

NEW JERSEY DEPARTMENT OF HEALTH
HEALTH CARE ADMINISTRATION BOARD MEETING

- - -

Thursday, March 20, 2025

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Hearing heard before the New Jersey Department of Health was taken via videoconferencing before Aubrey D. McNally, Certified Court Reporter, Registered Professional Reporter and Notary Public of the State of New Jersey, on the above date, commencing at 9:15 a.m., there being present:

BOARD MEMBERS:

MICHAEL BAKER, CHAIR

MARY KAY ROBERTS, VICE CHAIR

KIMBERLY JENKINS

MANUEL PAULINO

ELLSWORTH HAVENS

BOARD STAFF:

STEPHANIE ROSE ORLANDO, PRESENTER

DONNA BETSCH, EXECUTIVE SECRETARIAL ASSISTANT

LISSETTE SANTIAGO-RIVERA, ESQUIRE

NOAH GLYN, PRESENTER

JACQUELINE CHADWICK, PRESENTER

LYNN CERTO, PRESENTER

1 MR. BAKER: I'll call the meeting to
2 order. Can the notice of publication and the
3 roll be taken. Thank you.

4 MS. BETSCH: This is a formal meeting of
5 the Healthcare Administration Board. Adequate
6 notice of this meeting has been published in
7 accordance with the provisions of the New
8 Jersey Open Public Meetings Act including, but
9 not limited to, N.J.S.A. 10:4-9.1, 10:4-9.3,
10 and 10:4-10.

11 Notice was sent to the secretary of
12 state who posted the notice in a public place.
13 Notice was also provided electronically on the
14 department's website and forwarded to two New
15 Jersey newspapers. I will now call the roll.

16 Ms. Jenkins?

17 MS. JENKINS: Here.

18 MS. BETSCH: Mr. Paulino?

19 MR. PAULINO: Here.

20 MS. BETSCH: Mr. Havens?

21 MR. HAVENS: Here.

22 MS. BETSCH: Ms. Roberts?

23 MS. ROBERTS: Here.

24 MS. BETSCH: Mr. Baker?

25 MR. BAKER: Here.

1 MS. BETSCH: We have five members of the
2 board present which does constitute a quorum.

3 MR. BAKER: Thank you. Next item of
4 business is the approval of the minutes from
5 our last meeting. Does anyone have any
6 comments, questions, corrections?

7 Hearing none, would someone like to move
8 the adoption?

9 MR. HAVENS: So moved.

10 MS. ROBERTS: I'll second.

11 MR. BAKER: Thank you. Call the roll.

12 MS. BETSCH: Ms. Jenkins?

13 MS. JENKINS: Yes.

14 MS. BETSCH: Mr. Paulino?

15 MR. PAULINO: Yes.

16 MS. BETSCH: Mr. Havens?

17 MR. HAVENS: Yes.

18 MS. BETSCH: Ms. Roberts?

19 MS. ROBERTS: Yes.

20 MS. BETSCH: Mr. Baker?

21 MR. BAKER: Yes.

22 MS. BETSCH: We have five yeses. Motion
23 carries.

24 MR. BAKER: Okay. Ms. Jenkins,
25 commissioner's report.

1 MS. JENKINS: I have a quick update on
2 H5N1, the avian influenza. The New Jersey
3 Health One Task Force, that's overseen by the
4 Department of Agriculture but it's in
5 collaboration with the Department of Health and
6 Environmental Protection and it was created to
7 collaborate among the agencies on issues such
8 as zoonotic diseases, vector-borne diseases,
9 food safety, environmental contaminations and
10 things of that nature. For H5N1, the bird flu,
11 it spans all of these agencies.

12 So the task force is currently doing
13 ongoing surveillance for avian influenza to see
14 what can be done about it, you know, for
15 recommendations on it, but specific for health
16 our communicable disease services is working
17 closely with our state and federal partners to
18 monitor the current situation for the bird flu.

19 Currently it's important to know that
20 there are no confirmed human cases in New
21 Jersey.

22 And just some tips to reduce the risk of
23 exposure to bird flu, to obviously avoid
24 contact with any dead birds. If you see dead
25 birds it's recommended that you contact DEP.

1 Also, just to avoid any contact with
2 general wild birds as well such as geese, only
3 eat or drink milk or dairy products that have
4 been pasteurized and cook poultry, eggs, and
5 beef to the appropriate internal temperatures
6 before you eat them and our website we have a
7 lot of information, the Department of Health's
8 website on bird flu and other information that
9 you may need about it.

10 That's the update for today.

11 MR. BAKER: Any questions for
12 Ms. Jenkins? I have sort of an odd one. If
13 the feds decide that the treatment for bird flu
14 in chicken farms is to let it burn through the
15 population, do we have control over that or is
16 that a federal issue?

17 MS. JENKINS: Yeah, I don't really know,
18 Mike. We are looking at that. I did see that,
19 that that's one of the recommendations, if you
20 will. But, yeah, that's something we're
21 closely looking at to see what we can and can't
22 do.

23 MR. BAKER: Okay. Thank you. Next,
24 Mr. Glyn, you're up.

25 MR. GLYN: Okay. Great to be back with

1 everyone again today.

2 So my name is Noah Glyn. It's great to
3 be back with the board today two months in a
4 row. I'm here to present the notice of
5 readoption of the hospital financial reporting
6 rules under N.J.A.C. 8:31B.

7 So these rules establish the financial
8 reporting and monitoring framework for
9 hospitals in New Jersey. These rules ensure
10 that healthcare services are provided with
11 transparency and financial reporting and they
12 support the Health Care Facilities Planning Act
13 and govern financial oversight, uniform
14 billing, and reporting requirements for
15 hospitals. It also has rules regarding the two
16 hospital assessments.

17 Now, the significance of this readoption
18 would be that we would ensure the continuity
19 and financial oversight transparency in
20 hospital operations as well as equitable
21 distribution of healthcare funding across the
22 state. The regulation's safeguard public
23 interest by ensuring that hospitals remain
24 financially accountable while delivering
25 high-quality care.

1 with that I'd be happy to answer
2 questions the board may have.

3 MR. BAKER: Are there any questions from
4 board members? Hearing none, is there anyone
5 in the public who would like to be heard? What
6 does it look like out there, Donna?

7 MS. BETSCH: We have four people that
8 called in. I don't know who they are.

9 MR. BAKER: Any of the callers would you
10 like to be heard on this item? If so, now is
11 your time.

12 MS. LONG: Marissa Long from the New
13 Jersey Hospital Association. I have no
14 comments. Thank you.

15 MR. BAKER: Thank you, Ms. Long. Is
16 there anyone else? Close the public portion.

17 Would someone like to move the notice of
18 readoption?

19 MR. HAVENS: This is Ellsworth. I move
20 the readoption of N.J.A.C. 8:31B.

21 MS. ROBERTS: Second.

22 MR. BAKER: Any further discussion? If
23 not, Donna, please call the roll.

24 MS. BETSCH: Ms. Jenkins?

25 MS. JENKINS: Yes.

1 MS. BETSCH: Mr. Paulino?

2 MR. PAULINO: Yes.

3 MS. BETSCH: Mr. Havens?

4 MR. HAVENS: Yes.

5 MS. BETSCH: Ms. Roberts?

6 MS. ROBERTS: Yes.

7 MS. BETSCH: Mr. Baker?

8 MR. BAKER: Yes.

9 MS. BETSCH: We have five yeses. Motion
10 carries.

11 MR. BAKER: Next item, number five,
12 Ms. Chadwick.

13 MS. CHADWICK: Good morning, Mr. Baker
14 and members of the board. My name is Jackie
15 Chadwick and I'm a program manager in the
16 department's Division of Certificate of Need
17 and Licensing and I am also happy to be in
18 front of the board two months in a row and
19 thank you for the opportunity to request your
20 approval of the notice of adoption of
21 amendments of certain sections of N.J.A.C.
22 8:36, standards for licensure of assisted
23 living residences, comprehensive personal care
24 homes, and assisted living programs.

25 By way of history, the chapter has been

1 in effect since 1973 and it's meant to allow
2 aging in place in a home-like setting for
3 frail, elderly, and disabled persons.

4 8:36 permits the department to oversee
5 the operations of these facilities through
6 licensure, survey, inspections and enforcement
7 actions.

8 It doesn't seem like it was 2021 but we
9 readopted the entire chapter in 2021 with
10 technical changes and then updated it in 2024
11 with social isolation changes and that was as a
12 result of the COVID-19 statute, so the current
13 chapter is set to expire in 2028.

14 And by way of history, the deemed status
15 program, basically we started with an advanced
16 standing pilot program which was in place since
17 2012 and it permitted a facility license under
18 this chapter the opportunity to be granted
19 advanced standing through inspections that were
20 performed by a New Jersey trade association in
21 collaboration with the department.

22 The department after several years
23 decided to move away from the trade association
24 and we decided to move to the deemed status
25 program which essentially took place on

1 November 1st, 2023.

2 Deemed status also allows the department
3 to review certain documents submitted by the
4 facility in place of the department determining
5 a facility's compliance through a department
6 survey staff.

7 Deemed status is entirely voluntary and
8 if an ALR determines to apply for deemed status
9 it must submit a request in writing along with
10 a two-year accrediting body report and a
11 remediation plan if one exists.

12 The department can grant or deny the
13 request which can be revoked or modified in the
14 future. The facility must supply updated
15 documents every two years and notice to the
16 industry was sent out in April of 2023 advising
17 them that the department is going to replace
18 the advanced standing program with the deemed
19 status program. Again, it was effective
20 November 1st, 2023. So, as such, the
21 facilities are aware of this change.

22 The amendments to 8:36 include the
23 addition of definitions for deemed status and
24 recognized accrediting organization at 8:36-1.3
25 and at 2.4 we added language to explain the

1 procedures a facility would need to follow in
2 order to request deemed status.

3 The notice of proposal was published in
4 the register in April of 2024. The public
5 comment period ended in May 2024, May 31st.

6 The department received comments from
7 ten individuals who raised various issues such
8 as the cost of the program, the standards of
9 the program, and the fact that it's important
10 for the department's surveyors to also perform
11 inspections of the deemed status facilities.

12 There was also a comment about the
13 characterization of the event standing program.
14 But, again, the department acknowledges that
15 was a collaborative effort.

16 The department thanks each of the
17 commentators and after reviewing the comments
18 the department has decided to adopt the deemed
19 status program as proposed making no changes
20 and I'm here to ask the board to approve the
21 notice of adoption.

22 Does anyone have any questions?

23 MR. BAKER: Nothing from the members.

24 Is there anyone online that has a question or a
25 comment on this item? Now's your time to speak

1 up. No one?

2 would someone like to move the notice of
3 adoption?

4 MS. ROBERTS: I'll make a motion to
5 approve the notice of adoption standards for
6 licensure of assisted living residences,
7 comprehensive personal care homes, and assisted
8 living facilities for deemed status codified at
9 N.J.A.C. 8:36-1.3 and 2.4.

10 MR. BAKER: And just for the record that
11 was notice of proposal as opposed to notice of
12 adoption. That was my bad.

13 MR. HAVENS: Second.

14 MR. BAKER: Thanks. Any further
15 comments? Hearing none, Donna, please call the
16 roll.

17 MS. BETSCH: Ms. Jenkins?

18 MS. JENKINS: Yes.

19 MS. BETSCH: Mr. Paulino?

20 MR. PAULINO: Yes.

21 MS. BETSCH: Mr. Havens?

22 MR. HAVENS: Yes.

23 MS. BETSCH: Ms. Roberts?

24 MS. ROBERTS: Yes.

25 MS. BETSCH: Mr. Baker?

1 MR. BAKER: Yes.

2 MS. BETSCH: We have five yeses. Motion
3 carries.

4 MR. BAKER: Thank you. Item number
5 seven, Ms. Certo.

6 MS. CERTO: Good morning.

7 MS. BETSCH: There's also one more. I
8 don't know if you want to go in order, number
9 six on the agenda.

10 MR. BAKER: My bad. I skipped down.
11 Number six, Ms. Orlando.

12 MS. ORLANDO: Hi. Good morning,
13 Mr. Baker and members of the board. I am
14 Stephanie Orlando. I'm a regulatory officer in
15 the Department of Health Division of
16 Certificate of Need and Licensing.

17 I'm here to request your approval for
18 the notice of proposal of N.J.A.C.
19 8:39-43.10(n) which establishes standards for
20 licensure of long-term care facilities.

21 Section ten contains requirements for a
22 training program for nurse aides in long-term
23 care facilities and subsection N details the
24 qualifications for nurse aide training program
25 evaluators.

1 A petition of rulemaking was filed by
2 Theresa Edelstein with the New Jersey Hospital
3 Association. The petition requested that the
4 department amend N.J.A.C. 8:39-43.10(n) to
5 mirror the nurse aide competency evaluator
6 requirements that the Centers of Medicare and
7 Medicaid Services established which are set
8 forth at 42 CFR 483.154 C42.

9 The notice of receipt was published on
10 February 6th, 2023 at 55 N.J.R. 219(a). A
11 notice of action was published on May 20th,
12 2024 at 55 N.J.R. 923(b) stating that the
13 department planned on granting this petition.

14 Today's meeting addresses the notice of
15 proposal specifically which contains the
16 department's proposed changes to 8:39-43.10(n).
17 The department proposes to amend subsection N
18 to closely follow the federal regulations which
19 can be found, again, at 42 CFR section 483.154
20 C42, nurse aide competency evaluation program.

21 The changes would require each nurse
22 aide training program evaluator to possess at
23 least one year of full-time or full-time
24 equivalent experience as a registered
25 professional nurse providing care for the

1 elderly or the chronically ill of any age.

2 Does the board have any questions?

3 MR. BAKER: Hearing none, is there
4 anyone from the public who would like to be
5 heard on this matter?

6 MS. EDELSTEIN: Good morning,
7 Mr. Chairman. This is Theresa Edelstein at the
8 New Jersey Hospital Association. I don't have
9 any comments. I would just like to thank the
10 department for its work on this petition for
11 rulemaking. We appreciate that it is beginning
12 to move forward. Thank you.

13 MR. BAKER: Thank you. Is there anyone
14 else who would like to be heard on this matter?

15 MR. HAVENS: This is Ellsworth. I just
16 have a quick question. The training, where
17 does training take place? Who's doing training
18 of the aides? Where's it being done? Is that
19 a bad question?

20 MS. CHADWICK: The training is being
21 done by organizations that are certified by the
22 department. The individuals are in the office
23 of Program Compliance which is like a sister
24 program of the regulation program, the
25 regulatory program. So we mean the department

1 still oversee everything that's in the
2 training.

3 MR. HAVENS: That's what I wanted to
4 know. So it's coordinated through the
5 Department of Health?

6 MS. CHADWICK: Yes.

7 MR. HAVENS: Thank you.

8 MR. BAKER: Any other questions? I
9 think we closed the public portion. Now would
10 be would someone like to move?

11 MR. HAVENS: I move the proposed
12 amendment at N.J.A.C. 8:39-43.10, standards for
13 licensure of long-term care facilities,
14 certification of nurse aides in long-term care
15 facilities.

16 MS. ROBERTS: I'll second.

17 MR. BAKER: Thank you. Any further
18 comments? Hearing none, Donna, please call the
19 roll.

20 MS. BETSCH: Ms. Jenkins?

21 MS. JENKINS: Yes.

22 MS. BETSCH: Mr. Paulino?

23 MR. PAULINO: Yes.

24 MS. BETSCH: Mr. Havens?

25 MR. HAVENS: Yes.

1 MS. BETSCH: Ms. Roberts?

2 MS. JENKINS: Yes.

3 MS. BETSCH: Mr. Baker?

4 MR. BAKER: Yes.

5 MS. BETSCH: We have five yeses. Motion
6 carries.

7 MR. BAKER: Thank you. Before moving on
8 to the next item, Kim, I noticed that when I
9 jumped ahead on the agenda, I jumped ahead and
10 said it was a notice of proposal on number
11 five. I just want to clarify for the record
12 that Mary Kay had it right when she said it was
13 notice of adoptions.

14 MS. JENKINS: Which one?

15 MR. BAKER: For item five.

16 MS. JENKINS: Yes, five is an adoption,
17 six is a proposal.

18 MR. BAKER: Now we're on to item number
19 seven and it's Ms. Certo.

20 MS. CERTO: Good morning, Mr. Baker and
21 members of the board. My name is Lynn Certo.
22 I'm a regulatory officer with the Department of
23 Health Division of Certificate and Need and
24 Licensing. I'm here today to present the
25 notice of proposal for explicit and implicit

1 bias training. This proposal affects birth
2 centers and hospitals licensed by the
3 department pursuant to the Healthcare
4 Facilities Planning Act and the regulations
5 affected are found in N.J.A.C. 8:43A, 8:43E,
6 and 8:43G.

7 By way of background, on May 11th, 2021
8 Governor Phil Murphy approved public law 2021
9 chapter 79, an act concerning bias training
10 which was codified in part at N.J.S.A.
11 26:2H-12.108 and that was effective
12 November 1st, 2021.

13 The act requires birthing centers and
14 hospitals providing inpatient maternity
15 services to implement an explicit and implicit
16 bias training program for healthcare
17 professionals who provide perinatal treatment
18 and care to pregnant persons at a hospital or
19 birthing center and for all supportive staff
20 members who interact with pregnant persons at a
21 hospital or birthing center.

22 The act also requires hospital and
23 birthing centers to ensure that the program is
24 structured in a manner that permits healthcare
25 professionals to be eligible to receive

1 continuing education credits for participation
2 in the program and identifies the topics that
3 the training program is to address.

4 The act also directs the department to
5 identify a training tool that hospitals and
6 birthing centers already use while also
7 permitting hospitals and birthing centers to
8 use supplemental customized training tools in
9 providing --

10 MR. BAKER: Ms. Certo, can everybody
11 mute their phones.

12 MS. CERTO: To implement the statute the
13 department proposes new rules at N.J.A.C.
14 8:43A, manual of standards for licensing of
15 ambulatory care facilities, subchapter 28 which
16 is birth centers, and N.J.A.C. 8:43G which is
17 hospital licensing standards at subchapter 19
18 obstetrics to outline the requirements.

19 The new rules identify personnel who
20 must complete the training and contains
21 definitions that are in the statute, requires
22 facilities to develop written policies and
23 procedures for the program, identify the
24 training tool approved by the department and
25 how it can be accessed, provide continuing

1 education credit for course completion for
2 eligible healthcare professionals, identify the
3 time frames for course completion, require that
4 a certificate of completion be issued to all
5 participants, allow completion of outside
6 professional continuing education courses which
7 are covering the same material to be
8 substituted for the training, require
9 completion records be maintained by the
10 facilities and identify required reporting to
11 the department and procedures for audits.

12 The department also proposes amendments
13 to N.J.A.C. 8:43E which is general licensure
14 procedures and standards which are applicable
15 to all licensed facilities. In subchapter
16 three, enforcement remedies, this amendment
17 would establish a civil monetary penalty of up
18 to \$1,000 per day which is assessable for each
19 day of noncompliance. That's per the statute.

20 Does the board have any questions?

21 MR. BAKER: Hearing none, is there
22 anyone from the public who would like to be
23 heard on this matter? Now's your time to
24 speak.

25 Hearing no one I'll close the public

1 portion. Would any board member like to make a
2 motion?

3 MR. HAVENS: I move the proposed
4 amendments at N.J.A.C. 8:43E-3.4 and proposed
5 new rules at N.J.A.C. 8:43A-2814 and N.J.A.C.
6 8:43G at 1939, general licensure procedures and
7 standards applicable to all licensed
8 facilities, manual of standards for licensing
9 of ambulatory care facilities and hospital
10 licensure standards explicit and implicit bias
11 training.

12 MR. BAKER: Thank you. Is there a
13 second?

14 MS. ROBERTS: I'll second.

15 MR. BAKER: Thank you. Any other
16 comments or questions? Hearing none, Donna,
17 please make a roll.

18 MS. BETSCH: Ms. Jenkins?

19 MR. HAVENS: Yes.

20 MS. BETSCH: Mr. Paulino?

21 MR. PAULINO: Yes.

22 MS. BETSCH: Mr. Havens?

23 MR. HAVENS: Yes.

24 MS. BETSCH: Ms. Roberts?

25 MS. JENKINS: Yes.

1 MS. BETSCH: Mr. Baker?

2 MR. BAKER: Yes.

3 MS. BETSCH: We have five yeses. Motion
4 carries.

5 MR. BAKER: Okay. Is there any other
6 business before the board? Any comments,
7 questions? Then I'll make a motion to adjourn.
8 All in favor say I.

9 MR. HAVENS: I.

10 MR. PAULINO: I.

11 MS. JENKINS: I.

12 MS. ROBERTS: I.

13 MR. BAKER: See you all next month.

14 - - -

15 (Hearing concluded at 9:45 a.m.)

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C E R T I F I C A T I O N

STATE OF NEW JERSEY

SS.

COUNTY OF CAMDEN

I, AUBREY MCNALLY, a Certified Court reporter and Notary Public of the State of New Jersey, do hereby certify that I reported the hearing in the above-captioned matter; that the said witness was duly sworn by me; that the reading and signing of the deposition were waived by said witness and by counsel for the respective parties; That the foregoing is a true and correct transcript of the stenographic notes of testimony taken by me in the above-captioned matter.

I further certify that I am not an attorney or counsel for any of the parties, nor a relative or employee of any attorney or counsel connected with this action, nor financially interested in the action.

A handwritten signature in cursive script that reads "Aubrey McNally". The signature is written over a horizontal dashed line.

AUBREY D. MCNALLY, CCR, RPR #30XI00234300

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