and may grant deemed status depending on accreditation, the accrediting body report, the request submitted, and current licensure status. Facilities granted deemed status will forgo the required biennial inspection.

The Department will continue to conduct inspections for initial licensure pursuant to N.J.A.C. 8:36-2.2, 8:36-2.4, and N.J.A.C. 8:43E-5.2 and investigate complaints pursuant to N.J.A.C. 8:43E-2.1, regardless of whether a facility has deemed status. Further, receiving deemed status does not preclude the Department from conducting inspections of the facilities.

Recognized accrediting bodies include those nationally recognized accreditation organizations that accredit ALRs.

Within the next few months, the Department will be conducting outreach and education for ALRs regarding this new program. Future communication regarding the details of the above will be forthcoming. Lastly, the Department anticipates that future rule writing will incorporate the deemed status program into N.J.A.C. 8:36.

Questions regarding deemed status for these facilities should be directed to Michael Kennedy at [Michael.Kennedy@doh.nj.gov](mailto:Michael.Kennedy@doh.nj.gov).