

ASSEMBLY, No. 590

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman LUSTBADER

1 AN ACT concerning certificate of need fees and amending P.L.1971,
2 c.136.

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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. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended to read
8 as follows:

9 10. a. Application for a certificate of need shall be made to the
10 department, and shall be in such form and contain such information as
11 the department may prescribe. The department shall charge a
12 nonreturnable fee for the filing of an application for a certificate of
13 need. The minimum fee for the filing of an application shall be \$5,000.
14 For a project whose total cost is greater than \$1 million but less than
15 \$10 million, the fee shall be \$5,000 plus .05% of the total project cost,
16 and for a project whose total cost is \$10 million or more, the fee shall
17 be \$5,000 plus 1.0% of the total project cost, except that, the
18 maximum fee for the filing of an application shall be \$100,000. Upon
19 receipt of an application, copies thereof shall be referred by the
20 department to the appropriate local advisory board and the State
21 Health Planning Board for review.

22 These appropriate boards shall provide adequate mechanisms for
23 full consideration of each application submitted to them and for
24 developing recommendations thereon. Such recommendations,
25 whether favorable or unfavorable, shall be forwarded to the
26 commissioner within 90 days of the date of referral of the application.
27 A copy of the recommendations made shall be forwarded to the
28 applicant.

29 Recommendations concerning certificates of need shall be governed
30 and based upon the principles and considerations set forth in section
31 8 of P.L.1971, c.136 (C.26:2H-8).

32 No member, officer or employee of any planning body shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 subject to civil action in any court as the result of any act done or
2 failure to act, or of any statement made or opinion given, while
3 discharging his duties under this act as such member, officer, or
4 employee, provided he acted in good faith with reasonable care and
5 upon proper cause.

6 b. Notwithstanding the provisions of subsection a. of this section
7 to the contrary, the maximum certificate of need application filing fee
8 for an assisted living residence shall be \$10,000.

9 (cf: P.L.1991, c.187, s.36)

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11 2. This act shall take effect immediately.

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STATEMENT

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16 This bill caps the fee for filing a certificate of need application for
17 an assisted living residence at \$10,000, regardless of the cost of
18 building the residence. This reduced fee will encourage the
19 development of this less restrictive and less costly form of long-term
20 care.

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25 Reduces certificate of need fee for assisted living residences.