

50 N.J.R. 1292(a)

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RULE ADOPTIONS

Reporter

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> LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

Agency

LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > OFFICE OF THE
DIRECTOR

Administrative Code Citation

Adopted Amendments: N.J.A.C. 13:45B-13.2 and 13.5

Adopted New Rule: N.J.A.C. 13:45B-13.5A

Text

Definitions; Registration Renewal

Proposed: August 21, 2017, at 49 N.J.R. 2759(a).

Adopted: April 23, 2018, by the Division of Consumer Affairs, Kevin
Jespersen, Acting Director.

Filed: April 25, 2018, as R.2018 d.116, **with non-substantial changes**
not requiring additional public notice and comment (see N.J.A.C. 1:30-
6.3).

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

Effective Date: May 21, 2018.

Expiration Date: June 16, 2022.

Summary of Public Comments and Agency Responses:

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks ***[thus]***):

SUBCHAPTER 13. HEALTH CARE SERVICE FIRMS

13:45B-13.2 Definitions

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

"Companion services" means non-medical, basic supervision and socialization services that do not include assistance with activities of daily living and that are provided in an individual's home. "Companion services" may include the performance of household chores.

"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, personal care, or companion 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 [page=1299] insurance; and sustains responsibility for the action of the employed individuals while they render health care services.

. . . .

13:45B-13.5 Registration renewal

(a) (No change.)

(b) Commencing with the first registration renewal after ***[(12 months after the effective date of this amendment)]*** ***May 21, 2019***, and for every succeeding renewal, a health care service firm shall submit evidence that it is accredited by an accrediting body recognized by the Department of Human Services as an accrediting body for homemaker agencies participating in the Medicaid program, as set forth in N.J.A.C. 10:60-1.2.

(c) Notwithstanding (b) above, a health care service firm that obtained its initial registration less than 12 months prior to renewal of registration shall not be required to submit evidence of accreditation when renewing registration for the first time.

(d) If a health care service firm is no longer accredited as required under (b) above, either because of failure to renew accreditation or through actions taken by the accrediting body, the health care service

firm shall notify the Division ***in writing*** within 10 days of losing accreditation.

13:45B-13.5A Audits

(a) Commencing ***[(three years from the effective date of this rule)]*** ***May 21, 2021***, and every third year from that date, a health care service firm shall submit an audit to the Division that complies with the requirements of (b) below as part of the renewal of registration required under N.J.A.C. 13:45B-13.5.

(b) The audit required by (a) above shall:

1. Be conducted by a certified public accountant licensed in New Jersey and shall encompass an examination of the health care service firm's financial records, financial statements, the general management of its operations, and its internal control systems;

2. Include an audit report with an unqualified opinion and shall be accompanied by any management letters prepared by the auditor in connection with the audit commenting on the internal controls or management practices of the health care service firm; and

3. Be divided into two components of which:

i. One is a compliance component that evaluates the health care service firm's compliance with laws and rules governing health care service firms; and

ii. One is a financial component that includes an audit of the financial statements and accompanying notes, as specified in the Statements on Auditing Standards issued by the American Institute of Certified Public Accountants.

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