

ASSEMBLY, No. 193

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman WEINBERG

1 AN ACT providing for the regulation of home infusion therapy
2 providers and supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 "Commissioner" means the Commissioner of Health.

9 "Home infusion therapy" means the practice of methods and use of
10 equipment for the therapeutic introduction of a fluid other than blood
11 into a person's vein or into subcutaneous or other tissue, from which
12 it is absorbed into the bloodstream, which is performed in the person's
13 home.

14 "Home infusion therapy provider" means an establishment,
15 corporation, firm, agency, facility or other entity which primarily
16 provides home infusion therapy services, but does not include a
17 self-employed person providing those services directly and who is not
18 under contract to an establishment, corporation, firm, agency, facility
19 or other entity which provides those services.

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21 2. A home infusion therapy provider shall not operate within this
22 State except pursuant to a certificate of approval obtained from the
23 commissioner, upon application made on a form and in a manner
24 prescribed by the commissioner. The applicant shall be required to
25 furnish evidence of its ability to comply with minimum standards
26 established by the commissioner for home infusion therapy providers.
27 Any change in the facts set forth in the application shall be reported to
28 the commissioner within 10 days after the occurrence thereof.

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30 3. Upon receipt of an application for a certificate of approval, the
31 commissioner shall cause an investigation to be made of the applicant,
32 and shall issue a certificate of approval if it is found that the applicant
33 is of good moral character and complies with the provisions of this act
34 and with rules and regulations adopted by the commissioner pursuant
35 to this act. The certificate of approval shall not be transferable or

1 assignable or applicable to any premises or proprietor other than those
2 specified therein. A copy of the certificate shall be carried by a person
3 employed by the provider while providing home infusion therapy
4 services, and shall be made available to a patient for his viewing upon
5 request.

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7 4. a. The commissioner after a hearing may deny, revoke, or
8 suspend a certificate of approval if a home infusion therapy provider
9 violates the provisions of this act.

10 b. Notice of a pending denial, revocation or suspension of a
11 certificate of approval shall be sent to the applicant or holder of a
12 certificate of approval by registered mail and the notice shall set forth
13 the particular reasons for the denial, suspension, or revocation of the
14 certificate. The denial, suspension, or revocation shall become
15 effective on the 30th day after the mailing, unless the applicant or
16 holder of the certificate, within the 30-day period meets the
17 requirements of the commissioner, or provides written notice to the
18 commissioner of its desire for a hearing, in which case the denial,
19 suspension, or revocation shall be held in abeyance until the hearing
20 has been concluded and a final decision rendered. An applicant or
21 holder of a certificate of approval may appeal a denial, suspension, or
22 revocation to a court of competent jurisdiction.

23 c. The commissioner may, in the manner provided by law, maintain
24 an action in the name of the State for injunctive relief against a home
25 infusion therapy provider which continues to operate without a
26 certificate of approval, or after suspension or revocation of a
27 certificate.

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29 5. A home infusion therapy provider which provides home infusion
30 therapy services without obtaining the certificate of approval required
31 by this act, or which does so after revocation or suspension of a
32 certificate of approval, shall be liable to a penalty of \$25 for each day
33 of operation in violation hereof for the first offense and for a
34 subsequent offense shall be liable to a penalty of \$50 for each day of
35 operation in violation hereof.

36 A penalty authorized by this section shall be recovered in a
37 summary proceeding instituted by the commissioner pursuant to "the
38 penalty enforcement law," N.J.S.2A:58-1 et seq. A penalty shall be
39 payable to the General Fund.

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41 6. A home infusion therapy provider operating on the effective date
42 of this act shall obtain a certificate of approval from the commissioner
43 no later than the 180th day after that date.

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45 7. The commissioner, pursuant to the "Administrative Procedure
46 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and

1 regulations to effectuate the purposes of this act, including, but not
2 limited to, minimum standards for the operation of a home infusion
3 therapy provider.

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5 8. This act shall take effect immediately.

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STATEMENT

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10 This bill requires that home infusion therapy providers receive a
11 certificate of approval from the Commissioner of Health in order to
12 operate in New Jersey. The bill defines a "home infusion therapy
13 provider" as an establishment, corporation, firm, agency, facility or
14 other entity which primarily provides home infusion therapy services.

15 The bill requires that a home infusion therapy provider operating on
16 the effective date of the bill shall obtain a certificate of approval from
17 the commissioner no later than the 180th day after that date.

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22 Requires certificate of approval for home infusion therapy providers.