

**ADOPTIONS SECTION**

**HEALTH**

**HEALTH SYSTEMS BRANCH**

**CERTIFICATE OF NEED AND LICENSING DIVISION**

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

**Certificate of Need: Long-Term Acute Care Hospitals**

**Readoption with Technical Changes: N.J.A.C. 8:33F**

Authority: N.J.S.A. 26:2H-1 et seq., specifically N.J.S.A. 26:2H-5.

Authorized By: Judith M. Persichilli, RN, BSN, MA, Commissioner, Department of Health,  
with the approval of the Health Care Administration Board.

Effective Dates:               September 15, 2022, Readoption;  
  October 17, 2022, Technical Changes.

New Expiration Date:       September 15, 2029.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the Commissioner of the Department of Health (Department) hereby readopts, with technical changes, N.J.A.C. 8:33F, Certificate of Need: Long-Term Acute Care Hospitals, which was scheduled to expire on November 19, 2022.

N.J.A.C. 8:33F, Certificate of Need: Long-Term Acute Care Hospitals, establishes the certificate of need requirements for new Long-Term Acute Care Hospitals, and licensed Long-Term Acute Care Hospitals proposing to alter their licensed bed complement. Subchapter 1, General Provisions, establishes the scope, purpose, and definitions for the chapter. Subchapter 2, Requirements, establishes the relationship between licensure and certificate of need requirements; the minimum size

of facilities; the requirements for expansion and new construction; the accessibility of care for Medicaid and medically indigent patients; and Long-Term Acute Care Hospital data reporting requirements.

In addition to readopting the existing rule, the Department is making technical changes throughout N.J.A.C. 8:33F. The technical changes include clarifying definitions, correcting a spelling error, clarifying a reference to an expired citation, and correcting a grammatical error.

The Commissioner has reviewed N.J.A.C. 8:33F and has determined that the existing chapter, with the technical changes, continues to be necessary, adequate, reasonable, efficient, understandable, and responsive to the purposes for which the Department originally promulgated it, as amended and supplemented over time, and, with the technical changes, should be readopted.

Therefore, pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 8:33F is readopted and shall continue in effect for seven years.

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 8:33F-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

"Medically indigent" means those individuals lacking third party insurance coverage whose income is less than or equal to 200 percent of the [Untied] **United States Department of Health and Human Services Income Poverty Guidelines, 42 U.S.C. § 9902(2).**

"Special hospital" means any hospital that [assures the provision of] **provides for the** comprehensive specialized diagnosis, care, treatment, and rehabilitation, where applicable, on an inpatient basis for one or more specific categories and for a hospital that provides long-term acute care through a broad spectrum of clinical care services for acutely ill/medically complex patients requiring, on average, a 25-day or greater length of stay. Special hospitals do not include hospitals or hospital units providing comprehensive rehabilitation services and licensed [in accordance with the provisions of N.J.A.C. 8:43H] **as Comprehensive Rehabilitation Hospitals by the Department.**

## SUBCHAPTER 2. REQUIREMENTS

### 8:33F-2.1 Relationship between licensure and certificate of need requirements

The provisions [of] **at N.J.A.C. 8:43G-38, [Long Term] Long-Term Acute Care Hospitals General Requirements,** are hereby incorporated by reference. Applicants receiving certificate of need approval for long-term acute care beds shall comply with all applicable requirements [of] **at N.J.A.C. 8:43G-38.**