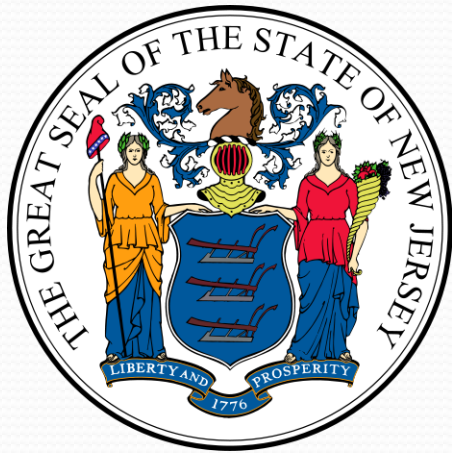


STATE DOH REGULATORY UPDATE

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Everything You've Always Wanted To Know About State Rules But Was Afraid to Ask

- N.J.A.C. 8:34...Nursing Home Administrators Licensing Board
- Adopted.....05/16/2011
- Expiration date.....05/15/2018

Scope of Administrative Responsibility

- The licensed nursing home administrator is responsible for the administrative functions of a nursing home to assure that the nursing home is operated at all times in compliance with N.J.A.C. 8:39 and all other applicable State and federal rules, regulations and laws

Scope of Individual Practice

- The licensed nursing home administrator oversees the provision of physical and emotional health services for persons who require various therapeutic and protective measures in a supervised environment in which the persons resides (N.J.A.C. 8:34-1.3(a))

What does Ownership of my NHA Professional License Mean?

- A “license” bestows certain *legal ownership* rights, responsibilities and obligations on its holder
- Subject to sanction
- Comes with the piece of paper
- Carries over to the title “administrator of record”
- “Own up” to an error

Continue...

- Admit and acknowledge something went wrong
- Admit and acknowledge responsibility for the matter at hand
- Do not shift blame
- Be responsive to the NHALB inquiry in a manner documenting what you, as the administrator of record did

Important “New” Regulation that Effects a NHA License

- N.J.A.C. 8:34-7.2 (f) requires as a condition of license renewal, each licensee shall complete four (4) CEU hours on the subject of professional ethics relevant to the practice of long-term care administration
- This is the first license renewal period that administrators must comply with this regulation since promulgation in 2011

Continue...

- By June 30, 2014, each NJ administrator must have complied
- Prior to 2011, there were few states with this requirements
- Subsequent to that date more and more LNHA Boards are requiring courses of this nature
- The importance of ethical issues in nursing homes cannot be overlooked.
- It is the LNHA who sets the ethical culture of the Facility

Continue...

- The NHALB saw it in repeated deficiencies of both federal and state tags linked to ethical violations
- Serious ethical violations negatively impacts the vulnerable residents of long-term care facilities

Understanding the Ethical Principles Necessary to Protect Your License

- Ethics...*The rules governing the conduct, transactions and relationships within a profession*
- Ethical principles guide personal conduct in the practice of nursing home administration
- Inquiry into good and evil; right and wrong
- What is good behavior? What *ought* one to do?
- What is your moral obligation to do?

Continue...

- Ethical considerations are impacted by many factors:
- Culture, religion, individual values
- Dynamic situations, advancing technologies, fluctuating economic environment, increasing personal stresses on staff, all lead to ethical dilemmas requiring ethical decisions
- Ethical issues are numerous

Continue...

- End of life decisions
- Quality versus quantity of life
- Competence and decision making capacity
- Resident abuse
- Chemical and mechanical restraints
- Autonomy and independence
- Privacy and protection

Continue...

- Incompetent professionals
- Staffing
- Striving to treat all residents the same
- Fiduciary responsibilities
- The impaired healthcare professional
- Protection of personal health information

Continue...

- Personal Integrity
- Professional boundaries
- Respect for individuals reflected in day to day relationships
- Prevent and do no harm
- The resident comes first

Overriding Tenets of Ethical Practice

- Facility policies & procedures should be in place and implemented
- Consistent application of facility policies and applicable laws to avoid unequal treatment to residents is vital
- The best way to deal with an ethical dilemma is to try to avoid it from happening

Continue...

- **The resident comes first**
- **Prevent and do no harm**
- Anticipate a situation that may evolve into an ethical dilemma and work to prevent that dilemma from happening
- It is harder to *un-ring the bell; to close the barn door after all the cows are gone; then to not ring that bell or not open that door at all*

Code of Ethics

- NJ moving forward with adopting a Code of Ethics based on the American College of Health Care Administrators

Long-Term/Acute Care License Update

- N.J.A.C. 8:36...Assisted Living Residences, Comprehensive Personal Care Homes and Assisted Living Programs (236)
- Readopted with tech changes, only...12/23/2013
- Expiration date.....12/23/2020
- Anticipated clarification and substantive amendments in 2015 to focus on the certified medication aide subchapter
- Assisted Living Disclosure Form as a regulation not accepted by Governor's Office. Encourage its use as a Best Practice

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:39...Long-Term Care Facilities (370)
- Readopted with tech changes, only.....12/23/2013
- Expiration date 12/23/2020
- DOH staff are working on clarification and substantive amendments for promulgation in 2015

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:42...Licensure of Home Health Agencies
(47)
- Expiration date.....12/19/2015

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:42C...Licensure of Hospice Services (56 Programs/18 Branches)
- Expiration date.....5/20/2017

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:42C-11 Hospice Licensing Standards (New)
- In-Patient Hospice Licensing Standards... submitted Fall 2013 for approval

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8: 43...Residential Health Care Facilities, attached (15)
- DCA responsible for rulemaking activity for free-standing RHCFs. New regulations were adopted by DCA couple of years ago under Chapter 10

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43A...Licensure of Ambulatory Care Facilities (666)
- Expiration date.....12/21/2014
- Staff working on amendments with stakeholders. Re-adoption with technical amendments only, this Fall, will extend the life of the Chapter for 7 years

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43C...Registration Standards for Surgical Practices (176)
- Expiration date1/17/2019

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8: 43D... Pediatric Community Transitional Homes (3)
- Expiration date4/16/2016

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43E Enforcement of Licensure Regulations
- UTF rule operative October 2011 Staff working on patient safety amendments.
- “Cullen “ Amendments submitted November 2012 for approval
- “Generator” Rules submitted September 2013 for approval
- Anticipated Fall, 2014 completion
- “POLST” law effective May 1, 2014

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43F... Standards for Licensure of Adult Day Facilities (133)
- Readopted with tech change only.....1/30/2014
- Expiration date.....1/30/2021

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43J...Standards for Licensure of Pediatric Medical Day Care Facilities (16)
- Expiration date.....11/16/2014
- Proposal to Readopt without change has been submitted for approval and is under review

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43G...Licensure of General Hospitals (71)
- Staff working on amendments and repeals to Subchapter 7 (Cardiac Services) and amendments to Subchapter 7A (Stroke Services) in separate proposals. The former is linked to Cardiac Service CN rule changes in Chapter 33 E

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43I...Criminal Background Investigation:
Nurse Aides, Personal Care Assistants, & Nursing Home
Administrators
- Expiration date.....5/13/2017

Long-Term/Acute Care License Update (continue)

- N.J.A.C. 8:43H.... Licensure of Rehabilitation Hospitals (14)
- Expiration date.....4/22/2010
- Draft new rules under review in the Legal Office. Anticipate return to stakeholders when the review is complete

Certificate of Need Rules

Administrative Rule

- N.J.A.C. 8:31A...Ambulatory Care Facility Assessment
Expiration date.....6/20/2020
- N.J.A.C. 8:31B...Hospital Financing Reporting
Expiration date.....6/29/2018
- N.J.A.C. 8:33...CN Application & Review Process
Expiration date.....12/21/2014
Readoption with tech change only, later this year

Certificate of Need Rules (continue)

- N.J.A.C. 8:33C...CN: Perinatal Centers and MCH Consortia

Expiration date.....8/16/2014

Staff in process of readoption without change while working with stakeholders for future amendments

- N.J.A.C. 8:33E....CN: Cardiac Diagnostic Facilities & Cardiac Surgery Centers

Staff preparing amendments/new rules for elective PCI and other cardiac service changes

Certificate of Need Rules (continue)

- N.J.A.C. 8:33F...CN: Long Term Acute Care Hospital
Expiration date.....6/19/2015
- N.J.A.C. 8:33H...CN: Policy Manual for Long Term Care
Expiration date.....5/20/2017
- N.J.A.C. 8:33Q...Solid Organ Transplantation Services
Expiration date.....4/18/2015