



# News Release

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Commissioner

For Release:  
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## **Department of Health and Senior Services Proposes to Readopt and Amend N.J.A.C. 8:33, which Establishes the Certificate of Need Application and Review Process**

The Office of Certificate of Need and Healthcare Facility Licensure in the Health Facilities Evaluation and Licensing Division of the Senior Services and Health Systems Branch of the Department of Health and Senior Services proposes to readopt and amend N.J.A.C. 8:33, which establishes the certificate of need application and review process. The notice of proposal appears in the August 6, 2007, issue of the New Jersey Register.

N.J.A.C. 8:33 implements the provisions of the Health Care Facilities Planning Act (The Act), N.J.S.A. 26:2H-1 et seq., by establishing an application and review process for the issuance of certificates of need to applicants seeking to construct or expand health care facilities and to initiate or expand health care services. In accordance with the Act, Chapter 33 identifies the types of health care facilities and services subject to the certificate of need requirement, establishes the requirements of the application and review process, and sets forth the health care services or projects that are exempt from the certificate of need requirement.

The proposal would correct the name and address of the Department's certificate of need and licensing unit, which is now known as the Office of Certificate of Need and Healthcare Facility Licensure. The chapter would be amended to provide that certificate of need application forms may be obtained on the Department's website, in the appendices to Chapter 33, or by writing to the Office of Certificate of Need and Healthcare Facility Licensure. The proposed amendments would correct the application fees for certificates of need to meet the requirements of legislation enacted in July 2003 (P.L. 2003, c. 117). This legislation increased the application fee from \$5,000 to \$7,500 for a project costing \$1,000,000 or less, and from \$5,000 plus 0.15% of total project cost to \$7,500 plus 0.24% of total project cost for projects costing more than \$1,000,000.

The proposed amendments would delete language that allows questions from the State Health Planning Board (SHPB) to be transmitted to an applicant while the Department is reviewing the application for completeness. Participation by the SHPB during the completeness review process is not required by statute, and the SHPB may question an applicant during the SHPB review that follows the Department's review for completeness. The proposed amendments would allow applicants to modify a pending application only in response to questions from the Department during the completeness review process.

The proposed amendments would also require primary angioplasty services applicants to comply with the planning and certificate of need requirements of N.J.A.C. 8:33E, and would require long term acute care hospital (LTACH) applicants to comply with the certificate of need requirements and standards for LTACH's in N.J.A.C. 8:33F and N.J.A.C. 8:43G-38.

The public has until October 5, 2007 to comment on the proposal. Persons wishing to comment on the proposal must submit their comments in writing to John A. Calabria, Director, Office of Certificate of Need and Healthcare Facility Licensure, NJ Department of Health and Senior Services, PO Box 0358, Trenton, NJ 08625-0358. Written comments must be postmarked on or before October 5, 2007, which is the close of the 60-day public comment period.