

SENATE, No. 1605

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senator SINAGRA

1 AN ACT concerning certificate of need and amending P.L.1992, c.160.

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

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6 1. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read
7 as follows:

8 19. Notwithstanding the provisions of section 7 of P.L.1971, c.136
9 (C.26:2H-7) to the contrary, the following are exempt from the
10 certificate of need requirement:

11 Community-based primary care centers;

12 Outpatient drug and alcohol services;

13 Ambulance and invalid coach services;

14 Mental health services which are non-bed related outpatient
15 services;

16 Changes in residential health care facility services;

17 Assisted living residences and comprehensive personal care homes;

18 Mandatory renovations to existing facilities;

19 Mandatory replacement of fixed or moveable equipment;

20 Transfer of ownership interest except in the case of an acute care
21 hospital, or a long-term care facility in which the owner does not
22 satisfy the Department of Health's review of the owner's prior
23 operating experience as well as any requirements established by the
24 federal government pursuant to Titles XVIII and XIX of the Social
25 Security Act;

26 Change of site for approved certificate of need within the same
27 county;

28 Relocation or replacement of a health care facility within the same
29 county, except for an acute care hospital;

30 Continuing care retirement communities authorized pursuant to
31 P.L.1986, c.103 (C.52:27D-330 et seq.);

32 Acquisition by a hospital of a magnetic resonance imager that is
33 already in operation in the State by another health care provider or
34 entity;

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 Adult day health care facilities;
2 Pediatric day health care facilities; and
3 Chronic renal dialysis facilities.
4 (cf:P.L.1992, c.160, s.19)

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6 2. This act shall take effect immediately.

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STATEMENT

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11 This bill amends section 19 of P.L.1992, c.160 (C.26:2H-7a) to
12 exempt assisted living residences and comprehensive personal care
13 homes from the requirement of obtaining a certificate of need (CON).

14 Assisted living residences and comprehensive personal care homes
15 promote "aging in place" in a homelike setting, primarily for frail
16 elderly persons. Residents receive supportive health and social
17 services as they are needed to enable them to maintain their
18 independence, individuality, privacy and dignity in an apartment-style
19 living unit.

20 The CON requirement imposes an artificial limitation on the
21 immediate development of what is essentially senior citizen housing,
22 and unnecessarily restricts the right of those persons who need or
23 desire this type of residence to choose where they prefer to live.
24 Because of a lack of these alternative residential settings, many senior
25 citizens in this State are compelled to live in more restrictive nursing
26 facilities at a much higher cost.

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31 Exempts assisted living residences and comprehensive personal care
32 homes from certificate of need.