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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
OFFICE OF THE DIRECTOR
HEALTH CARE SERVICE FIRMS
DEFINITIONS; INITIAL REGISTRATION REQUIREMENTS;
REGISTRATION RENEWAL; PROHIBITED ACTS

Adopted Amendments: N.J.A.C. 13:45B-14.2, 14.3, 14.5 and 14.6

Proposed: June 7, 2004 at 36 N.J.R. 2584(a).

Adopted: December 1, 2004 by Reni Erdos, Director, Division of Consumer Affairs.

Filed: January 7, 2005 as R.2005 d.53, without change.

Authority: N.J.S.A. 34:8-54.

Effective Date: February 7, 2005.

Expiration Date: March 4, 2008.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments have no applicable Federal laws or standards.

Full text of the adoption follows:

<< NJ ADC 13:45B-14.2 >>

13:45B-14.2 Definitions

As used in this subchapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

Health care service firm means any person who operates a firm that employs individuals directly or indirectly for the purpose of assigning the employed individuals to provide health care or personal care services either directly in the home or at a care-giving facility, and who, in addition to paying wages or salaries to the employed individuals while on assignment, pays or is required to pay Federal social security taxes and State and Federal unemployment insurance; carries or is required to carry worker's compensation insurance; and sustains responsibility for the action of the employed individuals while they render health care services.

Health care services means:

1.(No change.)

2.Any health related services for which licensure, registration or certification is required as a pre-condition to the rendering of such services.

Personal care services include bathing, toileting, transferring, dressing, grooming, and assistance with ambulation, exercise, or other aspects of personal hygiene.

13:45B-14.3 Initial registration requirements

(a) Except as set forth in N.J.A.C. 13:45B-14.4, each health care service firm shall register with the Division by submitting the following, on forms provided by the Director:

1. A registration form which shall include the following information:

i. The name of the health care service firm and any fictitious or trade name used in its operation and the names of health care companies related through joint ownership, boards of directors, officers, incorporators or principals;

ii. Each primary location including street and street number of the building(s) and place(s) where its business is to be conducted and the addresses of all health care companies related through joint ownership, boards of directors, officers, incorporators or principals;

iii.-v. (No change.)

2. A certification of each officer, director, principal or owner setting forth whether he or she has ever been convicted of a crime as set forth in N.J.S.A. 34:8-44;

3. A bond of \$10,000 to secure compliance with P.L. 1989, c.331 (N.J.S.A. 34:8-43 et seq.). The Director may waive the bond requirement for any corporation or entity having a net worth of \$100,000 or more. In order to obtain a waiver, the health care service firm shall provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing a net worth of \$100,000 or greater; and

4. A list of any licenses held in another state by the health care service firm, or by any officer, director, owner or principal of the health care service firm, to provide health care services in another state, a description of any actions taken by another state on those licenses, including violations of health or labor laws, and a description of any violations of Federal law by the health care service firm or any principal of the health care service firm.

(b)-(d) (No change.)

13:45B-14.5 Registration renewal

(a) A health care service firm shall renew registration on or prior to July 1 of each year by submitting the following, on forms provided by the Director.

1. A renewal application which shall provide the information set forth in N.J.A.C. 13:45B-14.3(a)1; a certification that no new officers, directors, principals or owners have been added since the previous renewal; a list of primary locations; an updated description of any action taken by another state upon a license held by the health care service firm or by any officer, director, owner or principal of the health care service firm; and an updated description of any violations of Federal or New Jersey State law by the health care service firm or any officer, director, owner or principal of the health care service firm.

2. (No change.)

13:45B-14.6 Prohibited acts

(a) A health care service firm shall not:

1. Recruit or advertise for health care service staff, provide or offer to provide health care services to potential employees, or contract with a health care facility to provide health care services without first obtaining registration;

2.-4. (No change.)