

**TITLE 8. HEALTH**  
**CHAPTER 43E. GENERAL LICENSURE PROCEDURES AND STANDARDS**  
**APPLICABLE TO ALL LICENSED FACILITIES**  
**SUBCHAPTER 14. HUMAN TRAFFICKING HANDLING AND RESPONSE TRAINING**

N.J.A.C. 8:43E-14.1 (2017)

§ 8:43E-14.1 Purpose

This subchapter implements the Human Trafficking Prevention, Protection, and Treatment Act, P.L. 2013, c. 51 (approved May 6, 2013), particularly § 19, codified at N.J.S.A. 2C:13-12.

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N.J.A.C. 8:43E-14.2 (2017)

§ 8:43E-14.2 Facility personnel to receive training

(a) A facility shall require workers who have direct contact and/or interaction with facility patients and/or visitors of facility patients to receive training in accordance with N.J.A.C. 8:43E-14.3, regardless of whether the contact or interaction is clinical or non-clinical in nature.

(b) As used in (a) above, provided they have the specified contact and/or interaction, "workers" include:

1. Health care professionals who hold professional credentials issued by the State of New Jersey, regardless of the compensation arrangement, contractual status, or privilege status that may exist between the professional and the facility, such as:

i. Health care professionals whose professional practice is regulated pursuant to Title 45 of the Revised Statutes;

ii. Radiologic technologists who hold licensure pursuant to N.J.S.A. 26:2D-25 et seq.;

iii. Emergency medical technicians and paramedics who hold certification pursuant to N.J.S.A. 26:2K-1 et seq.;

iv. Nursing home administrators who hold licensure pursuant to N.J.S.A. 30:11-13;

v. Nurse aides who hold certification pursuant to N.J.A.C. 8:39;

vi. Assisted living administrators who hold certification pursuant to N.J.A.C. 8:36 or licensure pursuant to N.J.A.C. 8:34; and

vii. Personal care assistants and medication aides who hold certification pursuant to N.J.A.C. 8:36; and

2. Paid and volunteer facility workers.

(c) Facilities that employ workers whose employment requires them to visit other facilities and have contact and/or interaction with the patients of, and/or the visitors of the patients of, other facilities, such as hospital workers who transport, or collect laboratory specimens from, nursing home patients, shall arrange training pursuant to N.J.A.C. 8:43E-14.3 for these workers, and the facilities that these workers visit need not arrange these workers' training pursuant to N.J.A.C. 8:43E-14.3.

(d) As an alternative to a facility requiring workers to receive training in accordance with N.J.A.C. 8:43E-14.3 from the facility, a facility can confirm that a worker already received that training from another entity, if the other entity is either:

1. A facility; or

2. A contractor or vendor that:

i. Is under a contractual duty of honesty, good faith, and fair dealing to the facility; and

ii. Maintains contemporaneous training records consistent with N.J.A.C. 8:43E-14.4 that are available upon request to the Department.

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N.J.A.C. 8:43E-14.3 (2017)

§ 8:43E-14.3 Required training

(a) A facility shall ensure that workers to whom N.J.A.C. 8:43E-14.2 requires the facility to provide training pursuant to (b) below receive that training:

1. By March 18, 2018, with respect to existing facility workers; and

2. Within six months of the first day of employment at the facility, with respect to persons who become workers at the facility after September 18, 2017.

(b) Pursuant to N.J.S.A. 2C:13-12.c, a facility shall require workers to receive training by means of one of the following:

1. The online webinar entitled, "Recognizing and Responding to Human Trafficking in a Healthcare Context," published February 2016, by the National Human Trafficking Resource Center (NHTRC), which is incorporated herein by reference, as amended and supplemented, which is accessible:

i. Directly from the NHTRC website at <https://traffickingresourcecenter.org/audience/service-providers>; and

ii. Through the website of the New Jersey Hospital Association at <http://www.njha.com/education>; or

2. The online or in-person training entitled, "Stop. Observe. Ask. Respond to Human Trafficking (SOAR): A Training for Health Care and Social Service Providers," published August 2016, by the United States Department of Health and Human Services, which is incorporated herein by

reference, as amended and supplemented;

i. Registration for the SOAR training is available through the website of the Office on Trafficking in Persons of the Administration for Children and Families of the United States Department of Health and Human Services, at <http://www.acf.hhs.gov/endtrafficking/initiatives/soar>.

ii. Participants who successfully complete SOAR training may apply for continuing education and continuing medical education credits from the SOAR training provider.

N.J.A.C. 8:43E-14.4 (2017)

§ 8:43E-14.4 Recordkeeping

(a) A facility shall establish, maintain, and make available upon request of the Department, a record that identifies:

1. The name and position of each of the facility's workers whom N.J.A.C. 8:43E-14.2 requires to receive training;
2. The date by which each worker is to receive training pursuant to N.J.A.C. 8:43E-14.3(a); and
3. The date on which the worker actually receives the training.

(b) A facility shall note the date on which a worker receives training pursuant to N.J.A.C. 8:43E-14.3 in each worker's personnel record.

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N.J.A.C. 8:43E-14.5 (2017)

§ 8:43E-14.5 Policies and procedures

(a) A facility shall establish and implement written policies and procedures that address, at minimum, how the facility will:

1. Identify both clinical and nonclinical workers who, by virtue of their positions, have, or are likely to have, direct contact and/or interaction with facility patients and/or the visitors of facility patients, and are to receive training pursuant to N.J.A.C. 8:43E-14.2;
  - i. The Department encourages facilities to construe broadly the scope of workers who should receive training pursuant to N.J.A.C. 8:43E-14.2 to facilitate the greatest possible opportunity for workers to develop awareness of, observe, and respond to, indicators of potential human trafficking;
2. Ensure that workers whom the facility identifies pursuant to N.J.A.C. 8:43E-14.2 receive training in accordance with N.J.A.C. 8:43E-14.3; and
3. Maintain training records pursuant to N.J.A.C. 8:43E-14.4.

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TITLE 8. HEALTH

CHAPTER 43E. GENERAL LICENSURE PROCEDURES AND STANDARDS  
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SUBCHAPTER 3. ENFORCEMENT REMEDIES

**N.J.A.C. 8:43E-3.4 (2017)**

§ 8:43E-3.4 Civil monetary penalties

(a) Pursuant to N.J.S.A. 26:2H-13 and 14, the Commissioner may assess a penalty for violation of licensure rules in accordance with the following standards:

1. For operation of a health care facility without a license, or continued operation of a facility after suspension or revocation of a license, \$ 1,000 per day from the date of initiation of services;
2. For violation of an order for curtailment of admissions, \$ 250.00 per patient, per day from the date of such admission to the date of discharge or lifting of the curtailment order;
3. For failure to obtain prior approval from the Inspections, Compliance and Complaints Program or the Long Term Care Assessment and Survey Program, as applicable, for occupancy of an area or initiation of a service following construction or application for licensure, \$ 250.00 a day;
4. For construction or renovation of a facility without the Department of Community Affairs' approval of construction plans, \$ 1,000 per room or area renovated and immediate suspension of use in the room or area from the date of initial use until determined by the Department to be in compliance with licensure standards. This determination shall take into account any waivers granted by the Department.
5. For the transfer of ownership of a health care facility without prior approval of the Department, \$ 500.00 per day from the date of the transfer of interest to the date of discovery by the Department. Such fine may be assessed against each of the parties at interest;
6. For maintaining or admitting more patients or residents to a facility than the maximum capacity permitted under the license, except in an emergency as documented by the facility in a contemporaneous notice to the Department, \$ 25.00 per patient per day plus an amount equal to the average daily charge collected from such patient or patients;

7. For violations of licensure regulations related to patient care or physical plant standards that represent a risk to the health, safety, or welfare of patients or residents of a facility or the general public, \$ 500.00 per violation where such deficiencies are isolated or occasional and do not represent a pattern or widespread practice throughout the facility;

8. Where there are multiple deficiencies related to patient care or physical plant standards throughout a facility, and/or such violations represent a direct risk that a patient's physical or mental health will be compromised, or where an actual violation of a resident's or patient's rights is found, a penalty of \$ 1,000 per violation may be assessed for each day noncompliance is found;

9. For repeated violations of any licensing regulation within a 12-month period or on successive annual inspections, or failure to implement an approved plan of correction, where such violation was not the subject of a previous penalty assessment, \$ 500.00 per violation, which may be assessed for each day noncompliance is found. If the initial violation resulted in the assessment of a penalty, within a 12-month period or on successive annual inspections, the second violation shall result in a doubling of the original fine, and the third and successive violations shall result in a tripling of the original fine;

10. For violations resulting in either actual harm to a patient or resident, or in an immediate and serious risk of harm, \$ 2,500 per violation, which may be assessed for each day noncompliance is found;

11. For failure to report information to the Department as required by statute or licensing regulation, after reasonable notice and an opportunity to cure the violation, \$ 250.00 per day;

12. For failure to implement a Certificate of Need condition of approval, \$ 1,000 per day, which shall be assessed either from the date specified in the Certificate of Need for implementation of the specific condition of approval, if identified, or from the date on which the Certificate of Need was considered to be implemented;

13. For violations of rules governing the prohibition of mandatory overtime contained in N.J.A.C. 8:43E-8, \$ 1,000 per violation, which may be assessed for each day noncompliance is found;

14. For failure of an entity licensed in accordance with N.J.S.A. 26:2H-1 et seq. to submit a serious preventable adverse event report to the Department in a timely fashion, as defined in N.J.A.C. 8:43E-10.6, the following, which shall be levied from the date following the date the report was due to be submitted to the Department until the date on which the report is received by the Department:

i. \$ 1,000 per day for general hospitals, with the maximum penalty assessed per event not to exceed \$ 100,000; and

ii. \$ 250.00 per day for all other facilities, with the maximum penalty assessed per event not to exceed \$ 25,000;

15. For failure of an entity licensed in accordance with N.J.S.A. 26:2H-1 et seq. to disclose to a patient or resident, pursuant to N.J.A.C. 8:43E-10.7, a serious preventable adverse event that affected that patient or resident, the following:

i. \$ 1,000 for failure to disclose an event that the health care facility also failed to report, in a timely manner, to the Department; and

ii. \$ 5,000 for failure to disclose an event that the health care facility reported, in a timely manner, to the Department;

16. For violation of N.J.A.C. 8:43G-12A or 36.3(b)4, governing emergency care for sexual assault victims, \$ 5,000 per violation, which may be assessed for each day noncompliance is found;

17. For violations of the requirements of N.J.A.C. 8:43E-11 that result in injury to a health care worker, \$ 5,000 per violation, which may be assessed for each day noncompliance is found;

18. For violations of the requirements of N.J.A.C. 8:43E-11 not resulting in injury as set forth in (a)17 above, \$ 2,500 per violation, which may be assessed for each day noncompliance is found;

19. For violations of N.J.A.C. 8:43E-12 resulting in either actual harm or immediate and serious risk of harm, to individuals who are directly employed by a covered health care facility, \$ 2,500 per violation, which may be assessed for each day noncompliance is found;

20. For other violations of N.J.A.C. 8:43E-12 not resulting in harm as set forth in (a)19 above, \$ 1,000 per violation, which may be assessed for each day noncompliance is found; and

21. For violations of N.J.A.C. 8:43E-14, governing human trafficking handling and response training, \$1,000 per violation, which may be assessed for each day noncompliance is found.

(b) Except for violations deemed to be immediate and serious threats, the Department may decrease the penalty assessed in accordance with (a) above, based on the compliance history of the facility; the number, frequency and/or severity of violations by the facility; the measures taken by the facility to mitigate the effects of the current violation, or to prevent future violations; the deterrent effect of the penalty; and/or other specific circumstances of the facility or the violation.

(c) The Department may increase the penalties in (a) above up to the statutory maximum per violation per day in consideration of the economic benefit realized by the facility for noncompliance.